

1983
SESSION LAWS
OF THE
STATE OF WASHINGTON

REGULAR SESSION
FORTY-EIGHTH LEGISLATURE
Convened January 10, 1983. Adjourned April 24, 1983.

1st EXTRAORDINARY SESSION
FORTY-EIGHTH LEGISLATURE
Convened April 25, 1983. Adjourned May 24, 1983.

2nd EXTRAORDINARY SESSION
FORTY-EIGHTH LEGISLATURE
Convened May 25, 1983. Adjourned May 25, 1983.



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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 five dollars 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 twenty dollars per volume. (No sales tax required.) The laws of the 1983 Regular, 1st and 2nd Extraordinary sessions will be printed in two volumes, as the total content exceeds 2400 pages and precludes publication in a single volume as earlier anticipated. 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 VETOES

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

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

5. EFFECTIVE DATE OF LAWS

- (a) The state Constitution provides that unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The Secretary of State has determined the pertinent date for the Laws of the 1983 regular session to be July 24, 1983 (midnight July 23). The pertinent date for the Laws of the 1983 1st Extraordinary session is August 23, 1983 (midnight August 22). The pertinent date for the Laws of the 1983 2nd Extraordinary session is August 24, 1983 (midnight August 23).
- (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 of the 1983 Regular, 1st Extraordinary, and 2nd Extraordinary sessions, and pertinent tables, may be found at the back of Volume 3 of the pamphlet edition and at the back of the permanent bound edition.

CHAPTER 215

[Engrossed Senate Bill No. 3203]

CHILD RESTRAINTS IN MOTOR VEHICLES

AN ACT Relating to motor vehicles; adding a new section to chapter 46.37 RCW; adding a new section to chapter 46.61 RCW; and prescribing penalties.

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

NEW SECTION. Sec. 1. There is added to chapter 46.37 RCW a new section to read as follows:

By October 1, 1983, the state commission on equipment shall adopt standards for the performance, design, and installation of passenger restraint systems for children less than five years old and shall approve those systems which meet its standards.

NEW SECTION. Sec. 2. There is added to chapter 46.61 RCW a new section to read as follows:

(1) After December 31, 1983, the parent or legal guardian of a child less than five years old, when the parent or legal guardian is operating anywhere in the state his or her own motor vehicle registered under chapter 46.16 RCW, in which the child is a passenger, shall have the child properly secured in a manner approved by the state commission on equipment. Even though a separate child passenger restraint device is considered the ideal method of protection, a properly adjusted and fastened, federally approved seat belt is deemed sufficient to meet the requirements of this section for children one through four years of age.

(2) During the period from January 1, 1984, to July 1, 1984, a person violating subsection (1) of this section may be issued a written warning of the violation. After July 1, 1984, a person violating subsection (1) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system within seven days to the jurisdiction issuing the notice, the jurisdiction shall dismiss the notice of traffic infraction. If the person fails to present proof of acquisition within the time required, he or she is subject to a penalty assessment of not less than thirty dollars.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 23, 1983.

Passed the House April 14, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 216

[Engrossed Senate Bill No. 3224]

MUNICIPALITIES—AUTHORIZED TO ESTABLISH HEATING SYSTEMS AND PROVIDE HEATING SERVICES—CHARGES—FINANCING

AN ACT Relating to heating systems and services; and adding a new chapter to Title 35 RCW.

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

NEW SECTION. Sec. 1. Counties, cities, towns, irrigation districts which distribute electricity, sewer, water, and port districts are authorized pursuant to this chapter to establish heating systems and provide heating services from heat sources including, but not limited to, geothermal heat, steam or water heated by a biomass energy system, waste heat, and energy from a cogeneration facility.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Biomass energy system" means a system that provides for the production or collection of organic materials that are primarily waste materials and the conversion or use of that material for the production of energy or substitute fuels through several processes including, but not limited to, burning, pyrolysis, distillation, or anaerobic digestion.

(2) "Cogeneration" means the sequential generation of two or more forms of energy from a common fuel or energy source.

(3) "Cogeneration facility" means any machinery, equipment, structure, process, or property or any part thereof, installed or acquired for the primary purpose of cogeneration by a person or corporation.

(4) "Geothermal heat" means the natural thermal energy of the earth.

(5) "Waste heat" means the thermal energy released to the environment from an industrial process, electric generation, or other process.

(6) "Heat" means thermal energy.

(7) "Heat source" includes but is not limited to any integral part or process of an industrial facility, cogeneration facility, electric power generation facility, geothermal well or spring, biomass energy system, solar collection facility, or energy extraction process.

(8) "Municipality" means a county, city, town, sewer district, water district, port district, or irrigation district which distributes electricity.

(9) "Heating facilities" means all real and personal property, or interests therein, necessary or useful for: (a) The acquisition, production, or extraction of heat; (b) the storage of heat; (c) the distribution of heat from its source to the place of utilization; (d) the extraction of heat at the place of utilization from the medium by which the heat is distributed; (e) the distribution of heat at the place of utilization; and (f) the conservation of heat.

NEW SECTION. Sec. 3. A municipality may construct, purchase, acquire, add to, extend, maintain, and operate a system of heating facilities, within or without its limits, for the purpose of supplying its inhabitants and other persons with heat, with full power to regulate and control the use, distribution, and price of supplying heat, and to enter into agreements for the maintenance and operation of heating facilities under terms and conditions determined by the legislative authority of the municipality. The provision of heat and heating facilities and the establishment and operation of heating systems by a municipality under this chapter are hereby declared to be a public use and a public and strictly municipal purpose. However, nothing in this chapter shall be construed to restrain or limit the authority of any individual, partnership, corporation, or private utility from establishing and operating heating systems.

NEW SECTION. Sec. 4. In addition to the general powers under section 3 of this act, and not by way of limitation, municipalities have the following specific powers:

(1) The usual powers of a corporation, to be exercised for public purposes;

(2) To acquire by purchase, gift, or condemnation property or interests in property within and without the municipality, necessary for the construction and operation of heating systems, including additions and extensions of heating systems. No municipality may acquire any heat source by condemnation. To the extent judged economically feasible by the municipality, public property and rights of way shall be utilized in lieu of private property acquired by condemnation. The municipality shall determine in cooperation with existing users that addition of district heating facilities to any public property or rights of way shall not be a hazard or interference with existing uses or, if so, that the cost for any relocation of facilities of existing users shall be a cost and expense of installing the heating facility;

(3) To acquire, install, add to, maintain, and operate heating facilities at a heat source or to serve particular consumers of heat, whether such facilities are located on property owned by the municipality, by the consumer of heat, or otherwise;

(4) To sell, lease, or otherwise dispose of heating facilities;

(5) To contract for the operation of heating facilities;

(6) To apply and qualify for and receive any private or federal grants, loans, or other funds available for carrying out the objects of the municipality under this chapter;

(7) Full and exclusive authority to sell and regulate and control the use, distribution, rates, service, charges, and price of all heat supplied by the municipality and to carry out any other powers and duties under this chapter free from the jurisdiction and control of the utilities and transportation commission;

(8) To utilize fuels other than the heat sources described in section 1 of this act on a standby basis, to meet start up and emergency requirements, to meet peak demands, or to supplement those heat sources as necessary to provide a reliable and economically feasible supply of heat;

(9) To the extent permitted by the state Constitution, to make loans for the purpose of enabling suppliers or consumers of heat to finance heating facilities;

(10) To enter into cooperative agreements providing for the acquisition, construction, ownership, financing, use, control, and regulation of heating systems and heating facilities by more than one municipality or by one or more municipalities on behalf of other municipalities.

NEW SECTION. Sec. 5. If the legislative authority of a municipality deems it advisable that the municipality purchase, acquire, or construct a heating system, or make any additions or extensions to a heating system, the legislative authority shall so provide by an ordinance or a resolution specifying and adopting the system or plan proposed, declaring the estimated cost thereof, as near as may be, and specifying the method of financing and source of funds. Any construction, alteration, or improvement of a heating system by any county, city, town, irrigation district, water district, sewer district, or port district shall be in compliance with the appropriate competitive bidding requirements in Titles 35, 36, 53, 56, 57, or 87 RCW.

NEW SECTION. Sec. 6. A municipality may impose rates, charges, or rentals for heat, service, and facilities provided to customers of the system if the rates charged are uniform for the same class of customers or service. In classifying customers served or service furnished, the legislative authority may consider: The difference in cost of service to the various customers; location of the various customers within or without the municipality; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the heat furnished; the time heat is used; the demand on the system; capital contributions made to the system including, but not limited to, assessments or the amount of capital facilities provided for use by the customer; and any other matters which present a reasonable difference as a ground for distinction.

NEW SECTION. Sec. 7. If prompt payment of a heating rate, charge, or rental is not made, a municipality after reasonable notice may shut off

the heating supply to the building, place, or premises to which the municipality supplied the heating. A municipality may also make an additional charge for late payment.

NEW SECTION. Sec. 8. A municipality may charge property owners seeking to connect to the heating system, as a condition to granting the right to connect and in addition to the cost of the connection, such reasonable connection charge as the legislative authority determines to be proper in order that the property owners bear their pro rata share of the cost of the system. Potential customers shall not be compelled to subscribe or connect to the heating system. The cost of connection to the system shall include the cost of acquisition and installation of heating facilities necessary or useful for the connection, including any heating facilities located or installed on the property being served. Connection charges may, in the discretion of the municipality, be made payable in installments over a period of not more than thirty years or the estimated life of the facilities installed, whichever is less. Installments, if any, shall bear interest and penalties at such rates and be payable at such times and in such manner as the legislative authority of the municipality may provide.

NEW SECTION. Sec. 9. For the purpose of paying all or a portion of the cost of heating facilities, a municipality may form local improvement districts or utility local improvement districts, foreclose on, levy, and collect assessments, reassessments, and supplemental assessments; and issue local improvement district bonds and warrants in the manner provided by law for cities or towns.

NEW SECTION. Sec. 10. For the purpose of providing funds for defraying all or a portion of the costs of planning, purchase, leasing, condemnation, or other acquisition, construction, reconstruction, development, improvement, extension, repair, maintenance, or operation of a heating system, and the implementation of the powers in sections 3 and 4 of this act, a municipality may authorize, by ordinance or resolution, the creation of a special fund or funds into which the municipality shall be obligated to set aside and pay all or any designated proportion or amount of any or all revenues derived from the heating system, including any utility local improvement district assessments, any grants received to pay the cost of the heating system, and any municipal license fees specified in the ordinance or resolution creating such special fund.

NEW SECTION. Sec. 11. If the legislative authority of a municipality deems it advisable to finance all or a portion of the costs of planning, purchase, leasing, condemnation, or other acquisition, construction, reconstruction, development, improvement, and extension of a heating system, or for the implementation of the powers in sections 3 and 4 of this act, or for working capital, interest during construction and for a period of up to one year thereafter, debt service and other reserves, and the costs of issuing

revenue obligations, a municipality may issue revenue bonds against the special fund or fund created from revenues or assessments. The revenue bonds so issued may be issued in one or more series and shall be dated, shall bear interest at such rate or rates, and shall mature at such time or times as may be determined by the legislative authority of the municipality, and may be made redeemable before maturity at such price or prices and under such terms and conditions as may be fixed by the legislative authority of the municipality prior to the issuance of the bonds. The legislative authority of the municipality shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest. If an officer whose signature or a facsimile of whose signature appears on any bonds or coupons ceases to be such officer before the delivery of the bonds, the signature shall for all purposes have the same effect as if the officer had remained in office until the delivery. The bonds may be issued in coupon or in registered form or both, and provisions may be made for the registration of any coupon bonds as to the principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. Bonds may be sold at public or private sale for such price and bearing interest at such fixed or variable rate as may be determined by the legislative authority of the municipality.

The principal of and interest on any revenue bonds shall be secured by a pledge of the revenues and receipts derived from the heating system, including any amounts pledged to be paid into a special fund under section 10 of this act, and may be secured by a mortgage covering all or any part of the system, including any enlargements of and additions to such system thereafter made. The revenue bonds shall state upon their face that they are payable from a special fund, naming it and the ordinance creating it, and that they do not constitute a general indebtedness of the municipality. The ordinance or resolution under which the bonds are authorized to be issued and any such mortgage may contain agreements and provisions respecting the maintenance of the system, the fixing and collection of rates and charges, the creation and maintenance of special funds from such revenues, the rights and remedies available in the event of default, and other matters improving the marketability of the revenue bonds, all as the legislative authority of the municipality deems advisable. Any revenue bonds issued under this chapter may be secured by a trust agreement by and between the municipality and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the state. Any such trust agreement or ordinance or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law. Any such trust agreement may set forth the rights and

remedies of the bond owners and of the trustee and may restrict the individual right of action by bond owners as is customary in trust agreements or trust indentures.

NEW SECTION. Sec. 12. Revenue warrants may be issued and such warrants and interest thereon may be payable out of the special fund or refunded through the proceeds of the sale of refunding revenue warrants or revenue bonds. Every revenue warrant and the interest thereon issued against the special fund is a valid claim of the owner thereof only as against that fund and the amount of revenue pledged to the fund, and does not constitute an indebtedness of the authorized municipality. Every revenue warrant shall state on its face that it is payable from a special fund, naming it and the ordinance or resolution creating it.

NEW SECTION. Sec. 13. If a municipality fails to set aside and pay into the special fund created for the payment of revenue bonds and warrants the amount which it has obligated itself in the ordinance or resolution creating the fund to set aside and pay therein, the holder of any bond or warrant issued against the bond may bring suit against the municipality to compel it to do so.

NEW SECTION. Sec. 14. Sections 1 through 13 of this act shall constitute a new chapter in Title 35 RCW.

NEW SECTION. Sec. 15. 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 April 24, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 217

[Engrossed Senate Bill No. 3392]

CITY-OWNED ELECTRICAL UTILITIES—EMPLOYMENT OF PRIVATE ELECTRICAL CONTRACTORS BY CUSTOMERS—CONDITIONS

AN ACT Relating to electrical utility installation; and amending section 3, chapter 56, Laws of 1975 1st ex. sess. and RCW 35.22.640.

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

Sec. 1. Section 3, chapter 56, Laws of 1975 1st ex. sess. and RCW 35.22.640 are each amended to read as follows:

Cities of the first class are relieved from complying with the provisions of RCW 35.22.620 with respect to any public work or improvement relating solely to electrical distribution and generating systems on public rights of way or on municipally owned property: PROVIDED, That if a city-owned

electrical utility directly assesses its customers a service installation charge for a temporary service, permanent service, or expanded service, the customer may, with the written approval of the city-owned electric utility, contract with a qualified electrical contractor licensed under Chapter 19.28 RCW to install any material or equipment in lieu of having city utility personnel perform the installation. In the event the city-owned electric utility denies the customer's request to utilize a private electrical contractor for such installation work, it shall provide the customer with written reasons for such denial: PROVIDED FURTHER, That nothing herein shall prevent any first class city from operating a solid waste department utilizing its own personnel.

If a customer elects to employ a private electrical contractor as provided in this section, the private electrical contractor shall be solely responsible for any damages resulting from the installation of any temporary service, permanent service, or expanded service and the city-owned electrical utility shall be immune from any tortious conduct actions as to that installation.

Passed the Senate April 23, 1983.

Passed the House April 13, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 218

[Senate Bill No. 3393]

STATE MILITIA—JUDICIARY MAY SERVE

AN ACT Relating to the state militia; and amending section 21, chapter 130, Laws of 1943 as last amended by section 1, chapter 100, Laws of 1965 ex. sess. and RCW 38.12.030.

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

Sec. 1. Section 21, chapter 130, Laws of 1943 as last amended by section 1, chapter 100, Laws of 1965 ex. sess. and RCW 38.12.030 are each amended to read as follows:

Whenever a vacancy has occurred, or is about to occur in the office of the adjutant general, the governor shall order to active service for that position from the active list of the Washington army national guard or Washington air national guard an officer not below the rank of a field officer who has had at least ten years service as an officer on the active list of the Washington army national guard or the Washington air national guard during the fifteen years next prior to such detail. The officer so detailed shall during the continuance of his service as the adjutant general hold the rank of a general officer.

Whenever a vacancy has occurred, or is about to occur, in the offices of assistant adjutants general for the Washington army national guard or the Washington air national guard, the adjutant general with the concurrence

of the governor may appoint an officer of the army national guard or the air national guard, who has had at least ten years service in the active list of his respective branch during the fifteen years next prior to such detail. The officer so detailed, may during the continuance of his service as assistant adjutant general hold the rank of a general officer.

If, by reason of the call(;) or draft of officers of the Washington army national guard and/or air national guard into federal service, there (~~shall be~~) is no officer of the Washington national guard available for detail as the adjutant general or as an assistant adjutant general who possesses the requisite qualifications, (~~then~~) the governor may appoint any officer or former officer of the organized militia of Washington as acting adjutant general or as an acting assistant adjutant general(~~PROVIDED, That in the event~~). If the officers on detail as the adjutant general or as assistant adjutants general (~~should be~~) are appointed, called, or drafted into the military service of the United States by order or proclamation of the president, (~~then~~) they shall be granted leaves of absence by the governor, and (~~such officers shall be~~) are entitled, upon release from federal service, to return to their former status as adjutant general or as assistant adjutants general(;) of Washington, and during the period that they are in federal service, the duties of these offices shall be performed by an acting adjutant general and acting assistant adjutants general, appointed by the governor, as (~~hereinbefore~~) provided in this section, (~~and~~) who shall receive the same pay provided for the adjutant general and/or assistant adjutants general respectively, during the period of such assignments.

The adjutant general shall receive an annual salary equal to the base pay of a major general in the United States army. The assistant adjutant general for the Washington army national guard(;) and the assistant adjutant general for the Washington air national guard shall each receive an annual salary equal to the base pay of an officer of equivalent grade in the United States army or United States air force but not to exceed that of a brigadier general(~~PROVIDED, That no member of the judiciary of the state shall be an active member of the national guard or the air national guard~~). So long as a member of the judiciary of the state of Washington is available for judicial work at such times and under such conditions as may be set forth by local rules and custom, that member may serve as an active member of the national guard or air national guard.

Passed the Senate April 23, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 219

[Engrossed Senate Bill No. 3442]

FAMILY LAW PROCEEDINGS—REVISIONS

AN ACT Relating to domestic relations; amending section 1, chapter 50, Laws of 1949 and RCW 26.12.010; amending section 9, chapter 50, Laws of 1949 and RCW 26.12.090; amending section 10, chapter 50, Laws of 1949 and RCW 26.12.100; amending section 12, chapter 50, Laws of 1949 and RCW 26.12.120; amending section 17, chapter 50, Laws of 1949 as amended by section 2, chapter 151, Laws of 1971 ex. sess. and RCW 26.12.170; amending section 18, chapter 50, Laws of 1949 and RCW 26.12.180; amending section 19, chapter 50, Laws of 1949 and RCW 26.12.190; amending section 20, chapter 50, Laws of 1949 and RCW 26.12.200; and amending section 21, chapter 50, Laws of 1949 and RCW 26.12.210.

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

Sec. 1. Section 1, chapter 50, Laws of 1949 and RCW 26.12.010 are each amended to read as follows:

Each superior court shall exercise the jurisdiction conferred by this chapter and while sitting in the exercise of such jurisdiction shall be known and referred to as the "family court." A family law proceeding under this chapter is any proceeding under this title or any proceeding in which the family court is requested to adjudicate or enforce the rights of the parties or their children regarding the determination or modification of child custody, visitation, or support, or the distribution of property or obligations.

Sec. 2. Section 9, chapter 50, Laws of 1949 and RCW 26.12.090 are each amended to read as follows:

Whenever any controversy exists between ~~((spouses))~~ parties which may result in the dissolution ~~((or annulment))~~ of the marriage, declaration of invalidity, or the disruption of the household, and there is any minor child of the ~~((spouses))~~ parties or of either of them whose welfare might be affected thereby, the family court shall have jurisdiction over the controversy and over the parties thereto and all persons having any relation to the controversy as provided in this chapter.

Sec. 3. Section 10, chapter 50, Laws of 1949 and RCW 26.12.100 are each amended to read as follows:

Prior to the filing of ~~((any action for divorce, annulment or separate maintenance))~~ a family law proceeding, either ~~((spouse or both spouses))~~ party may file in the family court a petition invoking the jurisdiction of the court for the purpose of preserving the marriage by effecting a reconciliation between the parties or for amicable settlement of the controversy between the ~~((spouses))~~ parties so as to avoid further litigation over the issue involved. In any case where ~~((an action for divorce, annulment or separate maintenance))~~ a family law proceeding shall have been filed, either party

thereto may by petition filed therein have the cause transferred to the family court for proceedings in the same manner as though action had been instituted in the family court in the first instance.

Sec. 4. Section 12, chapter 50, Laws of 1949 and RCW 26.12.120 are each amended to read as follows:

The petition shall:

(1) Briefly allege that a controversy exists between the ((spouses)) parties and request the aid of the family court to effect a reconciliation or an amicable settlement of the controversy;

(2) State the name and age of each minor child whose welfare may be affected by the controversy;

(3) State the name and address of the petitioner or petitioners;

(4) If the petition is presented by one ((spouse)) party only, name the other ((spouse)) party as respondent and state the address of that ((spouse)) party;

(5) Name any other person who has any relation to the controversy and state the address of the person if known to the petitioner; and

(6) State such other information as the court may by rule require.

Sec. 5. Section 17, chapter 50, Laws of 1949 as amended by section 2, chapter 151, Laws of 1971 ex. sess. and RCW 26.12.170 are each amended to read as follows:

The hearing shall be conducted informally as a conference or series of conferences to effect the reconciliation of the ((spouses)) parties or an amicable adjustment or settlement of the issues of the controversy. To facilitate and promote the purposes of this chapter, the court may order or recommend the aid of physicians, psychiatrists, or other specialists or may recommend the aid of the pastor or director of any religious denomination to which the parties may belong. Such aid, however, shall be at the expense of the parties involved and shall not be at the expense of the court or of the county unless the board of county commissioners shall specifically authorize such aid.

If the court has reasonable cause to believe that a child of the parties has suffered abuse or neglect it may file a report with the proper law enforcement agency or the department of social and health services as provided in RCW 26.44.040. Upon receipt of such a report the law enforcement agency or the department of social and health services will conduct an investigation into the cause and extent of the abuse or neglect. The findings of the investigation may be made available to the court if ordered by the court as provided in RCW 42.17.310(3). The findings shall be restricted to the issue of abuse and neglect and shall not be considered custody investigations.

Sec. 6. Section 18, chapter 50, Laws of 1949 and RCW 26.12.180 are each amended to read as follows:

At or after hearing, the court may make such orders in respect to the conduct of the ~~((spouses))~~ parties and the subject matter of the controversy as the court deems necessary to preserve the marriage or to implement ~~((the reconciliation of the spouses, but in no event shall such orders be effective for more than thirty days from the filing of the petition, unless the parties mutually consent to an extension of such time))~~ an amicable settlement of the issues in controversy.

Sec. 7. Section 19, chapter 50, Laws of 1949 and RCW 26.12.190 are each amended to read as follows:

(1) During the period of thirty days after filing a petition for conciliation no ~~((action for divorce, annulment or separate maintenance))~~ family law proceeding shall be filed by either ~~((spouse))~~ party and further proceedings in ~~((an action))~~ a family law proceeding then pending in the superior court shall be stayed and the case transferred to the family court ~~((: PROVIDED;))~~. The family court shall have full power in all pending cases to make, alter, modify and enforce all temporary orders, orders for custody of children, possession of property, attorneys' fees, suit money or costs as may appear just and equitable ~~((:))~~.

(2) If, after the expiration of such thirty day period or the formal conclusion of the proceedings for conciliation, the controversy between the ~~((spouses, in the meantime not having))~~ parties has not been terminated, either ~~((spouse))~~ party may apply for ~~((divorce, annulment of marriage, or separate maintenance))~~ further relief by filing in the clerk's office additional pleadings ~~((complying with the requirements relating to divorce, annulment of marriage, or separate maintenance, respectively;))~~ or by asking that the pending case be set for trial ~~((; and))~~. The family court ~~((shall have))~~ has full jurisdiction to hear, try, and determine ~~((such action for divorce, annulment of marriage, or separate maintenance))~~ family law proceedings under the laws relating thereto, and to retain jurisdiction of the case for further hearings on decrees or orders to be made therein.

(3) The conciliation provisions of this chapter may be used ~~((in regard to post-divorce problems;))~~ concerning support, visitation, contempt, or for modification based on changed conditions ~~((; in the discretion of the family court))~~ or for other problems between the parties related to the family law proceeding.

~~((The family court may retain jurisdiction in any proceedings for a longer period than thirty days upon good cause appearing therefor on its own motion for further conciliation or upon application of either of the spouses, but in no event shall retain jurisdiction more than ninety days without the written consent of both spouses filed with the court.))~~

(4) Except as specifically so provided nothing in this chapter shall be construed to repeal, nullify or change the law and procedure relating to ~~((divorce, annulment or separate maintenance; and))~~ family law proceedings. The family court shall, when application for relief is made under this

chapter, apply ~~((such laws))~~ provisions governing family law proceedings in the same manner as if the action had been brought thereunder in the superior court, save that the conciliation procedures of the family court shall be applied so far as appropriate to arrive at an amicable settlement of all issues in controversy.

Sec. 8. Section 20, chapter 50, Laws of 1949 and RCW 26.12.200 are each amended to read as follows:

~~Whenever ((any action for divorce, annulment of marriage or separate maintenance)) a family law proceeding is filed in the superior court and it appears to the court at any time during the pendency of the action that there is any minor child of ((the spouses or of)) either ((of them)) party whose welfare may be affected by the dissolution ((or annulment)) of the marriage, declaration of invalidity, or the disruption of the household, the case may be transferred to the family court for proceedings for reconciliation of the ((spouses)) parties or amicable settlement of issues in controversy in accordance with the provisions of this chapter.~~

Sec. 9. Section 21, chapter 50, Laws of 1949 and RCW 26.12.210 are each amended to read as follows:

~~Whenever application is made to the family court ((for conciliation proceedings in respect to a controversy between spouses or a contested action for divorce, annulment or separate maintenance)), but there is no minor child whose welfare might be affected by the results of the controversy, ((and it appears to the court upon recommendation of counsel or otherwise that reconciliation of the spouses or amicable adjustment of the controversy can probably be achieved, and that the work of the court in cases involving children will not be seriously impeded by acceptance of the case, the court may accept and dispose of the case in the same manner as similar cases involving the welfare of children are disposed of. In the event of such application and acceptance,)) the court shall have the same jurisdiction over the controversy and the parties thereto or having any relation thereto that it has under this chapter in similar cases involving the welfare of children. The court shall accept jurisdiction under this section only upon a finding by the court that the acceptance of the case will not seriously impede the work of the court in cases involving children.~~

Passed the Senate April 23, 1983.

Passed the House April 20, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 220

[Senate Bill No. 3448]

TUITION WAIVERS FOR CERTAIN WASHINGTON STATE UNIVERSITY
EMPLOYEES

AN ACT Relating to tuition and fees for institutions of higher education; and amending section 2, chapter 82, Laws of 1979 and RCW 28B.15.535.

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

Sec. 1. Section 2, chapter 82, Laws of 1979 and RCW 28B.15.535 are each amended to read as follows:

(1) The boards of regents of the state universities and the boards of trustees of regional universities, The Evergreen State College, and community colleges may waive the tuition, operating, and services and activities fees for full-time employees of their respective institutions of higher education enrolled in said institutions' courses on a space available basis pursuant to the following conditions:

(a) Employees shall register for and be enrolled in courses on a space available basis, and no new course sections shall be created as a direct result of such registration;

(b) Enrollment information on employees registered on a space available basis shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall persons enrolled pursuant to the provisions of this section be considered in any enrollment statistics which would affect budgetary determinations;

(c) Employees registering on a space available basis shall be charged a registration fee of not less than five dollars.

(2) The governing boards of the respective colleges and universities may waive tuition, operating and services and activities fees for full-time inter-collegiate center for nursing education, cooperative extension service, and agricultural research employees of Washington State University for such employees stationed off the Pullman, Whitman county campus: PROVIDED, That such waiver complies with the conditions spelled out in subsection (1)(a), (b), and (c) above.

(3) The boards of regents of the state universities, the boards of trustees of the regional universities and The Evergreen State College, and the state board for community college education with respect to community colleges, shall adopt guidelines for the implementation of employee waivers granted pursuant to this section.

Passed the Senate March 17, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 221

[Substitute Senate Bill No. 3453]

STATE UNIVERSITIES AND COLLEGES—TRAFFIC AND PARKING—
REGULATORY POWERS—APPEALS

AN ACT Relating to institutions of higher education; amending section 28B.10.560, chapter 223, Laws of 1969 ex. sess. as amended by section 25, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.560; amending section 6, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.040; and repealing section 28B.10.565, chapter 223, Laws of 1969 ex. sess., section 22, chapter 136, Laws of 1979 ex. sess. and RCW 28B.10.565.

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

Sec. 1. Section 28B.10.560, chapter 223, Laws of 1969 ex. sess. as amended by section 25, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.560 are each amended to read as follows:

(1) The boards of regents of the state universities, and the boards of trustees of the regional universities and of The Evergreen State College, acting independently and each on behalf of its own institution, may each:

(a) Establish and promulgate rules and regulations governing pedestrian traffic and vehicular traffic and parking upon ((state)) lands ((devoted mainly to the educational or research activities of its own institution)) and facilities of the university or college;

(b) Adjudicate matters involving parking infractions internally; and

(c) Collect and retain any penalties so imposed.

(2) If the rules or regulations promulgated under subsection (1) of this section provide for internal adjudication of parking infractions, a person charged with a parking infraction who deems himself or herself aggrieved by the final decision in an internal adjudication may, within ten days after written notice of the final decision, appeal by filing a written notice thereof with the college or university police force. Documents relating to the appeal shall immediately be forwarded to the district court in the county in which the offense was committed, which court shall have jurisdiction over such offense and such appeal shall be heard de novo.

Sec. 2. Section 6, chapter 136, Laws of 1979 ex. sess. and RCW 46.63-.040 are each amended to read as follows:

(1) All violations of state law, local law, ordinance, regulation, or resolution designated as traffic infractions in RCW 46.63.020 may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal or police court has the authority to hear and determine traffic infractions pursuant to this chapter.

(3) Any city or town with a municipal or police court may contract with the county to have traffic infractions committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine traffic infractions pursuant to this chapter.

(5) The boards of regents of the state universities, and the boards of trustees of the regional universities and of The Evergreen State College have the authority to hear and determine traffic infractions under RCW 28B.10.560.

NEW SECTION. Sec. 3. Section 28B.10.565, chapter 223, Laws of 1969 ex. sess., section 22, chapter 136, Laws of 1979 ex. sess. and RCW 28B.10.565 are each repealed.

Passed the Senate April 23, 1983.

Passed the House April 20, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 222

[Engrossed Senate Bill No. 3501]

LEGAL PROCEEDINGS—NON-ENGLISH-SPEAKING PERSONS— INTERPRETERS PROVIDED

AN ACT Relating to interpreters in legal proceedings; amending section 1, chapter 22, Laws of 1973 and RCW 2.42.010; and amending section 2, chapter 22, Laws of 1973 and RCW 2.42.020.

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

Sec. 1. Section 1, chapter 22, Laws of 1973 and RCW 2.42.010 are each amended to read as follows:

It is hereby declared to be the policy of this state to secure the constitutional rights of deaf persons and of other persons who, because of impairment of hearing or speech, or non-English-speaking cultural background are unable to readily understand or communicate the spoken English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.

It is the intent of the legislature in the passage of this chapter to provide for the appointment of such interpreters.

Sec. 2. Section 2, chapter 22, Laws of 1973 and RCW 2.42.020 are each amended to read as follows:

As used in this chapter (1) an "impaired person" is any person involved in a legal proceeding who is deaf (~~(, deaf-mute,)~~) or who, because of other hearing or speech defects, or because of non-English-speaking cultural background cannot readily understand or communicate in spoken language or readily speak or understand the English language and who, when involved as a party to a legal proceeding, is unable by reason of such defects to obtain due process of law; (2) a "qualified interpreter" is one who is able readily to translate spoken and written English to and for impaired persons and to translate statements of impaired persons into spoken English; (3) "legal proceeding" is a proceeding in any court in this state, at grand jury

hearings or hearings before an inquiry judge, or before administrative boards, commissions, agencies, or licensing bodies of the state or any political subdivision thereof.

Passed the Senate March 24, 1983.

Passed the House April 20, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 223

[Substitute Senate Bill No. 3522]

PROPERTY TAX LIMITATION—LEVIES—DETERMINATION

AN ACT Relating to property tax levies; and adding a new section to chapter 84.55 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 84.55 RCW a new section to read as follows:

The property tax limitation contained in this chapter shall be determined by the county assessors of the respective counties in accordance with the provisions of this chapter: PROVIDED, That the limitation for any state levy shall be determined by the department of revenue and the limitation for any intercounty rural library district shall be determined by the library district in consultation with the respective county assessors.

Passed the Senate March 18, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 224

[Engrossed Senate Bill No. 3532]

COMMUNITY COLLEGE BOARD OF TRUSTEES—REMOVAL FOR MISCONDUCT OR MALFEASANCE

AN ACT Relating to community colleges; and amending section 28B.50.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 103, Laws of 1979 ex. sess. and RCW 28B.50.100.

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

Sec. 1. Section 28B.50.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 103, Laws of 1979 ex. sess. and RCW 28B.50.100 are each amended to read as follows:

There is hereby created a community college board of trustees for each community college district as set forth in this chapter. Each community college board of trustees shall be composed of five trustees, who shall be appointed by the governor for terms commencing October 1st of the year in

which appointed. In making such appointments the governor shall give consideration to geographical exigencies, and the interests of labor, industry, agriculture, the professions and ethnic groups.

The successors of the trustees initially appointed shall be appointed by the governor to serve for a term 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 the term. Each member shall serve until a successor is appointed and qualified.

Every trustee shall be a resident and qualified elector of the community college district. No trustee may be an employee of the community college system, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution, or an elected officer or member of the legislative authority of any municipal corporation.

Each board of trustees shall organize itself by electing a chairman from its members. The board shall adopt a seal and may adopt such bylaws, rules and regulations as it deems necessary for its own government. Three members of the board shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The district president, or if there be none, the president of the community college, shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.

Members of the boards of trustees may be removed for misconduct or malfeasance in office in the manner provided by RCW 28B.10.500.

Passed the Senate March 7, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 225

[Engrossed Substitute Senate Bill No. 3811]

LOCAL GOVERNMENT HOUSING AUTHORITIES—POWERS MODIFIED— COMMERCIAL SPACE ALLOWED

AN ACT Relating to local government housing authorities; amending section 35.82.020, chapter 7, Laws of 1965 as last amended by section 1, chapter 187, Laws of 1979 ex. sess. and RCW 35.82.020; amending section 35.82.070, chapter 7, Laws of 1965 as amended by section 2, chapter 274, Laws of 1977 ex. sess. and RCW 35.82.070; and amending section 35.82.080, chapter 7, Laws of 1965 as amended by section 3, chapter 274, Laws of 1977 ex. sess. and RCW 35.82.080.

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

Sec. 1. Section 35.82.020, chapter 7, Laws of 1965 as last amended by section 1, chapter 187, Laws of 1979 ex. sess. and RCW 35.82.020 are each amended to read as follows:

The following terms, wherever used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

(1) "Authority" or "Housing authority" shall mean any of the public corporations created by RCW 35.82.030.

(2) "City" shall mean any city, town, or code city. "County" shall mean any county in the state. "The city" shall mean the particular city for which a particular housing authority is created. "The county" shall mean the particular county for which a particular housing authority is created.

(3) "Governing body" shall mean, in the case of a city, the city council or the commission and in the case of a county, the county legislative authority.

(4) "Mayor" shall mean the mayor of the city or the officer thereof charged with the duties customarily imposed on the mayor or executive head of the city.

(5) "Clerk" shall mean the clerk of the city or the clerk of the county legislative authority, as the case may be, or the officer charged with the duties customarily imposed on such clerk.

(6) "Area of operation": (a) in the case of a housing authority of a city, shall include such city and the area within five miles from the territorial boundaries thereof: PROVIDED, That the area of operation of a housing authority of any city shall not include any area which lies within the territorial boundaries of some other city, as herein defined; (b) in the case of a housing authority of a county, shall include all of the county except that portion which lies within the territorial boundaries of any city as herein defined.

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

(8) "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to safety, health and morals.

(9) "Housing project" shall mean any work or undertaking: (a) to demolish, clear or remove buildings from any slum area; such work or undertaking may embrace the adaptation of such area to public purposes, including parks or other recreational or community purposes; or (b) to provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include the rehabilitation of dwellings owned by persons of low income, and also may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, welfare or other purposes; or (c)

without limitation by implication, to provide decent, safe, and sanitary urban and rural dwellings, apartments, mobile home parks, or other living accommodations for senior citizens; such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, welfare, or other purposes; or (d) to accomplish a combination of the foregoing. The term "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

(10) "Persons of low income" shall mean persons or families who lack the amount of income which is necessary (as determined by the authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

(11) "Bonds" shall mean any bonds, notes, interim certificates, debentures, or other obligations issued by the authority pursuant to this chapter.

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

(13) "Obligee of the authority" or "obligee" shall include any bondholder, trustee or trustees for any bondholders, or lessor demising to the authority property used in connection with a housing project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority.

(14) "Mortgage loan" shall mean an interest bearing obligation secured by a mortgage.

(15) "Mortgage" shall mean a mortgage deed, deed of trust or other instrument securing a mortgage loan and constituting a lien on real property held in fee simple, or on a leasehold under a lease having a remaining term at the time the mortgage is acquired of not less than the term for repayment of the mortgage loan secured by the mortgage, improved or to be improved by a housing project.

(16) "Senior citizen" means a person age sixty-two or older who is determined by the authority to be poor or infirm but who is otherwise in some manner able to provide the authority with revenue which (together with all other available moneys, revenues, income, and receipts of the authority, from whatever sources derived) will be sufficient: (a) To pay, as the same become due, the principal and interest on bonds of the authority; (b) to meet the cost of, and to provide for, maintaining and operating projects

(including the cost of insurance) and administrative expenses of the authority; and (c) to create (by not less than the six years immediately succeeding the issuance of any bonds) a reserve sufficient to meet the principal and interest payments which will be due on the bonds in any one year thereafter and to maintain such reserve.

(17) "Commercial space" shall mean space which, because of its proximity to public streets, sidewalks, or other thoroughfares, is well suited for commercial or office use. Commercial space includes but is not limited to office as well as retail space.

Sec. 2. Section 35.82.070, chapter 7, Laws of 1965 as amended by section 2, chapter 274, Laws of 1977 ex. sess. and RCW 35.82.070 are each amended to read as follows:

An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments, including but not limited to partnership agreements and joint venture agreements, necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

(2) Within its area of operation: to prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; to agree to rent or sell dwellings forming part of the projects to or for persons of low income. Where an agreement or option is made to sell a dwelling to a person of low income, the authority may convey the dwelling to the person upon fulfillment of the agreement irrespective of whether the person is at the time of the conveyance a person of low income. Leases, options, agreements, or conveyances may include such covenants as the authority deems appropriate to assure the achievement of the objectives of this chapter.

(3) To acquire, lease, rent, sell, or otherwise dispose of any commercial space located in buildings or structures containing a housing project or projects.

(4) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this chapter or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply

with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

~~((4))~~ (5) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this chapter) to establish and revise the rents or charges therefor; to own or manage buildings containing a housing project or projects as well as commercial space or other dwelling units which do not constitute a housing project as that term is defined in this chapter: PROVIDED, That notwithstanding the provisions under subsection (1) of this section, dwelling units which constitute a housing project shall occupy at least thirty percent of the interior space of any individual building in the project and at least fifty percent of the interior space in the total project; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise including financial assistance and other aid from the state or any public body, person or corporation, any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein (~~for any purpose upon the finding and declaration by the authority that the property is not needed for low income housing at that time~~); to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

~~((5))~~ (6) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

~~((6))~~ (7) Within its area of operation: to investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

~~((7))~~ (8) Acting through one or more commissioners or other person or persons designated by the authority: to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

~~((8))~~ (9) To exercise all or any part or combination of powers herein granted.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

~~((9))~~ (10) To agree (notwithstanding the limitation contained in RCW 35.82.210) to make such payments in lieu of taxes as the authority finds consistent with the achievement of the purposes of this chapter.

~~((10))~~ (11) To exercise the powers granted in this chapter within the boundaries of any city, town, or county not included in the area in which such housing authority is originally authorized to function: PROVIDED, HOWEVER, The governing or legislative body of such city, town, or county, as the case may be, adopts a resolution declaring that there is a need for the authority to function in such territory.

~~((11))~~ (12) To administer contracts for assistance payments to persons of low income in accordance with section 8 of the United States Housing Act of 1937, as amended by Title II, section 201 of the Housing and Community Development Act of 1974, P.L. 93-383.

~~((12))~~ (13) To sell at public or private sale, with or without public bidding, for fair market value, any mortgage or other obligation held by the authority.

~~((13))~~ (14) To the extent permitted under its contract with the holders of bonds, notes, and other obligations of the authority, to consent to any modification with respect to rate of interest, time and payment of any installment of principal or interest security, or any other term of any contract, mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind to which the authority is a party.

~~((14))~~ (15) To make loans to persons of low income incidental to rehabilitating their dwellings or selling a dwelling to them, and to take such security therefor as is deemed necessary and prudent by the authority.

Sec. 3. Section 35.82.080, chapter 7, Laws of 1965 as amended by section 3, chapter 274, Laws of 1977 ex. sess. and RCW 35.82.080 are each amended to read as follows:

It is hereby declared to be the policy of this state that each housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe and sanitary dwelling accommodations, and that no housing authority shall construct or operate any such project for profit, or as a source of revenue to the city or the county. To this end, an authority shall fix the rentals for rental units for persons of low income in projects owned or leased by the authority at no higher rates than it shall find to be necessary in order to produce revenues which (together with all other available moneys, revenues, income and receipts of the authority from whatever sources derived) will be sufficient (1) to pay, as the same become due, the principal and interest on the bonds of the authority issued to finance the projects; (2) to meet the cost of, and to provide for, maintaining and operating the projects (including the cost of any insurance) and the administrative expenses of the authority; and (3) to create (during not less than the six years immediately succeeding its issuance of any such bonds) a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one year thereafter and to maintain such reserve. Nothing contained in this section shall be construed to limit the authorities' power to rent commercial space located in buildings containing housing projects at profitable rates and to use any profit realized from such rentals in carrying into effect the powers and purposes provided to housing authorities under this chapter.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 23, 1983.

Passed the House April 18, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 226

[Engrossed Senate Bill No. 3840]

COMMITTEE FOR DEFERRED COMPENSATION—DEFERRED COMPENSATION PLANS—PARTICIPATION BY COUNTIES, MUNICIPALITIES, SUBDIVISIONS

AN ACT Relating to state employees' deferred compensation; and amending section 1, chapter 274, Laws of 1975 1st ex. sess. as last amended by section 3, chapter 256, Laws of 1981 and RCW 41.04.260.

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

Sec. 1. Section 1, chapter 274, Laws of 1975 1st ex. sess. as last amended by section 3, chapter 256, Laws of 1981 and RCW 41.04.260 are each amended to read as follows:

(1) 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 possesses expertise in the area of insurance or investment of public funds, 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 travel expenses as provided for in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) The deferred compensation revolving fund 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 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, including the making of payments therefrom to the employees participating in a deferred compensation plan upon their separation from state or other qualifying service. Accordingly, the revolving fund shall be considered to be a public pension or retirement fund within the meaning of Article XXIX, section 1 of the state Constitution, for the purpose of determining eligible investments and deposits of the moneys therein. All moneys in the revolving fund, all property and rights purchased therewith, and all income attributable thereto, shall remain (until made available to the participating employee or other beneficiary) solely the money, property, and rights of the state and participating counties, municipalities and subdivisions (without being restricted to the provision of benefits under the plan) subject only to the claims of the state's and participating jurisdictions' general creditors. Participating jurisdictions shall each retain property rights separately.

(3) The committee may adopt rules necessary to carry out the purposes of RCW 41.04.250 and 41.04.260.

Passed the Senate March 26, 1983.

Passed the House April 20, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 227

[Substitute Senate Bill No. 4066]

CONSUMER FINANCE COMPANIES—CHARGES ALLOWED—DUTIES OF LICENSEES

AN ACT Relating to consumer finance companies; amending section 13, chapter 208, Laws of 1941 as last amended by section 3, chapter 18, Laws of 1979 and RCW 31.08.160; and amending section 14, chapter 208, Laws of 1941 as amended by section 6, chapter 212, Laws of 1959 and RCW 31.08.170.

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

Sec. 1. Section 13, chapter 208, Laws of 1941 as last amended by section 3, chapter 18, Laws of 1979 and RCW 31.08.160 are each amended to read as follows:

(1) Every licensee hereunder may lend any sum of money not to exceed two thousand five hundred dollars in amount and may charge, contract for, and receive thereon charges at a rate not exceeding two and one-half percent per month on that part of the unpaid principal balance of any loan not in excess of five hundred dollars, one and one-half percent per month on that part of the unpaid principal balance of any loan in excess of five hundred dollars and not in excess of one thousand dollars, and one percent per month on any remainder of such unpaid principal balance.

(2) Charges on loans made under this chapter shall not be paid, deducted, discounted, or received in advance, or compounded, but the rate of charge authorized by this section may be precomputed as provided in subsection (3) of this section. Charges on loans made under this chapter, except as permitted by subsection (3) hereof, (a) shall be computed and paid only as a percentage per month of the unpaid principal balance or portions thereof, and (b) shall be so expressed in every obligation signed by the borrower. For the purpose of this section a month shall be that period of time from any date in a month to the corresponding date in the next month and if there is no such corresponding date then to the last day of the next month; and a day shall be considered one-thirtieth of a month when computation is made for a fraction of a month.

(3) When the loan contract requires repayment in substantially equal and consecutive monthly installments of principal and charges combined, the charges may be precomputed at the monthly rate on scheduled unpaid principal balances according to the terms of the contract and added to the

principal of the loan. Every payment may be applied to the combined total of principal and precomputed charge until the contract is fully paid. The acceptance or payment of charges on loans made under the provisions of this subsection shall not be deemed to constitute payment, deduction, or receipt thereof in advance nor compounding under subsection (2) above. Such precomputed charge shall be subject to the following adjustments:

(a) The portion of the precomputed charge applicable to any particular monthly installment period shall bear the same ratio to the total precomputed charge, excluding any adjustment made under paragraph (f) of this subsection, as the balance scheduled to be outstanding during that monthly period bears to the sum of all monthly balances scheduled originally by the contract of loan.

(b) If the loan contract is prepaid in full by cash, a new loan, refinancing, or otherwise before the final installment date, the portion of the precomputed charge applicable to the full installment periods following the installment date nearest the date of such prepayment shall be rebated. In computing any required rebate, any prepayment made on or before the fifteenth day following an installment date shall be deemed to have been made on the installment date preceding such prepayment. If prepayment in full occurs before the first installment date an additional rebate of one-thirtieth of the portion of the precomputed charge applicable to a first installment period of one month shall be made for each day from the date of such prepayment to the first scheduled installment date. If judgment is obtained before the final installment date, the contract balance shall be reduced by the rebate of precomputed charge which would be required for prepayment in full as of the date judgment is obtained.

(c) If the payment date of all wholly unpaid installments on which no default charge has been collected is deferred one or more full months and the contract so provides, the licensee may charge and collect a deferment charge. Such deferment charge shall not exceed the portion of the precomputed charge applicable under the original contract of loan to the first month of the deferment period multiplied by the number of months in said period. The deferment period is the month or months in which no scheduled payment has been made or in which no payment is to be required by reason of the deferment. In computing any default charge, or required rebate, the portion of the precomputed charge applicable to each deferred balance and installment period following the deferment period and prior to the deferred maturity shall remain the same as that applicable to such balances and periods under the original contract of loan. Such charge may be collected at the time of deferment or at any time thereafter. If a loan is prepaid in full during a deferment period, the borrower shall receive, in addition to the rebate required under paragraph (b) of this subsection, a rebate of that portion of the deferment charge applicable to any unexpired months of the deferment period.

(d) If the payment in full of any scheduled installment is in default more than seven days and the contract so provides, the licensee may charge and collect a default charge not exceeding five percent of the unpaid amount of the installment or five dollars, whichever is less. Said charge may not be collected more than once for the same default and may be collected when such default occurs or any time thereafter. If such default charge is deducted from any payment received after default occurs and such deduction results in the default of a subsequent installment, no charge may be made for the resulting default.

(e) If two or more full installments are in default for one full month or more at any installment date and if the contract so provides, the licensee may reduce the contract balance by the rebate which would be required for prepayment in full on such installment date. Thereafter, charges may be received at the agreed rate computed on actual unpaid balances of the contract for the time outstanding until the contract is fully paid. Charges so collected shall be in lieu of any deferment or default charges which otherwise would accrue on the contract after such installment date.

(f) A licensee and borrower may agree that the first installment due date may be not more than fifteen days more than one month and the amount of such installment may be increased by one-thirtieth of the portion of the precomputed charge applicable to a first installment of one month for each extra day.

(4) No licensee shall induce or permit any borrower to split up or divide any loan, nor induce or permit any person, nor any husband or wife jointly or severally, to become obligated, directly or contingently or both, under more than one contract of loan at the same time, for the purpose or with the result of obtaining a higher rate of charge than would otherwise be permitted by this section. If part or all of the consideration for a loan contract is the unpaid principal balance of a prior loan with the same licensee, then the principal amount payable under such loan contract shall not include any unpaid charges on the prior loan, except charges which have accrued within sixty days before the making of such loan contract and may include the balance of a precomputed contract which remains after giving the rebate required by subsection (3) hereof.

(5) No licensee shall directly or indirectly charge, contract for, or receive any charges or fees except charges authorized by this chapter, the reasonable actual costs paid by the licensee to foreclose, repossess or otherwise realize on the security, reasonable attorney fees and court costs incurred by the licensee and the lawful fees, if any, actually and necessarily paid out by the licensee to any public officer for the transferring of title or for filing, recording, or releasing in any public office, any instrument securing the loan, which fees may be collected when the loan is made, or at any time thereafter. If any payment on a loan is made by check and payment of that check is refused because there was no account or due to insufficient

funds, the licensee may contract for and receive a charge in an amount authorized under rule by the supervisor of banking. A bona fide error in the calculation of charges or in the recording of such charges in any statement or receipt delivered to the borrower or in the licensee's records shall not be deemed to be a violation of this chapter if the licensee corrects the error.

Sec. 2. Section 14, chapter 208, Laws of 1941 as amended by section 6, chapter 212, Laws of 1959 and RCW 31.08.170 are each amended to read as follows:

It shall be the duty of every licensee to:

(1) Deliver to the borrower or anyone thereof, if several, at the time any loan is made under this chapter, a statement ~~((; upon which there shall be printed in the English language a copy of subsections (1) and (5) of RCW 31.08.160;))~~ showing in clear and distinct terms the ~~((principal))~~ amount ~~((of the loan excluding charges))~~ financed, the date of the loan, the agreed schedule of payments, the nature of the security, if any, for the loan, the name and address of the licensee, and the ~~((agreed rate of))~~ finance charges. ~~((When charges are precomputed, the statement shall show the amount of the precomputed charge and shall contain a copy of paragraphs (a) and (b) of subsection (3) of RCW 31.08.160.))~~ The licensee shall provide to the borrower at the time the loan is made a copy of RCW 31.08.160.

(2) Give to the party making any payment a plain and complete receipt for each payment made on account of any such loan at the time such payment is made, or a periodic statement at least once each forty-five days showing such payment, specifying the amount applied to charges and the amount, if any, applied to principal, and stating the unpaid principal balance, if any, of such loan; a receipt shall be given at the time any cash payment is made: PROVIDED, That if the charges were precomputed the receipt or statement need not be itemized, and no receipt or statement shall be required where payment is made by check or money order and the full amount of such check or money order is applied to the loan: PROVIDED FURTHER, That when a default or deferment charge is collected, a receipt or statement shall be given showing the amount applied to the loan and the amount applied to the default or deferment charge;

(3) Permit payment to be made in advance in any amount on any such loan at any time during regular business hours, but the licensee may apply such payment first to all charges at the agreed rate up to the date of such payment: PROVIDED, That when charges are precomputed such payment shall be equal to one or more full scheduled installments;

(4) Upon payment of the loan in full, mark indelibly every obligation signed by the borrower with the word "paid" or "canceled" and release any mortgage and restore all notes and collateral which no longer secures a loan

and to which the borrower may be lawfully entitled: PROVIDED, HOWEVER, That in case any such document or obligation is in custodia legis these requirements shall not be applicable; and

(5) Obtain from the borrower prior to making the loan a statement signed by the borrower setting forth the borrower's then current financial condition (~~(and containing a statement that the borrower recognizes)~~) and describing the penalties and defenses resulting from giving false ((statement of)) financial ((condition)) information, all on a form approved by the supervisor. A copy of the statement ((required to)) shall be delivered to the borrower when the loan is made ((shall be acknowledged in writing by the licensee and the borrower, and a copy thereof shall be retained by the licensee)).

Passed the Senate April 23, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 228

[Engrossed Substitute Senate Bill No. 4101]

HORSE RACES—PERCENTAGE OF GROSS RECEIPTS WHICH MAY BE RETAINED—CONDITIONS

AN ACT Relating to horse racing; amending section 5, chapter 31, Laws of 1979 and RCW 67.16.170.

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

Sec. 1. Section 5, chapter 31, Laws of 1979 and RCW 67.16.170 are each amended to read as follows:

(1) Race meets which have gross receipts of all parimutuel machines averaging more than five hundred thousand dollars for each authorized day of racing may retain the following from the daily gross receipts of all parimutuel machines:

(a) From the first five hundred thousand dollars, the licensee may retain ten and one-half percent of such gross receipts; and

(b) From any amount above the first five hundred thousand dollars, the licensee may retain ten percent of such gross receipts.

(2) Race meets which have gross receipts of all parimutuel machines (~~(averaging)~~) from four hundred thousand one dollars to five hundred thousand dollars ((or less)) for each authorized day of racing may retain eleven percent from such gross receipts of any parimutuel machine.

(3) Race meets which have gross receipts of all parimutuel machines from three hundred thousand one dollars to four hundred thousand dollars for each authorized day of racing may retain eleven and one-half percent from such gross receipts of any parimutuel machine.

(4) Race meets which have gross receipts of all parimutuel machines from two hundred fifty thousand one dollars to three hundred thousand dollars for each authorized day of racing may retain twelve percent from such gross receipts of any parimutuel machine.

(5) Race meets which have gross receipts of all parimutuel machines from two hundred thousand dollars to two hundred fifty thousand dollars for each authorized day of racing may retain thirteen percent from such gross receipts of any parimutuel machine.

(6) Race meets which have gross receipts of all parimutuel machines less than two hundred thousand dollars for each authorized day of racing may retain fourteen percent from such gross receipts of any parimutuel machine.

(7) Of the amounts retained in subsections (1) (~~and (2)~~) through (6) of this section, at least (~~fifty percent of the increase above ten~~) one-half of one percent shall be utilized to support the general purse structure of the race meet; except that, all such increased revenue to the licensee to be utilized for purses will be in addition to and will not supplant the customary purse structure between race tracks and participating horsemen. (~~The remaining increase above ten~~) An additional one-half of one percent shall be utilized for maintenance of the running surface, parking areas, and training and barn facilities. Any portion of the (~~remainder~~) percentage for maintenance not necessary for such purposes may be utilized to support the general purse structure of the race meet.

Passed the Senate April 23, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 229

[Engrossed Senate Bill No. 4103]

COMMON SCHOOLS—COMPLIANCE WITH DIRECT CONTACT HOUR REQUIREMENTS

AN ACT Relating to basic education; and amending section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 3, chapter 250, Laws of 1979 ex. sess. and RCW 28A.41.140.

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

Sec. 1. Section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 3, chapter 250, Laws of 1979 ex. sess. and RCW 28A.41.140 are each amended to read as follows:

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (1) Certificated staff and their related costs;
- (2) Classified staff and their related costs;
- (3) Nonsalary costs;
- (4) Extraordinary costs of remote and necessary schools and small high schools; and
- (5) The attendance of students pursuant to RCW 28A.58.075 and 28A.58.245, each as now or hereafter amended, who do not reside within the servicing school district.

This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. Commencing with the 1980-81 school year, the formula adopted by the legislature shall reflect a ratio of not less than fifty certificated personnel to one thousand annual average full time equivalent students and one classified person to three certificated personnel. In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: **PROVIDED**, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.58.754. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.41.145, as now or hereafter amended, enrolled on the first school day of each month. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: **PROVIDED**, That the definition shall be included as part of the superintendent's biennial budget request: **PROVIDED**, **FURTHER**, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: **PROVIDED**, **FURTHER**, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

Certificated staff shall include those persons employed by a school district in a teaching, instructional, educational staff associate, learning resources specialist, administrative or supervisory capacity and who hold

positions as certificated employees as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent: PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such noncertificated people shall not occur during a labor dispute and such noncertificated people shall not be hired to replace certificated employees during a labor dispute. Each annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall average at least twenty-five hours per week. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Up to two hundred minutes per week may be deducted from the twenty-five contact hour requirement, at the discretion of the school district board of directors, to accommodate authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity. Implementing rules to be adopted by the state board of education pursuant to RCW 28A.58.754 (6) shall provide that compliance with the direct contact hour requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional record-keeping by classroom teachers as a means of accounting for contact hours shall not be required.

Passed the Senate April 23, 1983.

Passed the House April 14, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 230

[Engrossed Senate Bill No. 4153]

VETERANS—DEFINITION MODIFIED—DISABLED VETERANS ENTITLED TO SPECIAL LICENSE PLATES

AN ACT Relating to veterans; amending section 1, chapter 269, Laws of 1969 ex. sess. as amended by section 20, chapter 37, Laws of 1982 1st ex. sess. and RCW 41.04.005; amending section 1, chapter 178, Laws of 1949 as last amended by section 1, chapter 115, Laws of 1982 and RCW 73.04.110; declaring an emergency; and providing an effective date.

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

Sec. 1. Section 1, chapter 269, Laws of 1969 ex. sess. as amended by section 20, chapter 37, Laws of 1982 1st ex. sess. and RCW 41.04.005 are each amended to read as follows:

As used in RCW 41.04.005, 41.04.010, 41.16.220, and 41.20.050 "veteran" includes every person, who at the time he seeks the benefits of RCW

28B.40.361, 41.04.005, 41.04.010, 41.16.220, and 41.20.050(;;): (1) Has served in any branch of the armed forces of the United States between World War I and World War II or during:

(+)) any period of war ((and such)); and (2) has received an honorable discharge or received a discharge for physical reasons with an honorable record. A "period of war" ((shall)) includes World War I, World War II, the Korean conflict, the Viet Nam era, and the period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress. The ((said)) "Viet Nam era" ((shall)) means the period beginning August 5, 1964, and ending on ((such date as shall thereafter be determined by presidential proclamation or concurrent resolution of the congress; and in addition to this subsection, who, upon termination of said service has

(2) Received an honorable discharge; or

(3) Received a discharge for physical reasons with an honorable record; or

(4) Been released from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given) May 7, 1975.

Sec. 2. Section 1, chapter 178, Laws of 1949 as last amended by section 1, chapter 115, Laws of 1982 and RCW 73.04.110 are each amended to read as follows:

Any person who is a veteran as defined in RCW 41.04.005(~~(; as now or hereafter amended;))~~ who submits to the ((director)) department of licensing satisfactory proof ((that he or she has)) of a service-connected disability rating from the veterans administration ((or any branch of the armed forces of the United States)) and:

(1) Has ((the loss of or the loss of)) lost the use of both ((arms)) hands or ((legs or one arm and one leg or a loss or use of one arm or one leg that precludes locomotion without the use of or aid of braces, crutches, canes, a wheelchair, or a permanent prosthesis for the rated disability; he or she)) one foot;

(2) Was captured and incarcerated for more than twenty-nine days by an enemy of the United States during a period of ((conflict)) war with the United States; ((he or she))

(3) Has become blind in both eyes as the result of military service; or ((he or she))

(4) Is rated by the veterans administration ((as totally and permanently disabled due to service-connected conditions, shall be)) and is receiving service-connected compensation at the one hundred percent rate that is expected to exist for more than one year;

is entitled to ((have issued to him or her by the director of licensing general license plates)) regular or special license plates ((with)) issued by the department of licensing. The special license plates shall bear distinguishing

marks, letters, or numerals indicating that the motor vehicle is owned by a disabled veteran or ~~((distinguishing marks, letters, or numerals indicating that the motor vehicle is owned by a))~~ former prisoner of war. This license shall be issued annually for one ~~((vehicle for))~~ personal use vehicle without ~~((the))~~ payment of any license fees or excise tax thereon. Whenever any person who has been issued license plates under the provisions of this section applies to the department for transfer of ~~((such))~~ the plates to a subsequently acquired motor vehicle, a transfer fee of five dollars shall be charged in addition to all other appropriate fees. The department may periodically verify the one hundred percent rate as provided in subsection (4) of this section.

Any person who has been issued free motor vehicle license plates under this section prior to ~~((March 31, 1982))~~ July 1, 1983, shall continue to be eligible for the annual free license plates.

For the purposes of this section, "blind" ~~((shall))~~ means ~~((that))~~ the definition of "blind" ~~((utilized))~~ used by the state of Washington in determining eligibility for financial assistance to the blind under Title 74 RCW.

Any unauthorized use of a special plate is a gross misdemeanor.

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 July 1, 1983.

Passed the Senate April 23, 1983.

Passed the House April 20, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 231

[Substitute Senate Bill No. 3035]

PLAN FOR REPLACEMENT AND REPAIR OF PUBLIC WORKS— APPROPRIATION

AN ACT Relating to public works; creating new sections; making an appropriation; and declaring an emergency.

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

NEW SECTION. Sec. 1. The planning and community affairs agency or its successor agency shall prepare a comprehensive plan for the replacement and repair of the state and local public works. The plan shall include the following:

(1) An inventory of the state's roads, bridges, sewers, dams, state parks and recreational facilities, and water systems;

(2) An assessment of the physical condition of those public facilities needing replacement or repair to determine whether the facilities:

- (a) Are dangerous to public health and safety;
- (b) Require immediate replacement or repair to correct existing deficiencies; or
- (c) Need replacement or repair within the next five years;
- (3) Cost estimates of replacement and repair work for each category in subsection (2) of this section;
- (4) An examination of other states' approaches to public works financing;
- (5) Financing recommendations, including an analysis of existing tax revenues, user fees, and utility rates; and
- (6) A proposal for establishing an ongoing evaluation system with periodic updates of the state's public works plan.

NEW SECTION. Sec. 2. In preparing the plan, the planning and community affairs agency or its successor agency shall coordinate its efforts with other federal, state, and local agencies. To the fullest extent possible, the planning and community affairs agency or its successor agency shall use existing studies conducted by the department of transportation, the department of ecology, the state parks and recreation commission, the interagency committee for outdoor recreation, the army corps of engineers, public ports, the superintendent of public instruction, boards of trustees of institutions of higher education, irrigation districts, and groups representing local governments. The planning and community affairs agency or its successor agency may contract with a public or private entity supplement or update existing studies, or to conduct studies in areas where none exist, when necessary to the preparation of the plan.

NEW SECTION. Sec. 3. The planning and community affairs agency or its successor agency shall present its plan to the legislature in two parts. The first part of the plan shall include the items described in section 1 (1), (2), and (3) of this act, which can be assembled from existing studies. The items identified in this part of the plan shall be evaluated and the most critical priorities shall be identified. The planning and community affairs agency or its successor agency shall present the first part of its plan to the legislature no later than July 1, 1983.

The second part of the plan shall be the full plan described in section 1 of this act, including refinement of the first part of the plan. The planning and community affairs agency or its successor agency shall present the second part of its plan to the legislature no later than December 31, 1983.

NEW SECTION. Sec. 4. There is appropriated from the general fund to the planning and community affairs agency or its successor agency for the biennium ending June 30, 1983, the sum of thirty-five thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 22, 1983.

Passed the House April 6, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 232

[Substitute Senate Bill No. 3782]

FIREARMS—UNLAWFUL POSSESSION—LICENSES—SALES—
FORFEITURE—COURT ORDER TO SURRENDER—PENALTIES

AN ACT Relating to firearms; amending section 1, chapter 172, Laws of 1935 as last amended by section 1, chapter 302, Laws of 1971 ex. sess. and RCW 9.41.010; amending section 4, chapter 172, Laws of 1935 as amended by section 3, chapter 124, Laws of 1961 and RCW 9.41.040; amending section 7, chapter 172, Laws of 1935 as last amended by section 1, chapter 158, Laws of 1979 and RCW 9.41.070; amending section 9, chapter 172, Laws of 1935 as last amended by section 1, chapter 227, Laws of 1969 ex. sess. and RCW 9.41.090; amending section 4, chapter 105, Laws of 1979 ex. sess. as amended by section 6, chapter 145, Laws of 1981 and RCW 10.99.040; amending section 7, chapter 145, Laws of 1981 and RCW 10.99.045; amending section 8, chapter 145, Laws of 1981 and RCW 10.99.055; amending section 6, chapter 157, Laws of 1973 1st ex. sess. as amended by section 3, chapter 32, Laws of 1975 and RCW 26.09.060; amending section 16, chapter 172, Laws of 1935 as last amended by section 7, chapter 3, Laws of 1983 and RCW 9.41.160; adding new sections to chapter 9.41 RCW; creating a new section; and prescribing penalties.

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

Sec. 1. Section 1, chapter 172, Laws of 1935 as last amended by section 1, chapter 302, Laws of 1971 ex. sess. and RCW 9.41.010 are each amended to read as follows:

(1) "~~Short firearm~~" or "~~pistol~~" as used in (~~RCW 9.41.010 through 9.41.160~~) this chapter means any firearm with a barrel less than twelve inches in length.

(2) "~~Crime of violence~~" as used in (~~RCW 9.41.010 through 9.41.160~~) this chapter means:

(a) Any of the following (~~crimes or an attempt to commit any of the same: Murder, manslaughter, rape, riot, mayhem, first degree assault, second degree assault, robbery, burglary and kidnaping~~) felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first

degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, burglary in the second degree, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, which is comparable to a felony classified as a crime of violence in subsection (2) (a) of this section; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under subsection (2) (a) or (b) of this section.

(3) "Firearm" as used in this chapter means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(4) "Commercial seller" as used in this chapter means a person who has a federal firearms license.

Sec. 2. Section 4, chapter 172, Laws of 1935 as amended by section 3, chapter 124, Laws of 1961 and RCW 9.41.040 are each amended to read as follows:

~~(No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. Such person upon being convicted of a violation of this section shall be guilty of a felony and punished by imprisonment in the state penitentiary for not less than one year nor more than ten years.))~~ (1) A person is guilty of the crime of unlawful possession of a short firearm or pistol, if, having previously been convicted in this state or elsewhere of a crime of violence or of a felony in which a firearm was used or displayed, the person owns or has in his possession any short firearm or pistol.

(2) Unlawful possession of a short firearm or pistol shall be punished as a class C felony under chapter 9A.20 RCW.

(3) As used in this section, a person has been "convicted" at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing, post-trial motions, and appeals. A person shall not be precluded from possession if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(4) Except as provided in subsection (5) of this section, a person is guilty of the crime of unlawful possession of a short firearm or pistol if, after having been convicted of any felony violation of the uniform controlled substances act, chapter 69.50 RCW, or equivalent statutes of another jurisdiction, or after any period of confinement under RCW 71.05.320 or an

equivalent statute of another jurisdiction, or following a record of commitment pursuant to chapter 10.77 RCW or equivalent statutes of another jurisdiction, he owns or has in his possession or under his control any short firearm or pistol.

(5) Notwithstanding subsection (1) of this section, a person convicted of an offense other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401(a) and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from ownership, possession, or control of a firearm as a result of the conviction.

Sec. 3. Section 7, chapter 172, Laws of 1935 as last amended by section 1, chapter 158, Laws of 1979 and RCW 9.41.070 are each amended to read as follows:

(1) The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within thirty days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his person within this state for ~~((two))~~ four years from date of issue, for the purposes of protection or while engaged in business, sport or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. Such citizen's constitutional right to bear arms shall not be denied to him, unless he:

(a) Is ineligible to own a pistol under the provisions of RCW 9.41.040 ~~((as now or hereafter amended or there exists a record of his prior court conviction of a crime of violence or of drug addiction or of habitual drunkenness or of confinement to a mental institution: PROVIDED, That such permit)); or~~

(b) Is under twenty-one years of age; or

(c) Is subject to a court order or injunction regarding firearms pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

(d) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime of violence; or

(e) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor.

The license shall be revoked immediately upon conviction of a crime which makes such a person ineligible to own a pistol or upon the third conviction for a violation of this chapter within five calendar years. The license shall be in triplicate, in form to be prescribed by the ~~((state director))~~ department of licensing, and shall bear the name, address, and description, fingerprints and signature of the licensee ~~((and the reason given for desiring a license))~~, and the licensee's driver's license number or state identification

card number if used for identification in applying for the license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing said license.

~~((+))~~ (2) The fee for the original issuance of a ~~((two-year))~~ four-year license shall be ~~((five))~~ twenty dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the issuance of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

(a) ~~((Two))~~ Four dollars shall be paid to the state general fund;

(b) ~~((One dollar fifty cents))~~ Four dollars shall be paid to the agency taking the fingerprints of the person licensed; and

(c) ~~((One dollar fifty cents))~~ Twelve dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

~~((2))~~ (3) The fee for the renewal of such license shall be ~~((three))~~ twelve dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the renewal of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

(a) ~~((One))~~ Four dollars shall be paid to the state general fund; and

(b) ~~((Two))~~ Eight dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(4) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (3) of this section.

(5) Notwithstanding the requirements of subsections (1) through (4) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section.

(6) A political subdivision of the state shall not modify the requirements of this section. A civil suit may be brought to enjoin a wrongful refusal to issue a license. The prevailing party is entitled to reasonable costs, including attorneys' fees.

Sec. 4. Section 9, chapter 172, Laws of 1935 as last amended by section 1, chapter 227, Laws of 1969 ex. sess. and RCW 9.41.090 are each amended to read as follows:

(1) In addition to the other requirements of ~~((RCW sections 9.41.010 through 9.41.150 as now or hereinafter amended))~~ this chapter, no commercial seller shall deliver a pistol to the purchaser thereof until ~~((seventy-two hours shall))~~:

(a) The purchaser produces a valid concealed pistol license and the commercial seller has recorded the purchaser's name, license number, and issuing agency, such record to be made in duplicate and processed as provided in subsection (4) of this section; or

(b) The seller is notified in writing by the chief of police of the municipality or the sheriff of the county that the purchaser meets the requirements of RCW 9.41.040 and that the application to purchase is granted; or

(c) Five consecutive days including Saturday, Sunday and holidays have elapsed from the time of receipt of the application for the purchase thereof as provided herein by the chief of police or sheriff designated in subsection (4) of this section, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. However, if the purchaser does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, the waiting period under this subsection (1)(c) shall be up to sixty days.

(2) In any case under subsection (1)(c) of this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the seller shall hold the delivery of the pistol until the warrant for arrest is served and satisfied by appropriate court appearance. The local jurisdiction for purposes of the sale shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the seller so that the hold may be released if the warrant was for a crime other than a crime of violence.

(3) In any case where the chief or sheriff of the local jurisdiction has reasonable grounds based on the following circumstances: (a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for a crime of violence, or (e) an arrest for a crime of violence if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a pistol, the local jurisdiction may hold the sale and delivery of the pistol beyond five days up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court or municipal court for good cause shown. An applicant shall be notified of each hold placed on the sale by local law enforcement and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.

(4) At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller an application containing his or her full name, address, occupation, place of birth, and the date and hour of the application; the applicant's driver's license number or state identification card number; and a description of the weapon including, the make,

model, caliber and manufacturer's number; and a statement that ~~((he has never been convicted in this state or elsewhere of a crime of violence, drug addiction or habitual drunkenness, or is legally judged to be of unsound mind))~~ the purchaser is eligible to own a pistol under RCW 9.41.040.

The seller shall, by the end of the business day, sign and attach his or her address and deliver the original of ~~((such))~~ the application and such other documentation as required under subsection (1) of this section to the chief of police of the municipality or the sheriff of the county of which the seller is a resident. The seller shall deliver the pistol to the purchaser following ~~((seventy-two hours thereafter))~~ the period of time specified in this section unless the seller is notified in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser ~~((has been convicted in this state or elsewhere of a crime of violence, drug addiction, or habitual drunkenness, or is legally judged to be of unsound mind))~~ fails to meet the requirements specified in RCW 9.41.040. The chief of police of the municipality or the county sheriff shall maintain a file containing the original of the application to purchase a pistol.

NEW SECTION. Sec. 5. There is added to chapter 9.41 RCW a new section to read as follows:

The department of social and health services, mental health institutions, and other health care facilities shall, upon request of a court or law enforcement agency, supply such relevant information as is necessary to determine the eligibility of a person to possess a pistol or to be issued a concealed pistol license under RCW 9.41.070 or to purchase a pistol under RCW 9.41.090. Such information shall be used exclusively for the purposes specified in this section and shall not be made available for public inspection except by the person who is the subject of the information.

NEW SECTION. Sec. 6. There is added to chapter 9.41 RCW a new section to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) Found in the possession or under the control of a person at the time the person committed or was arrested for committing a crime of violence or

a crime in which a firearm was used or displayed or a felony violation of the uniform controlled substances act, chapter 69.50 RCW;

(d) Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, having 0.10 percent or more by weight of alcohol in his blood, as shown by chemical analysis of his breath, blood, or other bodily substance;

(e) Found in the possession of a person prohibited from possessing the firearm under RCW 9.41.040;

(f) Found in the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a crime of violence or a crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) Found in the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Known to have been used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Known to have been used in the commission of a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniformed controlled substances act, chapter 69.50 RCW.

(2) Upon order of forfeiture, the court in its discretion shall order destruction of any firearm that is illegal for any person to possess, retention of the firearm as evidence, appropriate use by a law enforcement agency in the state, donation to a historical museum, or sale at a public auction to a commercial seller. The proceeds from any sale shall be divided as follows: The local jurisdiction shall retain its costs, including actual costs of storage and sale, and shall forward the remainder to the state game commission for use in its firearms training program pursuant to RCW 77.32.155. If the court orders delivery to a law enforcement agency and the agency no longer requires use of the firearm, the agency shall dispose of the firearm in a manner which is consistent with this subsection.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1)

of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.

Sec. 7. Section 4, chapter 105, Laws of 1979 ex. sess. as amended by section 6, chapter 145, Laws of 1981 and RCW 10.99.040 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any defendant charged with a crime involving domestic violence is released from custody before trial on bail or personal recognizance, the court authorizing the release may prohibit the defendant from having any contact with the victim. If the court has probable cause to believe that the defendant is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.04.110 in any further acts of violence, the court may also require the defendant to surrender any deadly weapon in the defendant's immediate possession or control, or subject to the defendant's immediate possession or control, to the sheriff of the county or chief of police of the municipality in which the defendant resides or to the defendant's counsel for safekeeping. Wilful violation of a court order issued under this section is a misdemeanor. The written order releasing the defendant shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 10.99 RCW. A certified copy of such order shall be provided to the victim.

Sec. 8. Section 7, chapter 145, Laws of 1981 and RCW 10.99.045 are each amended to read as follows:

(1) A defendant arrested for an offense involving domestic violence as defined by RCW 10.99.020(2) shall be required to appear in person before a magistrate within one judicial day after the arrest; or

(2) A defendant who is charged by citation, complaint, or information with an offense involving domestic violence as defined by RCW 10.99.020(2) and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the

next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

At the time of the appearances provided in subsection (1) or (2) of this section, the court shall determine the necessity of imposing a no contact order or other conditions of pretrial release according to the procedures established by court rule for a preliminary appearance or an arraignment. If the court has probable cause to believe that the defendant is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.04.110 in any further acts of violence, as one of the conditions of pretrial release, the court may require the defendant to surrender any deadly weapon in the defendant's immediate possession or control, or subject to the defendant's immediate possession or control, to the sheriff of the county or chief of police of the municipality in which the defendant resides or to the defendant's counsel for safekeeping. The decision of the judge and findings of fact in support thereof shall be in writing.

Appearances required pursuant to this section are mandatory and cannot be waived.

Sec. 9. Section 8, chapter 145, Laws of 1981 and RCW 10.99.055 are each amended to read as follows:

Any law enforcement agency in this state may enforce this chapter as it relates to orders restricting the defendants' ability to have contact with the victim and orders requiring defendants to surrender firearms.

Sec. 10. Section 6, chapter 157, Laws of 1973 1st ex. sess. as amended by section 3, chapter 32, Laws of 1975 and RCW 26.09.060 are each amended to read as follows:

(1) In a proceeding for:

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

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

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

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

(b) Molesting or disturbing the peace of the other party or of any child and, upon a showing by clear and convincing evidence that the party so restrained or enjoined has used or displayed or threatened to use a deadly weapon as defined in RCW 9A.04.110 in an act of violence or has previously committed acts of domestic violence and is likely to use or display or threaten to use a deadly weapon in an act of domestic violence, requiring the party to surrender any deadly weapon in his immediate possession or control or subject to his immediate possession or control to the sheriff of the county having jurisdiction of the proceeding or to the restrained or enjoined party's counsel or to any person designated by the court. The court may order temporary surrender of deadly weapons without notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for response has elapsed;

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

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

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

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

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

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

(b) May be revoked or modified;

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

Sec. 11. Section 16, chapter 172, Laws of 1935 as last amended by section 7, chapter 3, Laws of 1983 and RCW 9.41.160 are each amended to read as follows:

Any violation of any provision of ((RCW 9.41.010 through 9.41.150, as amended, other than those violations specified in RCW 9.41.025 and 9.41.040)) this chapter, except as otherwise provided, shall be a misdemeanor and punishable accordingly. There shall be levied and paid into the general fund of the state treasury a penalty assessment in the minimum amount of twenty-five percent of, and which shall be in addition to, any fine, bail forfeiture, or costs on all violations of this chapter.

NEW SECTION. Sec. 12. There is added to chapter 9.41 RCW a new section to read as follows:

Cities, towns, and counties may enact only those laws and ordinances relating to firearms that are consistent with this chapter. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted.

NEW SECTION. Sec. 13. Section 12 of this act shall not apply to any offense committed prior to the effective date of this act.

NEW SECTION. Sec. 14. 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 April 23, 1983.

Passed the House April 18, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 233

[Substitute House Bill No. 126]

RETIREMENT FROM PUBLIC SERVICE—RESUMPTION OF EMPLOYMENT BY EMPLOYEE—DUTIES OF EMPLOYER AND DEPARTMENT

AN ACT Relating to retirement from public service; amending section 50, chapter 80, Laws of 1947 as last amended by section 3, chapter 193, Laws of 1974 ex. sess. and RCW 41.32-.500; amending section 16, chapter 274, Laws of 1947 as last amended by section 20, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.150; adding a new section to chapter 41.40 RCW; and declaring an emergency.

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

*Sec. 1. Section 50, chapter 80, Laws of 1947 as last amended by section 3, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.500 are each amended to read as follows:

(1) Membership in the retirement system is terminated when a member retires for service or disability, dies, withdraws his accumulated contributions or does not establish service credit with the retirement system for five consecutive years; however, a member may retain membership in the teachers' retirement system by leaving his accumulated contributions in the teachers' retirement fund under one of the following conditions:

((+)) (a) If he is eligible for retirement;

((+)) (b) If he is a member of another public retirement system in the state of Washington by reason of change in employment and has arranged to have membership extended during the period of such employment;

((+)) (c) If he is not eligible for retirement but has established five or more years of Washington membership service credit.

The prior service certificate becomes void when a member dies, withdraws his accumulated contributions or does not establish service credit

with the retirement system for five consecutive years, and any prior administrative interpretation of the board of trustees, consistent with this section, is hereby ratified, affirmed and approved.

(2) Any member, except an elected official, who reentered service and who failed to restore withdrawn contributions, shall now have from the effective date of this 1983 act through June 30, 1984, to restore the contributions, with interest as determined by the director.

(3) Within the ninety days following the employee's resumption of employment, the employer shall notify the department of the resumption and the department shall then return to the employer a statement of the potential service credit to be restored, the amount of funds required for restoration, and the date when the restoration must be accomplished. The employee shall be given a copy of the statement and shall sign a copy of the statement which signed copy shall be placed in the employee's personnel file.

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

*Sec. 2. Section 16, chapter 274, Laws of 1947 as last amended by section 20, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.150 are each amended to read as follows:

Should any member die, or should the individual separate or be separated from service without leave of absence before attaining age sixty years, or should the individual become a beneficiary, except a beneficiary of an optional retirement allowance as provided by RCW 41.40.185 or 41.40.190, the individual shall thereupon cease to be a member except;

(1) As provided in RCW 41.40.170.

(2) An employee not previously retired who reenters service shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions with interest as computed by the director, which restoration must be completed within a total period of five years of membership service following the member's first resumption of employment, be returned to the status, either as an original member or new member which the member held at time of separation.

(3) Any member, except an elected official, who reentered service and who failed to restore withdrawn contributions, shall now have from the effective date of this 1983 act through June 30, 1984, to restore the contributions, with interest as determined by the director.

(4) Within the ninety days following the employee's resumption of employment, the employer shall notify the department of the resumption and the department shall then return to the employer a statement of the potential service credit to be restored, the amount of funds required for restoration, and the date when the restoration must be accomplished. The employee shall be given a copy of the statement and shall sign a copy of the statement which signed copy shall be placed in the employee's personnel file.

(5) A member who separates or has separated after having completed at least five years of service shall remain a member during the period of absence from service for the exclusive purpose of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may on written notice to the director elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

~~((4))~~ (6) (a) The recipient of a retirement allowance who is employed in an eligible position other than under RCW 41.40.120(12) shall be considered to have terminated his or her retirement status and shall immediately become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended during the period of eligible employment and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered two uninterrupted years of service the type of retirement allowance the member had at the time of the member's previous retirement shall be reinstated, but no additional service credit shall be allowed;

(b) The recipient of a retirement allowance elected to office or appointed to office directly by the governor, and who shall apply for and be accepted in membership as provided in RCW 41.40.120(3) shall be considered to have terminated his or her retirement status and shall become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended from the date of return to membership until the date when the member again retires and the member shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance the member had at the time of the member's previous retirement shall be reinstated, but no additional service credit shall be allowed: AND PROVIDED FURTHER, That if such a recipient of a retirement allowance does not elect to apply for re-entry into membership as provided in RCW 41.40.120(3), the member shall be considered to remain in a retirement status and the individual's retirement benefits shall continue without interruption.

~~((5))~~ (7) Any member who leaves the employment of an employer and enters the employ of a public agency or agencies of the state of Washington,

other than those within the jurisdiction of the Washington public employees' retirement system, and who establishes membership in a retirement system or a pension fund operated by such agency or agencies and who shall continue membership therein until attaining age sixty, shall remain a member for the exclusive purpose of receiving a retirement allowance without the limitation found in RCW 41.40.180(1) to begin on attainment of age sixty-five, however, such a member may on written notice to the director elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits commencing at age sixty-five: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

*Sec. 2 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 3. *There is added to chapter 41.40 RCW a new section to read as follows:*

Those currently employed members who were eligible to recover service earned prior to July 1, 1953, under a retirement system authorized pursuant to RCW 28B.10.400 through 28B.10.430, but who failed to do so, shall have until June 30, 1984, to pay the appropriate employee and employer contributions plus interest, as determined by the director of retirement systems, for such service which was not so recovered.

*Sec. 3. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 24, 1983.

Passed the Senate April 22, 1983.

Approved by the Governor May 17, 1983, with the exception of sections 1(2), 2(3), and 3, which are vetoed.

Filed in Office of Secretary of State May 17, 1983.

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

"I am returning herewith, without my approval as to sections 1(2), 2(3), and 3, Substitute House Bill No. 126, entitled:

"AN ACT Relating to retirement from public service."

Similar provisions were contained in Substitute House Bill No. 138 of the 1981 Regular Session. At that time I vetoed language relating to the reestablishment of retirement credits. Current law provides more than ample opportunity for members

of the Teachers' Retirement System and the Public Employees' Retirement System to regain credit for previous service. When members reenter service they have a number of years in which to restore their credits. An extension of that period would result in a significant increase in the liabilities of the pension systems, an increase which cannot be justified in light of the state's financial difficulties and the retirement systems' existing liabilities.

I have signed into law, however, provisions of the bill that require the state to notify employees, within 90 days of resuming service, of the date by which they must exercise their option to "buy back" into the retirement system, and the amount of money required to be paid.

With the exceptions of sections 1(2), 2(3), and 3, which I have vetoed, Substitute House Bill No. 126 is approved."

CHAPTER 234

[Substitute House Bill No. 646]

PUBLIC ACCOUNTANCY ACT

AN ACT Relating to public accounting; amending section 7, chapter 226, Laws of 1949 as amended by section 25, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.04.080; amending section 31, chapter 226, Laws of 1949 and RCW 18.04.320; amending section 34, chapter 226, Laws of 1949 as amended by section 7, chapter 114, Laws of 1969 and RCW 18.04.350; amending section 35, chapter 226, Laws of 1949 and RCW 18.04.360; amending section 36, chapter 226, Laws of 1949 and RCW 18.04.370; amending section 37, chapter 226, Laws of 1949 and RCW 18.04.380; amending section 38, chapter 226, Laws of 1949 and RCW 18.04.390; adding new sections to chapter 18.04 RCW; adding a new section to chapter 43.131 RCW; creating new sections; repealing section 1, chapter 226, Laws of 1949 and RCW 18.04.020; repealing section 2, chapter 226, Laws of 1949 and RCW 18.04.030; repealing section 3, chapter 226, Laws of 1949 and RCW 18.04.040; repealing section 4, chapter 226, Laws of 1949 and RCW 18.04.050; repealing section 5, chapter 226, Laws of 1949 and RCW 18.04.060; repealing section 6, chapter 226, Laws of 1949, section 1, chapter 294, Laws of 1961 and RCW 18.04.070; repealing section 8, chapter 226, Laws of 1949 and RCW 18.04.090; repealing section 9, chapter 226, Laws of 1949, section 8, chapter 75, Laws of 1977 and RCW 18.04.100; repealing section 11, chapter 226, Laws of 1949, section 1, chapter 114, Laws of 1969, section 17, chapter 292, Laws of 1971 ex. sess., section 7, chapter 158, Laws of 1979 and RCW 18.04.120; repealing section 12, chapter 226, Laws of 1949 and RCW 18.04.130; repealing section 15, chapter 226, Laws of 1949, section 2, chapter 114, Laws of 1969, section 1, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.160; repealing section 16, chapter 226, Laws of 1949 and RCW 18.04.170; repealing section 18, chapter 226, Laws of 1949 and RCW 18.04.190; repealing section 19, chapter 226, Laws of 1949, section 3, chapter 114, Laws of 1969, section 2, chapter 229, Laws of 1975 1st ex. sess., section 8, chapter 158, Laws of 1979 and RCW 18.04.200; repealing section 21, chapter 226, Laws of 1949, section 4, chapter 114, Laws of 1969, section 3, chapter 229, Laws of 1975 1st ex. sess., section 9, chapter 158, Laws of 1979 and RCW 18.04.220; repealing section 23, chapter 226, Laws of 1949 and RCW 18.04.240; repealing section 24, chapter 226, Laws of 1949 and RCW 18.04.250; repealing section 25, chapter 226, Laws of 1949 and RCW 18.04.260; repealing section 26, chapter 226, Laws of 1949 and RCW 18.04.270; repealing section 27, chapter 226, Laws of 1949, section 5, chapter 114, Laws of 1969, section 4, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.280; repealing section 28, chapter 226, Laws of 1949, section 6, chapter 114, Laws of 1969, section 1, chapter 23, Laws of 1973 1st ex. sess., section 5, chapter 229, Laws of 1975 1st ex. sess., section 10, chapter 158, Laws of 1979 and RCW 18.04.290; repealing section 29, chapter 226, Laws of 1949, section 2, chapter 294, Laws of 1961, section 2, chapter 23, Laws of 1973 1st ex. sess. and RCW 18.04.300; repealing section 30, chapter 226, Laws of 1949 and RCW 18.04.310; repealing section 32, chapter 226, Laws of 1949 and RCW 18.04.330; repealing section 33, chapter 226, Laws of 1949 and RCW 18.04.340; repealing section 39, chapter 226, Laws of 1949 and RCW 18.04.400; repealing section 40, chapter 226, Laws of 1949 and

RCW 18.04.900; repealing section 2, chapter 223, Laws of 1982 and RCW 43.131.247; repealing section 6, chapter 223, Laws of 1982 and RCW 43.131.248; repealing section 4, chapter ..., Laws of 1983 and RCW ... (section 4 of this act); repealing section 5, chapter ..., Laws of 1983 and RCW ... (section 5 of this act); repealing section 6, chapter ..., Laws of 1983 and RCW ... (section 6 of this act); prescribing penalties; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. This chapter may be cited as the public accountancy act of 1983.

NEW SECTION. Sec. 2. It is the policy of this state and the purpose of this chapter:

(1) To promote the dependability of information which is used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private or governmental; and

(2) To protect the public interest by requiring that:

(a) Persons engaged in the practice of public accounting be qualified;

(b) A public authority competent to prescribe and assess the qualifications of public accountants be established;

(c) Persons other than certified public accountants refrain from using the words "audit," "review," and "compilation" when designating a report customarily prepared by someone knowledgeable in accounting; and

(d) The use of accounting titles likely to confuse the public be prohibited.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the board of accountancy created by section 4 of this act.

(2) "Certified public accountant" or "CPA" means a person holding a certified public accountant certificate issued under this chapter or the accountancy act of any state.

(3) "State" includes the states of the United States, the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands.

(4) "Opinions on financial statements" are any reports prepared by certified public accountants, based on examinations in accordance with generally accepted auditing standards as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting.

(5) The "practice of public accounting" means performing services as one skilled in the knowledge and practice of public accounting and preparing reports designated as "audit reports," "review reports," and "compilation reports."

NEW SECTION. Sec. 4. (1) There is created a board of accountancy for the state of Washington to be known as the Washington board of accountancy. The board shall consist of five members appointed by the governor. Members of the board shall include four persons who hold certified public accountant certificates and have been in public practice as certified public accountants in this state continuously for the previous ten years. The fifth member shall be a person who is qualified to judge whether the qualifications, activities, and professional practice of those regulated under this chapter conform with standards to protect the public interest.

(2) The members of the board of accountancy existing immediately prior to the effective date of this act shall serve out their existing terms as members of the board created under this act. Thereafter, each member of the board shall be appointed by the governor to a term of three years. Their successors shall be appointed for terms of three years. Vacancies occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of a member's term of office, the member shall continue to serve until a successor has been appointed and has assumed office. The governor shall remove from the board any member whose certificate or permit to practice has been revoked or suspended and may, after hearing, remove any member of the board for neglect of duty or other just cause. No person who has served two successive complete terms is eligible for reappointment. Appointment to fill an unexpired term is not considered a complete term.

NEW SECTION. Sec. 5. (1) The board shall annually elect a chairman, a vice chairman, and a secretary from its members. The board may adopt and amend rules under chapter 34.04 RCW for the orderly conduct of its affairs and for the administration of this chapter. A majority of the board constitutes a quorum for the transaction of business. The board shall have a seal which shall be judicially noticed. The board shall keep records of its proceedings, and of any proceeding in court arising from or founded upon this chapter. Copies of these records certified as correct under the seal of the board are admissible in evidence as tending to prove the content of the records. The board may employ personnel and arrange for assistance as it requires to perform its duties.

(2) Each member of the board shall receive compensation as provided under RCW 18.04.080.

(3) The board shall file an annual report of its activities with the governor. The report shall include but not be limited to a statement of all receipts and disbursements and a listing of all certified public accountants who are registered, or who have offices registered, or permits to practice issued under this chapter. Upon request, the board shall mail a copy of each annual report to any person, office, partnership, or corporation listed, or to any member of the public.

NEW SECTION. Sec. 6. The board shall prescribe rules consistent with this chapter as necessary to implement this chapter. Included may be:

(1) Rules of procedure to govern the conduct of matters before the board;

(2) Rules of professional conduct to establish and maintain high standards of competence and integrity in the profession;

(3) Educational requirements for the issuance of the certificate of certified public accountant;

(4) Rules designed to ensure that certified public accountants' "opinions on financial statements" meet the definitional requirements for that term as specified in section 3 of this act;

(5) Requirements for continuing education to maintain or improve the professional competence of permit holders to practice under section 11 of this act as a condition to their continuing in the practice of public accounting;

(6) Regulations governing sole proprietors, partnerships, and corporations practicing public accounting including, but not limited to, rules concerning their style, name, title, and affiliation with any other organization, and establishing reasonable practice standards to protect the public interest; and

(7) Any other rule which the board finds necessary or appropriate to implement this chapter.

NEW SECTION. Sec. 7. (1) The certificate of "certified public accountant" shall be granted by the board to any person:

(a) Who is of good character;

(b) Who has a baccalaureate degree conferred by a college or university recognized by the board, and whose educational program included an accounting concentration or its equivalent, and related subjects the board determines to be appropriate; and

(c) Who has passed a written examination in accounting, auditing, and related subjects the board determines to be appropriate.

(2) The board may, in its discretion, waive the educational requirement for any person if it is satisfied, by appropriate means of evaluation, that the person's educational qualifications are an acceptable substitute for the requirements of subsection (1)(b) of this section.

(3) The examination described in subsection (1)(c) of this section shall be held by the board and shall take place as often as the board determines to be desirable, but at least once a year. The board may use all or any part of the examination and grading service of the American Institute of Certified Public Accountants to assist it in performing its duties under this chapter.

(4) A person who has met the educational requirements of subsection (1)(b) of this section, or who expects to meet it within one hundred twenty days following the examination, or with respect to whom it has been waived

under subsection (2) of this section, is eligible to take the examination if the person also meets the requirements of subsection (1)(a) of this section. If a person is admitted to the examination on the expectation that he or she will complete the educational requirement within one hundred twenty days, no certificate may be issued, nor credit for the examination or any part of it be given, unless this requirement is in fact completed within that time or within such time as the board in its discretion may determine upon application.

(5) The board may, by rule, provide for granting credit to a person for satisfactory completion of a written examination in any one or more of the subjects specified in subsection (1)(c) of this section given by the licensing authority in any other state. These rules shall include requirements the board determines to be appropriate in order that any examination approved as a basis for any credit shall, in the judgment of the board, be at least as thorough as the most recent examination given by the board at the time credit is granted.

The board may, by rule, prescribe the terms and conditions under which a person who passes the examination in one or more of the subjects indicated in subsection (1)(c) of this section may be reexamined in only the remaining subjects, giving credit for the subjects previously passed. It may also provide by rule for a reasonable waiting period for a person's reexamination in a subject he or she has failed. A person is entitled to any number of reexaminations, subject to this subsection and any other rules adopted by the board.

A person passing the examination in any one or more subjects specified in subsection (1)(c) of this section shall meet the educational requirements of subsection (1)(b) of this section in effect on the date the person successfully completes the requirements of subsection (1)(c) of this section. The board may provide, by rule, for exceptions to prevent what it determines to be undue hardship to applicants.

(6) The board shall charge each applicant an examination fee for the initial examination under subsection (1) of this section, or for reexamination under subsection (5) of this section for each subject in which the applicant is reexamined, or for evaluation of a person's educational qualifications under subsection (2) of this section. The applicable fee shall be paid by the person at the time he or she applies for examination, reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the board under chapter 18.04 RCW. There is established in the general fund an account to be known as the certified public accountant examination account. All fees received from candidates to take any or all sections of the certified public accountant examination shall be deposited by the board into this account, and funds appropriated from the account shall be used only for costs directly related to the examination.

(7) Persons who on the effective date of this act held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this chapter, but shall otherwise be subject to this chapter. Certificates previously issued shall, for all purposes, be considered certificates issued under this chapter and subject to its provisions.

(8)(a) Persons who on the effective date of this act hold registrations as licensed public accountants and annual permits to practice previously issued under the laws of this state shall be entitled to practice public accounting and be known as certified public accountants and to use the designation "CPA" provided that these persons continue to hold permits to practice under this chapter.

(b) Persons who held qualifications as licensed public accountants but who do not hold annual permits to practice on the effective date of this act are not entitled to engage in the practice of public accounting under this chapter unless they meet the requirements imposed by this chapter for certified public accountants. These persons shall not use the term "licensed public accountants" or the designation "LPA."

NEW SECTION. Sec. 8. (1) Application for certification as certified public accountants by persons who are not residents of this state constitutes appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicants arising from any transaction, activity, or operation connected with or incidental to the practice of public accounting in this state by nonresident holders of certified public accountant certificates.

(2) Application for a biennial permit to practice public accounting in this state by a certified public accountant who holds a permit to practice issued by another state constitutes the appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicant arising from any transaction or operation connected with or incidental to the practice of public accounting in this state by the holder of the biennial permit to practice.

NEW SECTION. Sec. 9. (1) A partnership engaged in this state in the practice of public accounting shall register with the board as a partnership of certified public accountants, and shall meet the following requirements:

(a) The principal purpose and business of the partnership shall be to furnish services to the public which are consistent with this chapter and the rules of the board;

(b) At least one general partner of the partnership shall be a certified public accountant holding a permit to practice under section 11 of this act;

(c) Each resident manager in charge of an office of the partnership in this state and each resident partner personally engaged within this state in

the practice of public accounting as a member in the office shall be a certified public accountant holding a permit to practice under section 11 of this act.

(2) A corporation organized for the practice of public accounting and engaged in this state in the practice of public accounting shall register with the board as a corporation of certified public accountants and shall meet the following requirements:

(a) The principal purpose and business of the corporation shall be to furnish services to the public which are consistent with this chapter and the rules of the board; and

(b) Each shareholder of the corporation shall be a certified public accountant of some state holding a permit to practice and shall be principally employed by the corporation or actively engaged in its business. No other person may have any interest in the stock of the corporation. The principal officer of the corporation and any officer or director having authority over the practice of public accounting by the corporation shall be a certified public accountant of some state holding a permit to practice;

(c) At least one shareholder of the corporation shall be a certified public accountant holding a permit to practice under section 11 of this act;

(d) Each resident manager in charge of an office of the corporation in this state and each shareholder or director personally engaged within this state in the practice of public accounting shall be a certified public accountant holding a permit to practice under section 11 of this act;

(e) A written agreement shall bind the corporation or its shareholders to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder, and bind any holder not a qualified shareholder to sell the shares to the corporation or its qualified shareholders. The agreement shall be noted on each certificate of corporate stock. The corporation may purchase any amount of its stock for this purpose, notwithstanding any impairment of capital, as long as one share remains outstanding; and

(f) The corporation shall comply with any other rules pertaining to corporations practicing public accounting in this state as the board may prescribe.

(3) Application for registration of a partnership or corporation shall be made upon the affidavit of a general partner or shareholder who is a certified public accountant holding a permit to practice under section 11 of this act. The board shall determine in each case whether the applicant is eligible for registration. A partnership or corporation which is so registered and which holds a permit to practice under section 11 of this act may use the designation "certified public accountants" or "CPAs" in connection with its partnership or corporate name. The board shall be given notification within thirty days after the admission or withdrawal of a partner or shareholder

engaged in this state in the practice of public accounting from any partnership or corporation so registered.

(4) Fees for the registration of partnerships or corporations and for notification of the board of the admission or withdrawal of a partner or shareholder shall be determined by the board. Fees shall be paid by the applicant at the time the registration form or notice of admission or withdrawal of a partner or shareholder is filed with the board.

NEW SECTION. Sec. 10. (1) Each office established or maintained in this state for the practice of public accounting in this state by a certified public accountant, or a partnership or corporation of certified public accountants, shall register with the board under this chapter biennially.

Each office shall be under the direct supervision of a resident manager holding a permit to practice under section 11 of this act who may be either a principal shareholder, or a staff employee.

(2) The board shall by rule prescribe the procedure to be followed to register and maintain offices established in this state for the practice of public accounting.

(3) Fees for the registration of offices shall be determined by the board. Fees shall be paid by the applicant at the time the registration form is filed with the board.

NEW SECTION. Sec. 11. (1) Biennial permits to engage in the practice of public accounting in this state shall be issued by the board:

(a) To certified public accountants who have demonstrated, in accordance with rules issued by the board, one year of public accounting experience, or such other experience or employment which the board in its discretion regards as substantially equivalent;

(b) To partnerships and corporations registered under section 9 of this act, if all offices of the partnerships and corporations in this state are maintained and registered as required under section 10 of this act.

All permits to practice for persons born in an even-numbered year expire on the last day of June 1984 shall be for one year and may be renewed for a period of two years. All permits to practice for persons born in an odd-numbered year expire on the last day of June 1985 shall be for two years and may be renewed for a period of two years. Renewals of permits to practice issued to individuals under subsection (1) (a) or (b) of this section shall be issued in accordance with subsection (3) of this section. Applicants for issuance or renewal of permits shall, at the time of filing their applications, list with the board all states in which they hold or have applied for permits to practice.

(2) A certified public accountant who holds a permit issued by another state and applies for a permit in this state may practice accounting in this state from the date of filing a completed application with the board until the board has acted upon the application.

(3) As a prerequisite to renewal of a permit, a person practicing public accounting shall submit to the Washington state board of accountancy satisfactory proof of having completed ten days or an accumulation of eighty hours of continuing education recognized and approved by the board during the preceding two years. Failure to furnish this evidence as required constitutes grounds for revocation, suspension, or refusal to renew the permit in a proceeding under section 12 of this act, unless the board determines the failure to have been due to reasonable cause or excusable neglect.

The board, in its discretion, may renew a biennial permit to practice despite failure to furnish evidence of compliance with requirements of continuing education upon condition that the applicant follow a particular program of continuing education. In issuing rules and individual orders with respect to continuing education requirements, the board, among other considerations, may rely upon guidelines and pronouncements of recognized educational and professional associations, may prescribe course content, duration, and organization, and shall take into account the accessibility of continuing education to applicants and instances of individual hardship.

(4) Fees for biennial permits to engage in the practice of public accounting in this state shall be determined by the board under chapter 18.04 RCW. Fees shall be paid by the applicant at the time the registration form is filed with the board.

***NEW SECTION.** Sec. 12. After notice and hearing as provided in RCW 18.04.320, the board may revoke or suspend any certificate issued under section 7 of this act, or may revoke, suspend, or refuse to renew any permit to practice, or may censure the holder of a permit for one or a combination of the following causes:

(1) Fraud or deceit in obtaining a certificate as a certified public accountant, or in obtaining registration under this act, or in obtaining a permit to practice public accounting under section 11 of this act;

(2) Dishonesty, fraud, or gross negligence in the practice of public accounting;

(3) A violation of any provision of this act;

(4) A violation of a rule of professional conduct promulgated by the board under the authority granted by this act;

(5) Conviction of a crime or an act constituting a crime under:

(a) The laws of this state;

(b) The laws of another state, and which, if committed within this state, would have constituted a crime under the laws of this state; or

(c) Federal law;

(6) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant by any other state for any cause other than failure to pay a fee or to meet the requirements of continuing education in the other state;

(7) Suspension or revocation of the right to practice before any state or federal agency; or

(8) *Conduct disparaging to the public accounting profession.*

*Sec. 12 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 13. After notice and hearing under RCW 18.04.320, the board shall revoke the registration issued to a partnership or corporation under section 9 of this act and permit to practice issued to a partnership or corporation under section 11 of this act if at any time the partnership or corporation does not have all the qualifications prescribed under this chapter for registration. After notice and hearing as provided in RCW 18.04.320, the board may revoke or suspend the registration of a partnership or corporation, may revoke, suspend, or refuse to renew its permit to practice for any of the causes enumerated in section 12 of this act or for any of the following additional causes:

(1) The revocation or suspension of the certificate as a certified public accountant or the revocation or suspension or refusal to renew the permit of any partner or shareholder; or

(2) The cancellation, revocation, suspension, or refusal to renew the authority of the partnership or corporation, or any partner or shareholder thereof, to practice public accounting in any other state for any cause other than failure to pay a fee or to meet the requirements of continuing education in the other state.

*Sec. 14. Section 31, chapter 226, Laws of 1949 and RCW 18.04.320 are each amended to read as follows:

(1) Proceedings for the revocation or suspension of the certificate (~~(license)~~), permit, or registration of any person (~~(or)~~), partnership, or corporation may be initiated by the board on its own motion (~~(or by the filing with the board of a statement of charges sworn to by the person making the charges)~~), on the complaint of any person, or on receiving notification from another state board of accountancy of its decision to:

(a) Revoke or suspend practice privileges granted in that state to a holder of a certified public accountant certificate or a public accountant registrant of that state; or

(b) Revoke, suspend, refuse to renew, or censure the holder of a permit to practice in that state who holds a permit to practice under section 11 of this 1983 act;

(2) Unless the charge or charges (~~(be)~~) are dismissed by the board as unfounded or trivial, the board shall set a date for hearing not later than ninety days after (~~(the proceedings are initiated)~~) formal charges are filed. A copy of the charge or charges, together with a notice of the time and place of hearing before the board shall be served not less than thirty days prior to the date set for hearing on the accused either personally or by mailing a copy thereof by registered mail to the address of the accused last

known to the board (~~((not less than thirty days prior to the date set for the hearing))~~);

(3) If after having been so served with a notice of hearing, the accused fails to appear at ~~((said))~~ the hearing, the board may proceed to hear evidence against him and may enter such order as may be justified by the evidence, which ~~((order))~~ shall be final unless the accused petitions for a review thereof(~~(:PROVIDED, HOWEVER, That))~~. Within thirty days from the date of any such order upon a showing of good cause for failing to appear, the board may reopen ((said)) the proceedings and may permit the accused to submit evidence in his or her behalf;

(4) At any hearing the accused may appear in person and by counsel, may produce evidence and witnesses on his or her own behalf, and may cross-examine such witnesses as may appear against him. A partnership may be represented before the board by counsel or by a partner. A corporation may be represented before the board by counsel or by a shareholder. The accused shall be entitled on application to the board to the issuance of subpoenas to compel the attendance of witnesses and the production of evidence on his or her behalf;

(5) The board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proofs, and receive exhibits in evidence in connection with or upon hearing under this chapter. ~~((In case of disobedience))~~ To compel obedience to a subpoena the board may invoke the aid of any court of this state in requiring the attendance and testimony of witnesses and the production of documentary evidence;

(6) The board shall not be bound by technical rules of evidence;

(7) ~~((The director of licensing shall revoke or suspend any certificate, license, or registration issued or permitted under this chapter, upon the order of the board, adopted by a majority of the whole board after proceedings under this section; and))~~ A stenographic record of the hearings shall be kept and a transcript thereof filed with the board;

(8) At all hearings, the attorney general of this state or other legal counsel as may be employed shall appear and represent the board;

(9) The decision of the board shall be by majority vote;

(10) Any person adversely affected by any action of the board may obtain a review thereof by filing a written petition for review in the superior court of the county in which he resides within thirty days after the entry of such order. A copy of the petition shall be served upon any member of the board and thereupon the board shall certify and file in the court a transcript of the record upon which the order complained of was entered. The court will hear the matter de novo, and may sustain, modify, or set aside the board's order in whole or in part, or may remand the matter to the board for further action, and may, in its discretion, stay the effect of the board's

order pending its determination of the case. The court's decision ((~~shall have~~)) has the force and effect of a decree in equity((-)); and

(1) On rendering a decision to: (a) Revoke or suspend a certificate issued under section 7 of this 1983 act; (b) revoke or suspend a registration issued under section 9 of this 1983 act; or (c) revoke, suspend, refuse to renew, or censure the holder of a permit to practice under section 11 of this 1983 act, the board shall examine its records to determine whether the accused holds a certificate, a registration, or a permit or annual limited permit to practice in any other state. If the board determines that the accused holds a certificate, or a registration in any other state, the board shall notify the board of accountancy of the other state of its decision by mail within thirty days of rendering the decision.

*Sec. 14 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 15. Upon application in writing and after hearing pursuant to notice, the board may:

(1) Reissue a certificate to a certified public accountant whose certificate has been revoked or suspended; or

(2) Modify the suspension of or reissue any permit to practice which has been revoked, suspended, or which the board has refused to renew.

NEW SECTION. Sec. 16. (1) No person may hold himself or herself out to the public, or assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant or CPA unless the person has received a certificate as a certified public accountant, holds a valid permit to practice under section 11 of this act, and all of the person's offices in this state for the practice of public accounting are maintained and registered under section 10 of this act.

(2) No partnership or corporation may hold itself out to the public, or assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the partnership or corporation is composed of certified public accountants or CPAs, unless the partnership or corporation is registered as a partnership or corporation of certified public accountants under section 9 of this act, holds a valid permit to practice under section 11 of this act, and all offices of the partnership or corporation in this state for the practice of public accounting are maintained and registered under section 10 of this act.

(3) No person, partnership, or corporation may hold himself, herself, or itself out to the public, or assume or use along, or in connection with his, hers, or its name, or any other name the title or designation "certified accountant," "chartered accountant," "enrolled accountant," "licensed accountant," "registered accountant," "accredited accountant," "public accountant," or any other title or designation likely to be confused with

"certified public accountant" or any of the abbreviations "CA," "EA," "RA," "LA," "AA," or "PA," or similar abbreviations likely to be confused with "CPA." However, nothing in this chapter prohibits use of the title "accountant" by any person regardless of whether the person has been granted a certificate or holds a permit under this chapter.

(4) No person may sign, affix, or associate his or her name or any trade or assumed name used by the person in his or her business to any report designated as an "audit," "review," or "compilation," unless the person holds a biennial permit to practice under section 11 of this act and all of the person's offices in this state for the practice of public accounting are maintained and registered under section 10 of this act.

(5) No person may sign, affix, or associate a partnership or corporate name to any report designated as an "audit," "review," or "compilation," unless the partnership or corporation is registered under section 9 of this act, holds a permit to practice under section 11 of this act, and all of its offices in this state for the practice of public accounting are maintained and registered under section 10 of this act.

(6) No person, partnership, or corporation not holding a permit to practice under section 11 of this act may hold himself, herself, or itself out to the public as an "auditor" with or without any other description or designation by use of such word on any sign, card, letterhead, or in any advertisement or directory.

(7) Nothing contained in this chapter prohibits any person who is the holder of a valid certified public accountant certificate from assuming or using the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, sign, card, or device tending to indicate that the person is a certified public accountant.

(8) No person may assume or use the designation "certified public accountant" or "CPA" in conjunction with names indicating or implying that there is a partnership or corporation, or in conjunction with the designation "and Company" or "and Co." or a similar designation, if there is in fact no bona fide partnership or corporation registered under section 9 of this act.

(9) No person, partnership, or corporation holding a permit under section 11 of this act may hold himself, herself, or itself out to the public in conjunction with the designation "and Associates" or "and Assoc." unless he or she has in fact a partner or employee who holds a permit under section 11 of this act.

(10) No person, partnership, or corporation may hold himself, herself, or itself out to the public for the practice of public accounting unless the person, partnership, or corporation holds a permit to practice under section 11 of this act and all of his or its offices in this state are maintained and registered under section 10 of this act.

Sec. 17. Section 34, chapter 226, Laws of 1949 as amended by section 7, chapter 114, Laws of 1969 and RCW 18.04.350 are each amended to read as follows:

(1) Nothing in this chapter prohibits any person not a certified public accountant from serving as an employee of, or as assistant to, a certified public accountant or partnership composed of certified public accountants or corporation of certified public accountants holding a valid permit under section 11 of this 1983 act. However, the employee or assistant shall not issue any accounting or financial statement over his or her name.

(2) Nothing in this chapter prohibits a certified public accountant registered in another state, or any accountant of a foreign country holding a certificate, degree or license which permits him to practice therein from temporarily practicing in this state on professional business incident to his regular practice.

(Nothing in this chapter shall prohibit a candidate for a certificate as a certified public accountant, who has passed the entire examination given by the examining committee as provided in RCW 18.04.120 as now or hereafter amended, from engaging in practice as a public accountant for the period of time necessary to acquire the experience required before such a certificate may be issued, provided such person holds a valid permit to practice issued under RCW 18.04.290 as now or hereafter amended.

Nothing contained in this chapter shall prohibit any corporation which at the effective date of this chapter has been legally organized in the state of Washington or authorized to do business therein or has engaged in the practice of public bookkeeping and accounting for a period of at least three years prior to such effective date of chapter 18.04 RCW as originally constituted in 1949, from continuing such practice under its corporate form and arrangement.

Corporations continuing to practice under this authority shall register annually as provided in RCW 18.04.290 as now or hereafter amended:)) (3) Nothing in this chapter prohibits a certified public accountant, a partnership, or corporation of certified public accountants, or any of their employees from disclosing any data in confidence to other certified public accountants, peer review teams, partnerships, or corporations of public accountants engaged in conducting peer reviews, or any one of their employees in connection with peer reviews of that accountant's accounting and auditing practice conducted under the auspices of recognized professional associations.

(4) Nothing in this chapter prohibits a certified public accountant, a partnership, or corporation of certified public accountants, or any of their employees from disclosing any data in confidence to any employee, representative, officer, or committee member of a recognized professional association, or to the board of accountancy, or any of its employees or committees in connection with a professional ethics investigation held under the auspices of recognized professional associations or the board of accountancy.

(5) Nothing in this chapter prohibits any officer, employee, partner, or principal of any organization:

(a) From affixing his or her signature to any statement or report in reference to the affairs of the organization with any wording designating the position, title, or office which he or she holds in the organization; or

(b) From describing himself or herself by the position, title, or office he or she holds in such organization.

(6) Nothing in this chapter prohibits any person, or partnership or corporation composed of persons not holding a permit under section 11 of this 1983 act from offering or rendering to the public bookkeeping, accounting, and tax services, including devising and installing systems, financial information or data, or preparing financial statements, written statements describing how such financial statements were prepared, or similar services, provided that persons, partnerships, or corporations not holding a permit under section 11 of this 1983 act who offer or render these services do not designate any written statement as an "audit report," "review report," or "compilation report," do not issue any written statement which purports to express or disclaim an opinion on financial statements which have been audited, and do not issue any written statement which expresses assurance on financial statements which have been reviewed.

(7) Nothing in this chapter prohibits any act of or the use of any words by a public official or a public employee in the performance of his or her duties.

Sec. 18. Section 35, chapter 226, Laws of 1949 and RCW 18.04.360 are each amended to read as follows:

((Whenever)) If, in the judgment of the board any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of ((RCW 18.04.340)) this chapter, the board may make application to the appropriate court for an order enjoining such acts or practices and upon a showing by the board that such person has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate may be granted by such court.

Sec. 19. Section 36, chapter 226, Laws of 1949 and RCW 18.04.370 are each amended to read as follows:

Any person who violates any provision of ((RCW 18.04.340)) this chapter, shall be guilty of a misdemeanor, and upon conviction thereof, shall

be subject to a fine of not more than ~~((five hundred))~~ one thousand dollars, or to imprisonment for not more than six months, or to both such fine and imprisonment. Whenever the board has reason to believe that any person is violating the provisions of this chapter it shall certify the facts to the prosecuting attorney of the county in which such person resides or may be apprehended and the prosecuting attorney shall cause appropriate proceedings to be brought against such person. Nothing herein contained shall be held to in any way affect the power of the courts to grant injunctive or other relief as above provided.

Sec. 20. Section 37, chapter 226, Laws of 1949 and RCW 18.04.380 are each amended to read as follows:

The display or ~~((uttering))~~ presentation by a person of a card, sign, advertisement, or other printed, engraved or written instrument or device, bearing a person's name in conjunction with the words "certified public accountant" or any abbreviation thereof, or "licensed public accountant" or any abbreviation thereof, or "public accountant" or any abbreviation thereof, shall be prima facie evidence in any action brought under ~~((RCW 18.04.360 and 18.04.370))~~ this chapter that the person whose name is so displayed, caused or procured the display or ~~((uttering))~~ presentation of ~~((such))~~ the card, sign, advertisement, or other printed, engraved, or written instrument or device, and that ~~((such))~~ the person is holding himself or herself out to be a certified public accountant ~~((or a licensed public accountant))~~ or a public accountant holding a permit to practice under ~~((RCW 18.04.290))~~ this chapter. In any such action, evidence of the commission of a single act prohibited by this chapter ~~((shall be))~~ is sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

Sec. 21. Section 38, chapter 226, Laws of 1949 and RCW 18.04.390 are each amended to read as follows:

(1) In the absence of an express agreement between the certified public accountant ~~((, licensed public accountant or public accountant))~~ and the client to the contrary, all statements, records, schedules, working papers, and memoranda made by a certified public accountant ~~((, licensed public accountant or public accountant))~~ incident to or in the course of professional service to clients, except reports submitted by a certified public accountant ~~((, licensed public accountant or public accountant))~~ to a client, ~~((shall be and remain))~~ are the property of ~~((such))~~ the certified public accountant ~~((, licensed public accountant or public accountant))~~.

(2) No statement, record, schedule, working paper, or memorandum may be sold, transferred, or bequeathed without the consent of the client or his or her personal representative or assignee, to anyone other than one or more surviving partners, shareholders, or new partners or new shareholders of the accountant or corporation, or any combined or merged partnership or corporation, or successor in interest to the partnership or corporation.

Sec. 22. Section 7, chapter 226, Laws of 1949 as amended by section 25, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.04.080 are each amended to read as follows:

Each member of the board shall be paid (~~(twenty-five)~~) forty-four dollars for each day or portion thereof spent in the discharge of his official duties and shall be reimbursed for 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.

NEW SECTION. Sec. 23. (1) A certified public accountant, a partnership or corporation of certified public accountants, or any of their employees shall not disclose any confidential information obtained in the course of a professional transaction except with the consent of the client or former client or as disclosure may be required by law, legal process, the standards of the profession, or as disclosure of confidential information is permitted by RCW 18.04.350 (2) and (3) in connection with peer reviews and ethics investigations.

(2) This section shall not be construed as limiting the authority of this state or of the United States or an agency of this state or of the United States to subpoena and use such information in connection with any investigation, public hearing, or other proceeding, nor shall this section be construed as prohibiting a certified public accountant whose professional competence has been challenged in a court of law or before an administrative agency from disclosing confidential information as a part of a defense to the court action or administrative proceeding.

NEW SECTION. Sec. 24. The board shall set its fees at a level adequate to pay the costs of administering this chapter.

NEW SECTION. Sec. 25. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the board of accountancy existing immediately prior to the effective date of this act shall be delivered to the custody of the board of accountancy created by this act. All cabinets, furniture, office equipment, motor vehicles, and other tangible property used by the board of accountancy of the state of Washington shall be made available to the Washington board of accountancy. All funds, credits, or other assets held by the board of accountancy of the state of Washington shall be assigned to the Washington board of accountancy.

Any appropriations made to the board of accountancy of the state of Washington shall, on the effective date of this act, be transferred and credited to the Washington board of accountancy.

Whenever any question arises as to the transfer of any personnel, 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, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 26. All employees of the board of accountancy of the state of Washington are transferred to the jurisdiction of the Washington board of accountancy. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington board of accountancy 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 state civil service.

NEW SECTION. Sec. 27. The transfer of the powers, duties, functions, and personnel of the board of accountancy of the state of Washington shall not affect the validity of any act performed by an employee prior to the effective date of this act.

NEW SECTION. Sec. 28. All rules and all pending business before the board of accountancy of the state of Washington shall be continued and acted upon by the Washington board of accountancy. All existing contracts and obligations shall remain in full force and effect and shall be performed by the Washington board of accountancy.

NEW SECTION. Sec. 29. If apportionments of budgeted funds are required because of the transfers directed by sections 25 through 27 of this act, the director of financial management shall certify the 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 the certification.

NEW SECTION. Sec. 30. There is added to chapter 43.131 RCW a new section to read as follows:

(1) The board of accountancy and its powers and duties shall be terminated on June 30, 1986, as provided in section 31 of this act.

(2) The program and fiscal review conducted under RCW 43.131.247, which is repealed in section 32 of this act, shall continue with respect to the board of accountancy created in sections 4, 5, and 6 of this act.

NEW SECTION. Sec. 31. The following acts or parts of acts as now or hereafter amended are each repealed effective June 30, 1987:

(1) Section 4, chapter ..., Laws of 1983 and RCW ... (section 4 of this act);

(2) Section 5, chapter ..., Laws of 1983 and RCW ... (section 5 of this act); and

(3) Section 6, chapter ..., Laws of 1983 and RCW ... (section 6 of this act).

NEW SECTION. Sec. 32. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 226, Laws of 1949 and RCW 18.04.020;
- (2) Section 2, chapter 226, Laws of 1949 and RCW 18.04.030;
- (3) Section 3, chapter 226, Laws of 1949 and RCW 18.04.040;
- (4) Section 4, chapter 226, Laws of 1949 and RCW 18.04.050;
- (5) Section 5, chapter 226, Laws of 1949 and RCW 18.04.060;
- (6) Section 6, chapter 226, Laws of 1949, section 1, chapter 294, Laws of 1961 and RCW 18.04.070;
- (7) Section 8, chapter 226, Laws of 1949 and RCW 18.04.090;
- (8) Section 9, chapter 226, Laws of 1949, section 8, chapter 75, Laws of 1977 and RCW 18.04.100;
- (9) Section 11, chapter 226, Laws of 1949, section 1, chapter 114, Laws of 1969, section 17, chapter 292, Laws of 1971 ex. sess., section 7, chapter 158, Laws of 1979 and RCW 18.04.120;
- (10) Section 12, chapter 226, Laws of 1949 and RCW 18.04.130;
- (11) Section 15, chapter 226, Laws of 1949, section 2, chapter 114, Laws of 1969, section 1, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.160;
- (12) Section 16, chapter 226, Laws of 1949 and RCW 18.04.170;
- (13) Section 18, chapter 226, Laws of 1949 and RCW 18.04.190;
- (14) Section 19, chapter 226, Laws of 1949, section 3, chapter 114, Laws of 1969, section 2, chapter 229, Laws of 1975 1st ex. sess., section 8, chapter 158, Laws of 1979 and RCW 18.04.200;
- (15) Section 21, chapter 226, Laws of 1949, section 4, chapter 114, Laws of 1969, section 3, chapter 229, Laws of 1975 1st ex. sess., section 9, chapter 158, Laws of 1979 and RCW 18.04.220;
- (16) Section 23, chapter 226, Laws of 1949 and RCW 18.04.240;
- (17) Section 24, chapter 226, Laws of 1949 and RCW 18.04.250;
- (18) Section 25, chapter 226, Laws of 1949 and RCW 18.04.260;
- (19) Section 26, chapter 226, Laws of 1949 and RCW 18.04.270;
- (20) Section 27, chapter 226, Laws of 1949, section 5, chapter 114, Laws of 1969, section 4, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.280;
- (21) Section 28, chapter 226, Laws of 1949, section 6, chapter 114, Laws of 1969, section 1, chapter 23, Laws of 1973 1st ex. sess., section 5, chapter 229, Laws of 1975 1st ex. sess., section 10, chapter 158, Laws of 1979 and RCW 18.04.290;
- (22) Section 29, chapter 226, Laws of 1949, section 2, chapter 294, Laws of 1961, section 2, chapter 23, Laws of 1973 1st ex. sess. and RCW 18.04.300;
- (23) Section 30, chapter 226, Laws of 1949 and RCW 18.04.310;
- (24) Section 32, chapter 226, Laws of 1949 and RCW 18.04.330;
- (25) Section 33, chapter 226, Laws of 1949 and RCW 18.04.340;

- (26) Section 39, chapter 226, Laws of 1949 and RCW 18.04.400;
- (27) Section 40, chapter 226, Laws of 1949 and RCW 18.04.900;
- (28) Section 2, chapter 223, Laws of 1982 and RCW 43.131.247; and
- (29) Section 6, chapter 223, Laws of 1982 and RCW 43.131.248.

NEW SECTION. Sec. 33. Sections 2 through 13, 15, 16, and 23 through 29 of this act are each added to chapter 18.04 RCW.

NEW SECTION. Sec. 34. 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. 35. 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, 1983.

Passed the House April 19, 1983.

Passed the Senate April 14, 1983.

Approved by the Governor May 17, 1983, with the exception of section 12(8), new language in section 14(7), and section 14(8), which are vetoed.

Filed in Office of Secretary of State May 17, 1983.

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

"I am returning herewith, without my approval as to section 12(8), new language in section 14(7), and section 14(8), Substitute House Bill No. 646, entitled: "AN ACT Relating to public accounting."

Section 12(8) would allow disciplinary action against Certified Public Accountants for "conduct disparaging to the public accounting profession." This standard is too vague to set in motion disciplinary action.

The new language added to section 14(7) would require a stenographic record of Board hearings and transcripts filed with the Board. This requirement exceeds the normal requirements contained in the Administrative Procedures Act.

Section 14(8) would allow the Board of Accountancy to employ outside counsel to represent it at appeals hearings. This would be contrary to the established policy that the Attorney General represent state agencies.

With the exceptions of these sections, Substitute House Bill No. 646 is approved."

CHAPTER 235

[Senate Bill No. 4204]

HEALTH PLANNING—CERTIFICATE OF NEED PROGRAM—REVISIONS— STATE BOARD OF HEALTH TERMINATION POSTPONED

AN ACT Relating to the state board of health; amending section 1, chapter 161, Laws of 1979 ex. sess. as amended by section 1, chapter 139, Laws of 1980 and RCW 70.38.015; amending section 2, chapter 161, Laws of 1979 ex. sess. as last amended by section 1, chapter 119, Laws of 1982 and RCW 70.38.025; amending section 3, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.035; amending section 4, chapter 161, Laws of 1979 ex.

sess. as amended by section 3, chapter 139, Laws of 1980 and RCW 70.38.045; amending section 6, chapter 161, Laws of 1979 ex. sess. as amended by section 5, chapter 139, Laws of 1980 and RCW 70.38.065; amending section 8, chapter 161, Laws of 1979 ex. sess. as amended by section 6, chapter 139, Laws of 1980 and RCW 70.38.085; amending section 10, chapter 161, Laws of 1979 ex. sess. as last amended by section 2, chapter 119, Laws of 1982 and RCW 70.38.105; amending section 11, chapter 161, Laws of 1979 ex. sess. as amended by section 8, chapter 139, Laws of 1980 and RCW 70.38.115; amending section 12, chapter 161, Laws of 1979 ex. sess. as amended by section 10, chapter 139, Laws of 1980 and RCW 70.38.125; amending section 13, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.135; amending section 16, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.905; amending section 17, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.910; amending section 33, chapter 99, Laws of 1979 and RCW 43.131.213; amending section 75, chapter 99, Laws of 1979 and RCW 43.131.214; adding a new section to chapter 70.38 RCW; creating a new section; and declaring an emergency.

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

Sec. 1. Section 1, chapter 161, Laws of 1979 ex. sess. as amended by section 1, chapter 139, Laws of 1980 and RCW 70.38.015 are each amended to read as follows:

~~((In consideration of the findings made and national health priorities declared by the congress in the National Health Planning and Resources Development Act of 1974, Public Law 93-641;))~~ It is declared to be the public policy of this state:

~~(1) That health planning ((for promoting, maintaining, and assuring a high level of))~~ to promote, maintain, and assure the health ((for)) of all citizens ((of)) in the state, ((and for the provision of)) to provide accessible health services, health manpower, health facilities, and other resources while controlling excessive increases in costs, and to recognize prevention as a high priority in health programs, is essential to the health, safety, and welfare of the people of the state. ~~((Such planning is necessary))~~ Health planning should be fostered on both a state-wide and regional basis and must maintain responsiveness to changing health and social needs and conditions. ~~((The marshaling of all health resources to assure the quality and availability of health services to every person must be the goal of such planning, which must likewise assure optimum efficiency, effectiveness, equity, coordination, and economy in development and implementation to reach that goal.))~~ Involvement in health planning from both consumers and providers throughout the state should be encouraged. Regional health planning under ~~((the provisions of))~~ this chapter and in a manner consistent with RCW 36.70.015 is declared to be a proper public purpose for the expenditure of funds of counties or other public entities interested in local and regional health planning;

~~(2) ((That the development and offering of new institutional health services should be accomplished in a manner which is orderly, timely, economical, and consistent with the effective development of necessary and adequate means of providing quality health care for persons to be served by such facilities without unnecessary duplication or fragmentation of such facilities;~~

~~(3))~~) That the development of health services and resources, including the construction, modernization, and conversion of health facilities, should be accomplished in a planned, orderly fashion, consistent with identified priorities and without unnecessary duplication or fragmentation;

~~((4))~~) (3) That the development and maintenance of adequate health care information ~~((and)),~~ statistics and projections of need for health facilities and services is essential to effective health planning and resources development ~~((be accomplished));~~

~~((5))~~) (4) That the ~~((strengthening of competitive forces in the health services industry, wherever competition and consumer choice can constructively serve to advance the purposes of quality assurance, cost-effectiveness, and access, should be implemented;~~

~~This chapter has been updated to reflect amendments to the National Health Planning and Resources Development Act of 1974, Public Law 93-641, by the Health Planning and Resources Development Amendments of 1979, Public Law 96-79))~~ development of nonregulatory approaches to health care cost containment should be considered, including the strengthening of price competition;

(5) That health planning should be concerned with financing, access, and quality, recognizing the close interrelationship of the three and emphasizing cost control of health services, including cost-effectiveness and cost-benefit analysis;

(6) That this chapter should be construed to effectuate this policy and to be consistent with requirements of the federal health planning and resources development laws.

*Sec. 2. Section 2, chapter 161, Laws of 1979 ex. sess. as last amended by section 1, chapter 119, Laws of 1982 and RCW 70.38.025 are each amended to read as follows:

When used in this chapter, the terms defined in this section shall have the meanings indicated.

~~(1) ("Annual implementation plan" means a description of objectives which will achieve goals of the health systems plan and specific priorities among the objectives. The annual implementation plan is for a one-year period and must be reviewed and amended as necessary on an annual basis.~~

~~(2))~~) "Board of health" means the state board of health created pursuant to chapter 43.20 RCW.

~~((3))~~) (2) "Capital expenditure" is an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a facility as its own contractor) which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required review if the acquisition had been made by purchase, such expenditure shall be deemed a capital expenditure. Capital expenditures include donations of

equipment or facilities to a health care facility which if acquired directly by such facility would be subject to certificate of need review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which such expenditure is made shall be included in determining the amount of the expenditure.

~~((4))~~ (3) "Council" means the state health coordinating council created in RCW 70.38.055 and described in Public Law 93-641.

~~((5))~~ (4) "Department" means the state department of social and health services.

~~((6))~~ (5) "Expenditure minimum" means, for the purposes of the certificate of need program, ~~((six hundred thousand))~~ one million dollars ~~((for the twelve-month period beginning with October 1979, and for each twelve-month period thereafter the figure in effect for the preceding twelve-month period, adjusted to reflect the change in the preceding twelve-month period in an index established by rules and regulations by the department of social and health services for the purpose of making such adjustment))~~ adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule.

~~((7))~~ (6) "Federal law" means Public Law 93-641, as amended, or its successor.

(7) "Health care facility" means hospices, hospitals, psychiatric hospitals, tuberculosis hospitals, alcoholism hospitals, nursing homes, kidney disease treatment centers, ambulatory surgical facilities, rehabilitation facilities, and home health agencies, and includes such facilities when owned and operated by the state or by a political subdivision or instrumentality of the state and such other facilities as required by ~~((Public Law 93-641))~~ federal law and implementing regulations, but does not include Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts. In addition, the term does not include any nonprofit hospital: (a) Which is operated exclusively to provide health care services for children; (b) which does not charge fees for such services; (c) whose rate reviews are waived by the state hospital commission; and (d) if not contrary to federal law as necessary to the receipt of federal funds by the state.

(8) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

(a) Is a qualified health maintenance organization under Title XIII, section 1310(d) of the Public Health Services Act; or

(b) (i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency, and preventive services, and out-of-area coverage; (ii) is compensated (except for copayments) for the provision of the basic health care services listed in (b)(i) to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and (iii) provides physicians' services primarily (A) directly through physicians who are either employees or partners of such organization, or (B) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(9) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services and as defined in ((Public Law 93-641) federal law.

~~((10) "Health systems agency" means a public regional planning body or a private nonprofit corporation which is organized and operated in a manner that is consistent with the laws of the state of Washington and Public Law 93-641 and which is capable of performing each of the functions described in RCW 70.38.085 and is capable as determined by the secretary of the United States department of health and human services, upon recommendation of the governor or of the council, of performing each of the functions described in the federal law:~~

~~((11) "Health systems plan" means a detailed statement of goals and resources required to reach those goals as described in Public Law 93-641. Goals describe a healthful environment and health systems in the health service area which, when developed, will assure that quality health services will be available and accessible in a manner which assures continuity of care, at reasonable cost, for all residents of the area; are responsive to the unique needs and resources of the health service area; take into account national guidelines for health planning policy and are responsive to state-wide health needs as determined by the department. The health systems plan also describes institutional health services and such other services as described in Public Law 96-79 as needed to provide for the well-being of persons receiving care within the health service area. The health system plan shall describe the number and type of resources including facilities, personnel, medical equipment, and other resources required to meet the goals in the health system plan and shall state the extent to which existing health care facilities are in need of modernization or conversion and the extent to which new facilities need to be constructed or acquired. The health system plan shall be developed in accordance with a format established by the council and shall be reviewed and amended as necessary but at least triennially:~~

~~((12))~~ (10) "Health service area" means a geographic region appropriate for effective health planning which includes a broad range of health services and a population of at least four hundred fifty thousand persons.

~~(11) "Institutional health services" means health services provided in or through health care facilities and entailing annual operating costs of at least ((two)) five hundred ((fifty)) thousand dollars ((for the twelve-month period beginning with October 1979, and for each twelve-month period thereafter the figure in effect for the preceding twelve-month period, adjusted to reflect the change in the preceding twelve-month period in an index established by rules and regulations by the department of social and health services:~~

~~(13) "Long-range health facility plan" means a document prepared by each hospital which contains a description of its plans for substantial changes in its facilities and services for three years)) adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule: **PROVIDED, That no new health care facility may be initiated as an institutional health service.**~~

~~((14))~~ (12) "Major medical equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of ((four hundred thousand)) one million dollars, adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule; except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of section 1861(s) of such act;

~~((15))~~ (13) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

~~((16))~~ (14) "Provider" generally means a health care professional or an organization, institution, or other entity providing health care but the precise definition for this term shall be ((in accord with Public Law 93-64)) established by rule of the department, consistent with federal law.

~~((17) "Public Law 93-641", for the purposes of this chapter, refers to Titles XV and XVI of the Public Health Service Act as amended by the Health Planning and Resources Development Amendments of 1979 (Public Law 96-79):~~

~~(18))~~ (15) "Public health" means the level of well-being of the general population; those actions in a community necessary to preserve, protect, and

promote the health of the people for which government is responsible; and the governmental system developed to guarantee the preservation of the health of the people.

(16) "Regional health council" means a public regional planning body or a private nonprofit corporation which is organized and operated in a manner that is consistent with the laws of the state and which is capable of performing each of the functions described in RCW 70.38.085. A regional health council shall have a governing body for health planning which is composed of a majority (but not more than sixty percent of the members) of persons who are residents of the health service area served by the entity; who are consumers of health care; who are broadly representative of the social, economic, linguistic, and racial populations, and geographic areas of the health service area, and major purchasers of health care; and who are not, nor within the twelve months preceding appointment have been, providers of health care. The remainder of the members shall be residents of the health service area served by the agency who are providers of health care.

(17) "Regional health plan" means a document which provides at least a statement of health goals and priorities for the health service area. In addition, it sets forth the number, type, and distribution of health facilities, services, and manpower needed within the health service area to meet the goals of the plan.

(18) "State health plan" means a document(~~(, described in Public Law 96-79;)~~) developed (~~(by the department and the council)~~) in accordance with RCW 70.38.065.

*Sec. 2 was partially vetoed, see message at end of chapter.

Sec. 3. Section 3, chapter 161, Laws of 1979 ex. sess. and RCW 70.38-.035 are each amended to read as follows:

The department is designated(~~(;) as the sole and official agency of the state to administer and supervise the administration of the state responsibilities pursuant to The National Health Planning and Resources Development Act of 1974, Public Law 93-641, and rules and regulations promulgated thereunder)~~). The department is designated as the agency of this state to accept, receive, retain, and administer federal funds made (~~(pursuant to the provisions of Public Law 93-641)~~) available for health planning and the certificate of need program. Nothing in this chapter shall be construed to affect the authority of the state hospital commission pursuant to chapter 70.39 RCW.

Sec. 4. Section 4, chapter 161, Laws of 1979 ex. sess. as amended by section 3, chapter 139, Laws of 1980 and RCW 70.38.045 are each amended to read as follows:

The department is authorized and empowered to:

(1) Exercise such duties and powers as are prescribed for state health planning and development agencies in (~~(Public Law 93-641, including but~~

~~not limited to the following: (1) conduct health planning activities;))~~ federal law, consistent with the policy of this chapter;

(2) Assist the state health coordinating council in determining state-wide needs and conducting health planning activities, review the state health plan as developed by the council and submit the plans and recommendations as to approval or modification to the governor, and implement the state health plan ((and the plans of the health systems agencies within the state which relate to the government of the state, and determine state-wide health needs)) as approved by the governor. In implementing the state health plan, the department shall be assisted by such other agencies of state government as the governor may designate;

~~((2) Prepare and review at least triennially and revise as necessary a preliminary state health plan;))~~

(3) ((Assist the council in)) Consider recommendations from the council and assign, subject to the continuing approval of the council, an executive director, who shall be exempt from chapter 41.06 RCW, and provide such additional dedicated staffing assistance as necessary for the performance of its functions ((generally. In implementing the state health plan, the department shall be assisted by such other agencies of state government as the governor may designate)) to work under the direction and supervision of the director;

(4) Serve as the designated planning agency of the state for the purposes of section 1122 of the Social Security Act, if the department maintains an agreement with the secretary, United States department of health and human services pursuant to section 1122 of Public Law 92-603, and administer a state certificate of need program as provided in RCW 70.38.105, 70.38.115, and 70.38.125;

(5) After consideration of recommendations, if any, submitted by the ~~((health systems agencies))~~ designated regional health councils respecting proposed undertakings which are subject to certificate of need review under the provisions of this chapter, making findings as to the need for such undertakings;

(6) ~~((Review on a periodic basis, not less than every five years, at least those institutional and home health services being offered in the state with respect to which priority goals have been established in the state health plan and, after consideration of recommendations submitted by health systems agencies respecting the appropriateness of such services, make public its findings;~~

~~((7))~~ Coordinate and consult in the conduct of its authorized activities with the Washington state hospital commission, the council, ((the designated state mental health authority)) designated regional health councils, and ((such)) other state agencies designated by the governor;

~~((8) Prepare an inventory of the nonfederal health care facilities located in the state and evaluate on an ongoing basis the physical condition of such facilities;~~

~~(9) Determine the state-wide health needs of the state after providing reasonable opportunity for the submission of written recommendations from the health systems agencies and such agencies as shall be designated by the governor and after consulting with the council.))~~

(7) Consider the recommendations of the council, designated regional health councils, and the state health plan in development of its biennial budget; and

(8) Approve and deny applications for certificates of need.

*Sec. 5. Section 6, chapter 161, Laws of 1979 ex. sess. as amended by section 5, chapter 139, Laws of 1980 and RCW 70.38.065 are each amended to read as follows:

The ((council)) board is authorized and empowered to:

(1) Exercise such duties and powers as are required for state-wide health coordinating councils in ((P 93-641, including but not limited to the following: (1))) federal law.

(2) Establish, in consultation with the ((health systems agencies and the department,)) designated regional health councils, requirements for a uniform format ((for health systems plans, review and coordinate)) and content for materials to be submitted by regional health councils to assist in development of the state health plan, and develop at least ((triennially)) biennially the state health ((systems)) plan.((and review at least annually the annual implementation plan of each health systems agency and report to the secretary of health and human services its comments;

~~(2) Prepare, review at least triennially, and revise as necessary a state health plan which shall be made up of the health systems plans of the health systems agencies and which plan may, as found necessary by the state health coordinating council, contain revisions of such health systems plans to achieve their appropriate coordination or to deal more effectively with state-wide health needs as determined by the department. The plan shall also describe the institutional health services needed to provide for the well-being of persons receiving care within the state, the number and type of resources required to meet the goals of the plan, and the extent to which existing health care facilities are in need of modernization, conversion, or closure and the extent to which new facilities need to be constructed or acquired. The state health plan, approved by the council, shall be the state health plan for the state for purposes of Public Law 93-641 after its approval by the governor;~~

~~(3) Review annually the budget of each health systems agency and report to the secretary of the United States department of health and human services its comment. on such budget;~~

~~(4) Review applications submitted by the health systems agencies for planning and development grants, and report to the secretary of the United States department of health and human services its comments;~~

~~(5) Advise the department generally on the performance of its functions;~~

~~**(6))The state health plan shall provide a statement of state health policies, goals, and priorities. In addition, it shall set forth the number, type, and distribution of health care facilities and services needed within the state. In developing the state health plan the board shall consult with the designated regional health councils and shall consider regional health plans.**~~

~~(3) Submit the ((approved state)) council-adopted health plan to the secretary for review and comment and submission to the governor for adoption as the state health plan for the state. The governor may disapprove or modify the ((state health)) plan ((only if the governor determines the plan does not effectively meet the state-wide health needs that have been identified by the department)). The governor, in disapproving or modifying a state health plan, shall ((make public a detailed statement of the basis for the determination that the plan does not meet such needs and shall specify the changes in the plan which the governor determines are needed to meet such needs. The plan shall then be revised after public hearing in accordance with the governor's statement.~~

~~(7) Perform such duties in connection with the state health plan as may be required as a condition to the receipt of federal funds as described in Public Law 93-641.) make public a written explanation of the actions taken. As approved by the governor, the plan shall be the state health plan.~~

*Sec. 5 was partially vetoed, see message at end of chapter.

Sec. 6. Section 8, chapter 161, Laws of 1979 ex. sess. as amended by section 6, chapter 139, Laws of 1980 and RCW 70.38.085 are each amended to read as follows:

~~((There shall be established in accordance with Public Law 93-641, and implementing regulations,)) The council shall establish health service areas within the state and ((health systems agencies)) designate regional health councils organized, composed, and established in accordance with ((such law)) this chapter and criteria established by the council, considering the resources available for such purpose.~~

Each ~~((health systems agency))~~ designated regional health council shall have as its primary responsibility the provision of effective health planning for its health service area and the promotion ~~((of the development within the area))~~ of health services, manpower, and facilities which meet identified needs ~~((;))~~ and reduce documented inefficiencies ~~((, and implement the health plans of the agencies which shall include all classes of health care practitioners)).~~ To meet its primary responsibility, a ~~((health systems agency))~~ designated regional health council shall carry out ~~((such functions as are prescribed for health systems agencies in Public Law 93-641, including but not limited to))~~ the following functions:

~~(1) ((Assemble and analyze data concerning: The status and its determinants of the health of the residents of its health service area; the status of the health care delivery system in the area and the use of that system by the residents of the area; the effect which the area's health care delivery system has on the health of the residents of the area; the number, type, and location of the area's health resources including health services, manpower, and facilities; the patterns of utilization of the area's health resources; and the environmental and occupational exposure factors affecting immediate and long-term health conditions))~~ Exercise such duties, powers, and responsibilities as are prescribed for health systems agencies in federal law, consistent with the policy of this chapter.

(2) Identify local health problems and concerns and assemble and analyze health data and information consistent with the requirements of the board;

~~((2) Establish))~~ (3) Develop, consistent with the ((format)) criteria established by the council, ((a health systems plan)) other materials of assistance to the council in preparation of the state health plan;

~~((3) Establish, annually review, and amend as necessary an annual implementation plan which describes objectives which will achieve the goals of the health systems plan and priorities among the objectives;~~

~~(4) Develop and publish specific plans and projects for achieving the objectives of the annual implementation plan;~~

~~(5))~~ (4) Review and make recommendations to the ((department)) council respecting the need for ((new institutional)) health services ((proposed to be offered or developed)) in the health service area of ((such health systems agency)) the council;

~~((6) Review on a periodic basis, at least every five years, at least those institutional and home health services offered in the health service area of the agency and with respect to which priority goals have been established in the state health plan, and make recommendations to the department respecting the appropriateness of such services in the area; and~~

~~(7))~~ (5) Seek the assistance of individuals and public and private entities in the health service area, to the extent practicable((in implementing the health systems plan and annual implementation plan)); and

(6) Exercise such other duties and functions as may be established by the council or department to fulfill the intent and purposes of this chapter, which may include review, analysis, and recommendations on applications for certificates of need.

In addition, the regional health councils may establish, biennially review, and amend as necessary a regional health plan which provides at least a statement of health goals and priorities for the health service area and sets forth the number, type, and distribution of health facilities, services, and manpower needed within the health service area to meet the goals of the plan.

Sec. 7. Section 10, chapter 161, Laws of 1979 ex. sess. as last amended by section 2, chapter 119, Laws of 1982 and RCW 70.38.105 are each amended to read as follows:

(1) The department is authorized and directed to implement the certificate of need program in this state pursuant to the provisions of this chapter.

(2) There shall be a state certificate of need program which is administered consistent with the ((provisions of Public Law 93-641)) requirements of federal law as necessary to the receipt of federal funds by the state.

(3) No person shall engage in any undertaking which is subject to certificate of need review under subsection (4) of this section without first having received from the department either a certificate of need or an exception granted in accordance with this chapter.

(4) The following shall be subject to certificate of need review under this chapter:

(a) The construction, development, or other establishment of a new health care facility;

(b) Any capital expenditure by or on behalf of a health care facility which substantially changes the services of the facility after January 1, 1981, provided that the substantial changes in services are specified by the department in rule;

(c) Any capital expenditure by or on behalf of a health care facility which exceeds the expenditure minimum as defined by RCW 70.38.025(~~(6)~~). However, a capital expenditure which is not subject to certificate of need review under (a), (b), (d), (e), or (f) of this subsection and which is solely for any one or more of the following is not subject to certificate of need review except to the extent required by the federal government as a condition to receipt of federal assistance and does not substantially affect patient charges:

(i) Communications and parking facilities;

(ii) Mechanical, electrical, ventilation, heating, and air conditioning systems;

(iii) Energy conservation systems;

(iv) Repairs to, or the correction of, deficiencies in existing physical plant facilities which are necessary to maintain state licensure;

(v) Acquisition of equipment, including data processing equipment, which is not or will not be used in the direct provision of health services;

(vi) Construction which involves physical plant facilities, including administrative and support facilities, which are not or will not be used for the provision of health services;

(vii) Acquisition of land; and

(viii) Refinancing of existing debt;

(d) A change in bed capacity of a health care facility which increases the total number of licensed beds or redistributes beds among facility and service categories of acute care, skilled nursing, intermediate care, and

boarding home care if the bed redistribution is to be effective for a period in excess of six months;

(c) Acquisition of major medical equipment:

(i) If the equipment will be owned by or located in a health care facility; or

(ii) If, after January 1, 1981, the equipment is not to be owned by or located in a health care facility, the department finds consistent with federal regulations the equipment will be used to provide services for hospital in-patients, or the person acquiring such equipment did not notify the department of the intent to acquire such equipment at least thirty days before entering into contractual arrangements for such acquisition;

(f) Any new institutional health services which are offered in or through a health care facility, and which were not offered on a regular basis by, in, or through such health care facility within the twelve-month period prior to the time such services would be offered; and

(g) Any expenditure by or on behalf of a health care facility in excess of the expenditure minimum made in preparation for any undertaking under subsection (4) of this section and any arrangement or commitment made for financing such undertaking. Expenditures of preparation shall include expenditures for architectural designs, plans, working drawings, and specifications. The department may issue certificates of need permitting predevelopment expenditures, only, without authorizing any subsequent undertaking with respect to which such predevelopment expenditures are made.

(5) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section.

Sec. 8. Section 11, chapter 161, Laws of 1979 ex. sess. as amended by section 8, chapter 139, Laws of 1980 and RCW 70.38.115 are each amended to read as follows:

(1) Certificates of need shall be issued, denied, suspended, or revoked by the designee of the secretary of the department ~~((or his designee,))~~ in accord with the provisions of this chapter and rules ~~((and regulations proposed by))~~ of the department ~~((and adopted by the board of health pursuant to this chapter. Rules and regulations shall))~~ which establish review procedures and criteria for the certificate of need program.

(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:

(a) The relationship of the health services being reviewed to the applicable health plans;

(b) ~~((The relationship of services reviewed to the long-range development plan, if any, of the persons providing or proposing such services;~~

~~((c)))~~ The need that the population served or to be served by such services has for such services;

~~((d))~~ (c) The availability of less costly or more effective alternative methods of providing such services;

~~((e))~~ (d) The ~~((immediate and the long-range))~~ financial feasibility ~~((of the proposal as well as))~~ and the probable impact of the proposal on the cost of and charges for providing health services ~~((by the persons proposing the new institutional health service))~~, including findings and recommendations of the Washington state hospital commission in the case of applications submitted by hospitals;

~~((f))~~ The relationship of the services proposed to be provided to the existing health care system of the area in which such services are proposed to be provided;

~~((g))~~ (c) In the case of health services to be provided, (i) ~~((the availability of resources including health manpower, management personnel, and funds for capital and operating needs for the provision of the services, (ii))~~ the availability of alternative uses of ~~((such))~~ project resources for the provision of other health services, ~~((iii) the effect of the means proposed for the delivery of such services on the clinical needs of health professional training programs in the area in which such services are to be provided, (iv) the extent to which health professions schools in the area will have access to the services for training purposes if such services are to be available in a limited number of facilities, and (v))~~ (ii) the extent to which such proposed services will be accessible to all residents of the area to be served ~~((When an application is made by an osteopathic or allopathic facility for a certificate of need to construct, expand, or modernize a health care facility, acquire major medical equipment, or add services, the need for that construction, expansion, modernization, acquisition of equipment, or addition of services shall be considered on the basis of))~~, and (iii) the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The department shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels;

~~((h))~~ Special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas;

(i) The special needs and circumstances of health maintenance organizations;

~~((j))~~ (f) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project reviewed (i) on the cost of providing health services by the person proposing such construction project and (ii) on the cost and charges to the public of providing health services by other persons;

~~((k))~~ (g) The special needs and circumstances of osteopathic hospitals and nonallopathic services;

~~((l))~~ The special circumstances of health service institutions and the need for conserving energy;

~~((m))~~ The factors which affect the effect of competition on the supply of the health services being reviewed;

(n)) (h) Improvements or innovations in the financing and delivery of health services which foster ~~((competition))~~ cost containment and serve to promote quality assurance and cost-effectiveness;

~~((o))~~ (i) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed; and

~~((p))~~ (j) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past.

(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization, shall be approved by the department if the department finds ~~((in accordance with criteria prescribed by the secretary of the United States department of health and human services by regulation))~~:

(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and

(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its institutional health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

A health care facility (or any part thereof) or medical equipment with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or equipment or in a lease of such facility or equipment may not be acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.

(4) ~~((When a hospital has developed a long-range health facility plan; pursuant to RCW 70.38.145, and the proposed new institutional health service is consistent with such plan, an expedited review process shall be instituted by the department as it has been done since the enactment of chapter 70.38 RCW in 1971:~~

(5)) The decision of the department on a certificate of need application shall be consistent with the state health plan in effect, except in emergency circumstances which pose a threat to the public health. The department in making its final decision may issue a conditional certificate of need if it

finds that the project is justified only under specific circumstances. The conditions shall directly relate to the project being reviewed. The conditions may be released if it can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of this chapter.

~~((6))~~ (5) Criteria adopted for review in accordance with subsection (2) of this section may vary according to the purpose for which the particular review is being conducted or the type of health service reviewed.

~~((7))~~ (6) The department shall specify information to be required for certificate of need applications. Within fifteen days of receipt of the application, the department shall request additional information considered necessary to the application or start the review process. Applicants may decline to submit requested information through written notice to the department, in which case review starts on the date of receipt of the notice. Applications may be denied or limited because of failure to submit required and necessary information.

(7) Concurrent review is for the purpose of comparative analysis and evaluation of competing or similar projects in order to determine which of the projects may best meet identified needs. Categories of projects subject to concurrent review include at least new health care facilities, new services, and expansion of existing health care facilities. The department shall specify time periods for the submission of applications for certificates of need subject to concurrent review, which shall not exceed ninety days. Review of concurrent applications shall start fifteen days after the conclusion of the time period for submission of applications subject to concurrent review. Concurrent review periods shall be limited to one hundred fifty days, except as provided for in rules adopted by the department authorizing and limiting amendment during the course of the review, or for an unresolved pivotal issue declared by the department.

(8) Review periods for certificate of need applications other than those subject to concurrent review shall be limited to ninety days. Review periods may be extended up to thirty days if needed by a review agency, and for unresolved pivotal issues the department may extend up to an additional thirty days. A review may be extended in any case if the applicant agrees to the extension.

(9) The department or a designated regional health council shall conduct a public hearing on a certificate of need application if requested unless the review is expedited or subject to emergency review. The department by rule shall specify the period of time within which a public hearing must be requested and requirements related to public notice of the hearing, procedures, recordkeeping and related matters.

(10) Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked shall be afforded an opportunity for administrative review in accordance with chapter 34.04 RCW and a hearing

shall be held within one hundred twenty days of a request therefor. An administrative law judge shall review the decision of the secretary's designee and render a proposed decision for consideration by the secretary in accordance with chapter 34.12 RCW or remand the matter to the secretary's designee for further consideration. The secretary's final decision is subject to review by the superior court as provided in chapter 34.04 RCW.

(11) The department may establish procedures and criteria for reconsideration of decisions.

(12) An amended certificate of need shall be required for the following modifications of an approved project:

(a) A new service;

(b) An expansion of a service beyond that originally approved;

(c) An increase in bed capacity;

(d) A significant reduction in the scope of a project without a commensurate reduction in the cost of the project, or a cost increase (as represented in bids on a construction project or final cost estimates acceptable to the person to whom the certificate of need was issued) if the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure approved. The review of reductions or cost increases shall be restricted to the continued conformance of the project with the review criteria pertaining to financial feasibility and cost containment.

((8)) (13) An application for a certificate of need for a capital expenditure which is determined by the department to be required to eliminate or prevent imminent safety hazards or correct violations of applicable licensure and accreditation standards shall be approved ((as specified in PL 93-641, section 1527(c)).

Sec. 9. Section 12, chapter 161, Laws of 1979 ex. sess. as amended by section 10, chapter 139, Laws of 1980 and RCW 70.38.125 are each amended to read as follows:

(1) A certificate of need shall be valid for two years: PROVIDED, That one six-month extension may be made if it can be substantiated that substantial and continuing progress toward commencement of the project has been made as defined by regulations to be adopted pursuant to this chapter.

(2) A project for which a certificate of need has been issued shall be commenced during the validity period for the certificate of need.

(3) The department, in cooperation with the ((health systems agencies established in the state under the provision of Public Law 93-641)) regional health councils, and the hospital commission(;) in the case of hospital projects, shall monitor the costs and components of approved projects to assure conformance with certificates of need that have been issued. Rules and regulations adopted shall specify when changes in the cost or components of a project require reevaluation of the project. The department may require

applicants to submit periodic progress reports on approved projects or other information as may be necessary to effectuate its monitoring responsibilities.

(4) The secretary of the department, in the case of a new health facility, shall not issue any license unless and until a prior certificate of need shall have been issued by the department for the offering or development of such new health facility.

(5) Any person who engages in any undertaking which requires certificate of need review (~~((under RCW 70.38.085(4)))~~) without first having received from the department either a certificate of need or an exception granted in accordance with this chapter shall be liable to the state in an amount not to exceed one hundred dollars a day for each day of such unauthorized offering or development. Such amounts of money shall be recoverable in an action brought by the attorney general on behalf of the state in the superior court of any county in which the unauthorized undertaking occurred. Any amounts of money so recovered by the attorney general shall be deposited in the state general fund.

(6) The department may bring any action to enjoin a violation or the threatened violation of the provisions of this chapter or any rules and regulations adopted pursuant to this chapter, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs or is about to occur, or in the superior court of Thurston county.

Sec. 10. Section 13, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.135 are each amended to read as follows:

~~((f))~~) The secretary of the department shall have authority to:

~~((a))~~) (1) Provide when needed temporary or intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part time or fee-for-service basis; ~~((and~~

~~(b))~~) (2) Make or cause to be made such on-site surveys of health care or medical facilities as may be necessary to the development of the state health plan (~~((and state medical facilities plan))~~) and the administration of the certificate of need program~~((:))~~;

~~((c))~~) (3) Upon review of recommendations ~~((of the department))~~, if any, from the board of health (~~((shall have authority to))~~):

(a) Promulgate ~~((and enforce))~~ rules (~~((and regulations))~~) under which health care facilities providers doing business ~~((with))~~ within the state shall submit to the department such data related to health and health care as the department finds necessary to the performance of its functions under this chapter;

(b) Promulgate rules ~~((and regulations))~~ pertaining to the maintenance and operation of medical facilities which receive federal assistance under the provisions of Title XVI;

(c) Promulgate rules (~~and regulations~~) in implementation of the provisions of this chapter, including the establishment of procedures for public hearings for predecisions and post-decisions on applications for certificate of need;

(d) Promulgate rules providing circumstances and procedures of expedited certificate of need review if:

(i) An application is found consistent with the state health plan; and

(ii) There has not been a significant change in existing health facilities of the same type or in the need for such health facilities and services;

(4) Grant allocated state funds to regional health councils to fund not more than seventy-five percent of the costs of regional planning activities, excluding costs related to review of applications for certificates of need, provided for in this chapter or approved by the council; and

(5) Contract with and provide reasonable reimbursement for designated regional health councils to assist in determinations of certificates of need.

NEW SECTION. Sec. 11. The enactment of amendments to chapter 70.38 RCW by this 1983 act shall not have the effect of terminating or in any way modifying the validity of a certificate of need which was issued prior to the effective date of this 1983 act.

Sec. 12. Section 16, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.905 are each amended to read as follows:

In any case where the provisions of this chapter may directly conflict with (~~provisions of Public Law 93-641 or any amendments thereto~~) federal law, or regulations promulgated thereunder, the (~~provisions of Public Law 93-641~~) federal law shall supersede and be paramount as necessary to the receipt of federal funds by the state.

Sec. 13. Section 17, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.910 are each amended to read as follows:

If any provision of this (~~act~~) chapter or its application to any person or circumstance is held invalid, the remainder of the (~~act~~) chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. There is added to chapter 70.38 RCW a new section to read as follows:

A certificate of need application which was submitted and declared complete, but upon which final action had not been taken prior to the effective date of this act, shall be reviewed and action taken based on chapter 70.38 RCW, as in effect prior to the effective date of this act, and the rules adopted thereunder.

NEW SECTION. Sec. 15. The state government committees of the senate and house of representatives shall conduct program and fiscal reviews of the board of health to be completed no later than January 1, 1984, and

transmitted to the appropriate standing committees of the senate and house of representatives.

Sec. 16. Section 33, chapter 99, Laws of 1979 and RCW 43.131.213 are each amended to read as follows:

The powers and duties of the state board of health shall be terminated on June 30, (~~(1983)~~) 1985, as provided in RCW 43.131.214.

Sec. 17. Section 75, chapter 99, Laws of 1979 and RCW 43.131.214 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, (~~(1984)~~) 1986:

- (1) Section 36.62.020, chapter 4, Laws of 1963 and RCW 36.62.020;
- (2) Section 43.20.030, chapter 8, Laws of 1965, section 11, chapter 18, Laws of 1970 ex. sess. and RCW 43.20.030;
- (3) Section 43.20.050, chapter 8, Laws of 1965, section 9, chapter 102, Laws of 1967 ex. sess., section 49, chapter 141, Laws of 1979 and RCW 43.20.050;
- (4) Section 43.20.100, chapter 8, Laws of 1965, section 44, chapter 75, Laws of 1977 and RCW 43.20.100;
- (5) Section 43.20.140, chapter 8, Laws of 1965, section 58, chapter 141, Laws of 1979 and RCW 43.20.140;
- (6) Section 11, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.200;
- (7) Section 1, chapter 197, Laws of 1957 and RCW 69.06.010;
- (8) Section 2, chapter 197, Laws of 1957 and RCW 69.06.020;
- (9) Section 5, chapter 197, Laws of 1957 and RCW 69.06.050;
- (10) Section 16, chapter 190, Laws of 1939, section 1, chapter 30, Laws of 1961 and RCW 69.16.115;
- (11) Section 17, chapter 190, Laws of 1939, section 2, chapter 30, Laws of 1961 and RCW 69.16.120;
- (12) Section 16, chapter 112, Laws of 1939 and RCW 69.20.095;
- (13) Section 17, chapter 112, Laws of 1939 and RCW 69.20.100;
- (14) Section 3, chapter 144, Laws of 1955 and RCW 69.30.030;
- (15) Section 5, chapter 144, Laws of 1955 and RCW 69.30.050;
- (16) Section 6, chapter 144, Laws of 1955 and RCW 69.30.060;
- (17) Section 12, chapter 102, Laws of 1967 ex. sess., section 1, chapter 25, Laws of 1969 ex. sess. and RCW 70.01.010;
- (18) Section 16, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.110;
- (19) Section 4, chapter 114, Laws of 1919 and RCW 70.24.040;
- (20) Section 8, chapter 114, Laws of 1919 and RCW 70.24.070;
- (21) Section 6, chapter 54, Laws of 1967 and RCW 70.28.035;
- (22) Section 3, chapter 267, Laws of 1955, section 9, chapter 189, Laws of 1971 ex. sess. and RCW 70.41.030;

(23) Section 1, chapter 231, Laws of 1969 ex. sess. and RCW 70.54.110;

(24) Section 6, chapter 177, Laws of 1959 and RCW 70.58.350;

(25) Section 5, chapter 82, Laws of 1967 and RCW 70.83.050; and

(26) Section 1, chapter 176, Laws of 1913, section 12, chapter 130, Laws of 1917, section 1, chapter 160, Laws of 1921, section 1, chapter 46, Laws of 1923, section 1, chapter 79, Laws of 1925 ex. sess., section 1, chapter 240, Laws of 1927 and RCW 85.08.020.

NEW SECTION. Sec. 18. Sections 16 and 17 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 23, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983, with the exceptions of portions of sections 2 and 5, which are vetoed.

Filed in Office of Secretary of State May 17, 1983.

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

"I am returning herewith, without my approval as to portions of sections 2 and 5, Senate Bill No. 4204, entitled:

"AN ACT Relating to the state board of health."

The proviso in Section 2 (11) could be interpreted as a prohibition against the creation of new health care facilities with annual operating budgets over \$500,000, regardless of the need for such facilities as determined by the certificates-of-need program. Such a prohibition would ignore the purpose of the certificate-of-need program.

Section 5 would require the Board of Health to perform the current functions of the State Health Coordinating Council. If the State Health Coordinating Council's functions are assumed by the Board of Health, Federal regulations will be violated, and Federal funds may be jeopardized. The Federal government requires that Council functions be performed by a body having majority representation of consumers, which the Board would not have.

With the exceptions noted above, which I have vetoed, Senate Bill No. 4204 is approved."

CHAPTER 236

[Engrossed Substitute Senate Bill No. 3757]

NURSING HOMES—COMMUNITY-BASED CARE

AN ACT Relating to nursing homes; amending section 2, chapter 117, Laws of 1951 as last amended by section 15, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.010; amending section 63, chapter 211, Laws of 1979 ex. sess. as amended by section 3, chapter 11, Laws of 1981 2nd ex. sess. and RCW 18.51.091; and creating a new section.

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

Sec. 1. Section 2, chapter 117, Laws of 1951 as last amended by section 15, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.010 are each amended to read as follows:

(1) "Nursing home" means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. It may also include care of mentally incompetent persons. It may also include community-based care. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operated to give only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. The mere designation by the operator of any place or institution as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this chapter: PROVIDED, That any nursing home providing psychiatric treatment shall, with respect to patients receiving such treatment, comply with the provisions of RCW 71.12-.560 and 71.12.570.

(2) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(3) "Secretary" means the secretary of the department of social and health services.

(4) "Department" means the state department of social and health services.

(5) "Community-based care" means but is not limited to the following:

(a) Home delivered nursing services;

(b) Personal care;

(c) Day care;

(d) Nutritional services, both in-home and in a communal dining setting;

(e) Habilitation care; and

(f) Respite care.

Sec. 2. Section 63, chapter 211, Laws of 1979 ex. sess. as amended by section 3, chapter 11, Laws of 1981 2nd ex. sess. and RCW 18.51.091 are each amended to read as follows:

The department shall make or cause to be made at least one inspection of each nursing home prior to license renewal and shall inspect community-based services as part of the licensing renewal survey. Every inspection may include an inspection of every part of the premises and an examination of all records, methods of administration, the general and special dietary and the stores and methods of supply. Those nursing homes that provide community-based care shall establish and maintain separate and distinct accounting and other essential records for the purpose of appropriately allocating costs of the providing of such care: PROVIDED, That such costs shall not be considered allowable costs for reimbursement purposes under chapter 74.46 RCW. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given the applicant or licensee and the department. The notice shall describe the reasons for the facility's noncompliance. The notice shall inform the facility that it must comply with a plan of correction within a specified time, not to exceed sixty days from the date the plan of correction is approved by the department. The penalties in RCW 18.51.060 may be imposed if, after the specified period, the department determines that the facility has not complied. In life-threatening situations or situations which substantially limit the provider's capacity to render adequate care, the department may require immediate correction or proceed immediately under RCW 18.51.060. The department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

NEW SECTION. Sec. 3. Nothing in this 1983 act affects the provisions of chapter 70.38 RCW.

Passed the Senate March 22, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 237

[Substitute Senate Bill No. 3497]

VEHICLES USING ALTERNATIVE FUELS—REFLECTIVE PLACARDS
REQUIRED—EXEMPT FROM EMISSION CONTROL INSPECTIONS

AN ACT Relating to passenger motor vehicles fueled by propane gas; amending section 11, chapter 163, Laws of 1979 ex. sess. as amended by section 1, chapter 176, Laws of 1980 and RCW 46.16.015; adding a new section to chapter 46.37 RCW; creating a new section; and prescribing penalties.

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

NEW SECTION. Sec. 1. The legislature finds that vehicles using alternative fuel sources such as propane, compressed natural gas, liquid petroleum gas, or other hydrocarbon gas fuels require fire fighters to use a different technique if the vehicles catch fire. A reflective placard on such vehicles would warn fire fighters of the danger so they could react properly.

NEW SECTION. Sec. 2. There is added to chapter 46.37 RCW a new section to read as follows:

(1) Every automobile, truck, motorcycle, motor home, or off-road vehicle that is fueled by propane gas shall bear a reflective placard indicating that the vehicle is so fueled. Violation of this subsection is a traffic infraction.

(2) As used in this section "propane gas" includes propane, compressed natural gas, liquid petroleum gas, or any chemically similar gas but does not include gasoline or diesel fuel.

(3) The vehicle identification decal required by the national fire protection association and designed by the national LP gas association shall be required to be displayed on all propane fueled vehicles.

Sec. 3. Section 11, chapter 163, Laws of 1979 ex. sess. as amended by section 1, chapter 176, Laws of 1980 and RCW 46.16.015 are each amended to read as follows:

(1) Neither the department of licensing nor its agents may issue or renew a motor vehicle license for any vehicle registered in an emission contributing area, as that area is established under RCW 70.120.040, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance issued pursuant to RCW 70.120.060, 70.120.080, or 70.120.090 or a valid certificate of acceptance issued pursuant to RCW 70.120.070; or (b) exempted from this requirement pursuant to subsection (2) of this section. The certificates must have a date of validation which is within ninety days of the date of application for the vehicle license or license renewal. Certificates for fleet vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

(2) Subsection (1) of this section does not apply to the following vehicles:

(a) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale;

(b) Motor vehicles fifteen years old or older;

(c) Motor vehicles that use propulsion units powered exclusively by electricity;

(d) Motor vehicles fueled exclusively by propane, compressed natural gas, or liquid petroleum gas, unless it is determined that federal sanctions will be imposed as a result of this exemption;

(e) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles as defined in RCW 46.04.332;

~~((e))~~ (f) Motor vehicles powered by diesel engines;

~~((f))~~ (g) Farm vehicles as defined in RCW 46.04.181; or

~~((g))~~ (h) Motor vehicles exempted by the director of the department of ecology.

The provisions of subparagraph (a) of this subsection may not be construed as exempting from the provisions of subsection (1) of this section applications for the renewal of licenses for motor vehicles that are or have been leased.

(3) The department of licensing shall mail to each owner of a vehicle registered within an emission contributing area a notice regarding the boundaries of the area and restrictions established under this section that apply to vehicles registered in such areas. The information for the notice shall be supplied to the department of licensing by the department of ecology. Such a notice shall be mailed to the owner ninety days prior to the expiration date of the owner's motor vehicle license.

Passed the Senate April 23, 1983.

Passed the House April 15, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 238

[Senate Bill No. 3857]

MOTOR VEHICLE EMISSION CONTROL INSPECTIONS—CERTAIN USED VEHICLES EXEMPT

AN ACT Relating to emission control inspections for used cars; amending section 11, chapter 163, Laws of 1979 ex. sess. as amended by section 1, chapter 176, Laws of 1980 and RCW 46.16.015; repealing section 9, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.090; and declaring an emergency.

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

*Sec. 1. Section 11, chapter 163, Laws of 1979 ex. sess. as amended by section 1, chapter 176, Laws of 1980 and RCW 46.16.015 are each amended to read as follows:

(1) Neither the department of licensing nor its agents may issue or renew a motor vehicle license for any vehicle registered in an emission contributing area, as that area is established under RCW 70.120.040, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance issued pursuant to RCW 70.120.060, 70.120.080, or 70.120.090 or a valid certificate of acceptance issued pursuant to RCW 70.120.070; or (b) exempted from this requirement pursuant to subsection (2) of this section. The certificates must have a date of validation which is within ninety days of the date of application for the vehicle license or license renewal. Certificates for fleet vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

(2) Subsection (1) of this section does not apply to the following vehicles:

(a) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale;

(b) Motor vehicles fifteen years old or older;

(c) Motor vehicles that use propulsion units powered exclusively by electricity;

(d) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles as defined in RCW 46.04.332;

(e) Motor vehicles fueled exclusively by propane, compressed natural gas, liquid petroleum gas, or other gaseous fuels, unless it is determined that federal sanctions will be imposed as a result of this exemption;

~~((e))~~ (f) Motor vehicles powered by diesel engines;

~~((f))~~ (g) Farm vehicles as defined in RCW 46.04.181; ~~((or))~~

~~((g))~~ (h) Used vehicles which are offered for sale by a motor vehicle dealer licensed under chapter 46.70 RCW; or

~~((h))~~ (i) Motor vehicles exempted by the director of the department of ecology.

The provisions of subparagraph (a) of this subsection may not be construed as exempting from the provisions of subsection (1) of this section applications for the renewal of licenses for motor vehicles that are or have been leased.

(3) The department of licensing shall mail to each owner of a vehicle registered within an emission contributing area a notice regarding the boundaries of the area and restrictions established under this section that apply to vehicles registered in such areas. The information for the notice shall be supplied to the department of licensing by the department of ecology. Such a notice shall be mailed to the owner ninety days prior to the expiration date of the owner's motor vehicle license.

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

NEW SECTION. Sec. 2. Section 9. chapter 163, Laws of 1979 ex. sess. and RCW 70.120.090 are each repealed.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 23, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983, with the exception of section 1(2)(c) which is vetoed.

Filed in Office of Secretary of State May 17, 1983.

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

"I am returning herewith, without my approval as to section 1(2)(c), Senate Bill No. 3857, entitled:

"AN ACT Relating to emission control inspections for used cars."

Section 1(2)(c) is identical to section 3 of Substitute Senate Bill No. 3497, which I have signed into law. In addition, there is some question as to whether that provision in this bill is beyond the scope of its title. With the exception of section 1(2)(c), which is vetoed, Senate Bill No. 3857 is approved."

CHAPTER 239

[Engrossed Substitute Senate Bill No. 3022]

COMPENSATION OF CRIME VICTIMS—REVISIONS

AN ACT Relating to compensation of crime victims; amending section 10, chapter 302, Laws of 1977 ex. sess. as amended by section 1, chapter 8, Laws of 1982 1st ex. sess. and RCW 7.68.035; amending section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 8, Laws of 1982 1st ex. sess. and RCW 7.68.070; amending section 8, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 27, chapter 6, Laws of 1981 1st ex. sess. and RCW 7.68.080; and amending section 2, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 156, Laws of 1980 and RCW 7.68.020.

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

Sec. 1. Section 10, chapter 302, Laws of 1977 ex. sess. as amended by section 1, chapter 8, Laws of 1982 1st ex. sess. and RCW 7.68.035 are each amended to read as follows:

(1) Whenever any person is found guilty in any court of competent jurisdiction of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment (~~(of fifty dollars for a felony or gross misdemeanor and twenty-five dollars for a misdemeanor)~~). The assessment shall be in addition to any other penalty or fine imposed by law and shall be fifty dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and twenty-five dollars for any case

or cause of action that includes convictions of only one or more misdemeanors.

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, section 2, chapter ... (SB No. 3106), Laws of 1983, 46.61.024, 46.52.090, 46.70.140, 46.65.090, 46.61-.502, 46.61.504, 46.52.100, 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46-.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.090(2), and 46.09.120(2).

(3) Whenever any person accused of having committed a ~~((criminal act))~~ crime posts bail pursuant to the provisions of chapter 10.19 RCW~~((;))~~ and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the ~~((criminal act))~~ crime.

(4) ~~((Notwithstanding any other provision of law;))~~ Except as provided in subsection (5) of this section, such penalty assessments shall be paid by the clerk of the court to the city or county treasurer, as the case may be, who shall monthly transmit eighty percent of such penalty assessments to the state treasurer. The state treasurer shall deposit such assessments in an account within the state general fund to be known as the crime victims compensation account, hereby created, and all moneys placed in the account shall be used exclusively for the administration of this chapter, after appropriation by statute. Except as provided in subsection (5) of this section, the remaining twenty percent of such assessments shall be provided to the county prosecuting attorney to be used exclusively for comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. A program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

(5) Upon submission to the department of a letter of intent to adopt a comprehensive program by a prosecuting attorney, the city or county treasurer, as the case may be, may transmit monthly eighty percent of such penalty assessments to the state treasurer and provide the remaining twenty percent of such assessments to the county prosecuting attorney to be used exclusively for a comprehensive program for victims and witnesses, and the prosecuting attorney may retain such twenty percent until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the twenty percent penalty assessments until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection (4) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the city or county treasurer, as the case may be, shall monthly transmit one hundred percent of such penalty assessments and shall transmit all previously retained penalty assessments and interest, if any, to the state treasurer for deposit in the crime victims compensation account within the state general fund.

(6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

(7) Penalty assessments under this section shall also be imposed in juvenile offense dispositions under Title 13 RCW. Upon motion of a party and a showing of good cause, the court may modify the penalty assessment in the disposition of juvenile offenses under Title 13 RCW.

Sec. 2. Section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 8, Laws of 1982 1st ex. sess. and RCW 7.68.070 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51-.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and ~~((the effective date of this 1982 act))~~ January 1, 1983, or his family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, and the rights, duties, responsibilities, limitations, and procedures applicable to a workman as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person ~~((shall be))~~ is entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim;

(b) The result of an act or acts committed by a person living in the same household with the victim;

(c) The result of an act or acts committed by a person who is at the time of the criminal act the spouse, child, parent, or sibling of the victim by the half or whole blood, adoption, or marriage, or the parent of the spouse of or sibling of the spouse of the victim by the half or whole blood, adoption, or marriage, or the son-in-law or daughter-in-law of the victim, unless in the director's sole discretion it is determined that:

(i) The parties to the marriage which establishes the relationship between the person committing the criminal act and the victim described above are estranged and living apart, and

(ii) The interests of justice require otherwise in the particular case;

(d) The result of the victim assisting, attempting, or committing a criminal act; or

(e) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a workman and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That benefits for burial expenses shall not exceed five hundred dollars in any claim: PROVIDED FURTHER, That ((in the event)) if the criminal act results in the death of a victim who was not gainfully employed at the time of the

criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act;

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived him or where such spouse has legal custody of all of his children, shall be limited to burial expenses (~~((not to exceed five hundred dollars))~~) and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars and any such child or children not in the legal custody of the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children;

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits (~~((shall))~~) may be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section (~~((shall))~~) apply under this chapter: PROVIDED, That (~~((in the event))~~) if a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, (~~((such))~~) the victim shall receive monthly during the period of (~~((such))~~) the disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

(a) If married at the time of the criminal act, twenty-nine percent of (~~((such))~~) the average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of (~~((such))~~) the average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of ~~((such))~~ the average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of ~~((such))~~ the average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of ~~((such))~~ the average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of ~~((such))~~ the average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of ~~((such))~~ the average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of ~~((such))~~ the average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of ~~((such))~~ the average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of ~~((such))~~ the average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of ~~((such))~~ the average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of ~~((such))~~ the average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section ~~((shall))~~ equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section ~~((shall))~~ apply under this chapter: PROVIDED, That no person ~~((shall be))~~ is eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section ~~((shall))~~ apply under this chapter: PROVIDED, That benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended ~~((shall))~~ apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workmen contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and 51.32.210 as

now or hereafter amended (~~(shall be)~~) are applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person (~~(shall be)~~) is entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) Except for benefits authorized under RCW 7.68.080, no more than fifteen thousand dollars may be granted as a result of any single injury or death.

(13) Notwithstanding the provisions of Title 51 RCW, no (~~(victim shall be)~~) claim resulting from a single injury or death is eligible for benefits for the first two hundred dollars worth of loss suffered: PROVIDED, That this subsection (~~(shall)~~) does not apply to costs covered by RCW 7.68.170 or to other medical costs incurred by the victim of a sexual assault.

(14) Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for any one injury or death for loss of earnings, those benefits payable pursuant to subsection (7) of this section, or for loss of future earnings, those benefits payable pursuant to subsection (5) of this section, or for loss of support, those benefits payable pursuant to subsection (4) of this section, shall be limited to ten thousand dollars.

Sec. 3. Section 8, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 27, chapter 6, Laws of 1981 1st ex. sess. and RCW 7.68.080 are each amended to read as follows:

The provisions of chapter 51.36 RCW as now or hereafter amended (~~(shall)~~) govern the provision of medical aid under this chapter to victims injured as a result of a criminal act, including criminal acts committed (~~(prior to)~~) between July 1, 1981, and January 1, 1983, except that:

(1) The provisions contained in RCW 51.36.030 and 51.36.040 as now or hereafter amended (~~(shall)~~) do not apply to this chapter;

(2) The specific provisions of RCW 51.36.020 as now or hereafter amended relating to supplying emergency transportation (~~(shall)~~) do not apply: PROVIDED, That when the injury to any victim is so serious as to require his being taken from the place of injury to a place of treatment, reasonable transportation costs to the nearest place of proper treatment shall be reimbursed from the fund established pursuant to RCW 7.68.090.

Sec. 4. Section 2, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 156, Laws of 1980 and RCW 7.68.020 are each amended to read as follows:

The following words and phrases as used in this chapter have the meanings set forth in this section unless the context otherwise requires.

(1) "Department" means the department of labor and industries.

(2) "Criminal act" means an act committed or attempted in this state which is punishable as a felony or gross misdemeanor under the laws of this

state: PROVIDED: That the operation of a motor vehicle, motorcycle, train, boat or aircraft in violation of law does not constitute a "criminal act" unless (a) the injury or death was intentionally inflicted ((or)); (b) the operation thereof was part of the commission of another non-vehicular criminal act as defined in this section (:); or (c) the death or injury was the result of operation of a motor vehicle and a conviction of vehicular homicide under RCW 46.61.520 or vehicular assault under section 2, chapter ... (SB No. 3106), Laws of 1983, has been obtained: PROVIDED, FURTHER: (a) That neither an acquittal in a criminal prosecution nor the absence of any such prosecution is admissible in any claim or proceeding under this chapter as evidence of the noncriminal character of the acts giving rise to such claim or proceeding, except as provided for in subsections (c) and (d) above; (b) that evidence of a criminal conviction arising from acts which are the basis for a claim or proceeding under this chapter is admissible in such claim or proceeding for the limited purpose of proving the criminal character of the acts; (c) that acts which, but for the insanity or mental irresponsibility of the perpetrator, would constitute criminal conduct are deemed to be criminal conduct within the meaning of this chapter.

(3) "Victim" means a person who suffers bodily injury or death as a proximate result of a criminal act of another person, the victim's own good faith and reasonable effort to prevent a criminal act, or his good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits pursuant to this chapter, "victim" is interchangeable with "employee" or "workman" as defined in chapter 51.08 RCW as now or hereafter amended.

(4) "Child," "accredited school," "dependent," "beneficiary," "average monthly wage," "director," "injury," "invalid," "permanent partial disability," and "permanent total disability" have the meanings assigned to them in chapter 51.08 RCW as now or hereafter amended.

(5) "Gainfully employed" means engaging on a regular and continuous basis in a lawful activity from which a person derives a livelihood.

(6) "Private insurance" means any source of recompense provided by contract available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter.

(7) "Public insurance" means any source of recompense provided by statute, state or federal, available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter.

Passed the Senate April 24, 1983.

Passed the House April 24, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 240

[Substitute Senate Bill No. 3034]

MOTOR VEHICLE MANUFACTURERS—CONFORMANCE WITH EXPRESS WARRANTIES

AN ACT Relating to consumer protection; and adding a new chapter to Title 19 RCW.

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

NEW SECTION. Sec. 1. Every manufacturer of motor vehicles sold in this state and for which the manufacturer has made an express warranty shall maintain in this state sufficient service and repair facilities reasonably close to all areas in which its motor vehicles are sold to carry out the terms of the warranties or designate and authorize in this state as service and repair facilities independent repair or service facilities reasonably close to all areas in which its motor vehicles are sold to carry out the terms of the warranties. As a means of complying with this section, a manufacturer may enter into warranty service contracts with independent service and repair facilities.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Motor vehicle" means an automobile, truck, motorcycle, moped, or motor home, if the motor vehicle is used primarily for personal, noncommercial use.

(2) "Nonconformity" means a failure to conform with an express warranty in a manner which substantially impairs the use, value, or safety of the item.

(3) "Buyer" means the purchaser of a motor vehicle, any person to whom the motor vehicle is transferred during an express warranty applicable to the motor vehicle and any other person entitled to enforcement of the obligations of an express warranty by its terms.

(4) (a) "Express warranty" means:

(i) A written statement arising out of a sale to the consumer of a motor vehicle pursuant to which the manufacturer, dealer, or retailer undertakes to preserve or maintain the utility or performance of the motor vehicle as provided in the warranty or provide compensation if there is a failure in utility or performance; or

(ii) In the event of any sample or model, that the whole of the goods conforms to such sample or model.

(b) It is not necessary to the creation of an express warranty that formal words such as "warrant" or "guarantee" be used, but if such words are used then an express warranty is created. An affirmation merely of the value of the vehicle or a statement purporting to be merely an opinion or commendation of the vehicle does not create a warranty.

(c) Statements or representations such as expressions of general policy concerning customer satisfaction which are not subject to any limitation do not create an express warranty.

NEW SECTION. Sec. 3. If a motor vehicle does not conform to all applicable express warranties and the nonconformity is not the result of misuse or abuse of the motor vehicle by the buyer, and the buyer reports in writing the nonconformity to the manufacturer, and its agent or authorized dealer during the term of the express warranties, the manufacturer, its agent, or its authorized dealer shall, within a reasonable period of time, begin to make such repairs as are necessary to conform the vehicle to such express warranties, notwithstanding the fact that such repairs are made after the expiration of such term or such one-year period. Unless the buyer agrees in writing to the contrary, the motor vehicle must be serviced or repaired so as to conform to the applicable express warranties within thirty days of the written notice of nonconformity. Delays caused by conditions beyond the control of the manufacturer, its agent, or its authorized representative shall serve to extend the thirty-day requirement. When such delay arises, the conforming services or repairs shall be rendered as soon as possible after termination of the conditions which gave rise to the delay.

NEW SECTION. Sec. 4. If the manufacturer or its representative or its authorized dealer is unable to service or repair the motor vehicle to conform to the applicable express warranties after a reasonable number of attempts, the manufacturer shall reimburse the buyer in an amount equal to the purchase price paid by the buyer, less that amount directly attributable to use by the buyer.

NEW SECTION. Sec. 5. It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranties if during the term of such express warranties or during the period of one year following the date of original delivery of the motor vehicle to a buyer: (1) The same nonconformity has been subject to repair four or more times by the manufacturer or its agents; or (2) the vehicle is out of service by reason of repair for a cumulative total of more than thirty days since the delivery of the vehicle to the buyer. The thirty-day period includes each calendar day or portion thereof during which the service shop is open for business, but does not include periods during which repairs cannot be made due to conditions beyond the control of the service facility and does not include periods during which the buyer has been provided with a comparable replacement vehicle by the dealer or manufacturer.

NEW SECTION. Sec. 6. If a manufacturer has established an informal dispute resolution settlement procedure which substantially complies with the applicable provision of Title 16, Code of Federal Regulations, Part 703,

as from time to time amended, the provisions of section 4 of this act concerning reimbursements do not apply unless the buyer has resorted to such procedure.

NEW SECTION. Sec. 7. The remedies provided under this chapter are cumulative and are in addition to any other remedies provided by law.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 19 RCW.

Passed the Senate April 22, 1983.

Passed the House April 18, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 241

[Substitute Senate Bill No. 3068]

FOOD DONORS AND DISTRIBUTING ORGANIZATIONS—IMMUNE FROM CIVIL LIABILITY—CONDITIONS—INFORMATION SERVICE

AN ACT Relating to donated food; adding a new chapter to Title 69 RCW; and repealing section 1, chapter 115, Laws of 1979 and RCW 69.04.385.

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

NEW SECTION. Sec. 1. The purpose of this chapter is to promote the free distribution of food to needy persons, prevent waste of food products, and provide liability protection for persons and organizations donating or distributing such food products.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Distributing organization" means a charitable nonprofit organization under section 501(c) of the federal internal revenue code which distributes food free of charge and includes any nonprofit organization that distributes food free of charge to other nonprofit organizations or to the public.

(2) "Donor" means a person, corporation, association, or other organization which donates food to a distributing organization. "Donor" includes, but is not limited to, farmers, processors, distributors, wholesalers, and retailers of food. "Donor" also includes persons who harvest agricultural crops or perishable foods which have been donated by the owner to a distributing organization.

(3) "Food" means food products for human consumption as defined in RCW 69.04.008.

NEW SECTION. Sec. 3. Donors and distributing organizations are not liable for civil damages or criminal penalties resulting from the nature, age, condition, or packaging of the donated food, including any liability under

chapter 15.32 or 69.04 RCW, unless the donor or distributing organization acts with gross negligence or intentional misconduct.

NEW SECTION. Sec. 4. The department of agriculture shall maintain an information and referral service for persons and organizations that have notified the department of their desire to participate in the food donation program under this chapter.

NEW SECTION. Sec. 5. Nothing in this chapter may be construed to create any liability of, or penalty against a donor or distributing organization except as provided in section 3 of this act.

NEW SECTION. Sec. 6. Appropriate state and local agencies are authorized to inspect donated food items for wholesomeness and may establish procedures for the handling of food items.

NEW SECTION. Sec. 7. Section 1, chapter 115, Laws of 1979 and RCW 69.04.385 are each repealed.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title 69 RCW.

Passed the Senate April 23, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 242

[Senate Bill No. 3145]

SPECIAL FUEL TAXATION—REVISIONS

AN ACT Relating to special fuel taxation; amending section 6, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.050; amending section 12, chapter 175, Laws of 1971 ex. sess. as last amended by section 7, chapter 40, Laws of 1979 and RCW 82.38.110; amending section 16, chapter 175, Laws of 1971 ex. sess. as last amended by section 11, chapter 40, Laws of 1979 and RCW 82.38.150; amending section 18, chapter 175, Laws of 1971 ex. sess. as last amended by section 13, chapter 40, Laws of 1979 and RCW 82.38.170; and amending section 23, chapter 175, Laws of 1971 ex. sess. as amended by section 16, chapter 40, Laws of 1979 and RCW 82.38.220.

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

Sec. 1. Section 6, chapter 175, Laws of 1971 ex. sess. and RCW 82.38-.050 are each amended to read as follows:

Except as otherwise provided in this chapter, every special fuel user shall be liable for the tax on special fuel used in motor vehicles leased to him for more than thirty days and operated on the highways of this state to the same extent and in the same manner as special fuel used in his own motor vehicles and operated on the highways of this state: PROVIDED, That a lessor who is engaged regularly in the business of leasing for compensation motor vehicles and equipment he owns without drivers to carriers or other lessees for interstate operation, may be deemed to be the special

fuel user when he supplies or pays for the special fuel consumed in such vehicles, and such lessor may be issued a license as a special fuel user when application and bond have been properly filed with and approved by the department for such license. Any lessee may exclude motor vehicles of which he is lessee from his reports and liabilities pursuant to this chapter, but only if the motor vehicles in question have been leased from a lessor holding a valid special fuel user's license.

Every such lessor shall file with his application for a special fuel user's license one copy of the lease form or service contract he enters into with the various lessees of his motor vehicles. When the special fuel user's license has been secured, such lessor shall make and assign to each motor vehicle he leases for interstate operation a photocopy of such license to be carried in the cab compartment of said motor vehicle and on which shall be typed or printed on the back the unit or motor number of the motor vehicle to which it is assigned and the name of the lessee. Such lessor shall be responsible for the proper use of such photocopy of said license issued and its return to him with the motor vehicle to which it is assigned.

The lessor shall be responsible for fuel tax licensing and reporting, as required by this chapter, on the operation of all motor vehicles leased to others for thirty days or less.

Sec. 2. Section 12, chapter 175, Laws of 1971 ex. sess. as last amended by section 7, chapter 40, Laws of 1979 and RCW 82.38.110 are each amended to read as follows:

Application for a special fuel dealer's license, special fuel supplier's license or a special fuel user's license, shall be made to the department. The application shall be filed upon a form prepared and furnished by the department and shall contain such information as the department deems necessary.

No special fuel dealer's license or special fuel user's license shall be issued to any person or continued in force unless such person has furnished bond, as defined in RCW 82.38.020, in such form as the department may require, to secure his compliance with this chapter, and the payment of any and all taxes, interest and penalties due and to become due hereunder. The requirement of furnishing a bond shall be waived for special fuel users having valid Washington vehicle license plates on all of their licensed vehicles and having an estimated tax liability of less than five hundred dollars per year and for special fuel dealers who only deliver special fuel into the fuel tanks of marine vessels.

The total amount of the bond or bonds required of any special fuel dealer or special fuel user shall be equivalent to three times the estimated monthly fuel tax, determined in such manner as the department may deem proper: PROVIDED, That those special fuel dealers and special fuel users having held a special fuel license for five or more years without having said license suspended or revoked by the department shall be permitted to reduce

the amount of their bond to twice the estimated monthly tax liability: PROVIDED FURTHER, That the total amount of the bond or bonds shall never be less than five hundred dollars nor more than fifty thousand dollars.

Sec. 3. Section 16, chapter 175, Laws of 1971 ex. sess. as last amended by section 11, chapter 40, Laws of 1979 and RCW 82.38.150 are each amended to read as follows:

For the purpose of determining the amount of his liability for the tax herein imposed each special fuel dealer and each special fuel user shall file tax reports with the department, on forms prescribed by the department, at periodic intervals as shown in the following schedule:

Estimated Yearly Tax Liability	Reporting Frequency
\$ 0 - \$100	Yearly
\$101 - 250	Semi-yearly
\$251 - 499	Quarterly
\$500 and over	Monthly

The department shall establish the reporting frequency for each applicant at the time the special fuel license is issued. If it becomes apparent that any special fuel licensee is not reporting in accordance with the above schedule, the department shall change the licensee's reporting frequency by giving thirty days' notice to the licensee by mail to his address of record. A report shall be filed with the department even though no special fuel was used, or tax is due, for the reporting period. Each tax report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the report and shall be in lieu of such verification. The report shall show such information as the department may reasonably require for the proper administration and enforcement of this chapter: PROVIDED, That if a special fuel dealer or special fuel user is also a special fuel supplier at a location where special fuel is delivered into the supply tank of a motor vehicle, and if separate storage is provided thereat from which special fuel is delivered or placed into fuel supply tanks of motor vehicles, the tax report to the department need not include inventory control data covering bulk storage from which wholesale distribution of special fuel is made. The special fuel dealer or special fuel user shall file the report on or before the twenty-fifth day of the next succeeding calendar month following the period to which it relates.

Subject to the written approval of the department, tax reports may cover a period ending on a day other than the last day of the calendar month. Taxpayers granted approval to file reports in this manner will file such reports on or before the twenty-fifth day following the end of the reporting

period. No change to this reporting period will be made without the written authorization of the department.

If the final filing date falls on a Saturday, Sunday or legal holiday the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date shown by the post office cancellation mark stamped upon an envelope containing such report properly addressed to the department, or on the date it was mailed if proof satisfactory to the department is available to establish the date it was mailed.

The department, if it deems it necessary in order to insure payment of the tax imposed by this chapter, or to facilitate the administration of this chapter, shall have the authority to require the filing of reports and tax remittances at shorter intervals than one month if, in its opinion, an existing bond has become insufficient.

The department may permit any special fuel user whose sole use of special fuel is in motor vehicles or equipment exempt from tax as provided in RCW 82.38.075 and RCW 82.38.080(1), (2), (3), and ~~((6)-(8))~~ (8), in lieu of the reports required in this section, to submit reports annually or as requested by the department, in such form as the department may require.

A special fuel user whose sole use of special fuel is for purposes other than the propulsion of motor vehicles upon the public highways of this state shall not be required to submit the reports required in this section.

Sec. 4. Section 18, chapter 175, Laws of 1971 ex. sess. as last amended by section 13, chapter 40, Laws of 1979 and RCW 82.38.170 are each amended to read as follows:

(1) If any special fuel dealer or special fuel user fails to pay any taxes collected or due the state of Washington by said dealer or user within the time prescribed by RCW 82.38.150, said dealer or user shall pay in addition to such tax a penalty of ten percent of the amount thereof ~~((plus interest at the rate of one percent per month, or fraction thereof, from the date such tax was due until paid))~~.

(2) If it be determined by the department that the tax reported by any special fuel dealer or special fuel user is deficient it shall proceed to assess the deficiency on the basis of information available to it and there shall be added to this deficiency a penalty of ten percent of the amount of the deficiency ~~((together with interest at the rate of one percent per month, or fraction thereof, from the date the report was due until paid: PROVIDED, That the interest charge on the unpaid excise tax shall be waived when such interest is less than five dollars: AND PROVIDED FURTHER, That the department may waive the interest on the unpaid excise tax when the interest exceeds five dollars and the department of licensing determines that the cost of processing the collection of the interest exceeds the amount of interest due))~~.

(3) If any special fuel dealer or special fuel user, whether or not he is licensed as such, fails, neglects, or refuses to file a special fuel tax report,

the department shall, on the basis of information available to it, determine the tax liability of the special fuel dealer or the special fuel user for the period during which no report was filed, and to the tax as thus determined, the department shall add the penalty and interest provided in subsection (2) of this section. An assessment made by the department pursuant to this subsection or to subsection (2) of this section shall be presumed to be correct, and in any case where the validity of the assessment is drawn in question, the burden shall be on the person who challenges the assessment to establish by a fair preponderance of the evidence that it is erroneous or excessive as the case may be.

(4) If any special fuel dealer or special fuel user shall establish by a fair preponderance of evidence that his failure to file a report or pay the proper amount of tax within the time prescribed was due to reasonable cause and was not intentional or wilful, the department may waive the penalty prescribed in subsections (1), (2), and (3) of this section.

(5) If any special fuel dealer or special fuel user shall file a false or fraudulent report with intent to evade the tax imposed by this chapter, there shall be added to the amount of deficiency determined by the department a penalty equal to twenty-five percent of the deficiency (~~together with interest at one percent per month, or fraction thereof, on such deficiency from the date such tax was due to the date of payment~~), in addition to the penalty provided in subsection (2) of this section and all other penalties prescribed by law (~~(; PROVIDED, That the interest charge on the unpaid excise tax shall be waived when such interest is less than five dollars. AND PROVIDED FURTHER, That the department may waive the interest on the unpaid excise tax when the interest exceeds five dollars and the department of licensing determines that the cost of processing the collection of the interest exceeds the amount of interest due)~~).

(6) Any fuel tax, penalties, and interest payable under this chapter shall bear interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the amount or any portion thereof should have been paid until the date of payment: PROVIDED, That the department may waive the interest when it determines that the cost of processing the collection of the interest exceeds the amount of interest due.

(7) Except in the case of a fraudulent report or of neglect or refusal to make a report, every deficiency shall be assessed under subsection (2) of this section within three years from the twenty-fifth day of the next succeeding calendar month following the reporting period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires the later.

~~((7))~~ (8) Any special fuel dealer or special fuel user against whom an assessment is made under the provisions of subsections (2) or (3) of this section may petition for a reassessment thereof within thirty days after service upon the special fuel dealer or special fuel user of notice thereof. If

such petition is not filed within such thirty day period, the amount of the assessment becomes final at the expiration thereof.

If a petition for reassessment is filed within the thirty day period, the department shall reconsider the assessment and, if the special fuel dealer or special fuel user has so requested in his petition, shall grant such special fuel dealer or special fuel user an oral hearing and give the special fuel dealer or special fuel user ten days' notice of the time and place thereof. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment shall become final thirty days after service upon the special fuel dealer or special fuel user of notice thereof.

Every assessment made by the department shall become due and payable at the time it becomes final and if not paid to the department when due and payable, there shall be added thereto a penalty of ten percent of the amount of the tax.

~~((8))~~ (9) Any notice of assessment required by this section shall be served personally or by mail; if by mail, service shall be made by depositing such notice in the United States mail, postage prepaid addressed to the special fuel dealer or special fuel user at his address as the same appears in the records of the department.

~~((9))~~ (10) Any licensee who has had their special fuel user license, special fuel dealer license, special fuel supplier license, or combination thereof revoked shall pay a one hundred dollar penalty prior to the issuance of a new license.

~~((10))~~ (11) Any person who, upon audit or investigation by the department, is found to have not paid special fuel taxes as required by this chapter shall be subject to cancellation of all vehicle registrations for vehicles utilizing special fuel as a means of propulsion. Any unexpired Washington tonnage on the vehicles in question may be transferred to a purchaser of the vehicles upon application to the department who shall hold such tonnage in its custody until a sale of the vehicle is made or the tonnage has expired.

Sec. 5. Section 23, chapter 175, Laws of 1971 ex. sess. as amended by section 16, chapter 40, Laws of 1979 and RCW 82.38.220 are each amended to read as follows:

In the event any special fuel user or special fuel dealer is delinquent in the payment of any obligation imposed ~~((hereunder))~~ under this chapter, the department may give notice of the amount of such delinquency by registered or certified mail to all persons having in their possession or under their control any credits or other personal property belonging to such user or dealer or owing any debts to such user or dealer, at the time of the receipt by them of such notice~~((, and thereafter))~~. Any person so notified shall neither transfer nor make other disposition of such credits, personal property, or debts until the department consents to a transfer or other disposition.

All persons so notified must, within ~~((five))~~ twenty days after receipt of the notice, advise the department of any and all such credits, personal property, or debts in their possession, under their control or owing by them, as the case may be, and shall immediately deliver such credits, personal property, or debts to the department or its duly authorized representative to be applied to the indebtedness involved.

If a person fails to answer the notice within the time prescribed by this section, it is lawful for the court, upon application of the department and after the time to answer the notice has expired, to render judgment by default against such person for the full amount claimed by the department in the notice to withhold and deliver, together with costs.

Passed the Senate April 23, 1983.

Passed the House April 18, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 243

[Engrossed Substitute Senate Bill No. 3156]

PUGET SOUND WATER QUALITY AUTHORITY

AN ACT Relating to Puget Sound water quality; adding a new chapter to Title 90 RCW; and providing an expiration date.

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

NEW SECTION. Sec. 1. (1) There is established the Puget Sound water quality authority consisting of twenty-one members appointed by the governor. In making the appointments to the authority, the governor shall seek to include representation of all interested parties, including federal, state, and local government, environmental and health agencies, business, citizen groups such as environmental and public interest groups, and the fisheries and tourism industries.

(2) Of the initial members appointed to the authority, six shall serve terms of four years, five shall serve terms of three years, five shall serve terms of two years, and five shall serve terms of one year. Thereafter, members shall be appointed to terms of four years. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated. Members of the authority shall receive no compensation for their service.

(3) The authority shall from time to time elect a chairman from among its members and adopt rules to govern its procedures.

NEW SECTION. Sec. 2. The Puget Sound water quality authority shall conduct studies of the water quality of Puget Sound. The studies shall include, but not be limited to, the following elements:

(1) Identification of pollution-related threats to the health of important resource species of the sound, including the identification of sources, types, and concentrations of chemicals, emphasizing accumulations in important marine organisms, and identification of those chemicals responsible for degrading the health of Puget Sound marine life, as well as evaluations of the health of marine life through laboratory and field studies and identification of pollution-related changes in marine organisms;

(2) The conduct of risk assessments to evaluate possible threats of pollution to human health, including review and evaluation of pertinent literature and study results, identification and surveillance of human populations at risk, conduct of epidemiologic investigations, conduct of animal feeding studies and related research, and evaluation of data to provide a basis for proposing remedial actions;

(3) Establishment of procedures for coordination of activities and dissemination of information among agencies responsible for protecting marine life and human health and controlling the discharge of man-made chemicals into Puget Sound.

The authority shall make periodic reports on Puget Sound water quality to appropriate federal, state, and local agencies, including the legislature. In making these reports, the authority may recommend legislative and regulatory modifications to improve water quality in Puget Sound.

NEW SECTION. Sec. 3. The Puget Sound water quality authority may receive such gifts, grants, and endowments as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the authority. The authority may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

NEW SECTION. Sec. 4. (1) The department of ecology shall provide staff support to the Puget Sound water quality authority. In addition, the authority may appoint such employees as may be needed to accomplish the duties of the authority.

(2) The authority may enter into, amend, and terminate contracts with individuals, corporations, or research institutions for the purposes of this chapter.

NEW SECTION. Sec. 5. Members of the Puget Sound water quality authority shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 6. The Puget Sound water quality authority shall cease to exist and this chapter shall expire on June 30, 1987.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 90 RCW.

Passed the Senate April 23, 1983.

Passed the House April 16, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 244

[Senate Bill No. 3184]

DOUBLE AMENDMENTS—CORRECTION BY CODE REVISER IN CERTAIN CIRCUMSTANCES

AN ACT Relating to statutory construction; and amending section 1, chapter 162, Laws of 1955 as last amended by section 2, chapter 87, Laws of 1980 and RCW 1.12.025.

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

Sec. 1. Section 1, chapter 162, Laws of 1955 as last amended by section 2, chapter 87, Laws of 1980 and RCW 1.12.025 are each amended to read as follows:

(1) If at any session of the legislature there are enacted two or more acts amending the same section of the session laws or of the official code, each amendment without reference to the others, each act shall be given effect to the extent that the amendments do not conflict in purpose, otherwise the act last filed in the office of the secretary of state in point of time, shall control: PROVIDED, That if one or more special sessions of the same legislature shall follow any regular session, this rule of construction shall apply to the laws enacted at either, both, any, or all of such sessions.

(2) If a section of the session laws or of the official code is amended without reference to another amendment of the same section, the code reviser, in consultation with the statute law committee, may publish the section in the official code with all amendments incorporated therein. The publication of the section under this subsection shall occur only if the statute law committee determines that the amendments do not conflict in purpose or effect. Sections so published constitute prima facie evidence of the law but shall not be construed as changing the meaning of any such law.

The code reviser, in consultation with the statute law committee, may decodify a section of the official code which was repealed without reference to an amendment to the section. The decodification of the section shall occur only if the statute law committee determines that the decodification does not conflict with the purpose of the amendment. Any decision of the code reviser, in consultation with the statute law committee, to incorporate amendments in the same section or to decodify a section which was both repealed and amended in the same session shall be clearly noted in the revised code of Washington.

If any conflict arises in the interpretation of a section published or de-codified under this subsection, the session law sections shall control.

Passed the Senate April 23, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 245

[Engrossed Substitute Senate Bill No. 3217]

SALMON—COMMERCIAL NET FISHING PROHIBITED IN CERTAIN COLUMBIA RIVER TRIBUTARIES

AN ACT Relating to salmon fishing; and adding a new section to chapter 75.12 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 75.12 RCW a new section to read as follows:

(1) It is unlawful to fish for or take salmon commercially with a net within the waters of the tributaries and sloughs described in subsection (2) of this section which flow into or are connected with the Columbia river.

(2) The director shall adopt rules defining geographical boundaries of the following Columbia river tributaries and sloughs:

- (a) Washougal river;
- (b) Camas slough;
- (c) Lewis river;
- (d) Kalama river;
- (e) Cowlitz river;
- (f) Elokomin river;
- (g) Elokomin sloughs;
- (h) Skamokawa sloughs;
- (i) Grays river;
- (j) Deep river;
- (k) Grays bay.

(3) The director may authorize commercial net fishing for salmon in the tributaries and sloughs from September 1 to November 30: **PROVIDED**, That the time, areas and level of effort are regulated in order to maximize the recreational fishing opportunity while minimizing excess returns of fish to hatcheries. The director shall not authorize commercial net fishing if a significant catch of steelhead would occur.

Passed the Senate April 23, 1983.

Passed the House April 18, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 246

[Substitute Senate Bill No. 3253]

CHILD ABUSE—PLACEMENT DECISIONS—REPORTS OF ABUSE BY
CERTAIN PROFESSIONALS—LAW ENFORCEMENT PROCEDURES

AN ACT Relating to abused persons; amending section 34, chapter 291, Laws of 1977 ex. sess. as last amended by section 5, chapter 129, Laws of 1982 and RCW 13.34.060; amending section 41, chapter 291, Laws of 1977 ex. sess. as amended by section 46, chapter 155, Laws of 1979 and RCW 13.34.130; amending section 9, chapter 217, Laws of 1975 1st ex. sess. as amended by section 8, chapter 129, Laws of 1982 and RCW 26.44.056; and amending section 17, chapter 172, Laws of 1967 as last amended by section 3, chapter 118, Laws of 1982 and RCW 74.13.031.

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

Sec. 1. Section 34, chapter 291, Laws of 1977 ex. sess. as last amended by section 5, chapter 129, Laws of 1982 and RCW 13.34.060 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to that section. Whenever a child is taken into such custody pursuant to this section, the supervising agency may authorize routine medical and dental examination and care and all necessary emergency care. In no case may a child who is taken into custody pursuant to RCW 13.34.050 or 26.44.050 be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Sundays and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a shelter care hearing. The court shall hold a shelter care hearing if one is requested.

(2) The juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(3) At the commencement of the shelter care hearing the court shall advise the parties of their basic rights as provided in RCW 13.34.090 and shall appoint counsel pursuant to RCW 13.34.090 if counsel has not been retained by the parent or guardian and if the parent or guardian is indigent, unless the court finds that the right to counsel has been expressly and voluntarily waived.

(4) The court shall examine the need for shelter care. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(5) The juvenile court probation counselor shall submit a recommendation to the court as to the further need for shelter care, except that such recommendation shall be submitted by the department of social and health services in cases where the petition alleging dependency has been filed by the department of social and health services, unless otherwise ordered by the court.

(6) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(a) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(b) The release of such child would present a serious threat of substantial harm to such child.

If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order.

(7) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(8) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be detained for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

Sec. 2. Section 41, chapter 291, Laws of 1977 ex. sess. as amended by section 46, chapter 155, Laws of 1979 and RCW 13.34.130 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Such an order may be made only if:

- (i) There is no parent or guardian available to care for such child; or
- (ii) The child is unwilling to reside in the custody of the child's parent, guardian, or legal custodian; or
- (iii) The parent, guardian, or legal custodian is not willing to take custody of the child; or
- (iv) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home.

(2) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties.

(a) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody and what requirements the parents must meet in order to resume custody.

(b) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(c) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(d) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(3) The status of all children found to be dependent shall be reviewed by the court at least every six months at a hearing in which it shall be determined whether court supervision should continue.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section ~~((still))~~ no longer exists. ~~((When))~~ The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) What services have been provided to or offered to the parties to facilitate reunion;

(ii) The extent to which the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(iii) Whether the agency is satisfied with the cooperation given to it by the parents;

(iv) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered; and

(v) When return of the child can be expected.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 3. Section 9, chapter 217, Laws of 1975 1st ex. sess. as amended by section 8, chapter 129, Laws of 1982 and RCW 26.44.056 are each amended to read as follows:

(1) An administrator of a hospital or similar institution or any physician, licensed pursuant to chapters 18.71 or 18.57 RCW, may detain a child without consent of a person legally responsible for the child whether or not medical treatment is required, if the circumstances or conditions of the child are such that the detaining individual has reasonable cause to believe that permitting the child to continue in his or her place of residence or in the care and custody of the parent, guardian, custodian or other person legally responsible for the child's care would present an imminent danger to that child's safety: PROVIDED, That such administrator or physician shall notify or cause to be notified the appropriate law enforcement agency or child protective services pursuant to RCW 26.44.040. Such notification shall be made as soon as possible and in no case longer than seventy-two hours. Such temporary protective custody by an administrator or doctor shall not be deemed an arrest. Child protective services may detain the child until the court assumes custody, but in no case longer than seventy-two hours, excluding Saturdays, Sundays, and holidays.

(2) Whenever an administrator or physician has reasonable cause to believe that a child would be in imminent danger if released to a parent, guardian, custodian, or other person or is in imminent danger if left in the custody of a parent, guardian, custodian, or other person, the administrator or physician may notify a law enforcement agency and the law enforcement agency shall take the child into custody or cause the child to be taken into custody. The law enforcement agency shall release the child to the custody of child protective services. Child protective services shall detain the child until the court assumes custody or upon a documented and substantiated record that in the professional judgment of the child protective services the child's safety will not be endangered if the child is returned. If the child is returned, the department shall establish a six-month plan to monitor and

assure the continued safety of the child's life or health. The monitoring period may be extended for good cause.

(3) A child protective services employee, an administrator, doctor, or law enforcement officer shall not be held liable in any civil action for the decision for taking the child into custody, if done in good faith under this section.

Sec. 4. Section 17, chapter 172, Laws of 1967 as last amended by section 3, chapter 118, Laws of 1982 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, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of homeless, runaway, dependent, or neglected children.

(2) Develop a recruiting plan for recruiting an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, sibling groups, handicapped and emotionally disturbed, and annually submit the plan for review to the house and senate committees on social and health services. The plan shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of neglect, abuse, or abandonment of children (~~((by parents, legal 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, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime may have been committed, the department shall notify the appropriate law enforcement agency.~~

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report delineating the results to the house and senate committees on social and health services.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives

children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) 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.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, day care, licensing of child care agencies, and services related thereto. At least one-third of the membership shall be composed of child care providers.

(10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and RCW 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974 (P.L. No. 93-415; 42 U.S.C. 5634 et seq.; and 42 U.S.C. 5701 note as amended by P.L. 94-273, 94-503, and 95-115).

Passed the Senate April 24, 1983.

Passed the House April 24, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 247

[Senate Bill No. 3255]

TOLL FACILITIES—PAYMENT EVASION BY PEDESTRIANS AND VEHICLES

AN ACT Relating to toll facilities; and amending section 1, chapter 259, Laws of 1961 as amended by section 91, chapter 136, Laws of 1979 ex. sess. and RCW 46.61.690.

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

Sec. 1. Section 1, chapter 259, Laws of 1961 as amended by section 91, chapter 136, Laws of 1979 ex. sess. and RCW 46.61.690 are each amended to read as follows:

Any person who (~~operates a motor vehicle over~~) uses a toll bridge, toll tunnel, toll road, or toll ferry, and the approaches thereto, operated by the state of Washington, the department of transportation, or any political subdivision or municipal corporation empowered to operate toll facilities, at the entrance to which appropriate signs have been erected to notify both pedestrian and vehicular traffic that it is entering a toll facility or its approaches and is subject to the payment of tolls at the designated station for collecting tolls, commits a traffic infraction if:

(1) (~~He~~) Such person refuses to pay, evades, or attempts to evade the payment of such tolls, or uses or attempts to use any spurious or counterfeit tickets, coupons, or tokens for payment of any such tolls, or

(2) (~~He~~) Such person turns, or attempts to turn, the vehicle around in the bridge, tunnel, loading terminal, approach, or toll plaza where signs have been erected forbidding such turns, or

(3) (~~He refuses to pass~~) Such person refuses to move a vehicle through the toll gates after having come within the area where signs have been erected notifying traffic that it is entering the area where toll is collectible or where vehicles may not turn around and where vehicles are required to pass through the toll gates for the purpose of collecting tolls.

Passed the Senate April 23, 1983.

Passed the House April 13, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 248

[Engrossed Senate Bill No. 3297]

DEPARTMENT OF AGRICULTURE—ORGANIZATION—PROCEDURES—
AUTHORITIES—DIRECTOR TO SERVE ON CONSERVATION COMMISSION

AN ACT Relating to the department of agriculture; amending section 14, chapter 240, Laws of 1967 and RCW 43.23.005; amending section 43.23.010, chapter 8, Laws of 1965 as amended by section 1, chapter 240, Laws of 1967 and RCW 43.23.010; amending section 15, chapter 240, Laws of 1967 and RCW 43.23.015; amending section 43.23.030, chapter 8, Laws of 1965 as amended by section 3, chapter 240, Laws of 1967 and RCW 43.23.030; amending section 43.23.050, chapter 8, Laws of 1965 as amended by section 5, chapter 240, Laws of 1967 and RCW 43.23.050; amending section 43.23.070, chapter 8, Laws of 1965 as amended by section 7, chapter 240, Laws of 1967 and RCW 43.23.070; amending section 43.23.090, chapter 8, Laws of 1965 as amended by section 9, chapter 240, Laws of 1967 and RCW 43.23.090; amending section 43.23.110, chapter 8, Laws of 1965 as amended by section 11, chapter 240, Laws of 1967 and RCW 43.23.110; amending section 13, chapter 240, Laws of 1967 and RCW 43.23.160; amending section 3, chapter 304, Laws of 1955 as last amended by section 4, chapter 184, Laws of 1973 1st ex. sess. and RCW 89.08.030; adding a new section to chapter 41.06 RCW; adding new sections to chapter 43.23 RCW; repealing section 43.23.020, chapter 8, Laws of 1965, section 2, chapter 240, Laws of 1967 and RCW 43.23.020; repealing section 43.23.040, chapter 8, Laws of 1965, section 4, chapter 240, Laws of 1967 and RCW 43.23.040; repealing section 43.23.060, chapter 8, Laws of 1965, section 6, chapter 240, Laws of 1967 and RCW 43.23.060; repealing section 43.23.080, chapter 8, Laws of 1965, section 8, chapter 240, Laws of 1967 and RCW 43.23.080; repealing section 43.23.100, chapter 8,

Laws of 1965, section 10, chapter 240, Laws of 1967 and RCW 43.23.100; and repealing section 12, chapter 240, Laws of 1967 and RCW 43.23.150.

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

NEW SECTION. Sec. 1. There is added to chapter 43.23 RCW a new section to read as follows:

The executive and administrative head of the department of agriculture shall be the director. The director shall be appointed by the governor with the consent of the senate and shall have complete charge of and supervisory power over the department. The director shall be paid a salary fixed by the governor in accordance with RCW 43.03.040.

Sec. 2. Section 14, chapter 240, Laws of 1967 and RCW 43.23.005 are each amended to read as follows:

The director of agriculture may appoint ~~((an assistant director to act as))~~ a deputy director who shall assist the director in the administration of the affairs of the department and who shall have charge and general supervision of the department in the absence or disability of the director, and who, in case a vacancy occurs in the office of director, shall continue in charge of the department until a director is appointed and qualified, or the governor appoints an acting director.

Sec. 3. Section 43.23.010, chapter 8, Laws of 1965 as amended by section 1, chapter 240, Laws of 1967 and RCW 43.23.010 are each amended to read as follows:

The department of agriculture shall be organized into ~~((six divisions, to be known as, (1) the division of agricultural development, (2) the division of plant industry, (3) the division of animal industry, (4) the division of dairy and food, (5) the division of grain and agricultural chemicals, and (6) the division of regulatory services))~~ administrative divisions that the director deems necessary to promote efficient public management, to improve programs, and to take full advantage of both fiscal and administrative economies. The director shall appoint and deputize not more than six assistant directors as necessary to administer the several divisions within the department. The director shall appoint and deputize a state veterinarian who shall be an experienced veterinarian properly licensed to practice veterinary medicine in this state. The officers appointed under this section shall be paid salaries in an amount fixed by the governor.

The director of agriculture shall have charge and general supervision of the department and may assign ~~((the supervision))~~ supervisory and ((administration)) administrative duties ((not specified herein)) other than those specified in RCW 43.23.070 to the division which in his judgment can most efficiently carry on those functions.

Sec. 4. Section 15, chapter 240, Laws of 1967 and RCW 43.23.015 are each amended to read as follows:

Except for the functions specified in RCW 43.23.070, the director may, at his discretion, reassign any of the functions delegated to the various divisions of the department under the provisions of this chapter or any other law to any other division of the department. ~~((The director of agriculture may, if it will best serve the said public interest as herein described, establish when necessary additional divisions by adopting the necessary regulations in the manner provided for under chapter 34.04 RCW as enacted or hereafter amended. Such additional divisions shall have the same authority and powers as those divisions specifically named and established under the provisions of this chapter. The director may assign one or more of the various functions assigned to those divisions specifically named under the provisions of this chapter to said divisions established by regulation, or any other duties hereafter delegated to the department by law.))~~

Sec. 5. Section 43.23.030, chapter 8, Laws of 1965 as amended by section 3, chapter 240, Laws of 1967 and RCW 43.23.030 are each amended to read as follows:

The director of agriculture ~~((, through the division of agricultural development,))~~ shall exercise all the powers and perform all the duties relating to the development of markets, for agricultural products, state and federal cooperative marketing programs, land utilization for agricultural purposes, water resources, transportation, and farm labor as such matters relate to the production, distribution and sale of agricultural commodities.

Sec. 6. Section 43.23.050, chapter 8, Laws of 1965 as amended by section 5, chapter 240, Laws of 1967 and RCW 43.23.050 are each amended to read as follows:

The director of agriculture ~~((, through the division of plant industry,))~~ shall:

- (1) Exercise all the powers and perform all the duties prescribed by law relating to horticulture, and horticultural plants and products;
- (2) Enforce and supervise the administration of all laws relating to horticulture, horticultural products, and horticultural interests.

Sec. 7. Section 43.23.070, chapter 8, Laws of 1965 as amended by section 7, chapter 240, Laws of 1967 and RCW 43.23.070 are each amended to read as follows:

The ~~((director of agriculture, through the division of animal industry,))~~ state veterinarian shall exercise all the powers and perform all duties prescribed by law relating to diseases among domestic animals and the quarantine and destruction of diseased animals.

He shall enforce and supervise the administration of all laws relating to meat inspection, the prevention, detection, control and eradication of diseases of domestic animals, and all other matters relative to the diseases of livestock and their effect upon the public health.

Sec. 8. Section 43.23.090, chapter 8, Laws of 1965 as amended by section 9, chapter 240, Laws of 1967 and RCW 43.23.090 are each amended to read as follows:

The director of agriculture(~~(; through the division of dairy and food;)~~) shall exercise all powers and perform all duties prescribed by law with respect to the inspection of foods, food products, drinks, milk and milk products, and dairies and dairy products and the components thereof.

He shall enforce and supervise the administration of all laws relating to foods, food products, drinks, milk and milk products, dairies and dairy products, and their inspection, manufacture, and sale.

Sec. 9. Section 43.23.110, chapter 8, Laws of 1965 as amended by section 11, chapter 240, Laws of 1967 and RCW 43.23.110 are each amended to read as follows:

The director of agriculture(~~(; through the division of grain and agricultural chemicals;)~~) shall exercise all powers and perform all duties prescribed by law with respect to grains, grain and hay products, grain and terminal warehouses (~~(in relation thereto)~~), commercial feeds, commercial fertilizers, and chemical pesticides.

He shall enforce and supervise the administration of all laws relating to grains, grain and hay products, grain and terminal warehouses (~~(in relation thereto)~~), commercial feeds, commercial fertilizers, and chemical pesticides.

Sec. 10. Section 13, chapter 240, Laws of 1967 and RCW 43.23.160 are each amended to read as follows:

The director of agriculture(~~(; through the division of regulatory services;)~~) shall exercise all the powers and perform all the duties prescribed by law relating to commission merchants, livestock identification, livestock brand registration and inspection. All officers appointed to enforce these laws who have successfully completed a course of training prescribed by the Washington state criminal justice training commission shall have the authority generally vested in a peace officer solely for the purpose of enforcing these laws.

He shall enforce and supervise the administration of all laws relating to commission merchants, livestock identification and shall have the power to enforce all laws relating to any division under the supervision of the director of agriculture.

NEW SECTION. Sec. 11. 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 agriculture to the director, the director's confidential secretary, the deputy director, not more than six assistant directors, and the state veterinarian.

NEW SECTION. Sec. 12. There is added to chapter 43.23 RCW a new section to read as follows:

The director of agriculture may enter written agreements with one or more agencies of the United States to act as the federal government's agent for determining the disposition of livestock impounded on the federal Hanford reservation. The director's authority under such an agreement may include, but is not limited to, selling or donating, on behalf of the federal government, unclaimed livestock to a qualified person, organization, or governmental agency that the director determines to be capable of humanely transporting and caring for the livestock. The director may sell or donate such livestock only if the livestock remains unclaimed after the completion of a reasonable attempt to ascertain ownership and, if ownership is not otherwise determined, by the publication of notice that the livestock has been impounded on the reservation.

Sec. 13. Section 3, chapter 304, Laws of 1955 as last amended by section 4, chapter 184, Laws of 1973 1st ex. sess. and RCW 89.08.030 are each amended to read as follows:

There is hereby established to serve as an agency of the state and to perform the functions conferred upon it (~~(in this 1973 amendatory act)~~) by law, the state conservation commission, which shall succeed to all powers, duties and property of the state soil and water conservation committee.

The commission shall consist of (~~(seven)~~) eight members, (~~(two)~~) three of whom are ex officio. Two members shall be appointed by the governor, one of whom shall be a landowner or operator of a farm. At least two of the three elected members shall be landowners or operators of a farm and shall be elected as herein provided. The appointed members shall serve for a term of four years.

The three elected members shall be elected for three-year terms, one shall be elected each year by the district supervisors at their annual state-wide meeting. One of the members shall reside in eastern Washington, one in central Washington and one in western Washington, the specific boundaries to be determined by district supervisors. At the first such election, the term of the member from western Washington shall be one year, central Washington two years and eastern Washington three years, and successors shall be elected for three years.

Unexpired term vacancies in the office of appointed commission members shall be filled by appointment by the governor in the same manner as full-term appointments. Unexpired terms of elected commission members shall be filled by the regional vice president of the Washington association of conservation districts who is serving that part of the state where the vacancy occurs, such term to continue only until district supervisors can fill the unexpired term by electing the commission member.

The director of the department of ecology, the director of the department of agriculture, and the dean of the college of agriculture at Washington State University shall be ex officio members of the commission.

An ex officio member of the commission shall hold office so long as he retains the office by virtue of which he is a member of the commission. Ex officio members may delegate their authority.

The commission may invite appropriate officers of cooperating organizations, state and federal agencies to serve as advisers to the conservation commission.

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

(1) Section 43.23.020, chapter 8, Laws of 1965, section 2, chapter 240, Laws of 1967 and RCW 43.23.020;

(2) Section 43.23.040, chapter 8, Laws of 1965, section 4, chapter 240, Laws of 1967 and RCW 43.23.040;

(3) Section 43.23.060, chapter 8, Laws of 1965, section 6, chapter 240, Laws of 1967 and RCW 43.23.060;

(4) Section 43.23.080, chapter 8, Laws of 1965, section 8, chapter 240, Laws of 1967 and RCW 43.23.080;

(5) Section 43.23.100, chapter 8, Laws of 1965, section 10, chapter 240, Laws of 1967 and RCW 43.23.100; and

(6) Section 12, chapter 240, Laws of 1967 and RCW 43.23.150.

Passed the Senate April 22, 1983.

Passed the House April 17, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 249

[Engrossed Substitute Senate Bill No. 3308]

HOME HEALTH CARE—HOSPICE CARE—INSURANCE COVERAGE— REGULATIONS

AN ACT Relating to insurance; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.21A RCW; adding a new section to chapter 48.44 RCW; adding a new chapter to Title 70 RCW; and providing an effective date.

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

NEW SECTION. Sec. 1. There is added to chapter 48.21 RCW a new section to read as follows:

(1) Every insurer issuing or renewing group or blanket disability insurance policies governed by this chapter shall offer optional coverage for home health care and hospice care for persons who are homebound and would otherwise require hospitalization. Such optional coverage need only be offered in conjunction with a policy that provides payment for hospitalization as a part of health care coverage.

(2) Home health care and hospice care coverage offered under subsection (1) of this section shall conform to the following standards, limitations, and restrictions:

(a) The coverage may include reasonable deductibles and coinsurance provisions;

(b) The coverage should be structured to create incentives for the use of home health care and hospice care as an alternative to hospitalization;

(c) The coverage may contain provisions for utilization review and quality assurance;

(d) The coverage may require that home health agencies and hospice agencies have written treatment plans approved by a physician licensed under chapter 18.57 or 18.71 RCW, and may require such treatment plans to be reviewed at designated intervals;

(e) The coverage shall provide benefits for, and may restrict benefits to, services rendered by home health and hospice agencies certified by the department of social and health services;

(f) Hospice care coverage shall provide benefits for terminally ill patients for an initial period of care of not less than six months and may provide benefits for an additional six months of care in cases where the patient is facing imminent death or is entering remission if certified in writing by the attending physician;

(g) Home health care coverage shall provide benefits for a minimum of one hundred thirty health care visits per calendar year. However, a visit of any duration by an employee of a home health agency for the purpose of providing services under the plan of treatment constitutes one visit.

(3) The insurance commissioner shall adopt any rules necessary to implement this section.

(4) The requirements of this section shall not apply to contracts or policies governed by chapter 48.66 RCW.

NEW SECTION. Sec. 2. There is added to chapter 48.21A RCW a new section to read as follows:

(1) Every insurer issuing or renewing extended health insurance governed by this chapter shall offer optional coverage for home health care and hospice care for persons who are homebound and would otherwise require hospitalization. Such optional coverage need only be offered in conjunction with a policy that provides payment for hospitalization as a part of health care coverage.

(2) Home health care and hospice care coverage offered under subsection (1) of this section shall conform to the following standards, limitations, and restrictions:

(a) The coverage may include reasonable deductibles and coinsurance provisions;

(b) The coverage should be structured to create incentives for the use of home health care and hospice care as an alternative to hospitalization;

(c) The coverage may contain provisions for utilization review and quality assurance;

(d) The coverage may require that home health agencies and hospice agencies have written treatment plans approved by a physician licensed under chapter 18.57 or 18.71 RCW, and may require such treatment plans to be reviewed at designated intervals;

(e) The coverage shall provide benefits for, and may restrict benefits to, services rendered by home health and hospice agencies certified by the department of social and health services;

(f) Hospice care coverage shall provide benefits for terminally ill patients for an initial period of care of not less than six months and may provide benefits for an additional six months of care in cases where the patient is facing imminent death or is entering remission if certified in writing by the attending physician;

(g) Home health care coverage shall provide benefits for a minimum of one hundred thirty health care visits per calendar year. However, a visit of any duration by an employee of a home health agency for the purpose of providing services under the plan of treatment constitutes one visit.

(3) The insurance commissioner shall adopt any rules necessary to implement this section.

(4) The requirements of this section shall not apply to contracts or policies governed by chapter 48.66 RCW.

NEW SECTION. Sec. 3. There is added to chapter 48.44 RCW a new section to read as follows:

(1) Every health care service contractor issuing or renewing a group health care service contract governed by this chapter shall offer optional coverage for home health care and hospice care for persons who are homebound and would otherwise require hospitalization. Such optional coverage need only be offered in conjunction with a policy that provides payment for hospitalization as a part of health care coverage.

(2) Home health care and hospice care coverage offered under subsection (1) of this section shall conform to the following standards, limitations, and restrictions:

(a) The coverage may include reasonable deductibles and coinsurance provisions;

(b) The coverage should be structured to create incentives for the use of home health care and hospice care as an alternative to hospitalization;

(c) The coverage may contain provisions for utilization review and quality assurance;

(d) The coverage may require that home health agencies and hospice agencies have written treatment plans approved by a physician licensed under chapter 18.57 or 18.71 RCW, and may require such treatment plans to be reviewed at designated intervals;

(e) The coverage shall provide benefits for, and may restrict benefits to, services rendered by home health and hospice agencies certified by the department of social and health services;

(f) Hospice care coverage shall provide benefits for terminally ill patients for an initial period of care of not less than six months and may provide benefits for an additional six months of care in cases where the patient is facing imminent death or is entering remission if certified in writing by the attending physician;

(g) Home health care coverage shall provide benefits for a minimum of one hundred thirty health care visits per calendar year. However, a visit of any duration by an employee of a home health agency for the purpose of providing services under the plan of treatment constitutes one visit.

(3) The insurance commissioner shall adopt any rules necessary to implement this section.

(4) The requirements of this section shall not apply to contracts or policies governed by chapter 48.66 RCW.

NEW SECTION. Sec. 4. The legislature finds that the cost of medical care in general and hospital care in particular has risen dramatically in recent years, and that in 1981, such costs rose faster than in any year since World War II. The purpose of sections 4 through 9 of this act is to support the provision of less expensive and more appropriate levels of care, home health care and hospice care, in order to avoid hospitalization or shorten hospital stays.

NEW SECTION. Sec. 5. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Hospice agency" means a private or public agency or organization that administers and provides hospice care and is certified by the department of social and health services as a hospice care agency.

(2) "Hospice care" means care prescribed and supervised by the attending physician and provided by the hospice agency to the terminally ill in the patient's home, or in an inpatient hospice unit that meets the standards of section 7 of this act.

(3) "Home health agency" means a private or public agency or organization that administers and provides home health care and is certified by the department of social and health services as a home health care agency.

(4) "Home health care" means services, supplies, and medical equipment that meet the standards of section 6 of this act, prescribed and supervised by the attending physician, and provided through a home health agency and rendered to members in their residences when hospitalization would otherwise be required.

(5) "Home health aide" means a person providing part-time or intermittent personal care, ambulation and exercise, household services essential to health care at home, assistance with medications ordinarily self-administered, reporting changes in patients' conditions and needs, and completing appropriate records and under the supervision of a registered nurse or a physical therapist, occupational therapist, or speech therapist.

(6) "Plan of treatment" means a written plan of care established and periodically reviewed by a physician that describes home health or hospice care to be provided to a patient for palliation or treatment of illness or injury.

(7) "Certification period" means the period of time for which the home health care or hospice care plan of treatment is written.

(8) "Physician" means a physician licensed under chapter 18.57 or 18.71 RCW.

NEW SECTION. Sec. 6. (1) Home health care shall be provided by a home health agency and shall:

(a) Be delivered by a registered nurse, physical therapist, occupational therapist, speech therapist, or home health aide on a part-time or intermittent basis;

(b) Include, as applicable under the written plan, supplies and equipment such as:

(i) Drugs and medicines dispensed by or through the agency that are legally obtainable only upon a physician's written prescription, and insulin;

(ii) Artificial limbs or eyes, splints, trusses, braces, crutches, and other durable medical apparatus, and the rental of a wheelchair, hospital bed, iron lung, and other durable medical equipment required for treatment;

(iii) Supplies normally used for hospital inpatients and dispensed by the home health agency such as oxygen, catheters, needles, syringes, dressings, materials used in aseptic techniques, irrigation solutions, and intravenous fluids.

(2) The following services may be included when medically necessary, ordered by the attending physician, and included in the approved plan of treatment:

(a) Licensed practical nurses;

(b) Inhalation therapists;

(c) Social workers holding a master's degree;

(d) Ambulance service that is certified by the physician as necessary in the approved plan of treatment because of the patient's physical condition or for unexpected emergency situations.

(3) Services not included in home health care include:

(a) Nonmedical, custodial, or housekeeping services except by nurse aides or home health aides as ordered in the approved plan of treatment;

(b) "Meals on Wheels" or similar food services;

(c) Nutritional guidance;

(d) Services performed by family members;

(e) Services not included in an approved plan of treatment;

(f) Supportive environmental materials such as handrails, ramps, telephones, air conditioners, and similar appliances and devices.

NEW SECTION. Sec. 7. (1) Hospice care shall be provided by a hospice agency.

(2) A written hospice care plan shall be approved by a physician and shall be reviewed at designated intervals.

(3) The following services shall be included when medically necessary, ordered by the attending physician, and included in the approved plan of treatment:

(a) Short-term care in an inpatient hospice unit;

(b) Care of the terminally ill in an individual's home on an outpatient basis as included in the approved plan of treatment;

(c) Respite care that is continuous care for a maximum of five continuous days per certification period.

NEW SECTION. Sec. 8. The department of social and health services shall adopt rules establishing standards for the certification of home health agencies and hospice agencies under this chapter. These standards shall be compatible with and at least as stringent as home health and hospice certification regulations established by the United States department of health and human services and hospice agency accreditation standards established by the joint commission on accreditation of hospitals.

NEW SECTION. Sec. 9. Nothing in this chapter affects chapter 70.38 RCW.

NEW SECTION. Sec. 10. Sections 4 through 9 of this act shall constitute a new chapter to be added to Title 70 RCW.

NEW SECTION. Sec. 11. This act shall take effect on July 1, 1984. The department of social and health services shall immediately take such steps as are necessary to insure that this act is implemented on its effective date.

Passed the Senate April 23, 1983.

Passed the House April 20, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 250

[Senate Bill No. 3363]

PORT DISTRICTS—TREASURER DESIGNATION

AN ACT Relating to port districts; and amending section 5, chapter 348, Laws of 1955 as amended by section 1, chapter 13, Laws of 1974 ex. sess. and RCW 53.36.010.

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

Sec. 1. Section 5, chapter 348, Laws of 1955 as amended by section 1, chapter 13, Laws of 1974 ex. sess. and RCW 53.36.010 are each amended to read as follows:

The treasurer of the county in which a port district is located shall be treasurer of the district unless the ((treasurer authorizes the)) commission

((to)) of a port district which has for the last three consecutive years received annual gross operating revenues of one hundred thousand dollars or more, excluding tax revenues and grants for capital purposes, designates by resolution some other person having experience in financial or fiscal matters as treasurer of the port district to act with the same powers and under the same restrictions as provided by law for a county treasurer acting on behalf of a port district: PROVIDED, That any port district which was authorized by the county treasurer to appoint its own treasurer prior to the effective date of this 1983 act, may continue to appoint its own treasurer. The commission may, and if the treasurer is not the county treasurer it shall, require a bond, with a surety company authorized to do business in the state of Washington, in an amount and under the terms and conditions which the commission by resolution from time to time finds will protect the district against loss. The premium on such bonds shall be paid by the district. All district funds shall be paid to the treasurer and shall be disbursed by him upon warrants signed by a port auditor appointed by the port commission, upon vouchers approved by the commission.

Passed the Senate April 23, 1983.

Passed the House April 16, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 251

[Senate Bill No. 3426]

HOMESTEADS—POWERS OF ATTORNEY FOR CONVEYANCE OR ENCUMBRANCE

AN ACT Relating to homesteads; and amending section 6, chapter 64, Laws of 1895 and RCW 6.12.110.

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

Sec. 1. Section 6, chapter 64, Laws of 1895 and RCW 6.12.110 are each amended to read as follows:

The homestead of a married person cannot be conveyed or encumbered unless the instrument by which it is conveyed or encumbered is executed and acknowledged by both husband and wife, except that a husband or a wife or both jointly may make and execute powers of attorney for the conveyance or encumbrance of the homestead.

Passed the Senate March 3, 1983.

Passed the House April 20, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 252

[Substitute Senate Bill No. 3480]

MUSICIANS—ENTERTAINERS—INDUSTRIAL INSURANCE COVERAGE

AN ACT Relating to industrial insurance coverage for entertainers or musicians; amending section 51.12.020, chapter 23, Laws of 1961 as last amended by section 15, chapter 63, Laws of 1982 and RCW 51.12.020; and adding a new section to chapter 51.12 RCW.

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

Sec. 1. Section 51.12.020, chapter 23, Laws of 1961 as last amended by section 15, chapter 63, Laws of 1982 and RCW 51.12.020 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, repair, remodeling, or similar work in or about the private home of the employer.

(3) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors or partners: PROVIDED, That after July 26, 1981, sole proprietors or partners who for the first time register under chapter 18.27 RCW or become licensed for the first time under chapter 19.28 RCW shall be included under the mandatory coverage provisions of this title subject to the provisions of RCW 51.32.030. These persons may elect to withdraw from coverage under RCW 51.12.115.

(6) Any employee, not regularly and continuously employed by the employer in agricultural labor, whose cash remuneration paid by or due from any one employer in that calendar year for agricultural labor is less than one hundred fifty dollars. Employees not regularly and continuously employed in agricultural labor by any one employer but who are employed in agricultural labor on a seasonal basis shall come under the coverage of this title only when their cash remuneration paid or due in that calendar year exceeds one hundred fifty dollars but only as of the occurrence of that event and only as to their work for that employer.

(7) Any child under eighteen years of age employed by his parent or parents in agricultural activities on the family farm.

(8) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67-.16 RCW.

(9) Any executive officer elected and empowered in accordance with the articles of incorporation or bylaws of a corporation who at all times during the period involved is also a director and shareholder of the corporation. Any officer who was considered by the department to be covered on and after June 30, 1977, shall continue to be covered until such time as the officer voluntarily elects to withdraw from coverage in the manner provided by RCW 51.12.110. However, any corporation may elect to cover such officers who are in fact employees of the corporation in the manner provided by RCW 51.12.110.

(10) Services rendered by a musician or entertainer under a contract with a purchaser of the services, for a specific engagement or engagements when such musician or entertainer performs no other duties for the purchaser and is not regularly and continuously employed by the purchaser. A purchaser does not include the leader of a group or recognized entity who employs other than on a casual basis musicians or entertainers.

NEW SECTION. Sec. 2. There is added to chapter 51.12 RCW a new section to read as follows:

Any musician or entertainer who performs as a member of a group or recognized entity is deemed an employee of the group or entity and the leader of the group or entity shall be required to properly register as an employer with the department and pay industrial insurance premiums on behalf of his or her employees. If a musician or entertainer is a sole performer or performs as a partner in a group or entity, or performs on a casual basis, the musician or entertainer shall be exempted from mandatory coverage of this title. However, any such sole performer, partner, or casual performer may elect to be covered under this title and shall be subject to all the provisions and entitled to all the benefits under this title.

Passed the Senate April 23, 1983.

Passed the House April 16, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 253

[Substitute Senate Bill No. 3483]

OIL AND GAS CONSERVATION—EXPLORATION—DEVELOPMENT— PRODUCTION—RECLAMATION

AN ACT Relating to oil and gas conservation; amending section 1, chapter 146, Laws of 1951 and RCW 78.52.001; amending section 3, chapter 146, Laws of 1951 and RCW 78.52.010; amending section 5, chapter 146, Laws of 1951 and RCW 78.52.025; amending section 7, chapter 146, Laws of 1951 and RCW 78.52.031; amending section 10, chapter 146, Laws of 1951 and RCW 78.52.040; amending section 11, chapter 146, Laws of 1951 and RCW 78.52.050; amending section 13, chapter 146, Laws of 1951 and RCW 78.52.100; amending section 14, chapter 146, Laws of 1951 and RCW 78.52.120; amending section 22, chapter 146, Laws of 1951 and RCW 78.52.200; amending section 23, chapter 146, Laws of 1951 and RCW 78.52.210; amending section 24, chapter 146, Laws of 1951

and RCW 78.52.220; amending section 25, chapter 146, Laws of 1951 and RCW 78.52.230; amending section 26, chapter 146, Laws of 1951 and RCW 78.52.240; amending section 27, chapter 146, Laws of 1951 and RCW 78.52.250; amending section 50, chapter 146, Laws of 1951 and RCW 78.52.470; amending section 51, chapter 146, Laws of 1951 and RCW 78.52.480; amending section 4, chapter 146, Laws of 1951 as last amended by section 7, chapter 180, Laws of 1971 ex. sess. and RCW 78.52.020; amending section 52, chapter 146, Laws of 1951 and RCW 78.52.490; adding new sections to chapter 78.52 RCW; repealing section 18, chapter 146, Laws of 1951 and RCW 78.52.160; repealing section 19, chapter 146, Laws of 1951 and RCW 78.52.170; repealing section 20, chapter 146, Laws of 1951 and RCW 78.52.180; repealing section 21, chapter 146, Laws of 1951 and RCW 78.52.190; repealing section 36, chapter 146, Laws of 1951 and RCW 78.52.340; repealing section 38, chapter 146, Laws of 1951 and RCW 78.52.350; repealing section 39, chapter 146, Laws of 1951 and RCW 78.52.360; repealing section 40, chapter 146, Laws of 1951 and RCW 78.52.370; repealing section 41, chapter 146, Laws of 1951 and RCW 78.52.380; repealing section 42, chapter 146, Laws of 1951 and RCW 78.52.390; repealing section 43, chapter 146, Laws of 1951 and RCW 78.52.400; repealing section 44, chapter 146, Laws of 1951 and RCW 78.52.410; repealing section 45, chapter 146, Laws of 1951 and RCW 78.52.420; repealing section 46, chapter 146, Laws of 1951 and RCW 78.52.430; repealing section 47, chapter 146, Laws of 1951 and RCW 78.52.440; repealing section 53, chapter 146, Laws of 1951, section 138, chapter 81, Laws of 1971 and RCW 78.52.500; repealing section 54, chapter 146, Laws of 1951 and RCW 78.52.510; repealing section 55, chapter 146, Laws of 1951 and RCW 78.52.520; and prescribing penalties.

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

Sec. 1. Section 1, chapter 146, Laws of 1951 and RCW 78.52.001 are each amended to read as follows:

It is hereby declared to be in the public interest to foster, encourage, and promote the exploration, development, production, and utilization of oil and gas in the state in such manner as will prevent waste; to authorize and to provide for the operation and development of oil and gas properties in such manner as to assure that the maximum economic recovery of oil and gas may be obtained and the rights of owners thereof fully protected; to conduct such oil and gas operations in a manner that will maintain a safe and healthful environment for the people of Washington and protect the state's natural resources; and to encourage, authorize, and provide for cycling, recycling, pressure maintenance and secondary recovery operations in order that the maximum economic recovery of oil and gas may be obtained to the end that landowners, royalty owners, producers, and the general public may realize and enjoy the greatest possible benefits from these vital resources.

Sec. 2. Section 3, chapter 146, Laws of 1951 and RCW 78.52.010 are each amended to read as follows:

For the purposes of this chapter, unless the text otherwise requires, the following terms shall have the following meanings:

(1) (~~"Waste" in addition to its ordinary meaning, shall mean "physical waste" as that term is generally understood in the petroleum industry, and shall include:~~

~~(a) The inefficient, excessive or improper use of, or unnecessary dissipation of, reservoir energy, and the locating, spacing, drilling, equipping, operating or producing of any oil or gas well in a manner which results, or~~

~~tends to result in reducing the quantity of oil or gas to be recovered from any pool in this state under operations conducted in accordance with good oil field engineering practices;~~

~~(b) The inefficient above ground storage of oil; and the locating, spacing, drilling, equipping, operating or producing of any oil or gas well in a manner causing, or tending to cause, unnecessary or excessive surface loss or destruction of oil or gas;~~

~~(c) Producing oil or gas in such manner as to cause unnecessary water channeling, or coning;~~

~~(d) The operation of an oil well with an inefficient gas-oil ratio;~~

~~(e) The drowning with water of any pool or part thereof capable of producing oil or gas, except insofar as, and to the extent, authorized by the committee hereunder;~~

~~(f) Underground waste;~~

~~(g) The creation of unnecessary fire hazards;~~

~~(h) The escape into the open air, from a well producing oil or gas, of gas in excess of the amount which is reasonably necessary in the efficient development or production of the well;~~

~~(i) The use of gas for the manufacture of carbon black, except as provided in section 15 hereof; and~~

~~(j) Production of oil and gas in excess of the reasonable market demand.~~

~~(2) "Oil" shall mean crude petroleum oil, and any other hydrocarbons regardless of gravity, which are produced at the well in liquid form by ordinary production methods or which are the result of condensation of gaseous hydrocarbons before or after they leave the reservoir, other than gas produced in association with oil and commonly known as wet gas.~~

~~(3) "Gas" shall mean all natural gas and other fluid or gaseous hydrocarbons not defined as oil in subsection (2) above, including wet gas, dry gas and residue gas as those terms are generally understood in the petroleum industry.~~

~~(4) "Pool" shall mean an underground reservoir proven to contain a common accumulation of oil or gas, or both. Each zone of a general structure which is completely separated from any other zone in the structure is covered by the term "pool" as herein used.~~

~~(5)) "Certificate of clearance" means a permit prescribed by the committee for the transportation or the delivery of oil, gas, or product.~~

~~(2) "Committee" means the oil and gas conservation committee.~~

~~(3) "Development unit" means the maximum area of a pool which may be drained efficiently and economically by one well.~~

~~(4) "Division order" means an instrument showing percentage of royalty or rental divisions among royalty owners.~~

~~(5) "Fair and reasonable share of the production" means, as to each separately-owned tract or combination of tracts, that part of the authorized production from a pool that is substantially in the proportion that the~~

amount of recoverable oil or gas under the development unit of that separately-owned tract or tracts bears to the recoverable oil or gas or both in the total of the development units in the pool.

(6) "Field" ((shaff)) means the general area which is underlaid by at least one pool and ((shaff)) includes the underground reservoir or reservoirs containing oil or gas, or both. The words "field" and "pool" mean the same thing when only one underground reservoir is involved; however, "field((=,))," unlike "pool((=,))," may relate to two or more pools.

((67)) (7) "Gas" means all natural gas, all gaseous substances, and all other fluid or gaseous hydrocarbons not defined as oil in subsection (12) of this section, including but not limited to wet gas, dry gas, residue gas, condensate, and distillate, as those terms are generally understood in the petroleum industry.

(8) "Illegal oil" or "illegal gas" means oil or gas that has been produced from any well within the state in violation of this chapter or any rule or order of the committee.

(9) "Illegal product" means any product derived in whole or part from illegal oil or illegal gas.

(10) "Interested person" means a person with an ownership, basic royalty, or leasehold interest in oil or gas within an existing or proposed development unit or unitized pool.

(11) "Lessee" ((shaff)) means the lessee under an oil and gas lease, or the owner of any land or mineral rights who has the right to conduct((=)) or ((carries)) carry on any oil and gas development, exploration and operation thereon, or any person so operating for himself or others.

((77)) (12) "Oil" means crude petroleum, oil, and all hydrocarbons, regardless of gravity, that are in the liquid phase in the original reservoir conditions and are produced and recovered at the wellhead in liquid form.

(13) "Operator" means the person who operates a well or unit or who has been designated or accepted by the owners to operate the well or unit, and who is responsible for compliance with the committee's rules and policies.

(14) "Owner" means the person who has the right to develop, operate, drill into, and produce from a pool and to appropriate the oil or gas that he or she produces therefrom, either for that person or for that person and others.

(15) "Person" ((shaff)) means any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or representative of any kind and includes any governmental or political subdivision or any agency thereof.

(16) "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both. Each zone of a structure which is completely separated from any other zone in the same structure such that the

accumulations of oil or gas are not common with each other is considered a separate pool and is covered by the term "pool" as used in this chapter.

(17) "Pooling" means the integration or combination of two or more tracts into an area sufficient to constitute a development unit of the size for one well as prescribed by the committee.

(18) "Product" means any commodity made from oil or gas.

(19) "Protect correlative rights" means that the action or regulation by the committee should afford a reasonable opportunity to each person entitled thereto to recover or receive without causing waste his or her fair and reasonable share of the oil and gas in this tract or tracts or its equivalent.

(20) "Royalty" means a right to or interest in oil or gas or the value from or attributable to production, other than the right or interest of a lessee, owner, or operator, as defined herein. Royalty includes, but is not limited to the basic royalty in a lease, overriding royalty, and production payments. Any such interest may be referred to in this chapter as "royalty" or "royalty interest." As used in this chapter "basic royalty" means the royalty reserved in a lease. "Royalty owner" means a person who owns a royalty interest.

(21) "Supervisor" means the state oil and gas supervisor.

(22) "Unitization" means the operation of all or part of a field or reservoir as a single entity for operating purposes.

(23) "Waste" in addition to its ordinary meaning, means and includes:

(a) "Physical waste" as that term is generally understood in the petroleum industry;

(b) The inefficient, excessive, or improper use of, or unnecessary dissipation of, reservoir energy, and the locating, spacing, drilling, equipping, operating, or producing of any oil or gas well in a manner which results or is probable to result in reducing the quantity of oil or gas to be recovered from any pool in this state under operations conducted in accordance with prudent and proper practices or that causes or tends to cause unnecessary wells to be drilled;

(c) The inefficient above-ground storage of oil, and the locating, spacing, drilling, equipping, operating, or producing of any oil or gas well in a manner causing or tending to cause unnecessary or excessive surface loss or destruction of oil or gas;

(d) The production of oil or gas in such manner as to cause unnecessary water channeling, or coning;

(e) The operation of an oil well with an inefficient gas-oil ratio;

(f) The drowning with water of any pool or part thereof capable of producing oil or gas, except insofar as and to the extent authorized by the committee;

(g) Underground waste;

(h) The creation of unnecessary fire hazards;

(i) The escape into the open air, from a well producing oil or gas, of gas in excess of the amount which is reasonably necessary in the efficient development or production of the well;

(j) The use of gas for the manufacture of carbon black, except as provided in RCW 78.52.140;

(k) Production of oil and gas in excess of the reasonable market demand;

(l) The flaring of gas from gas wells except that which is necessary for the drilling, completing, or testing of the well; and

(m) The unreasonable damage to natural resources including but not limited to the destruction of the surface, soils, wildlife, fish, or aquatic life from or by oil and gas operations.

Sec. 3. Section 5, chapter 146, Laws of 1951 and RCW 78.52.025 are each amended to read as follows:

The committee shall hold hearings or meetings at such times and places as may be found by the committee to be necessary to carry out its duties. The committee may establish its own rules for the conduct of public hearings or meetings consistent with other applicable law.

NEW SECTION. Sec. 4. There is added to chapter 78.52 RCW a new section to read as follows:

The department of natural resources is the designated agent of the committee for the purpose of carrying out this chapter. It shall administer and enforce this chapter consistent with the policies adopted by the committee, together with all rules and orders which the committee may adopt and delegate, including but not limited to issuing permits, orders, enforcement actions, and other actions or decisions authorized to be made under this chapter. The department shall designate a state oil and gas supervisor who shall be charged with duties as may be delegated by the department. The department of natural resources may designate one or more deputy supervisors and employ all personnel necessary including the appointment of examiners as provided in section 10 of this act to carry out this chapter and the rules and orders of the committee.

Sec. 5. Section 7, chapter 146, Laws of 1951 and RCW 78.52.031 are each amended to read as follows:

The committee shall have the power to (~~summon~~) subpoena witnesses, to administer oaths, and to require the production of records, books, and documents for examination at any hearing or investigation conducted by it. No person shall be excused from attending and testifying, or from producing books, papers, and records before the committee or a court, or from obedience to the subpoena of the committee or a court, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture: PROVIDED, That nothing herein contained shall be construed

as requiring any person to produce any books, papers, or records, or to testify in response to any inquiry not pertinent to some question lawfully before such committee or court for determination. No person shall be subjected to criminal prosecution or to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which, in spite of his objection, he may be required to testify or produce evidence, documentary or otherwise before the committee or court, or in obedience to its subpoena: PROVIDED, HOWEVER, That no person testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

Sec. 6. Section 10, chapter 146, Laws of 1951 and RCW 78.52.040 are each amended to read as follows:

It shall be the duty of the committee to administer and enforce the provisions of this chapter by the adoption of policies, and all rules, regulations and orders promulgated hereunder, and the committee is hereby vested with jurisdiction, power and authority, over all persons and property, public and private, necessary to enforce effectively such duty.

Sec. 7. Section 11, chapter 146, Laws of 1951 and RCW 78.52.050 are each amended to read as follows:

The committee shall have authority to make such reasonable rules, regulations and orders as may be necessary from time to time for the proper administration and enforcement of this chapter. Unless otherwise required by law or by this chapter or by rules of procedure made under this chapter, the committee may make such rules, regulations and orders, after notice, as the basis therefor. The notice may be given by publication in some newspaper of general circulation in the state in a manner and form which may be prescribed by the committee by general rule. The public hearing shall be at the time and in the manner and at the place prescribed by the committee, and any person having any interest in the subject matter of the hearing shall be entitled to be heard. In addition, written notice shall be mailed to all interested persons who have requested, in writing, notice of committee hearings, rulings, policies, and orders. The committee shall establish and maintain a mailing list for this purpose. Substantial compliance with these mailing requirements is deemed compliance with the provisions herewith.

Sec. 8. Section 13, chapter 146, Laws of 1951 and RCW 78.52.100 are each amended to read as follows:

All rules, regulations, policies, and orders of the committee, all petitions, copies of all notices and actions with affidavits of posting, mailing or publications pertaining thereto, all findings of fact, and transcripts of all hearings shall be in writing and shall be entered in full by the committee in the permanent official records of the office of the commissioner of public lands and shall be open for inspection at all times during reasonable office hours. A copy of any rule, regulation, policy, order, or other official records of the

committee, certified by the executive secretary of the committee, shall be received in evidence in all courts of this state with the same effect as the original. The committee is hereby required to furnish ~~((for the public on))~~ to any person upon request, copies of all rules, regulations, policies, orders, and amendments thereof.

NEW SECTION. Sec. 9. There is added to chapter 78.52 RCW a new section to read as follows:

(1) The committee shall make investigations as necessary to carry out this chapter.

(2) The committee and the department, consistent with the committee's policies, shall require:

(a) Identification of ownership of oil or gas wells, producing leases, tanks, plants, structures, and facilities for the transportation or refining of oil or gas;

(b) The making and filing of well logs, core samples, directional surveys, and reports on well locations, drilling, and production;

(c) The testing of oil and gas wells;

(d) The drilling, casing, operating, and plugging of wells in such a manner as to prevent the escape of oil or gas out of the casings, or out of one pool into another, the intrusion of water into an oil or gas pool, and the pollution of freshwater supplies by oil, gas, or saltwater and to prevent blowouts, cavings, seepages, and fires;

(e) The furnishing of adequate security acceptable to the department, conditioned on the performance of the duty to plug each dry or abandoned well, the duty to reclaim and clean-up well drilling sites, the duty to repair wells causing waste, the duty to comply with all applicable laws and rules adopted by the committee, orders of the committee and the department, all permit conditions, and this chapter;

(f) The operation of wells with efficient gas-oil and water-oil ratios and may fix these ratios and limit production from wells with inefficient gas-oil or water-oil ratios;

(g) The production of oil and gas from wells be accurately measured by means and upon standards prescribed by the committee, and that every person who produces, sells, purchases, acquires, stores, transports, treats, or processes oil or gas in this state keeps and maintains for a period of five years within this state complete and accurate records thereof, which records shall be available for examination by the committee or its agents at all reasonable times, and that every person file with the committee such reports as it may prescribe with respect to the oil or gas; and

(h) Compliance with all applicable laws and rules of this state.

(3) The committee and the department, consistent with the committee's policies, shall regulate:

(a) The drilling, producing, locating, spacing, and plugging of wells and all other operations for the production of oil or gas;

(b) The physical, mechanical, and chemical treatment of wells, and the perforation of wells;

(c) Operations to increase ultimate recovery such as cycling of gas, the maintenance of pressure, and the introduction of gas, water, or other substances into producing formations;

(d) Disposal of saltwater and oil field brines;

(e) The storage, processing, and treatment of natural gas and oil produced within this state; and

(f) Reclamation and clean-up of all well sites and any areas directly affected by the drilling, production, operation, and plugging of oil and gas wells.

(4) The committee may limit and prorate oil and gas produced in this state and may restrict future production of oil and gas from any pool in such amounts as will offset and compensate for any production determined by the committee to be in excess of or in violation of "oil allowable" or "gas allowable."

(5) The committee shall classify wells as oil or gas wells for purposes material to the interpretation or enforcement of this chapter.

(6) The committee and the department, consistent with the committee's policies, shall regulate oil and gas exploration and drilling activities so as to prevent or remedy unreasonable or excessive waste or surface destruction.

NEW SECTION. Sec. 10. There is added to chapter 78.52 RCW a new section to read as follows:

In addition to the powers and authority, either express or implied, granted to the Washington oil and gas conservation committee by virtue of the laws of this state, the committee may, in prescribing its rules of order or procedure in connection with hearings or other proceedings before the committee, provide for the appointment of one or more examiners to conduct a hearing or hearings with respect to any matter properly coming before the committee and to make reports and recommendations to the committee with respect thereto. Any member of the committee, or its staff or any other person designated by the committee, or the supervisor when this power is so delegated, may serve as an examiner. The committee shall adopt rules governing hearings to be conducted before examiners.

Sec. 11. Section 14, chapter 146, Laws of 1951 and RCW 78.52.120 are each amended to read as follows:

Any person desiring or proposing to drill any well in search of oil or gas, before commencing the drilling of any such well, shall ~~((notify))~~ apply to the committee upon such form as the committee may prescribe, and shall pay to the state treasurer a fee of ~~((one hundred dollars for each such permit.))~~ the following amounts for each application:

(1) For each well the estimated depth of which is three thousand five hundred feet or less, two hundred fifty dollars;

(2) From three thousand five hundred one feet to seven thousand feet, five hundred dollars;

(3) From seven thousand one feet to twelve thousand feet, seven hundred fifty dollars; and

(4) From twelve thousand one feet and deeper, one thousand dollars.

In addition, as pertains to the tract upon which the well is proposed to be located, the applicant must notify the surface landowner, the landowner's tenant, and other surface users in the manner provided by regulations of the committee that a drilling permit has been applied for by furnishing each such surface landowner, tenant, and other users with a copy of the application concurrent with the filing of the application. Within fifteen days of receipt of the application, each such surface landowner, the landowner's tenant, and other surface users have the right to inform the committee of objections or comments as to the proposed use of the surface by the applicant, and the committee shall consider the objections or comments.

The drilling of any well is prohibited until ~~((such notice))~~ a permit is given and such fee has been paid as herein provided. The committee shall have the authority to prescribe that the said form indicate the exact location of such well, the name and address of the owner, operator, contractor, driller, and any other person responsible for the conduct of drilling operations, the proposed depth of the well, the elevation of the well above sea level, and such other relevant and reasonable information as the committee may deem necessary or convenient to effectuate the purposes of this chapter.

The committee shall issue a permit if it finds that the proposed drilling will be consistent with this chapter, the rules, and orders adopted under it, and is not detrimental to the public interest. The committee shall impose conditions and restrictions as necessary to protect the public interest and to ensure compliance with this chapter, and the rules and orders adopted by the committee. A person shall not apply to drill a well in search of oil or gas unless that person holds an ownership or contractual right to locate and operate the drilling operations upon the proposed drilling site. A person shall not be issued a permit unless that person prima facie holds an ownership or contractual right to drill to the proposed depth, or proposed horizon. Proof of prima facie ownership shall be presented to the committee.

Sec. 12. Section 22, chapter 146, Laws of 1951 and RCW 78.52.200 are each amended to read as follows:

When necessary to prevent waste, to avoid the drilling of unnecessary wells, or to protect correlative rights including those of royalty owners, the committee, upon its own motion or upon application of interested persons, shall establish ~~((well spacing areas. Well spacing areas when established shall be of uniform size and shape for the entire pool, except that when found to be necessary for any of the purposes above-mentioned, the committee is authorized to divide any pool into zones and establish well spacing areas for each zone, which areas may differ in size and shape from those~~

established in any other zone)) development units covering any known pool. Development units shall be of uniform size and shape for the entire pool unless the committee finds that it must make an exception due to geologic, geographic, or other factors. When necessary, the committee may divide any pool into zones and establish development units for each zone, which units may differ in size and shape from those established in any other zone.

NEW SECTION. Sec. 13. There is added to chapter 78.52 RCW a new section to read as follows:

Within sixty days after the discovery of oil or gas in a pool not then covered by an order of the committee, a hearing shall be held and the committee shall issue an order prescribing development units for the pool. If sufficient geological or other scientific data from drilling operations or other evidence is not available to determine the maximum area that can be efficiently and economically drained by one well, the committee may establish temporary development units to ensure the orderly development of the pool pending availability of the necessary data. A temporary order shall continue in force for a period of not more than twenty-four months at the expiration of which time, or upon the petition of an affected person, the committee shall require the presentation of such geological, scientific, drilling, or other evidence as will enable it to determine the proper development units in the pool. During the interim period between the discovery and the issuance of the temporary order, permits shall not be issued for the drilling of direct offsets to a discovery well.

Sec. 14. Section 23, chapter 146, Laws of 1951 and RCW 78.52.210 are each amended to read as follows:

(1) The size and the shape of ((well-spacing areas are to)) any development units shall be such as will result in the efficient and economical development of the pool as a whole, and the size shall not be smaller than the maximum area that can be efficiently and economically drained by one well((, nor greater than forty acres for oil or one hundred sixty acres for gas only)) as determined by competent geological, geophysical, engineering, drilling, or other scientific testimony, data, and evidence. The committee shall fix a development unit of not more than one hundred sixty acres for any pool deemed by the committee to be an oil reservoir, or of six hundred forty acres for any pool deemed by the committee to be a gas reservoir, plus a ten percent tolerance in either case to allow for irregular sections. The committee may, at its discretion, after notice and hearing, establish development units for oil and gas in variance of these limitations when competent geological, geophysical, engineering, drilling, or other scientific testimony, data, and evidence is presented and upon a finding that one well can efficiently and economically drain a larger or smaller area and is justified because of technical, economic, environmental, or safety considerations.

(2) The committee may establish development units of different sizes or shapes for different parts of a pool or may grant exceptions to the size or

shapes of any development unit or units. Where development units of different sizes or shapes exist in a pool, the committee shall, if necessary, make such adjustments to the allowable production from the well or wells drilled thereon so that each operator in each development unit will have a reasonable opportunity to produce or receive his or her just and equitable share of the production.

Sec. 15. Section 24, chapter 146, Laws of 1951 and RCW 78.52.220 are each amended to read as follows:

An order establishing (~~(well spacing areas)~~) development units for a pool shall specify the size and shape of each area and the location of the permitted well thereon in accordance with a reasonable uniform spacing plan. Upon application and after notice and a hearing, if the committee finds that a well drilled at the prescribed location would not produce in paying quantities, or that surface conditions would substantially add to the burden or hazard of drilling such well, the committee is authorized to enter an order permitting the well to be drilled pursuant to permit at a location other than that prescribed by such (~~(spacing)~~) development order; however, the committee shall include in the order suitable provisions to prevent the production from the (~~(well spacing area)~~) development unit of more than its just and equitable share of the oil and gas in the pool.

Sec. 16. Section 25, chapter 146, Laws of 1951 and RCW 78.52.230 are each amended to read as follows:

An order establishing (~~(well spacing areas)~~) development units for a pool shall cover all lands determined or believed to be underlaid by such pool, and may be modified by the committee from time to time to include additional areas determined to be underlaid by such pool. When the committee determines that it is necessary for the prevention of waste, or to avoid the drilling of unnecessary wells, or to protect correlative rights, an order establishing (~~(well spacing areas)~~) development units in a pool may be modified by the committee to increase or decrease the size of (~~(well spacing areas)~~) development units in the pool (~~(or any zone thereof)~~) or to permit the drilling of additional wells on a reasonably uniform plan in the pool (~~(; or any zone thereof)~~).

Sec. 17. Section 26, chapter 146, Laws of 1951 and RCW 78.52.240 are each amended to read as follows:

When two or more separately-owned tracts are embraced within a (~~(well spacing area)~~) development unit, or when there are separately owned interests in all or a part of the (~~(well spacing area)~~) development unit, then the owners and lessees thereof may (~~(combine)~~) pool their interests for the development and operation of the (~~(well spacing area)~~) development unit. In the absence of this voluntary (~~(combination)~~) pooling, the committee, upon the application of any interested person, shall enter an order (~~(combining)~~) pooling all interests, including royalty interests, in the (~~(well spacing area)~~)

development unit for the development and operation thereof. Each such ~~((combining))~~ pooling order shall be made after notice and hearing~~((and shall be upon terms and conditions that are just and reasonable, and that afford to the owner of each tract or interest in the well spacing area the opportunity to recover or receive, without unnecessary expense or penalty, his just and equitable share. Operations incident to the drilling of a well upon any portion of a well spacing area covered by a combining order shall be deemed, for all purposes, the conduct of such operations upon each separately-owned tract in the well spacing area by the several owners thereof. That portion of the production allocated to each tract included in a well spacing area covered by a combining order shall, when produced, be deemed for all purposes to have been produced from such tract by a well drilled thereon))~~). The applicant or applicants shall have the burden of proving that all reasonable efforts have been made to obtain the consent of, or to reach agreement with, other owners.

NEW SECTION. Sec. 18. There is added to chapter 78.52 RCW a new section to read as follows:

A pooling order shall be upon terms and conditions that are fair and reasonable and that afford to each owner and royalty owner his or her fair and reasonable share of production. Production shall be allocated as follows:

(1) For the purpose of determining the portions of production owned by the persons owning interests in the pooled unit, the production shall be allocated to the respective tracts within the unit in the proportion that the surface acres in each tract bear to the number of surface acres included in the entire unit.

(2) Notwithstanding subsection (1) of this section, if the committee finds that allocation on a surface acreage basis does not allocate to each tract its fair share, the committee shall allocate the production so that each tract will receive its fair share.

Sec. 19. Section 27, chapter 146, Laws of 1951 and RCW 78.52.250 are each amended to read as follows:

(1) Each such ~~((combining))~~ pooling order shall make provision for the drilling and operation of a well on the ~~((well spacing area))~~ development unit, and for the payment of the reasonable actual cost thereof by the owners of interests required to pay such costs in the ((well spacing area)) development unit, plus a reasonable charge for supervision and storage facilities. Costs associated with production from the pooled unit shall be allocated in the same manner as is production in section 18 of this 1983 act. In the event of any dispute as to such costs the committee shall determine the proper costs. ~~((If one or more of the owners shall drill and operate, or pay the expenses of drilling and operating the well for the benefit of others, then, the owner or owners so drilling or operating shall have a lien on the share of production from the well spacing area accruing to the interest of each of the other owners for the payment of his proportionate share of such~~

~~expenses. Such lien shall be only against the said share of production, and not against any interest, estate, equity or title of any of the said other owners. All the oil and gas subject to the lien shall be marketed and sold and the proceeds applied in payment of the expenses secured by such lien.))~~

(2) As to each owner who fails or refuses to agree to bear his or her proportionate share of the costs of the drilling and operation of the well, the order shall provide for reimbursement of those persons paying for the drilling and operation of the well of the nonconsenting owner's share of the costs from, and only from, production from the unit representing that person's interest, excluding royalty or other interests not obligated to pay any part of the cost thereof. The committee may provide that the consenting owners shall own and be entitled to receive all production from the well after payment of the royalty as provided in the lease, if any, applicable to each tract or interest, and obligations payable from production, until the consenting owners have been paid the amount due under the terms of the pooling order or order settling any dispute.

The order shall determine the interest of each owner in the unit and shall provide that each consenting owner is entitled to receive, subject to royalty or similar obligations, the share of the production of the well applicable to the owner's interest in the unit, and, unless the owner has agreed otherwise, his or her proportionate part of the nonconsenting owner's share of the production until costs are recovered as provided in this subsection. Each nonconsenting owner is entitled to receive, subject to royalty or similar obligations, the share of production from the well applicable to the owner's interest in the unit after the consenting owners have recovered from the nonconsenting owner's share of production the following:

(a) In respect to every such well, one hundred percent of the nonconsenting owner's share of the cost of surface equipment beyond the wellhead connections, including but not limited to, stock tanks, separators, treaters, pumping equipment, and piping, plus one hundred percent of the nonconsenting owner's share of the cost of operation of the well, commencing with first production and continuing until the consenting owners have recovered these costs, with the intent that the nonconsenting owner's share of these costs and equipment will be that interest which would have been chargeable to the nonconsenting owner had he or she initially agreed to pay his or her share of the costs of the well from the beginning of the operation;

(b) One hundred fifty percent of that portion of the costs and expenses of staking the location, well site preparation, rights of way, rigging-up, drilling, reworking, deepening or plugging back, testing, and completing, after deducting any cash contributions received by the consenting owners, and also one hundred fifty percent of that portion of the cost of equipment in the well, up to and including the wellhead connections; and

(c) If there is a dispute regarding the costs, the committee shall determine the proper costs and their allocation among working interest owners after due notice to interested parties and a hearing on the costs.

(3) The operator of a well under a pooling order in which there are nonconsenting owners shall furnish the nonconsenting owners with monthly statements of all costs incurred, together with the quantity of oil or gas produced, and the amount of proceeds realized from the sale of this production during the preceding month. If and when the consenting owners recover from a nonconsenting owner's relinquished interest the amounts provided for in subsection (2) of this section, the relinquished interest of the nonconsenting owner shall automatically revert to him or her, and the nonconsenting owner shall own the same interest in the well and the production from it and be liable for the further costs of the operation as if he or she had participated in the initial drilling and operation.

(4) A nonconsenting owner of a tract in a development unit which is not subject to any lease or other contract for the development thereof for oil and gas shall elect within fifteen days of the issuance of the pooling order or such further time as the committee shall, in the order, allow:

(a) To be treated as a nonconsenting owner as provided in subsections (2) and (3) of this section and is deemed to have a basic landowners' royalty of one-eighth, or twelve and one-half percent, of the production allocated to the tract, unless a higher basic royalty has been established in the development unit. If a higher royalty has been established, then the nonconsenting owner of a nonleased tract shall receive the higher basic royalty. This presumed royalty shall exist only during the time that costs and expenses are being recovered under subsection (2) of this section, and is intended to assure that the owner of a nonleased tract receive a basic royalty free of all costs at all times. Notwithstanding anything herein to the contrary, the owner shall at all times retain his or her entire ownership of the property, including the right to execute an oil and gas lease on any terms negotiated, and be entitled to all production subject to subsection (2) of this section; or

(b) To grant a lease to the operator at the current fair market value for that interest for comparable leases or interests at the time of the commencement of drilling; or

(c) To pay his or her pro rata share of the costs of the well or wells in the development unit and receive his or her pro rata share of production, if any.

A nonconsenting owner who does not make an election as provided in this subsection is deemed to have elected to be treated under (a) of this subsection.

NEW SECTION, Sec. 20. There is added to chapter 78.52 RCW a new section to read as follows:

A pooling agreement, offer to pool, or pooling order is not considered fair and reasonable as applied to nonconsenting, unleased owners only, if it provides for an operating agreement containing any of the following provisions:

- (1) Preferential right of the operator to purchase mineral interests in the unit;
- (2) A call on or option to purchase production from the unit;
- (3) Operating charges that include any part of district or central office expense other than reasonable overhead charges; or
- (4) Prohibition against nonoperators questioning the operation of the unit.

NEW SECTION. Sec. 21. There is added to chapter 78.52 RCW a new section to read as follows:

(1) Operations incident to the drilling of a well upon any portion of a development unit covered by a pooling order shall be deemed, for all purposes, the conduct of such operations upon each separately-owned tract in the development unit by the several owners thereof. That portion of the production allocated to each separately-owned tract included in a development unit covered by a pooling order shall, when produced, be deemed for all purposes, including the payment of royalty, to have been produced from each separately-owned tract by a well drilled thereon. If an oil or gas well on a pooled unit is shut-in, it shall be considered that the shut-in well is on each separately-owned tract in the pooled unit.

(2) If only part of the tract is included in the unit, operations on, production from, or a shut-in well on the unit shall maintain an oil and gas lease on the tract as to the part excluded from the unit only if the lease would be maintained had the unit been created voluntarily under the lease.

NEW SECTION. Sec. 22. There is added to chapter 78.52 RCW a new section to read as follows:

- (1) An order pooling a development unit shall automatically dissolve:
 - (a) One year after its effective date if there has been no production of commercial quantities or drilling operations on lands within the unit;
 - (b) Six months after completion of a dry hole on the unit; or
 - (c) Six months after cessation of production of commercial quantities from the unit, unless, prior to the expiration of such six-month period, the operator shall, in good faith, commence drilling or reworking operations in an effort to restore production.

(2) Upon the termination of a lease pooled by order of the committee under authority granted in this chapter, interests covered by the lease are considered pooled as unleased mineral interests.

(3) Any party to a pooling order is entitled, after due notice to all parties, to a hearing to modify or terminate a previously entered pooling order upon presenting new evidence showing that the previous determination of reservoir conclusions are substantially incorrect.

(4) The committee, in its discretion, after notice and hearing, may grant additional time, for good cause shown, before a pooling order is automatically dissolved as provided in subsection (1) of this section. In no case may such an extension be longer than six months.

NEW SECTION. Sec. 23. There is added to chapter 78.52 RCW a new section to read as follows:

(1) The committee shall upon the application of any interested person, or upon its own motion, hold a hearing to consider the need for the operation as a unit of one or more pools or parts of them in a field.

(2) The committee shall have the authority to enter an order providing for the unit operations if the committee finds that:

(a) The unit operations are necessary for secondary recovery or enhanced recovery purposes. For purposes of this chapter secondary or enhanced recovery means that oil or gas or both are recovered by any method, artificial flowing or pumping, that may be employed to produce oil or gas, or both, through the joint use of two or more wells with an application of energy extrinsic to the pool or pools. This includes pressuring, cycling, pressure maintenance, or injections into the pool or pools of a substance or form of energy: PROVIDED, That this does not include the injection in a well of a substance or form of energy for the sole purpose of (i) aiding in the lifting of fluids in the well, or (ii) stimulation of the reservoir at or near the well by mechanical, chemical, thermal, or explosive means;

(b) The unit operations will protect correlative rights;

(c) The operations will increase the ultimate recovery of oil or gas, or will prevent waste, or will prevent the drilling of unnecessary wells; and

(d) The value of the estimated additional recovery of oil and/or gas exceeds the estimated additional cost incident to conducting these operations.

(3) The committee shall also have the authority to enter an order providing for unit operations, after notice and hearing, only if the committee finds that there is clear and convincing evidence that all of the following conditions are met:

(a) In the absence of unitization, the ultimate recovery of oil or gas, or both, will be substantially decreased because normal production techniques and methods are not feasible and will not result in the maximum efficient and economic recovery of oil or gas, or both;

(b) The unit operations will protect correlative rights;

(c) The unit operations will prevent waste, or will prevent the drilling of unnecessary wells;

(d) There has been a discovery of a commercial oil or gas field; and

(e) There has been sufficient exploration, drilling activity, and development to properly define the one or more pools or parts of them in a field proposed to be unitized.

(4) Notwithstanding any of the above, nothing in this chapter may be construed to prevent the voluntary agreement of all interested persons to

any plan of unit operations. The committee shall approve operations upon making a finding consistent with subsections (2) (b) and (c) of this section.

(5) The order shall be upon terms and conditions that are fair and reasonable and shall prescribe a plan for unit operations that includes:

(a) A description of the pool or pools or parts thereof to be so operated, termed the unitized area;

(b) A statement of the nature of the operations contemplated;

(c) An allocation of production and costs to the separately-owned tracts in the unitized area. The allocation shall be in accord with the agreement, if any, of the interested parties. If there is no agreement, production shall be allocated in a manner calculated to ensure that each owner's correlative rights are protected, and each separately-owned tract or combination of tracts receives its fair and reasonable share of production. Costs shall be allocated on a fair and reasonable basis;

(d) A provision, if necessary, prescribing fair, reasonable, and equitable terms and conditions as to time and rate of interest for carrying or otherwise financing any person who is unable to promptly meet his financial obligations in connection with the unit, such carrying and interest charges to be paid as provided by the committee from the person's prorated share of production;

(e) A provision for the supervision and conduct of the unit operations, in respect to which each owner shall have a vote with a value corresponding to the percentage of the costs of unit operations chargeable against the owner's interest;

(f) The time when the unit operations shall commence, the timetable for development, and the manner and circumstances under which the unit operations shall terminate; and

(g) Additional provisions which are found to be appropriate for carrying out the unit operations and for the protection of correlative rights.

(6) No order of the committee providing for unit operations may become effective until:

(a) The plan for unit operations approved by the committee has been approved in writing by those persons who, under the committee's order, will be required to pay at least seventy-five percent of the costs of unit operations;

(b) The plan has been approved in writing by those persons such as royalty owners, overriding royalty owners, and production payment owners, who own at least seventy-five percent of the production or proceeds thereof that will be credited to interests that are free of costs; and

(c) The committee has made a finding, either in the order providing for unit operations or in a supplemental order, that the plan for unit operations has been so approved.

If the plan for unit operations has not been so approved at the time the order providing for unit operations is made, the committee shall upon application and notice hold such supplemental hearings as may be required to determine if and when the plan for unit operations has been so approved. If the persons owning required percentages of interest in the unitized area do not approve the plan for unit operations within a period of six months from the date on which the order providing for unit operations is made, or within such additional period or periods of time as the committee prescribes, the order will become unenforceable and shall be vacated by the committee.

(7) An order providing for unit operations may be amended by an order made by the committee in the same manner and subject to the same conditions as an original order, except as provided in subsection (8) of this section, providing for unit operations, but (a) if such an amendment affects only the rights and interests of the owners, the approval of the amendment by those persons who own interests that are free of costs is not required, and (b) no such amending order may change the percentage for the allocation of oil and gas as established for any separately-owned tract or combination of tracts by the original order, except with the consent of all persons owning oil and gas rights in the tract, and no such order may change the percentage for the allocation of cost as established for any separately-owned tract or combination of tracts by the original order, except with the consent of all persons owning an interest in the tract or combination of tracts. An amendment that provides for the expansion of the unit area shall comply with subsection (8) of this section.

(8) The committee, by order, may provide for the unit operation of a reservoir or reservoirs or parts thereof that include a unitized area established by a previous order of the committee. The order, in providing for the allocation of unit production, shall first treat the unitized area previously established as a single tract and the portion of the new unit production allocated thereto shall then be allocated among the separately-owned tracts included in the previously established unit area in the same proportions as those specified in the previous order.

(9) After the date designated by the committee the unit plan shall be effective, oil and gas leases within the unit area, or other contracts pertaining to the development thereof, shall be changed only to the extent necessary to meet the requirements of the unit plan, and otherwise shall remain in full force. Operations carried on under and in accordance with the unit plan shall be regarded and considered as fulfillment of and compliance with all of the provisions, covenants, and conditions, expressed or implied, of the several oil and gas leases upon lands within the unit area, or other contracts pertaining to the development thereof, insofar as the leases or other contracts may relate to the pool or field subject to the unit plan. The amount of production apportioned and allocated under the unit plan to each separately-owned tract within the unit area, and only that amount, regardless of the

location of the well within the unit area from which it may be produced, and regardless of whether it is more or less than the amount of production from the well, if any, on each separately-owned tract, shall for all purposes be regarded as production from the separately-owned tract. Lessees shall not be obligated to pay royalties or make other payments, required by the oil and gas leases or other contracts affecting each such separately-owned tract, on production in excess of that amount apportioned and allocated to the separately-owned tract under the unit plan.

(10) The portion of the unit production allocated to any tract and the proceeds from its sale are the property and income of the several persons to whom, or to whose credit, the portion and proceeds are allocated or payable under the order providing for unit operations.

(11) No division order or other contract relating to the sale, purchase, or production from a separately-owned tract or combination of tracts may be terminated by the order providing for unit operations but shall remain in force and shall apply to oil and gas allocated to the tract until terminated by an amended division order or contract in accordance with the order.

(12) Except to the extent that parties affected so agree, an order providing for unit operations shall not be construed to result in a transfer of all or any part of the title of any person to the oil and gas rights in any tract in the unit area. All property, whether real or personal, that may be acquired in the conduct of unit operations hereunder shall be acquired for the account of the owners within the unit area, and shall be the property of those owners in the proportion that the expenses of unit operations are charged.

(13) After the date designated by the order of the committee that a unit plan shall become effective, the designation of one or more unit operators shall be by vote of the lessees of land in the unit area, in a manner to be provided in the unit plan, and any operations in conflict with such unit plan shall be unlawful and are prohibited.

(14) A certified copy of any order of the committee entered under this section is entitled to be recorded in the auditor's office in the county or counties wherein all or any portion of the unit area is located and, if recorded, constitute notice thereof to all persons. A copy of this order shall be mailed by certified mail to all interested persons.

(15) No order for unitization may be construed to allow the drilling of a well on a tract within the unit which is not leased or under contract for oil and gas exploration or production.

NEW SECTION. Sec. 24. There is added to chapter 78.52 RCW a new section to read as follows:

Each person now or hereafter purchasing or taking for transportation oil from any owner or producer shall purchase or take ratably without discrimination in favor of any owner or operator over any other owner or producer in the same pool offering to sell his or her oil produced therefrom to that person. If the person purchasing or taking for transportation oil does not

have need for all such oil lawfully produced within a pool, or if for any reason is unable to purchase all of the oil, then it shall purchase from each operator in a pool ratably, taking and purchasing the same quantity of oil from each well to the extent that each well is capable of producing its ratable portion without waste. Nothing in this section may be construed to require any owner or operator to sell his or her product to only one purchaser or to require more than one pipeline connection for each producing well. If any such purchaser or person taking oil for transportation is likewise an operator or owner, the purchaser or person is prohibited from discriminating in favor of his or her own production, or production in which he or she may be interested, and his or her own production shall be treated as that of any other operator or owner.

NEW SECTION. Sec. 25. There is added to chapter 78.52 RCW a new section to read as follows:

Each person now or hereafter purchasing or taking for transportation gas produced from gas wells or from oil wells from any owner or operator shall purchase or take ratably without discrimination in favor of any owner or operator, over any other owner or operator in a pool. The person shall not discriminate in the quantities purchased, the basis of measurement, or the gas transportation facilities afforded for gas of like quantity, quality, and pressure available from such wells. For the purpose of this section and section 24 of this act, reasonable differences in quantity taken or facilities afforded do not constitute unreasonable discrimination if the differences bear a fair relationship to differences in quality, quantity, or pressure of the gas available or the acreage attributable to the well, market requirements, or to the relative lengths of time during which the gas will be available to the purchaser. If the purchaser or person taking gas for transportation is likewise an operator or owner, the purchaser or person is prohibited from discriminating in favor of quantities taken or facilities in which he or she may be interested, and his or her own production shall be treated as that of any other operator or owner producing from gas wells in the same pool.

NEW SECTION. Sec. 26. There is added to chapter 78.52 RCW a new section to read as follows:

The committee may administer and enforce sections 24 and 25 of this act in accordance with the procedures in this chapter for its enforcement and with the rules and orders of the committee.

Sec. 27. Section 50, chapter 146, Laws of 1951 and RCW 78.52.470 are each amended to read as follows:

Any person adversely affected by any ~~((rule, regulation or))~~ order of the committee may, within thirty days from the effective date of such ~~((rule; regulation or))~~ order, apply for a hearing with respect to any matter determined therein ~~((; the application shall be granted or denied by the committee within fifteen days from the date the same shall be filed, and if the~~

~~hearing is not granted within fifteen days it shall be taken as denied. If a hearing is granted, the matter shall be set for hearing by the committee within thirty days after the same is submitted~~). No cause for action arising out of any ~~((rule, regulation or))~~ order of the committee shall accrue in any court to any ~~((party))~~ person unless ~~((such party))~~ the person makes application for a hearing as herein provided. Such application shall set forth specifically the ground on which the applicant considers ~~((such rule, regulation or))~~ the order to be unlawful or unreasonable. No party shall, in any court, urge or rely upon any ground not set forth in said application. ~~((A rule, regulation, or))~~ An order made in conformity to a decision resulting from a hearing which abrogates~~((+))~~, changes, or modifies the original ~~((rule, regulation or))~~ order~~((;-))~~ shall have the same force and effect as an original. Such hearing shall constitute a contested case under chapter 34.04 RCW and shall be conducted in accordance with its provisions.

Sec. 28. Section 51, chapter 146, Laws of 1951 and RCW 78.52.480 are each amended to read as follows:

In proceedings for review of ~~((a rule, regulation or))~~ an order or decision of the committee, the committee shall be a party to the proceedings and shall have all rights and privileges granted by this chapter to any other party to such proceedings.

NEW SECTION. Sec. 29. There is added to chapter 78.52 RCW a new section to read as follows:

(1) Any operation or activity that is in violation of applicable laws, rules, orders, or permit conditions is subject to suspension by order of the committee. The order may suspend the operations authorized in the permit in whole or in part. The order may be issued only after the committee has first notified the operator or owner of the violations and the operator or owner has failed to comply with the directions contained in the notification within ten days of service of the notice: PROVIDED, That the committee may issue the suspension order immediately without notice if the violations are or may cause substantial harm to adjacent property, persons, or public resources, or has or may result in the pollution of waters in violation of any state or federal law or rule. A suspension shall remain in effect until the violations are corrected or other directives are complied with unless declared invalid by the committee after hearing or an appeal. The suspension order and notification, where applicable, shall specify the violations and the actions required to be undertaken to be in compliance with such laws, rules, orders, or permit conditions. The order and notification may also require remedial actions to be undertaken to restore, prevent, or correct activities or conditions which have resulted from the violations. The order and notification may be directed to the operator or owner or both.

(2) The suspension order constitutes a final and binding order unless the owner or operator to whom the order is directed requests a hearing before the committee within fifteen days after service of the order. Such a request

shall not in itself stay or suspend the order and the operator or owner shall comply with the order immediately upon service. The committee or its chairman have the authority to stay or suspend in whole or in part the suspension order pending a hearing if so requested. The hearing shall constitute a contested case hearing under chapter 34.04 RCW.

NEW SECTION. Sec. 30. There is added to chapter 78.52 RCW a new section to read as follows:

(1) The sale, purchase, acquisition, transportation, refining, processing, or handling of illegal oil, gas, or product is prohibited. However, no penalty by way of fine may be imposed upon a person who sells, purchases, acquires, transports, refines, processes, or handles illegal oil, gas, or product unless (a) the person knows, or is put on notice of, facts indicating that illegal oil, illegal gas, or illegal product is involved, or (b) the person fails to obtain a certificate of clearance with respect to the oil, gas, or product if prescribed by rule or order of the committee, or fails to follow any other method prescribed by an order of the committee for the identification of the oil, gas, or product.

(2) Illegal oil, illegal gas, and illegal product are declared to be contraband and are subject to seizure and sale as provided in this section. Seizure and sale shall be in addition to all other remedies and penalties provided in this chapter for violations relating to illegal oil, illegal gas, or illegal product. If the committee believes that any oil, gas, or product is illegal, the committee acting through the attorney general, shall bring a civil action in rem in the superior court of the county in which the oil, gas, or product is found, to seize and sell the same, or the committee may include such an action in rem in any suit brought for an injunction or penalty involving illegal oil, illegal gas, or illegal product. A person claiming an interest in oil, gas, or product affected by an action in rem has the right to intervene as an interested party.

(3) Actions for the seizure and sale of illegal oil, illegal gas, or illegal product shall be strictly in rem and shall proceed in the name of the state as plaintiff against the oil, gas, or product as defendant. No bond or similar undertaking may be required of the plaintiff. Upon the filing of the petition for seizure and sale, the clerk of the court shall issue a summons, with a copy of the petition attached thereto, directed to the sheriff of the county or to another officer or person whom the court may designate, for service upon all persons having or claiming any interest in the oil, gas, or product described in the petition. The summons shall command these persons to appear and answer within twenty days after the issuance and service of the summons. These persons need not be named or otherwise identified in the summons, and the summons shall be served by posting a copy of the summons, with a copy of the petition attached, on any public bulletin board or at the courthouse of a county where the oil, gas, or product involved is located, and by posting another copy at or near the place where the oil, gas,

or product is located. The posting constitutes notice of the action to all persons having or claiming any interest in the oil, gas, or product described in the petition. In addition, if the court, on a properly verified petition, or affidavit or affidavits, or oral testimony, finds that grounds for seizure and for sale exist, the court shall issue an immediate order of seizure, describing the oil, gas, or product to be seized, and directing the sheriff of the county to take the oil, gas, or product into the sheriff's actual or constructive custody and to hold the same subject to further orders of the court. The court, in the order of seizure, may direct the sheriff to deliver the oil, gas, or product seized by him or her under the order to a court-appointed agent. The agent shall give bond in an amount and with such surety as the court may direct, conditioned upon compliance with the orders of the court concerning the custody and disposition of the oil, gas, or product.

(4) Any person having an interest in oil, gas, or product described in order of seizure and contesting the right of the state to seize and sell the oil, gas, or product may obtain its release prior to sale upon furnishing to the sheriff a bond approved by the court. The bond shall be in an amount equal to one hundred fifty percent of the market value of the oil, gas, or product to be released and shall be conditioned upon either redelivery to the sheriff of the released commodity or payment to the sheriff of its market value, if and when ordered by the court, and upon full compliance with further orders of the court.

(5) If the court, after a hearing upon a petition for the seizure and sale of oil, gas, or product, finds that the oil, gas, or product is contraband, the court shall order its sale by the sheriff in the same manner and upon the same notice of sale as provided by law for the sale of personal property on execution of judgment entered in a civil action, except that the court may order that the oil, gas, or product be sold in specified lots or portions and at specified intervals. Upon sale, title to the oil, gas, or product sold shall vest in the purchaser free of all claims, and it shall be legal oil, legal gas, or legal product in the hands of the purchaser.

(6) All proceeds, less costs of suit and expenses of sale, which are derived from the sale of illegal oil, illegal gas, or illegal product, and all amounts paid as penalties provided for by this chapter, shall be paid into the state treasury for the use of the committee in defraying its expenses in the same manner as other funds provided by law for the use of the committee.

Sec. 31. Section 4, chapter 146, Laws of 1951 as last amended by section 7, chapter 180, Laws of 1971 ex. sess. and RCW 78.52.020 are each amended to read as follows:

(1) There is hereby created and established an oil and gas conservation committee, which shall consist of ((the governor,)) the land commissioner, ((and the lieutenant governor together with)) the director of ((the department of)) ecology, four residents of the state of Washington appointed by

the governor, and the state treasurer. ((The governor shall be the chairman of this committee, and the commissioner of public lands shall be its executive secretary.))

(2) Three of the members appointed by the governor shall reside east of the Cascades. The fourth member appointed by the governor shall reside west of the Cascades.

(a) The members appointed by the governor shall serve subject to confirmation by the senate.

(b) The members appointed by the governor shall serve four-year terms except for initial appointments, which shall be made as follows: One member shall serve for one year, one member shall serve for two years, one member shall serve for three years, and one member shall serve for four years. All subsequent appointments shall be for four years. In the event of a vacancy the governor shall make an appointment, consistent with this section, for the duration of the vacated term.

(3) The chairman and the executive secretary of the committee shall be elected by the members of the committee.

(4) The members of the committee may act through designated agents or deputies for the purpose of carrying out the provisions of this chapter.

Sec. 32. Section 52, chapter 146, Laws of 1951 and RCW 78.52.490 are each amended to read as follows:

Within thirty days after the application for a hearing is denied, or if the application is granted, then within thirty days after the rendition of the decision on the hearing, the applicant may apply to the superior court ((of Thurston county)), at the petitioner's option, for (a) Thurston county, (b) the county of petitioner's residence or place of business, or (c) in any county where the property or property rights owned by the petitioner is located for a review of such rule, regulation, order or decision. The application for review shall be filed in the office of the clerk of the superior court of Thurston county and shall specifically state the grounds for review upon which the applicant relies and shall designate the rule, regulation, order or decision sought to be reviewed. The applicant shall immediately serve a certified copy of said application upon the executive secretary of the committee who shall immediately notify all parties who appeared in the proceedings before the committee that such application for review has been filed. In the event the court determines the review is solely for the purpose of determining the validity of a rule or regulation of general applicability the court shall transfer venue to Thurston county for a review of such rule or regulation in the manner provided for in RCW 34.04.070.

NEW SECTION. Sec. 33. The following acts or parts of acts are each repealed:

- (1) Section 18, chapter 146, Laws of 1951 and RCW 78.52.160;
- (2) Section 19, chapter 146, Laws of 1951 and RCW 78.52.170;
- (3) Section 20, chapter 146, Laws of 1951 and RCW 78.52.180;

- (4) Section 21, chapter 146, Laws of 1951 and RCW 78.52.190;
- (5) Section 36, chapter 146, Laws of 1951 and RCW 78.52.340;
- (6) Section 38, chapter 146, Laws of 1951 and RCW 78.52.350;
- (7) Section 39, chapter 146, Laws of 1951 and RCW 78.52.360;
- (8) Section 40, chapter 146, Laws of 1951 and RCW 78.52.370;
- (9) Section 41, chapter 146, Laws of 1951 and RCW 78.52.380;
- (10) Section 42, chapter 146, Laws of 1951 and RCW 78.52.390;
- (11) Section 43, chapter 146, Laws of 1951 and RCW 78.52.400;
- (12) Section 44, chapter 146, Laws of 1951 and RCW 78.52.410;
- (13) Section 45, chapter 146, Laws of 1951 and RCW 78.52.420;
- (14) Section 46, chapter 146, Laws of 1951 and RCW 78.52.430;
- (15) Section 47, chapter 146, Laws of 1951 and RCW 78.52.440;
- (16) Section 53, chapter 146, Laws of 1951, section 138, chapter 81, Laws of 1971 and RCW 78.52.500;
- (17) Section 54, chapter 146, Laws of 1951 and RCW 78.52.510; and
- (18) Section 55, chapter 146, Laws of 1951 and RCW 78.52.520.

NEW SECTION. Sec. 34. 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 March 28, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 254

[Substitute Senate Bill No. 3494]

SMALL CLAIMS JUDGMENT ENFORCEMENT

AN ACT Relating to small claims; amending section 10, chapter 187, Laws of 1919 and RCW 12.40.100; amending section 11, chapter 187, Laws of 1919 as last amended by section 1, chapter 40, Laws of 1975 1st ex. sess. and RCW 12.40.110; adding a new section to chapter 12.24 RCW; adding a new section to chapter 12.40 RCW; and providing an effective date.

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

Sec. 1. Section 10, chapter 187, Laws of 1919 and RCW 12.40.100 are each amended to read as follows:

If ~~((the))~~ a monetary judgment or order ~~((be against the defendant))~~ is entered, it shall be ~~((his))~~ the judgment debtor's duty to pay the ~~((same))~~ judgment forthwith upon such terms and conditions as the justice of such court shall prescribe. If the judgment is not paid to the prevailing party at the time the judgment is entered and the judgment debtor is present in court, the court may order a payment plan.

NEW SECTION. Sec. 2. There is added to chapter 12.40 RCW a new section to read as follows:

If the losing party fails to pay the judgment within twenty days or within the period otherwise ordered by the court, the judgment shall be increased by: (1) An amount sufficient to cover costs of certification of the judgment under RCW 12.40.110; and (2) the amount specified in RCW 36.18.020(3), without regard to the jurisdictional limits on the small claims department.

Sec. 3. Section 11, chapter 187, Laws of 1919 as last amended by section 1, chapter 40, Laws of 1975 1st ex. sess. and RCW 12.40.110 are each amended to read as follows:

~~((The judgment of said court shall be conclusive:))~~ (1) If the losing party fails to pay the judgment according to the terms and conditions thereof within twenty days or is in arrears on any payment plan, and the prevailing party so notifies the court, the justice before whom such hearing was had shall certify such judgment in substantially the following form:

Washington.

In the Justice's Court of County, before Justice of the Peace for Precinct.

..... Plaintiff,

vs.

..... Defendant.

In the Small Claims Department.

This is to certify that: (1) In a certain action before me, the undersigned, had on this the day of 19.., wherein was plaintiff and defendant, jurisdiction of said defendant having been had by personal service (or otherwise) as provided by law, I then and there entered judgment against ~~((said defendant))~~ in the sum of Dollars; ~~((which))~~ (2) the judgment has not been paid within twenty days or the period otherwise ordered by the court; and (3) pursuant to section 2 of this 1983 act, the amount of the judgment is hereby increased by any costs of certification under this section and the amount specified in RCW 36.18.020(3).

Witness my hand this day of, 19...

.....
Justice of the Peace sitting in the
Small Claims Department.

(2) The justice of the peace of ~~((said))~~ such justice's court shall forthwith enter ~~((such))~~ the judgment transcript on the judgment docket of ~~((such))~~ the justice's court; and thereafter garnishment, execution, and other process on execution provided by law may issue thereon, as ~~((obtains))~~ in other ~~((cases-of))~~ judgments of justice's courts~~((and))~~.

(3) Transcripts of such judgments may be filed and entered in judgment lien dockets in superior courts with like effect as in other cases.

NEW SECTION. Sec. 4. There is added to chapter 12.24 RCW a new section to read as follows:

In any proceeding brought under this chapter to enforce a judgment which has been certified under RCW 12.40.110, the execution issued by the justice shall include the amount of the judgment owed plus reasonable costs and attorneys' fees incurred by the judgment creditor in seeking enforcement of the judgment under this chapter.

NEW SECTION. Sec. 5. This act shall take effect on January 1, 1984.

Passed the Senate March 26, 1983.

Passed the House April 20, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 255

[Engrossed Senate Bill No. 3523]

INTERSTATE CORRECTIONS COMPACT ENACTED—CERTAIN CORRECTIONS PROCEDURES REVISED—INSTITUTIONAL INDUSTRIES— FURLOUGHS AND LEAVES

AN ACT Relating to corrections; amending section 17, chapter 138, Laws of 1981 and RCW 10.95.170; amending section 1, chapter 40, Laws of 1959 as last amended by section 72, chapter 136, Laws of 1981 and RCW 72.01.370; amending section 11, chapter 136, Laws of 1981 and RCW 72.09.100; amending section 3, chapter 7, Laws of 1972 ex. sess. and RCW 72.62.030; amending section 13, chapter 20, Laws of 1973 and RCW 72.66.036; amending section 5, chapter 20, Laws of 1973 and RCW 72.66.016; amending section 72.68.010, chapter 28, Laws of 1959 as amended by section 282, chapter 141, Laws of 1979 and RCW 72.68.010; amending section 72.68.080, chapter 28, Laws of 1959 as amended by section 10, chapter 122, Laws of 1967 ex. sess. and RCW 72.68.080; adding a new section to chapter 43.06 RCW; adding new sections to chapter 72.01 RCW; and adding a new chapter to Title 72 RCW.

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

Sec. 1. Section 17, chapter 138, Laws of 1981 and RCW 10.95.170 are each amended to read as follows:

The defendant shall be imprisoned in the state penitentiary within ten days after the trial court enters a judgment and sentence imposing the death penalty and shall be imprisoned both prior to and subsequent to the issuance of the death warrant as provided in RCW 10.95.160. During such period of imprisonment, the defendant shall be confined in the segregation ((from)) unit, where the defendant may be confined with other prisoners not under sentence of death, but prisoners under sentence of death shall be assigned to single-person cells.

NEW SECTION. Sec. 2. There is added to chapter 72.01 RCW a new section to read as follows:

As used in RCW 72.01.370 and section 4 of this act:

"Escorted leave" means a leave of absence from a correctional facility under the continuous supervision of an escort.

"Escort" means a correctional officer or other person approved by the superintendent or the superintendent's designee to accompany an inmate on a leave of absence and be in visual or auditory contact with the inmate at all times.

"Nonviolent offender" means an inmate under confinement for an offense other than a violent offense defined by RCW 9.94A.030.

Sec. 3. Section 1, chapter 40, Laws of 1959 as last amended by section 72, chapter 136, Laws of 1981 and RCW 72.01.370 are each amended to read as follows:

The superintendents of the state penitentiary, the state reformatory, the state honor camps and such other penal institutions as may hereafter be established, may, subject to the approval of the secretary and under section 4 of this 1983 act, grant escorted leaves of absence to inmates confined in such institutions to:

(1) Go to the bedside of the inmate's wife, husband, child, mother or father, or other member of the inmate's immediate family who is seriously ill;

(2) Attend the funeral of a member of the inmate's immediate family listed in subsection (1) of this section;

(3) Participate in athletic contests(~~(-and)~~);

(4) Perform work in connection with the industrial, educational, or agricultural programs of the department;

(5) Receive necessary medical or dental care which is not available in the institution; and

(6) Participate as a volunteer in community service work projects which are approved by the superintendent, but only inmates who are nonviolent offenders may participate in these projects. Such community service work projects shall only be instigated at the request of a local community.

NEW SECTION. Sec. 4. There is added to chapter 72.01 RCW a new section to read as follows:

An inmate shall not be allowed to start a leave of absence under RCW 72.01.370 until the secretary, or the secretary's designee, has notified any county and city law enforcement agency having jurisdiction in the area of the inmate's destination.

Sec. 5. Section 11, chapter 136, Laws of 1981 and RCW 72.09.100 are each amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. For

purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES. The industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage not less than sixty percent of the approximate prevailing wage within the state for the occupation, as determined by the director of the institutional industries division. If the director finds that he cannot reasonably determine the wage, then the pay shall not be less than the federal minimum wage.

(2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations which assist persons who are poor or infirm. The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry may be sold to public agencies and to nonprofit organizations which assist persons who are poor or infirm; PROVIDED, That to avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus by-products and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations which assist the poor and infirm. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

Security and custody services shall be provided without charge by the department of corrections.

Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the federal minimum wage and which is approved by the director of institutional industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

(a) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within institutional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(b) Whenever possible, to provide forty hours of work or work training per week.

(c) Whenever possible, to offset tax and other public support costs.

Supervising, management, and custody staff shall be employees of the department.

All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations which assist persons who are poor or infirm.

Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the minimum wage for their work.

(5) CLASS V: COMMUNITY SERVICE PROGRAMS. Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an offender, placed on probation, to work off all or part of a community service order as ordered by the sentencing court.

Employment shall be in a community service program operated by the state, local units of government, or a nonprofit agency which assists persons who are poor or infirm.

Sec. 6. Section 3, chapter 7, Laws of 1972 ex. sess. and RCW 72.62.030 are each amended to read as follows:

Products goods, wares, articles, or merchandise manufactured or produced by residents of state correctional institutions or facilities within or in conjunction with vocational education programs for the training, habilitation, and rehabilitation of inmates may be sold on the open market((at

~~public auction~~)). When services are performed by residents within or in conjunction with such vocational education programs, the cost of materials used and the value of depreciation of equipment used may be recovered.

Sec. 7. Section 13, chapter 20, Laws of 1973 and RCW 72.66.036 are each amended to read as follows:

(1) The furlough or furloughs granted to any one resident, excluding furloughs for medical care, may not exceed thirty consecutive days or a total of sixty days during ~~((any twelve-month period))~~ a calendar year.

(2) Absent unusual circumstances, each first furlough and each second furlough granted to a resident shall not exceed a period of five days and each emergency furlough shall not exceed forty-eight hours plus travel time.

(3) A furlough may be extended within the maximum time periods prescribed under this section.

Sec. 8. Section 5, chapter 20, Laws of 1973 and RCW 72.66.016 are each amended to read as follows:

(1) A furlough shall not be granted to a resident if the furlough would commence prior to the time the resident has served the minimum amounts of time provided under this section:

~~((+))~~ (a) If his minimum term of imprisonment is longer than twelve months, he shall have served at least six months of the term;

~~((2))~~ (b) If his minimum term of imprisonment is less than twelve months, he shall have served at least ninety days and shall have no longer than six months left to serve on his minimum term;

~~((3))~~ (c) If he is serving a mandatory minimum term of confinement, he shall have served all but the last six months of such term.

(2) A person convicted and sentenced for a violent offense as defined in RCW 9.94A.030 is not eligible for furlough until the person has served at least one-half of the minimum term as established by the board of prison terms and paroles or the sentencing guidelines commission.

NEW SECTION. Sec. 9. There is added to chapter 43.06 RCW a new section to read as follows:

Whenever any convicted offender, who is a citizen or national of a foreign country and is under the jurisdiction of the department of corrections, requests transfer to the foreign country of which he or she is a citizen or national, under a treaty on the transfer of offenders entered into between the United States and a foreign country, the governor or the governor's designee:

(1) May grant the approval of the state to such transfer as provided in the treaty; and

(2) Shall have, notwithstanding any provision of chapter 9.95 or 72.68 RCW, the plenary authority to fix the duration of the offender's sentence, if

not otherwise fixed, whenever a fixed sentence is a condition precedent to transfer.

Sec. 10. Section 72.68.010, chapter 28, Laws of 1959 as amended by section 282, chapter 141, Laws of 1979 and RCW 72.68.010 are each amended to read as follows:

(1) Whenever in its judgment the best interests of the state or the welfare of any prisoner confined in any penal institution will be better served by his or her transfer to another institution or to a foreign country of which the prisoner is a citizen or national, the secretary may effect such transfer consistent with applicable federal laws and treaties.

(2) If directed by the governor, the secretary shall, in carrying out this section and section 9 of this 1983 act, adopt rules under chapter 34.04 RCW to effect the transfer of prisoners requesting transfer to foreign countries.

Sec. 11. Section 72.68.080, chapter 28, Laws of 1959 as amended by section 10, chapter 122, Laws of 1967 ex. sess. and RCW 72.68.080 are each amended to read as follows:

All persons sentenced to prison by the authority of the United States or of any state or territory of the United States may be received by the department and imprisoned in ~~((the Washington state penitentiary or Washington state reformatory or the Washington correctional institution for women))~~ a state correctional institution as defined in RCW 72.65.010 in accordance with the sentence of the court by which they were tried. The prisoners so confined shall be subject in all respects to discipline and treatment as though committed under the laws of this state.

NEW SECTION. Sec. 12. This chapter shall be known and may be cited as the Interstate Corrections Compact.

NEW SECTION. Sec. 13. The secretary of the department of corrections is hereby authorized and requested to execute, on behalf of the state of Washington, with any other state or states legally joining therein a compact which shall be in form substantially as follows:

The contracting states solemnly agree that:

(1) The party states, desiring by common action to fully utilize and improve their institutional facilities and provide adequate programs for the confinement, treatment, and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, and with the federal government, thereby serving the best interest of such offenders and of society and effecting economies in capital expenditures and operational costs. The purpose of this compact is to provide for the mutual development and execution of such programs of cooperation for the confinement, treatment, and rehabilitation of offenders with the most economical use of human and material resources.

(2) As used in this compact, unless the context clearly requires otherwise:

(a) "State" means a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; and the Commonwealth of Puerto Rico.

(b) "Sending state" means a state party to this compact in which conviction or court commitment was had.

(c) "Receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction or court commitment was had.

(d) "Inmate" means a male or female offender who is committed, under sentence to, or confined in a penal or correctional institution.

(e) "Institution" means any penal or correctional facility, including but not limited to a facility for the mentally ill or mentally defective, in which inmates as defined in subsection (2)(d) of this section may lawfully be confined.

(3) (a) Each party state may make one or more contracts with any one or more of the other party states, or with the federal government, for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

(i) Its duration;

(ii) Payments to be made to the receiving state or to the federal government, by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance;

(iii) Participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom;

(iv) Delivery and retaking of inmates;

(v) Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

(b) The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto and nothing in any such contract shall be inconsistent therewith.

(4) (a) Whenever the duly constituted authorities in a state party to this compact, and which has entered into a contract pursuant to subsection (3)(a) of this section, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution within the territory of said

other party state, the receiving state to act in that regard solely as agent for the sending state.

(b) The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

(c) Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state, provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of subsection (3)(a) of this section.

(d) Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact, including a conduct record of each inmate, and certify said record to the official designated by the sending state, in order that each inmate may have official review of his or her record in determining and altering the disposition of said inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

(e) All inmates who may be confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution of the sending state.

(f) Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record, together with any recommendations of the hearing officials, shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place

in the sending state. In any and all proceedings had pursuant to the provisions of this subdivision, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state.

(g) Any inmate confined pursuant to this compact shall be released within the territory of the sending state unless the inmate, and the sending and receiving states, shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

(h) Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state.

(i) The parents, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any power in respect of any inmate confined pursuant to the terms of this compact.

(5) (a) Any decision of the sending state in respect to any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate within such state any criminal charge or if the inmate is formally accused of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharge from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited officers of the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference.

(b) An inmate who escapes from an institution in which he is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition or rendition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

(6) Any state party to this compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this compact or any contract pursuant hereto; and any inmate in a receiving state pursuant to this compact may participate in any such federally-aided program or activity for which the sending and receiving states

have made contractual provision, provided that if such program or activity is not part of the customary correctional regimen, the express consent of the appropriate official of the sending state shall be required therefor.

(7) This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.

(8) This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate official of all other party states. An actual withdrawal shall not take effect until one year after the notice provided in said statute has been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this compact.

(9) Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

(10) The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

NEW SECTION. Sec. 14. The secretary of corrections is authorized to receive or transfer an inmate as defined in the Interstate Corrections Compact to any institution as defined in the Interstate Corrections Compact within this state or without this state, if this state has entered into a contract or contracts for the confinement of inmates in such institutions pursuant to subsection (3) of the Interstate Corrections Compact.

NEW SECTION. Sec. 15. The courts, departments, agencies, and officers of this state and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions including but not limited to the making and submission of such reports as are required by the compact.

NEW SECTION. Sec. 16. The secretary is authorized and directed to hold such hearings as may be requested by any other party state pursuant to subsection (4)(f) of the Interstate Corrections Compact. Additionally, the secretary may hold out-of-state hearings in connection with the case of any inmate of this state confined in an institution of another state party to the Interstate Corrections Compact.

NEW SECTION. Sec. 17. The secretary of corrections is empowered to enter into such contracts on behalf of this state as may be appropriate to implement the participation of this state in the Interstate Corrections Compact pursuant to subsection (3) of the compact. No such contract shall be of any force or effect until approved by the attorney general.

NEW SECTION. Sec. 18. If any agreement between this state and any other state party to the Interstate Corrections Compact enables an inmate of this state confined in an institution of another state to be released in such other state in accordance with subsection (4)(g) of this compact, then the secretary is authorized to provide clothing, transportation, and funds to such inmate in accordance with RCW 72.02.100.

NEW SECTION. Sec. 19. Sections 12 through 18 of this act shall constitute a new chapter in Title 72 RCW.

NEW SECTION. Sec. 20. 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 April 23, 1983.

Passed the House April 16, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 256

[Senate Bill No. 3531]

HIGHER EDUCATION—TUITION AND FEE REFUNDS—MEDICAL WITHDRAWALS

AN ACT Relating to higher education; and amending section 28B.15.600, chapter 223, Laws of 1969 ex. sess. as last amended by section 40, chapter 169, Laws of 1977 ex. sess. and RCW 28B.15.600.

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

Sec. 1. Section 28B.15.600, chapter 223, Laws of 1969 ex. sess. as last amended by section 40, chapter 169, Laws of 1977 ex. sess. and RCW 28B.15.600 are each amended to read as follows:

The boards of regents of the state's universities and the boards of trustees of the regional universities and The Evergreen State College and community colleges may refund or cancel in full the general tuition ((fees)),

operating ((fees)), and services and activities fees if the student withdraws from ((the)) a university or college course or program prior to the sixth day of instruction of the quarter or semester for which said fees have been paid or are due. If the student withdraws on or after the sixth day of instruction, said boards of regents and trustees may refund or cancel up to one-half of said fees, provided such withdrawal occurs within the first thirty calendar days following the beginning of instruction. The regents or trustees of the respective universities and colleges may adopt rules for the refund of tuition and fees for courses or programs that begin after the start of the regular quarter or semester. Said boards of regents and trustees may extend the refund or cancellation period for students who withdraw for medical reasons or who are called into the military service of the United States.

Said boards of regents and trustees may refund other fees pursuant to such rules as they may prescribe.

Passed the Senate March 16, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 257

[Senate Bill No. 3535]

BEVERAGE CONTAINERS—DETACHABLE TABS AND RINGS—EXCLUDES MILK-BASED OR SOY-BASED PRESSURE CANNED CONTAINERS

AN ACT Relating to beverage containers; and amending section 2, chapter 113, Laws of 1982 and RCW 70.132.020.

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

Sec. 1. Section 2, chapter 113, Laws of 1982 and RCW 70.132.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Beverage" means beer or other malt beverage or mineral water, soda water, or other drink in liquid form and intended for human consumption. The term does not include milk-based, soy-based, or similar products requiring heat and pressure in the canning process.

(2) "Beverage container" means a separate and sealed can containing a beverage.

(3) "Department" means the department of ecology created under chapter 43.21A RCW.

Passed the Senate March 21, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 258

[Engrossed Senate Bill No. 3537]

GUARD ANIMALS—FIRE FIGHTER PROCEDURES

AN ACT Relating to firefighters; and adding a new section to chapter 48.48 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 48.48 RCW a new section to read as follows:

(1) All premises guarded by guard animals, which are animals professionally trained to defend and protect premises or the occupants of the premises, shall be registered with the local fire department. Front entrances to residences and all entrances to business premises shall be posted in a visible location with signs approved by the state fire marshal indicating that guard animals are present.

(2) A fire fighter, who reasonably believes that his or her safety is endangered by the presence of a guard animal, may without liability: (a) Refuse to enter the premises, or (b) take any reasonable action necessary to protect himself or herself from attack by the guard animal.

(3) If the person responsible for the guard animal being on the premises does not comply with subsection (1) of this section, that person may be held liable for any injury to the fire fighter caused by the presence of the guard animal.

Passed the Senate March 30, 1983.

Passed the House April 20, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 259

[Senate Bill No. 3585]

HARBOR LEASES—55 YEARS

AN ACT Relating to harbor areas; amending section 75, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.92.070; amending section 76, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.92.080; and providing a contingent effective date.

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

Sec. 1. Section 75, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.92.070 are each amended to read as follows:

If the owner of any harbor area lease upon tidal waters shall desire to construct thereon any wharf, dock, or other convenience of navigation or commerce, or to extend, enlarge, or substantially improve any existing structure used in connection with such harbor area, and shall deem the required expenditure not warranted by his right to occupy such harbor area

during the remainder of the term of his lease, he may make application to the department of natural resources for a new lease of such harbor area for a period not exceeding ((~~thirty~~) fifty-five) years. Upon the filing of such application accompanied by such proper plans, drawings or other data, the department shall forthwith investigate the same and if it shall determine that the proposed work or improvement is in the public interest and reasonably adequate for the public needs, it shall by order fix the terms and conditions and the rate of rental for such new lease, such rate of rental shall be a fixed percentage, during the term of such lease, on the true and fair value in money of such harbor area determined from time to time by the department as provided in RCW 79.92.050. The department may propose modifications of the proposed wharf, dock, or other convenience or extensions, enlargements, or improvements thereon. The department shall, within ninety days from the filing of such application notify the applicant in writing of the terms and conditions upon which such new lease will be granted, and of the rental to be paid, and if the applicant shall within ninety days thereafter elect to accept a new lease of such harbor area upon the terms and conditions, and at the rental prescribed by the department, the department shall make a new lease for such harbor area for the term applied for and the existing lease shall thereupon be surrendered and canceled.

Sec. 2. Section 76, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.92.080 are each amended to read as follows:

Upon the expiration of any harbor area lease upon tidal waters hereafter expiring, the owner thereof may apply for a re-lease of such harbor area for a period not exceeding ((~~thirty~~) fifty-five) years. Such application shall be accompanied with maps showing the existing improvements upon such harbor area and the tidelands adjacent thereto and with proper plans, drawings, and other data showing any proposed extensions or improvements of existing structures. Upon the filing of such application the department of natural resources shall forthwith investigate the same and if it shall determine that the character of the wharves, docks or other conveniences of commerce and navigation are reasonably adequate for the public needs and in the public interest, it shall by order fix and determine the terms and conditions upon which such re-lease shall be granted and the rate of rental to be paid, which rate shall be a fixed percentage during the term of such lease on the true and fair value in money of such harbor area as determined from time to time by the department of natural resources in accordance with RCW 79.92.050.

NEW SECTION. Sec. 3. This act shall take effect on the same date as the proposed amendment to Article XV, section 2 of the state Constitution

(SJR No. 105) is validly submitted and is approved and ratified by the voters at a general election held in November, 1983. If the proposed amendment is not so approved and ratified, this act shall be null and void in its entirety.

Passed the Senate March 18, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 260

[Substitute Senate Bill No. 3595]

VETERANS AFFAIRS—CONTRACTS WITH VETERANS' ORGANIZATIONS FOR SERVICES—APPROPRIATION

AN ACT Relating to veterans; amending section 43.61.030, chapter 8, Laws of 1965 as last amended by section 21, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.61.030; making an appropriation; and declaring an emergency.

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

Sec. 1. Section 43.61.030, chapter 8, Laws of 1965 as last amended by section 21, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.61.030 are each amended to read as follows:

The director of veterans affairs is empowered to (~~approve expenditures by~~) contract with any veterans' organizations, now or hereafter chartered by act of congress (~~and to reimburse such organizations therefor~~) to provide veterans services. All sums paid to veterans' organizations under contract shall be used by the organizations as specified in the contract 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 member organizations.

NEW SECTION. Sec. 2. There is appropriated to the department of veterans affairs from the general fund, for the biennium ending June 30, 1985, the sum of forty-nine thousand dollars, or so much thereof as may be necessary, for the purpose of helping to fund contracts with veterans' organizations which have not previously provided veterans services under reimbursement agreements with the department.

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 April 23, 1983.

Passed the House April 18, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 261

[Substitute Senate Bill No. 3614]

EXCHANGE OF STATE LANDS—APPROVAL BY BOARD OF NATURAL RESOURCES NECESSARY

AN ACT Relating to public lands; and amending section 1, chapter 290, Laws of 1957 as last amended by section 2, chapter 50, Laws of 1973 1st ex. sess. and RCW 79.08.180.

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

Sec. 1. Section 1, chapter 290, Laws of 1957 as last amended by section 2, chapter 50, Laws of 1973 1st ex. sess. and RCW 79.08.180 are each amended to read as follows:

(1) For the purpose of facilitating the marketing of forest products of state lands, or consolidating and blocking up of state lands, or the acquisition of lands having commercial recreational leasing potential, the commissioner of public lands (~~((may, with the advice and approval of such state board, commission, committee, or agency exercising control over the disposal of the land involved)),~~ with the approval of the board of natural resources, may exchange any state lands with any timber thereon for any other land of equal value~~((including other state lands, lands of the United States, county or municipal lands of any character, and privately owned lands))~~).

(2) The commissioner of public lands, with the approval of the board of natural resources, may exchange state lands for lands of equal value owned by a county.

(3) Land exchanged under this section shall not be used to reduce the publicly owned forest land base.

Passed the Senate April 23, 1983.

Passed the House April 20, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 262

[Substitute Senate Bill No. 3630]

IRRIGATION DISTRICTS—DIRECTOR MEETINGS—RECORDS

AN ACT Relating to irrigation districts; and amending section 11, page 677, Laws of 1889-90 as last amended by section 3, chapter 185, Laws of 1979 ex. sess. and RCW 87.03.115.

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

Sec. 1. Section 11, page 677, Laws of 1889-90 as last amended by section 3, chapter 185, Laws of 1979 ex. sess. and RCW 87.03.115 are each amended to read as follows:

The directors of the district shall organize as a board and shall elect a president from their number, and appoint a secretary, who shall keep a record of their proceedings. The office of the directors and principal place of business of the district shall be at some place in the county in which the organization was effected, to be designated by the directors. (~~The directors shall hold a regular monthly meeting at their office, on the first Tuesday in every month, or on such other day in each month as the board shall direct in their bylaws, and may adjourn any meeting from time to time as may be required for the proper transaction of business.~~) The directors serving districts of five thousand acres or more shall hold a regular monthly meeting at their office on the first Tuesday in every month, or on such other day in each month as the board shall direct in its bylaws, and may adjourn any meeting from time to time as may be required for the proper transaction of business. Directors serving districts of less than five thousand acres shall hold at least quarterly meetings on a day designated by the board's bylaws, and may adjourn any meeting from time to time as may be required for the proper transaction of business. Special meetings shall be called and conducted in the manner required by chapter 42.30 RCW. All meetings of the directors must be public. A majority of the directors shall constitute a quorum for the transaction of business, and in all matters requiring action by the board there shall be a concurrence of at least a majority of the directors. All records of the board shall be open to the inspection of any electors during business hours. The board shall have the power, and it shall be its duty, to adopt a seal of the district, to manage and conduct the business and affairs of the district, to make and execute all necessary contracts, to employ and appoint such agents, officers and employees as may be necessary and prescribe their duties, and to establish equitable bylaws, rules and regulations for the government and management of the district, and for the equitable distribution of water to the lands within the district, upon the basis of the beneficial use thereof, and generally to perform all such acts as shall be necessary to fully carry out the provisions of this chapter: **PROVIDED**, That all water, the right to the use of which is acquired by the district under any contract with the United States shall be distributed and

apportioned by the district in accordance with the acts of congress, and rules and regulations of the secretary of the interior until full reimbursement has been made to the United States, and in accordance with the provisions of said contract in relation thereto. The bylaws, rules and regulations must be ~~((printed in convenient form for distribution in the district))~~ on file and open to inspection of any elector during regular business hours. All leases, contracts, or other form of holding any interest in any state or other public lands shall be, and the same are hereby declared to be title to and evidence of title to lands and for all purposes within this act, shall be treated as the private property of the lessee or owner of the contractual or possessory interest: PROVIDED, That nothing in this section shall be construed to affect the title of the state or other public ownership, nor shall any lien for such assessment attach to the fee simple title of the state or other public ownership. The board of directors shall have authority to develop and to sell, lease, or rent the use of: (1) Water derived from the operation of the district water facilities to such municipal and quasi municipal entities, the state of Washington, and state entities and agencies, public and private corporations and individuals located within and outside the boundaries of the district and on such terms and conditions as the board of directors shall determine; and (2) power derived from hydroelectric facilities authorized by RCW 87.03.015(1) as now or hereafter amended, to such municipal or quasi municipal corporations and cooperatives authorized to engage in the business of distributing electricity, electrical companies subject to the jurisdiction of the utilities and transportation commission, and other irrigation districts and on such terms and conditions as the board of directors shall determine: PROVIDED, No water shall be furnished for use outside of said district until all demands and requirements for water for use in said district are furnished and supplied by said district: AND PROVIDED FURTHER, That as soon as any public lands situated within the limits of the district shall be acquired by any private person, or held under any title of private ownership, the owner thereof shall be entitled to receive his proportion of water as in case of other land owners, upon payment by him of such sums as shall be determined by the board, and at the time to be fixed by the board, which sums shall be such equitable amount as such lands should pay having regard to placing said lands on the basis of equality with other lands in the district as to benefits received, and giving credit if equitable for any sums paid as water rent by the occupant of said lands prior to the vesting of private ownership, and such lands shall also become subject to all taxes and assessments of the district thereafter imposed.

Passed the Senate April 23, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 263

[Substitute Senate Bill No. 3637]

MUNICIPAL CORPORATION BOND ISSUES—DECLARATORY JUDGMENTS

AN ACT Relating to declaratory judgments on bond issues; amending section 1, chapter 153, Laws of 1939 and RCW 7.25.010; amending section 2, chapter 153, Laws of 1939 and RCW 7.25.020.

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

Sec. 1. Section 1, chapter 153, Laws of 1939 and RCW 7.25.010 are each amended to read as follows:

Whenever the legislative or governing body of any county, city, school district ((or)), other municipal corporation ((or)), taxing district, or any agency, instrumentality, or public corporation thereof shall desire to issue bonds of any kind and shall have passed an ordinance or resolution authorizing the same, the validity of such proposed bond issue may be tested and determined in the manner provided in this chapter.

Sec. 2. Section 2, chapter 153, Laws of 1939 and RCW 7.25.020 are each amended to read as follows:

A complaint shall be prepared and filed in the superior court by such county, city, school district ((or)), other municipal corporation ((or)), taxing district, or agency, instrumentality, or public corporation thereof setting forth such ordinance or resolution and that it is the purpose of the plaintiff to issue and sell bonds as stated therein and that it is desired that the right of the plaintiff to so issue such bonds and sell the same shall be tested and determined in said action. In said action all taxpayers of such taxing district shall be deemed to be defendants and shall be named in the title of said action as defendants with the words "The Taxpayers of (naming the taxing district), Defendants." Upon the filing of the complaint the court shall, upon the application of the plaintiff, enter an order naming one or more taxpayers of such taxing district upon whom service in said action shall be made as the representative of all taxpayers of said district, except such as may intervene as herein provided, and in such case the court shall fix and allow a reasonable attorney's fee in said action to the attorney who shall represent the representative taxpayer or taxpayers as aforesaid, and such fee and all taxable costs incurred by such representative taxpayer or taxpayers shall be taxed as costs against the plaintiff: PROVIDED, That if the taxpayer or taxpayers appointed by the court shall default, the court shall appoint an attorney who shall defend said action on behalf of all taxpayers, and such attorney shall be allowed a reasonable fee and taxable costs to be taxed against the plaintiff: PROVIDED FURTHER, That any

taxpayer may intervene in such action and be represented therein by his own attorney.

Passed the Senate April 23, 1983.

Passed the House April 20, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 264

[Substitute Senate Bill No. 3640]

LANDLORD-TENANT—UNLAWFUL DETAINER—PROPERTY DESTRUCTION—DAMAGES—RENTAL AGREEMENTS—RENT PROCEDURES—DEPOSITS—EVICTIONS—ADDITIONAL REMEDIES

AN ACT Relating to residential landlord-tenant relationships; amending section 1, chapter 106, Laws of 1953 and RCW 59.12.030; amending section 5, chapter 96, Laws of 1891 as last amended by section 1, chapter 26, Laws of 1911 and RCW 59.12.040; amending section 13, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.130; amending section 23, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.230; amending section 26, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.260; amending section 28, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.280; amending section 31, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.310; amending section 24, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.240; amending section 25, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.250; amending section 34, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.340; and adding new sections to chapter 59.18 RCW.

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

Sec. 1. Section 1, chapter 106, Laws of 1953 and RCW 59.12.030 are each amended to read as follows:

A tenant of real property for a term less than life is guilty of unlawful detainer either:

(1) When he holds over or continues in possession, in person or by subtenant, of the property or any part thereof after the expiration of the term for which it is let to him. When real property is leased for a specified term or period by express or implied contract, whether written or oral, the tenancy shall be terminated without notice at the expiration of the specified term or period;

(2) When he, having leased property for an indefinite time with monthly or other periodic rent reserved, continues in possession thereof, in person or by subtenant, after the end of any such month or period, when the landlord, more than twenty days prior to the end of such month or period, has served notice (in manner in RCW 59.12.040 provided) requiring him to quit the premises at the expiration of such month or period;

(3) When he continues in possession in person or by subtenant after a default in the payment of rent, and after notice in writing requiring in the alternative the payment of the rent or the surrender of the detained premises, served (in manner in RCW 59.12.040 provided) in behalf of the person entitled to the rent upon the person owing it, has remained uncomplished with

for the period of three days after service thereof. The notice may be served at any time after the rent becomes due;

(4) When he continues in possession in person or by subtenant after a neglect or failure to keep or perform any other condition or covenant of the lease or agreement under which the property is held, including any covenant not to assign or sublet, than one for the payment of rent, and after notice in writing requiring in the alternative the performance of such condition or covenant or the surrender of the property, served (in manner in RCW 59.12.040 provided) upon him, and if there is a subtenant in actual possession of the premises, also upon such subtenant, shall remain uncomplished with for ten days after service thereof. Within ten days after the service of such notice the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform such condition or covenant and thereby save the lease from such forfeiture;

(5) When he commits or permits waste upon the demised premises, or when he sets up or carries on thereon any unlawful business, or when he erects, suffers, permits, or maintains on or about the premises any nuisance, and remains in possession after the service (in manner in RCW 59.12.040 provided) upon him of three days' notice to quit; or

(6) A person who, without the permission of the owner and without having color of title thereto, enters upon land of another and who fails or refuses to remove therefrom after three days' notice, in writing ~~(, -is)~~ and served upon him in the manner provided in RCW 59.12.040. Such person may also be subject to the criminal provisions of chapter 9A.52 RCW.

Sec. 2. Section 5, chapter 96, Laws of 1891 as last amended by section 1, chapter 26, Laws of 1911 and RCW 59.12.040 are each amended to read as follows:

Any notice provided for in this chapter shall be served either (1) by delivering a copy personally to the person entitled thereto; or (2) if he be absent from the premises unlawfully held, by leaving there a copy, with some person of suitable age and discretion, and sending a copy through the mail addressed to the person entitled thereto at his place of residence; or (3) if the person to be notified be a tenant, or an unlawful holder of premises, and his place of residence is not known, or if a person of suitable age and discretion there cannot be found then by affixing a copy of the notice in a conspicuous place on the premises unlawfully held, and also delivering a copy to a person there residing, if such a person can be found, and also sending a copy through the mail addressed to the tenant, or unlawful occupant, at the place where the premises unlawfully held are situated. Service upon a subtenant may be made in the same manner: PROVIDED, That in cases where the tenant or unlawful occupant, shall be conducting a hotel, inn, lodging house, boarding house, or shall be renting rooms while still retaining control of the premises as a whole, that the guests, lodgers, boarders

or persons renting such rooms shall not be considered as subtenants within the meaning of this chapter, but all such persons may be served by affixing a copy of the notice to be served in two conspicuous places upon the premises unlawfully held; and such persons shall not be necessary parties defendant in an action to recover possession of said premises. Service of any notice provided for in this chapter may be had upon a corporation by delivering a copy thereof to any officer, agent or person having charge of the business of such corporation, at the premises unlawfully held, and in case no such officer, agent or person can be found upon such premises, then service may be had by affixing a copy of such notice in a conspicuous place upon said premises and by sending a copy through the mail addressed to such corporation at the place where said premises are situated. Proof of any service under this section may be made by the affidavit of the person making the same in like manner and with like effect as the proof of service of summons in civil actions. When a copy of notice is sent through the mail, as provided in this section, service shall be deemed complete when such copy is deposited in the United States mail in the county in which the property is situated properly addressed with postage prepaid: PROVIDED, HOWEVER, That when service is made by mail one additional day shall be allowed before the commencement of an action based upon such notice. Section 13 of this 1983 act may also apply to notice given under this chapter.

Sec. 3. Section 13, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.130 are each amended to read as follows:

Each tenant shall pay the rental amount at such times and in such amounts as provided for in the rental agreement or as otherwise provided by law and comply with all obligations imposed upon tenants by applicable provisions of all municipal, county, and state codes, statutes, ordinances, and regulations, and in addition shall:

(1) Keep that part of the premises which he occupies and uses as clean and sanitary as the conditions of the premises permit;

(2) Properly dispose from his dwelling unit all rubbish, garbage, and other organic or flammable waste, in a clean and sanitary manner at reasonable and regular intervals, and assume all costs of extermination and fumigation for infestation caused by the tenant;

(3) Properly use and operate all electrical, gas, heating, plumbing and other fixtures and appliances supplied by the landlord;

(4) Not intentionally or negligently destroy, deface, damage, impair, or remove any part of the structure or dwelling, with the appurtenances thereto, including the facilities, equipment, furniture, furnishings, and appliances, or permit any member of his family, invitee, licensee, or any person acting under his control to do so. Violations may be prosecuted under chapter 9A-.48 RCW if the destruction is intentional and malicious;

(5) Not permit a nuisance or common waste; and

(6) Upon termination and vacation, restore the premises to their initial condition except for reasonable wear and tear or conditions caused by failure of the landlord to comply with his obligations under this chapter: PROVIDED, That the tenant shall not be charged for normal cleaning if he has paid a nonrefundable cleaning fee.

Sec. 4. Section 23, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.230 are each amended to read as follows:

(1) Any provision of a lease or other agreement, whether oral or written, whereby any section or subsection of this chapter is waived except as provided in RCW 59.18.360 and shall be deemed against public policy and shall be unenforceable. Such unenforceability shall not affect other provisions of the agreement which can be given effect without them.

(2) No rental agreement may provide that the tenant:

(a) Agrees to waive or to forego rights or remedies under this chapter;
or

(b) Authorizes any person to confess judgment on a claim arising out of the rental agreement; or

(c) Agrees to pay the landlord's attorney's fees, except as authorized in this chapter; or

(d) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith; or

(e) And landlord have agreed to a particular arbitrator at the time the rental agreement is entered into.

(3) A provision prohibited by subsection (2) of this section included in a rental agreement is unenforceable. If a landlord deliberately uses a rental agreement containing provisions known by him to be prohibited, the tenant may recover actual damages sustained by him and reasonable attorney's fees.

(4) The common law right of the landlord of distress for rent is hereby abolished for property covered by this chapter. Any provision in a rental agreement creating a lien upon the personal property of the tenant or authorizing a distress for rent is null and void and of no force and effect. Any landlord who takes or detains the personal property of a tenant without the specific consent of the tenant to such incident of taking or detention, unless the property has been abandoned as described in RCW 59.18.310, and who, after written demand by the tenant for the return of his personal property, refuses ~~((or neglects))~~ to return the same promptly shall be liable to the tenant for the value of the property retained, ~~((and))~~ actual damages, and if the refusal is intentional, may also be liable for damages of up to fifty dollars per day but not to exceed one thousand dollars, for each day or part of a day that the tenant is deprived of his property. The prevailing party may recover his costs of suit and a reasonable attorney's fee.

In any action, including actions pursuant to chapters 7.64 or 12.28 RCW, brought by a tenant or other person to recover possession of his personal property taken or detained by a landlord in violation of this section, the court, upon motion and after notice to the opposing parties, may waive or reduce any bond requirements where it appears to be to the satisfaction of the court that the moving party is proceeding in good faith and has, prima facie, a meritorious claim for immediate delivery or redelivery of said property.

NEW SECTION. Sec. 5. There is added to chapter 59.18 RCW a new section to read as follows:

No moneys paid to the landlord which are nonrefundable may be designated as a deposit or as part of any deposit. If any moneys are paid to the landlord as a nonrefundable fee, the rental agreement shall be in writing and shall clearly specify that the fee is nonrefundable.

Sec. 6. Section 26, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.260 are each amended to read as follows:

If any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a lease or rental agreement, ~~((such))~~ the lease or rental agreement shall be in writing and shall include the terms and conditions under which the deposit or portion thereof may be withheld by the landlord upon termination of the lease or rental agreement. If all or part of the deposit may be withheld to indemnify the landlord for damages to the premises for which the tenant is responsible, ((or if all or part thereof may be retained by the landlord as a nonreturnable cleaning fee;)) the rental agreement shall be in writing and shall so specify. No deposit may be collected by a landlord unless the rental agreement is in writing and a written checklist or statement specifically describing the condition and cleanliness of or existing damages to the premises and furnishings, including, but not limited to, walls, floors, countertops, carpets, drapes, furniture, and appliances, is provided by the landlord to the tenant at the commencement of the tenancy. The checklist or statement shall be signed and dated by the landlord and the tenant, and the tenant shall be provided with a copy of the signed checklist or statement. No such deposit shall be withheld on account of normal wear and tear resulting from ordinary use of the premises.

Sec. 7. Section 28, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.280 are each amended to read as follows:

Within fourteen days after the termination of the rental agreement and vacation of the premises or, if the tenant abandons the premises as defined in RCW 59.18.310, within fourteen days after the landlord learns of the abandonment, the landlord shall give a full and specific statement of the basis for retaining any of the deposit together with the payment of any refund due the tenant under the terms and conditions of the rental agreement.

No portion of any deposit shall be withheld on account of wear resulting from ordinary use of the premises.

The notice shall be delivered to the tenant personally or by mail to his last known address. If the landlord fails to give such statement together with any refund due the tenant within the time limits specified above he shall be liable to the tenant for the full amount of ~~((refund due))~~ the deposit. The landlord is also barred in any action brought by the tenant to recover the deposit from asserting any claim or raising any defense for retaining any of the deposit unless the landlord shows that circumstances beyond the landlord's control prevented the landlord from providing the statement within the fourteen days or that the tenant abandoned the premises as defined in RCW 59.18.310. The court may in its discretion award up to two times the amount of the deposit for the intentional refusal of the landlord to give the statement or refund due. In any action brought by the tenant to recover the deposit, the prevailing party shall additionally be entitled to the cost of suit or arbitration including a reasonable attorney's fee.

Nothing in this chapter shall preclude the landlord from proceeding against, and the landlord shall have the right to proceed against a tenant to recover sums exceeding the amount of the tenant's damage or security deposit for damage to the property for which the tenant is responsible together with reasonable attorney's fees.

Sec. 8. Section 31, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.310 are each amended to read as follows:

If the tenant defaults in the payment of rent and reasonably indicates by words or actions his intention not to resume tenancy, he shall be liable for the following for such abandonment: PROVIDED, That upon learning of such abandonment of the premises the landlord shall make a reasonable effort to mitigate the damages resulting from such abandonment:

(1) When the tenancy is month-to-month, the tenant shall be liable for the rent for the thirty days following either the date the landlord learns of the abandonment, or the date the next regular rental payment would have become due, whichever first occurs.

(2) When the tenancy is for a term greater than month-to-month, the tenant shall be liable for the lesser of the following:

(a) The entire rent due for the remainder of the term; or

(b) All rent accrued during the period reasonably necessary to rerent the premises at a fair rental, plus the difference between such fair rental and the rent agreed to in the prior agreement, plus actual costs incurred by the landlord in rerenting the premises together with statutory court costs and reasonable attorney's fees.

In the event of such abandonment of tenancy and an accompanying default in the payment of rent by the tenant, the landlord may immediately enter and take possession of any property of the tenant found on the premises and may store the same in ~~((a))~~ any reasonably secure place. A notice

containing the name and address of the landlord and the place where the property is stored (~~(must)~~) shall be mailed promptly by the landlord to the last known address of the tenant. After sixty days from the date of default in rent, and after prior notice of such sale is mailed to the last known address of the tenant, the landlord may sell such property, including personal papers, family pictures, and keepsakes, and may apply any income derived therefrom against moneys due the landlord, including actual costs of drayage and storage of the property. If the property has a cumulative value of fifty dollars or less, the landlord may sell the property, except for personal papers, family pictures, and keepsakes, after seven days from the date the notice of sale is mailed to the tenant at the tenant's last known address. Any excess income derived from the sale of such property under this section shall be held by the landlord for the benefit of the tenant for a period of one year from the date of sale, and if no claim is made or action commenced by the tenant for the recovery thereof prior to the expiration of that period of time, the balance shall be the property of the landlord, including any interest paid on the income.

Sec. 9. Section 24, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.240 are each amended to read as follows:

So long as the tenant is in compliance with this chapter, the landlord shall not take or threaten to take reprisals or retaliatory action against the tenant because of any good faith and lawful:

(1) Complaints or reports by the tenant to a governmental authority concerning the failure of the landlord to substantially comply with any code, statute, ordinance, or regulation governing the maintenance or operation of the premises, if such condition may endanger or impair the health or safety of the tenant; or

(2) Assertions or enforcement by the tenant of his rights and remedies under this chapter.

"Reprisal or retaliatory action" shall mean and include but not be limited to any of the following actions by the landlord when such actions are intended primarily to retaliate against a tenant because of the tenant's good faith and lawful act:

~~((1))~~ (a) Eviction of the tenant (~~((other than giving a notice to terminate tenancy as provided in RCW 59.18.200))~~);

~~((2))~~ (b) Increasing the rent required of the tenant;

~~((3))~~ (c) Reduction of services to the tenant; and

~~((4))~~ (d) Increasing the obligations of the tenant.

Sec. 10. Section 25, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.250 are each amended to read as follows:

Initiation by the landlord of any action listed in RCW 59.18.240 within ninety days after a good faith and lawful act by the tenant as enumerated in RCW 59.18.240, or within ninety days after any inspection or proceeding of a governmental agency resulting from such act, shall create a rebuttable

presumption affecting the burden of proof, that the action is a reprisal or retaliatory action against the tenant: PROVIDED, That if at the time the landlord gives notice of termination of tenancy pursuant to chapter 59.12 RCW the tenant is in arrears in rent or in breach of any other lease or rental obligation, there is a rebuttable presumption affecting the burden of proof that the landlord's action is neither a reprisal nor retaliatory action against the tenant: PROVIDED FURTHER, That if the court finds that the tenant made a complaint or report to a governmental authority within ninety days after notice of a proposed increase in rent or other action in good faith by the landlord, there is a rebuttable presumption that the complaint or report was not made in good faith: PROVIDED FURTHER, That no presumption against the landlord shall arise under this section, with respect to an increase in rent, if the landlord, in a notice to the tenant of increase in rent, specifies reasonable grounds for said increase, which grounds may include a substantial increase in market value due to remedial action under this chapter: PROVIDED FURTHER, That the presumption of retaliation, with respect to an eviction, may be rebutted by evidence that it is not practical to make necessary repairs while the tenant remains in occupancy. In any action or eviction proceeding where the tenant prevails upon his claim or defense that the landlord has violated this section, the tenant shall be entitled to recover his costs of suit or arbitration, including a reasonable attorney's fee, and where the landlord prevails upon his claim he shall be entitled to recover his costs of suit or arbitration, including a reasonable attorney's fee: PROVIDED FURTHER, That neither party may recover attorney's fees to the extent that their legal services are provided at no cost to them.

NEW SECTION. Sec. 11. There is added to chapter 59.18 RCW a new section to read as follows:

The landlord and tenant may agree in writing to submit any dispute arising under the provisions of this chapter or under the terms, conditions, or performance of the rental agreement, to mediation by an independent third party. The parties may agree to submit any dispute to mediation before exercising their right to arbitration under RCW 59.18.320.

Sec. 12. Section 34, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.340 are each amended to read as follows:

The administrative fee for this arbitration procedure shall be (~~seventy dollars;~~) established by agreement of the parties and the arbitrator and, unless otherwise allocated by the arbitrator, shall be shared equally by the parties: PROVIDED, That upon either party signing an affidavit to the effect that he is unable to pay his share of the fee, that portion of the fee may be waived or deferred.

NEW SECTION. Sec. 13. There is added to chapter 59.18 RCW a new section to read as follows:

(1) The remedies provided by this section are in addition to other remedies provided by this chapter.

(2) In an action of forcible entry, detainer, or unlawful detainer, commenced under this chapter which is based upon nonpayment of rent as provided in RCW 59.12.030(3), the defendant shall pay into the court registry the amount alleged due in the complaint and continue to pay into the court registry the monthly rent as it becomes due under the terms of the rental agreement while the action is pending. If the defendant submits to the court a written statement signed and sworn under penalty of perjury denying that the rent alleged due in the complaint is owing based upon a legal or equitable defense or set-off arising out of the tenancy, such payment shall not be required.

(3) A defendant must comply with subsection (2) of this section within seven days after completed service of a filed summons and complaint or, in the case of service of an unfiled summons and complaint, seven days after delivering written notice to the defendant, in the manner provided in RCW 59.12.040, advising the defendant of the date of filing, the cause number for the action, and the date by which the defendant must comply with this section to avoid the immediate issuance of a writ of restitution. Failure of the defendant to comply with this section shall be grounds for the immediate issuance of a writ of restitution without bond directing the sheriff to deliver possession of the premises to the plaintiff. Issuance of a writ of restitution under this section shall not affect the defendant's right to a hearing to contest the amount of rent alleged to be due.

(4) The defendant shall send written notice that the rent has been paid into the court registry or send a copy of the sworn statement referred to in subsection (2) of this section to the address of the person whose name is signed on the unlawful detainer summons.

(5) Before applying to the court for a writ of restitution under this section, the plaintiff must check with the clerk of the court to determine if the defendant has complied with subsection (2) of this section.

(6) If the plaintiff intends to use the procedures in this section, the summons must contain notice to the defendant of the payment requirements of this section and be substantially in the following form:

NOTICE

This unlawful detainer action is based upon nonpayment of rent in an amount alleged to be \$..... The plaintiff is entitled to an order from the court directing the sheriff to evict you without a hearing unless you pay into the court registry the amount of delinquent rent alleged to be due in the complaint and continue paying into the court registry the monthly rent as it becomes due while this lawsuit is pending. If you deny that you owe the rent claimed to be due and you do not want to be evicted immediately without a hearing, you must file with the clerk of the court a

written statement signed and sworn under penalty of perjury setting forth why you do not owe the amount claimed in the complaint to be due. The sworn statement must be filed **IN ADDITION TO** your written answer to the complaint.

Payment of the sworn statement must be submitted to the clerk of the superior court within seven days after you have been served with this summons or, if the summons has not yet been filed, within seven days after service of written notice that the lawsuit has been filed.

This complaint:

- () is filed with the superior court;
- () is not filed. The plaintiff must notify you in writing when it is filed.

IMPORTANT

If you intend to contest this action, you must also file a written answer as indicated above on this summons.

Passed the Senate April 24, 1983.

Passed the House April 24, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 265

[Substitute Senate Bill No. 3642]

CHARITABLE ORGANIZATIONS AND SOLICITATIONS—REGISTRATION AND DISCLOSURE—EXEMPTIONS

AN ACT Relating to charitable solicitations; amending section 2, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 80, chapter 158, Laws of 1979 and RCW 19.09.020; amending section 3, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.030; amending section 10, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 227, Laws of 1982 and RCW 19.09.100; amending section 21, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 227, Laws of 1982 and RCW 19.09.210; amending section 14, chapter 222, Laws of 1977 ex. sess. as amended by section 12, chapter 227, Laws of 1982 and RCW 19.09.275; amending section 34, chapter 13, Laws of 1973 1st ex. sess. as amended by section 13, chapter 227, Laws of 1982 and RCW 19.09.340; amending section 5, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.050; amending section 19, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 227, Laws of 1982 and RCW 19.09.190; adding new sections to chapter 19.09 RCW; making appropriations; and providing an effective date.

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

Sec. 1. Section 2, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 80, chapter 158, Laws of 1979 and RCW 19.09.020 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) A "bona fide officer or employee" of a charitable organization is one whose conduct is subject to direct control by such organization and who

does not act in the manner of an independent contractor in his relation with the organization.

(2) "Charitable organization" means: (a) Any benevolent, philanthropic, patriotic, eleemosynary, education, social, recreation, fraternal organization, or any other person having or purporting to have a charitable nature; and (b) which solicits or solicits and collects contributions for any charitable purpose. "Charitable" shall have its common law meaning unless the context in which it is used clearly requires a narrower or a broader meaning.

(3) "Contribution" means the donation, promise or grant, for consideration or otherwise, of any money or property of any kind or value which contribution is wholly or partly induced by a solicitation. Reference to dollar amounts of "contributions" or "solicitations" in this chapter means in the case of payments or promises to pay for merchandise or rights of any description, the value of the total amount paid or promised to be paid for such merchandise or rights less the reasonable purchase price to the charitable organization of any such tangible merchandise, rights, or services resold by the organization, and not merely that portion of the purchase price to be applied to a charitable purpose.

(4) "Compensation" means salaries, wages, fees, commissions, or any other remuneration or valuable consideration.

(5) "Cost of solicitation" means and includes all costs, expenditures, debts, obligations, salaries, wages, commissions, fees, or other money or thing of value paid or incurred in making a solicitation for a direct gift or conducting a sale or benefit affair; cost of solicitation shall not include the reasonable purchase price to the charitable organization of any tangible goods or services resold by the organization as a part of its fund raising activities.

~~(6) ("Director" means the director of licensing.~~

~~(7))~~ "Direct gift" shall mean and include an outright contribution of food, clothing, money, credit, property, financial assistance or other thing of value to be used for a charitable or religious purpose and for which the donor receives no consideration or thing of value in return.

~~((8))~~ (7) "Membership" means that for the payment of fees, dues, assessments, etc., an organization provides services and confers a bona fide right, privilege, professional standing, honor, or other direct benefit, in addition to the right to vote, elect officers, or hold office. The term "membership" shall not include those persons who are granted a membership upon making a contribution as the result of solicitation.

~~((9))~~ (8) "Parent organization" means that part of a charitable organization which coordinates, supervises, or exercises control over policy, fund raising, or expenditures, or assists or advises one or more chapters, branches, or affiliates of such organization in the state of Washington.

~~((10))~~ (9) "Person" means an individual, organization, group, association, partnership, corporation, or any combination thereof.

~~((+1))~~ (10) "Professional fund raiser" means any person who, for compensation or other consideration, plans, conducts, manages, or advises concerning any drive or campaign in this state for the purpose of soliciting contributions for or on behalf of any charitable organization or charitable purpose, or who engages in the business of or holds himself out to persons in this state as independently engaged in the business of soliciting contributions for such purposes, or the business of planning, conducting, managing, or carrying on any drive or campaign in this state for such solicitations: PROVIDED, That the following persons shall not be deemed professional fund raisers: (a) Any bona fide officer or employee of a charitable organization which maintains a permanent establishment in the state of Washington; whose salary or other compensation is not computed on funds raised or to be raised; (b) a clergyman of a religious corporation exempt under the provisions of RCW 19.09.030.

~~((+2))~~ (11) A "professional solicitor" means any person other than a professional fund raiser who is employed or retained for compensation by any person or charitable organization to solicit contributions for charitable purposes from persons in this state, but shall not include any bona fide officer or employee of a registered charitable organization.

~~((+3))~~ (12) "Sale and benefit affair" shall mean and include, but not be limited to, athletic or sports event, bazaar, benefit, campaign, circus, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, theater, or variety show which the public is requested to patronize or attend or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith: PROVIDED, That bingo activities, raffles, and amusement games conducted pursuant to the provisions of chapter 9.46 RCW and applicable rules of the Washington state gambling commission are specifically excluded and shall not be deemed a solicitation within the provisions of this chapter.

(13) "Secretary" means the secretary of state.

(14) "Solicitation" means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

- (a) Any appeal is made for any charitable purpose; or
- (b) The name of any charitable organization is used as an inducement for consummating the sale; or
- (c) Any statement is made which implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization.

The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.

Sec. 2. Section 3, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.030 are each amended to read as follows:

~~((Except as otherwise specifically provided in other sections of this chapter,))~~ The registration and disclosure requirements of this chapter, except the requirements of RCW 19.09.210, shall not apply to the following:

(1) Solicitations by religious corporations duly organized and operated in good faith as religious organizations which are entitled to receive a declaration of current tax exempt status from the government of the United States and their duly organized branches or chapters, if the solicitations by such organization are conducted among the members thereof by other members or officers thereof, voluntarily or if the solicitations are in the form of collections or contributions at the regular or special religious assemblies, meetings, or services of any such organization or if the solicitations by such organization are for evangelical, missionary, or religious purposes. An exempt religious corporation shall also be exempt from the requirements of RCW 19.09.210.

(2) Any charitable organizations when the solicitation of contributions is confined to the membership of the organization and when the solicitation is managed and conducted solely by officers and members of such organizations who are unpaid for such services.

(3) Persons requesting any contributions for the relief of named individuals:

(a) When the solicitation is managed and conducted solely by persons who are unpaid for such services and;

(b) When the contributions collected do not exceed ~~((the))~~ ten thousand dollars in any twelve month period; and

(c) When all of the contributions collected, without any deductions whatsoever except for the actual cost of a banquet, dance, or similar social gathering, are turned over to the named beneficiary or beneficiaries.

(4) Charitable organizations which do not intend to solicit and receive, and do not actually raise or receive, contributions from the public in excess of ten thousand dollars during a calendar year, if all their functions, including all fund raising activities, are carried on by persons who are unpaid for their services and if no part of their assets or income inures to the benefit of or is paid to any officer or member.

(5) Charitable organizations which do not intend to solicit and receive, and do not actually raise or receive, contributions from more than ten persons during a calendar year, if all their functions, including all fund raising activities, are carried on by persons who are unpaid for their services and if no part of their assets or income inures to the benefit of or is paid to any officer or member.

(6) Solicitations by government subdivisions which solicit funds for governmental purposes, if such funds are subject to control, examination, or review by governmental agents or agencies.

(7) Solicitations by volunteer hospital organizations affiliated with non-profit hospitals whose budgets are subject to review by the Washington state hospital commission according to chapter 70.39 RCW when: At least eighty percent of the net proceeds of such solicitations are used solely to improve or maintain tax exempt health care services or facilities of such institutions; the solicitation is carried on solely by persons who are unpaid for their services and no part of the volunteer organizations' assets or income inures to the benefit of, or is paid to any officer or member; and no professional fund raiser or solicitor is employed or retained for compensation in connection with such solicitations. Sales by gift shops operated by such hospital organizations do not constitute solicitations under this section.

NEW SECTION. Sec. 3. There is added to chapter 19.09 RCW a new section to read as follows:

Any person or charitable organization which ceases to be exempt under RCW 19.09.030 shall register with the secretary as required by this chapter within thirty days after the loss of the exemption.

NEW SECTION. Sec. 4. There is added to chapter 19.09 RCW a new section to read as follows:

(1) All charitable organizations, as defined in RCW 19.09.020, unless exempt under RCW 19.09.030, shall register with the secretary.

(2) Failure to register as required by this chapter is a violation of this chapter.

(3) Information provided to the secretary pursuant to this chapter shall be a public record.

(4) Registration shall not be considered or be represented as an endorsement by the secretary or the state of Washington.

NEW SECTION. Sec. 5. There is added to chapter 19.09 RCW a new section to read as follows:

An application for registration as a charitable organization shall contain the following:

(1) The name of the charitable organization;

(2) The name under which the organization will solicit contributions;

(3) The name, address, and telephone number of the president and treasurer, or comparable officers, of the organization;

(4) The purpose of the solicitations;

(5) A solicitation history of the organization including:

(a) The number of solicitation campaigns over the past three years;

(b) The total amount of money applied to the costs of the solicitations over the past three years;

(c) The total amount of money dispersed for charitable purposes over the past three years;

(d) The number of solicitation campaigns reported under subsection (5)(a) of this section for which the organization used a professional fund raiser; and

(6) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in section 7 of this act.

The requirements of subsections (5)(b) and (c) of this section may be satisfied by the submission of an independent certified audit.

The application shall be submitted with a fifteen-dollar filing fee and shall be signed by the president, treasurer, or comparable officer of the organization. If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered.

NEW SECTION. Sec. 6. There is added to chapter 19.09 RCW a new section to read as follows:

If any chapter, branch, affiliate, or area division of a charitable organization is supervised and controlled by a superior or parent organization which is incorporated, qualified to do business, or is doing business within this state, such chapter, branch, affiliate, or area division shall not be required to register under section 4 of this act if the superior or parent organization files an application, on behalf of its subsidiary, in addition to or as a part of its own application. If an application has been filed by a superior or parent organization, on behalf of the subsidiary organization, the superior or parent organization need not include the financial statement information as part of its financial report for any chapter, branch, or affiliate which solicits and collects less than five hundred dollars during its fiscal year, providing all such fund raising is done by persons who are unpaid for such services. For those chapters, branches, or affiliates which solicit, collect, or expend between five hundred dollars and five thousand dollars during their fiscal year, the superior or parent organization shall report such financial information either separately or in consolidated form. For those chapters, branches, or affiliates which solicit, collect, or expend in excess of five thousand dollars during their fiscal year, the superior or parent organization shall set forth such financial information separately, in addition to including such information in consolidated form.

NEW SECTION. Sec. 7. There is added to chapter 19.09 RCW a new section to read as follows:

When a person or an organization registered under this chapter, or its president, treasurer, or comparable officers, cannot be found after reasonably diligent effort, the secretary of state shall be an agent of such person or organization upon whom process may be served. Service on the secretary shall be made by delivering to the secretary or the secretary's designee duplicate copies of such process, and a twenty-five dollar filing fee. Thereupon, the secretary shall immediately cause one of the copies thereof to be

forwarded to the registrant at the most current address shown in the secretary's files. Any service so had on the secretary shall be returnable in not less than thirty days.

Any fee under this section shall be taxable as costs in the action.

The secretary shall maintain a record of all process served on the secretary under this section, and shall record the date of service and the secretary's action with reference thereto.

Nothing in this section limits or affects the right to serve process required or permitted to be served on a registrant in any other manner now or hereafter permitted by law.

NEW SECTION. Sec. 8. There is added to chapter 19.09 RCW a new section to read as follows:

(1) Registration under this chapter shall be effective for two years.

(2) Persons and charitable organizations required to register under this chapter shall file a notice of change of information within thirty days of any change in the information contained in section 5 (1) through (4) of this act.

(3) The secretary may notify persons and charitable organizations registered under this chapter of the need to reregister upon the expiration of their current registration. The notification shall be by mail, sent at least sixty days prior to the expiration of their current registration.

Sec. 9. Section 10, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 227, Laws of 1982 and RCW 19.09.100 are each amended to read as follows:

The following conditions apply to solicitations as defined by RCW 19.09.020:

(1) ~~((The cost of solicitation (including payments to professional fund raisers and professional solicitors and internal fund raising and solicitation salaries and expenses) during any calendar year shall not exceed twenty percent of the total moneys, pledges, or other property raised or received or to be raised or received by reason of any solicitation and/or fund raising activities or campaigns. The term "internal fund raising and solicitation salaries and expenses" shall include, but not be limited to, such portions of the charitable organization's salary and overhead expenses as is fairly allocable (on a time or other appropriate basis) to its solicitation and/or fund raising expense. As provided in RCW 19.09.020(5), the cost of solicitation shall not include the reasonable purchase price to the charitable organization of any tangible goods or services resold by the organization as a part of its fund-raising activities. The amount of such expenditure by the organization shall be deducted from the gross amount collected, or from the organization's support received directly from the public, prior to computing the percentage limitation. In the event special facts or circumstances are presented showing that expenses higher than twenty percent were not or will not be unreasonable, and the organization is primarily engaged in research, advocacy, or public education and uses its own paid staff to carry out these~~

~~functions, the director shall allow such higher expense and issue an order so stating. Such an order shall be reviewed annually by the director. When such an order is issued, the cost of solicitation shall be disclosed by the organization to each person being solicited at the time of each solicitation. To further the purposes of this chapter, the director shall from time to time apprise the public of the names of those organizations for which such an order has been issued. The director may require submission of any information necessary in making a determination whether to issue such an order. Compliance with this subsection is required prior to commencing solicitations))~~ Each person or organization soliciting charitable contributions shall disclose verbally or in writing to each person or organization solicited;

(a) The name of the individual making the solicitation;

(b) The name of the charitable organization;

(c) The purpose of the solicitation, and the name of the organization that will receive the funds contributed; and

(d) Upon request, the estimated percentage of the money collected which will be applied to the cost of the solicitation or to the charitable purpose;

(2) A charitable organization shall comply with all local governmental regulations which apply to soliciting for or on behalf of charitable organizations;

(3) The advertising material and the general promotional plan for a solicitation shall not be false, misleading, or deceptive, and shall afford full and fair disclosure; and

(4) Solicitations shall not be conducted by a charitable organization that has, or if a corporation, its officers, directors, or principals have, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years and has been subject to any permanent injunction or administrative order or judgment, under the provisions of RCW 19.86.080 or 19.86.090, involving a violation or violations of the provisions of RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

Failure to comply with subsections (1) through (4) of this section is a violation of this chapter.

Sec. 10. Section 21, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 227, Laws of 1982 and RCW 19.09.210 are each amended to read as follows:

Upon the request of the attorney general or the county prosecutor, a charitable organization shall submit a financial statement containing, but not limited to, the following information:

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required (~~((either by general rule or by specific written request of the director)).~~).

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.

(4) The amounts paid to and to be paid to professional fund raisers and solicitors.

(5) Copies of any annual or periodic reports furnished by the charitable organization, of its activities during or for the same fiscal period, to its parent organization, subsidiaries, or affiliates, if any.

Sec. 11. Section 14, chapter 222, Laws of 1977 ex. sess. as amended by section 12, chapter 227, Laws of 1982 and RCW 19.09.275 are each amended to read as follows:

Any person who wilfully and knowingly violates any provisions of this chapter or who shall wilfully and knowingly give false or incorrect information to the (~~((director))~~) secretary, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not such statement or report is verified, shall be deemed guilty of a misdemeanor (~~((and, upon conviction thereof, shall be sentenced for the first offense to pay a fine of not less than one hundred dollars and not more than two hundred and fifty dollars or be imprisoned in the county jail for not more than forty= five days, or both, and for the second and any subsequent offense, to pay a fine of not less than two hundred and fifty dollars and not more than five hundred dollars or be imprisoned in the county jail for not more than ninety days, or both))~~) as provided in chapter 9A.20 RCW.

Sec. 12. Section 34, chapter 13, Laws of 1973 1st ex. sess. as amended by section 13, chapter 227, Laws of 1982 and RCW 19.09.340 are each amended to read as follows:

(1) The commission by any person of an act or practice prohibited by this chapter is hereby declared to be an unfair act or practice or unfair method of competition in the conduct of trade or commerce for the purpose of application of the Consumer Protection Act, chapter 19.86 RCW.

(2) The (~~((director))~~) secretary may refer such evidence, as may be available (~~((to him))~~), concerning violations of this chapter to the attorney general or the prosecuting attorney of the county wherein the alleged violation arose. In addition to any other action they might commence, the attorney general or the county prosecuting attorney may bring an action in the name of the state, with or without such reference, against any person to restrain and prevent the doing of any act or practice prohibited by this chapter: PROVIDED, That this chapter shall be considered in conjunction with chapters 9.04 and 19.86 RCW, as now or hereafter amended, and the powers and duties of the attorney general and the prosecuting attorney as they

may appear in the aforementioned chapters, shall apply against all persons subject to this chapter.

Sec. 13. Section 5, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.050 are each amended to read as follows:

A professional fund raiser is not exempted from any provisions of this chapter ~~((society))~~ by ~~((reason of his))~~ acting for an organization exempted under the provisions of RCW 19.09.030.

NEW SECTION. Sec. 14. There is added to chapter 19.09 RCW a new section to read as follows:

(1) All professional fund raisers, as defined in RCW 19.09.020, shall register with the secretary.

(2) Failure to register as required by this chapter is a violation of this chapter.

(3) Information provided to the secretary pursuant to this chapter shall be a public record.

(4) Registration shall not be considered or be represented as an endorsement by the secretary or the state of Washington.

NEW SECTION. Sec. 15. There is added to chapter 19.09 RCW a new section to read as follows:

An application for registration as a professional fund raiser shall contain the following:

(1) The name, address, and telephone number of the professional fund raiser;

(2) A solicitation history of the professional fund raiser for the past three years including:

(a) Number of solicitation campaigns;

(b) Names of charitable organizations for whom fund raising has been performed; and

(c) A list of the states in which fund raising has been performed; and

(3) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in section 7 of this act.

The application shall be submitted with a fifteen-dollar filing fee and shall be signed by the professional fund raiser. If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered.

Sec. 16. Section 19, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 227, Laws of 1982 and RCW 19.09.190 are each amended to read as follows:

Every person employed or retained as a professional fund raiser ~~((or professional solicitor))~~ by or for a charitable organization shall execute a surety bond as principal in the amount of five thousand dollars with one or more sureties whose liability in the aggregate as such sureties will at least equal the said sum. The bond shall be filed with the secretary. The bond

shall run to the state and to any person who may have a cause of action against the obligor of said bond for any malfeasance or misfeasance in the conduct of such solicitation.

NEW SECTION. Sec. 17. There is added to chapter 19.09 RCW a new section to read as follows:

The secretary may establish, by rule, standard forms and procedures for the efficient administration of this chapter. The secretary may issue such publications, reports, or information from the records as may be useful to the solicited public and charitable organizations. To defray the costs of any such publication, the secretary is authorized to charge a reasonable fee to cover the costs of preparing, printing, and distributing such publications.

NEW SECTION. Sec. 18. There is added to chapter 19.09 RCW a new section to read as follows:

All fees and other moneys received by the secretary of state under this chapter shall be transmitted to the state treasurer for deposit in the state general fund.

NEW SECTION. Sec. 19. (1) Effective September 1, 1983, there is appropriated to the secretary of state from the general fund for the biennium ending June 30, 1985, the sum of thirty-three thousand five hundred eighty-three dollars, or so much thereof as may be necessary, to establish and implement the registration program required by this act.

(2) Effective January 1, 1984, there is appropriated to the secretary of state from the general fund for the biennium ending June 30, 1985, the sum of eighteen thousand four hundred seventy-eight dollars, or so much thereof as may be necessary, to carry out the purposes of this act. However, moneys expended under this subsection shall not exceed the amount of moneys deposited in the general fund under section 18 of this act, minus the amount of moneys expended under subsection (1) of this section.

NEW SECTION. Sec. 20. 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. 21. With the exception of section 19 of this act, this act shall take effect January 1, 1984.

Passed the Senate April 23, 1983.

Passed the House April 16, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 266

[Engrossed Senate Bill No. 3644]

HIGHER EDUCATION CREDENTIAL EXEMPTIONS—WORKSHOPS—
SEMINARS—CONTINUING EDUCATION

AN ACT Relating to higher education; and amending section 4, chapter 188, Laws of 1979 ex. sess. as last amended by section 2, chapter 283, Laws of 1981 and RCW 28B.05.040.

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

Sec. 1. Section 4, chapter 188, Laws of 1979 ex. sess. as last amended by section 2, chapter 283, Laws of 1981 and RCW 28B.05.040 are each amended to read as follows:

Notwithstanding any other exemption provision in this section, no institution or organization shall advertise, offer, sell, or award a degree or any other type of educational credential unless the student has enrolled in and successfully completed a prescribed program of study, as outlined in the institution's catalog: PROVIDED, That this prohibition shall not apply to honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions that offer other educational credentials requiring enrollment in and successful completion of a prescribed program of study, in compliance with the requirements of this chapter. The following education and institutions are exempted from the provisions of this chapter:

(1) Education sponsored by bona fide trade, business, professional, or fraternal organizations primarily for that organization's membership or offered by that organization on a no-fee basis;

(2) Education solely avocational or recreational in nature and institutions offering such education exclusively;

(3) Education offered by charitable institutions, organizations, or agencies: PROVIDED, That such education is not advertised or promoted as leading toward educational credentials;

(4) Institutions that are established, operated, and governed by this state or its political subdivisions under the provisions of Titles 28A, 28B and 28C RCW;

(5) Institutions that have been accredited by any accrediting association recognized by the agency for the purposes of this chapter: PROVIDED, That an institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association to qualify for this exemption.

(6) Any other institution to the extent that it has been exempted from some or all of the provisions of this chapter in accordance with the agency exemption procedure in RCW 28B.05.130.

(7) Institutions not otherwise exempt that are of a religious character, but only as to those education programs exclusively devoted to religious or theological objectives, and that are represented in an accurate manner in institutional catalogs or other official publications.

(8) Educational institutions that are certified by the Federal Aviation Administration under 14 CFR 141 and those educational institutions certified under 14 CFR 61 which offer instruction solely for avocational or recreational purposes.

(9) Educational institutions that are licensed by the state of Washington under chapter 18.15 (~~RCW and chapter~~) and 18.18 RCW.

(10) Institutions which only offer courses approved to meet the continuing education requirements for licensure under chapters 18.04, 18.78, 18.88, or 48.17 RCW.

(11) Institutions not otherwise exempt which offer only workshops or seminars lasting no longer than three calendar days and for which academic credit is not awarded.

Passed the Senate March 28, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 267

[Substitute Senate Bill No. 3646]

JUVENILE OFFENDERS—WAIVER OF RIGHTS—CERTAIN PHOTOGRAPHS—HEALTH AND DENTAL CARE CONSENT

AN ACT Relating to juvenile offenders; amending section 2, chapter 132, Laws of 1945 as amended by section 7, chapter 155, Laws of 1979 and RCW 13.04.130; and adding a new section to chapter 13.04 RCW.

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

Sec. 1. Section 2, chapter 132, Laws of 1945 as amended by section 7, chapter 155, Laws of 1979 and RCW 13.04.130 are each amended to read as follows:

(1) Neither the fingerprints nor a photograph of any juvenile may be taken without the consent of juvenile court, except as provided in subsections (2) and (3) of this section and RCW 10.64.110.

(2) A law enforcement agency may fingerprint and photograph a juvenile arrested for a felony offense. If the court finds a juvenile's arrest for a felony offense unlawful, the court shall order the fingerprints and photographs of the juvenile taken pursuant to that arrest expunged, unless the court, after a hearing, orders otherwise.

(3) Waiver of rights regarding photographing of juveniles when the photographs will be used in training or educational programs shall be made under the general provisions for waiver of rights in RCW 13.40.140.

NEW SECTION. Sec. 2. There is added to chapter 13.04 RCW a new section to read as follows:

(1) The administrator of the juvenile court or authorized staff may consent as provided in this section to the provision of health and dental examinations and care, and necessary treatment for medical and dental conditions requiring prompt attention, for juveniles lawfully detained at or sentenced to a detention facility. The treatment may include treatment provided at medical or dental facilities outside the juvenile detention facility and treatment provided within the juvenile detention facility for the period of time the youth is in the custody of the facility. Juveniles shall not be transported for treatment outside the facility if treatment services are available within the facility.

(2) The examination, care, and treatment may be provided without parental consent when prompt attention is required if the administrator of the juvenile court or authorized staff have been unable to secure permission for treatment from the parent or parents, guardian, or other person having custody of the child after reasonable attempts to do so before the provision of the medical and dental services.

(3) Treatment shall not be authorized for juveniles whose parent or parents, guardian, or other person having custody of the child informs the administrator of the juvenile court of objections to the treatment before the treatment is provided except where RCW 69.54.060 applies.

Passed the Senate March 26, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 268

[Substitute Senate Bill No. 3657]

STATE-OWNED ARMORIES—TRANSIENT LODGING—OTHER USES

AN ACT Relating to state-owned armories; and amending section 93, chapter 130, Laws of 1943 as last amended by section 1, chapter 121, Laws of 1975 1st ex. sess. and RCW 38.20.010.

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

Sec. 1. Section 93, chapter 130, Laws of 1943 as last amended by section 1, chapter 121, Laws of 1975 1st ex. sess. and RCW 38.20.010 are each amended to read as follows:

Except as provided in this section, state-owned armories ((may)) shall be used strictly for ((strictly)) military purposes(~~(-PROVIDED, That))~~.

(1) One room, together with the necessary furniture, heat, light, and janitor service, may be set aside for the exclusive use of bona fide veterans' organizations subject to the direction of the officer in charge ((thereof, together with necessary furniture, heat, light and janitor service, and the)).

Members of ((such)) these veterans' organizations and their auxiliaries shall have access to ((said)) the room and ((the)) its use ((thereof)) at all times(~~(-PROVIDED, FURTHER, That any))~~.

(2) A bona fide veterans' organization may (~~(be permitted the)) use ((of)) any state armory for athletic and social events ((at such times as any such)) without payment of rent whenever the armory ((shall not be required for the use of units of)) is not being used by the organized militia(~~(, without the payment of rent, but))~~. The adjutant general may require ((such)) the veterans' organization to pay the cost of heating, lighting, or other miscellaneous expenses incidental to ((such)) this use(~~(-PROVIDED, ALSO,))~~.~~

(3) The adjutant general may, during an emergency, permit transient lodging of service personnel in armories(~~(-PROVIDED FURTHER, That any))~~.

(4) The adjutant general may, upon the recommendation of the executive head or governing body of a county, city or town, permit transient lodging of anyone in armories. The adjutant general may require the county, city or town to pay no more than the actual cost of staffing, heating, lighting and other miscellaneous expenses incidental to this use.

(5) Civilian rifle clubs affiliated with the National Rifle Association of America ((shall be)) are permitted to use ((the)) rifle ranges in ((such)) the armories at least one night each week under regulations prescribed by the adjutant general(~~(-PROVIDED, ALSO, That))~~.

(6) State-owned armories shall be available, at the discretion of the adjutant general, for use for casual civic purposes, and amateur and professional sports and theatricals upon payment of fixed rental charges and compliance with regulations of the state military department(~~(-PROVIDED, HOWEVER, That))~~. Children attending primary and high schools ((shall)) have a preferential right to use ((said)) these armories.

The adjutant general shall (~~(cause to be prepared)) prepare a schedule of rental charges for each state-owned armory which may not be waived except for activities ((of units)) of the organized militia or activities provided for in subsection (4) of this section (~~(, and))~~. No state-owned armory ((shall)) may be rented for a term longer than that ((which intervenes)) between regularly authorized formations of units of the organized militia using ((such)) the armory. The revenue derived from armory rentals shall be paid into the state general fund. (~~(On and after July 1, 1977, the special fund known as the armory fund is abolished and all moneys remaining in such fund are hereby transferred to the state general fund:))~~)~~

Passed the Senate April 23, 1983.

Passed the House April 18, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 269

[Substitute Senate Bill No. 3664]

WATER QUALITY—SOLE-SOURCE AQUIFER FUNDS

AN ACT Relating to water quality; and amending section 1, chapter 159, Laws of 1980 and RCW 43.99F.010.

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

Sec. 1. Section 1, chapter 159, Laws of 1980 and RCW 43.99F.010 are each amended to read as follows:

The long-range development goals for the state of Washington must include the protection of the resources and environment of the state, the health and safety of its people, and the beneficial uses of water by providing facilities and systems, among others, for the general control, collection, treatment, or disposal of nonradioactive solid and nonradioactive liquid waste materials. The purpose of this chapter is to assist the state and local governments in providing that protection but it is not the purpose of this chapter to provide funding for facilities which encourage development. A high priority in the expenditure of these funds shall be the protection of sole-source aquifers designated pursuant to the federal Safe Drinking Water Act (88 Stat. 1660) which aquifers have been designated as of the effective date of this 1983 act.

Passed the Senate March 30, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 270

[Engrossed Senate Bill No. 3674]

POLLUTION CONTROL—POWERS OF STATE AGENCIES AND OFFICERS
UNDER FEDERAL PROGRAMS

AN ACT Relating to pollution control; amending section 24, chapter 13, Laws of 1967 as last amended by section 1, chapter 267, Laws of 1979 ex. sess. and RCW 90.48.260; adding a new section to chapter 70.105 RCW; and adding new sections to chapter 43.21A RCW.

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

Sec. 1. Section 24, chapter 13, Laws of 1967 as last amended by section 1, chapter 267, Laws of 1979 ex. sess. and RCW 90.48.260 are each amended to read as follows:

The department of ecology is hereby designated as the State Water Pollution Control Agency for all purposes of the federal (~~Water Pollution Control~~) clean water act as amended and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act.

The powers granted herein include, among others, and notwithstanding any other provisions of chapter 90.48 RCW or otherwise, the following:

(1) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject to the provisions of RCW 90.48.262(2). Program elements authorized herein may include, but are not limited to: (a) Effluent treatment and limitation requirements together with timing requirements related thereto; (b) applicable receiving water quality standards requirements; (c) requirements of standards of performance for new sources; (d) pretreatment requirements; (e) termination and modification of permits for cause; (f) requirements for public notices and opportunities for public hearings; (g) appropriate relationships with the secretary of the army in the administration of his responsibilities which relate to anchorage and navigation, with the administrator of the environmental protection agency in the performance of his duties, and with other governmental officials under the federal (~~Water Pollution Control~~) clean water act; (h) requirements for inspection, monitoring, entry, and reporting; (i) enforcement of the program through penalties, emergency powers, and criminal sanctions; (j) a continuing planning process; and (k) user charges.

(2) The power to establish and administer state programs in a manner which will insure the procurement of moneys, whether in the form of grants, loans, or otherwise; to assist in the construction, operation, and maintenance of various water pollution control facilities and works; and the administering of various state water pollution control management, regulatory, and enforcement programs.

(3) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basin planning.

The governor shall have authority to perform those actions required of him or her by the federal (~~Water Pollution Control~~) clean water act.

NEW SECTION, Sec. 2. There is added to chapter 70.105 RCW a new section to read as follows:

The department of ecology is empowered to participate fully in and is empowered to administer all programs of the federal Resource Conservation and Recovery Act, as it exists on the effective date of this act (42 U.S.C. Sec. 6901 et. seq.), contemplated for participation and administration by a state under that act.

NEW SECTION, Sec. 3. There is added to chapter 43.21A RCW a new section to read as follows:

The department of ecology is authorized to participate fully in and is empowered to administer all programs of the federal Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et. seq.), as it exists on the effective date of this act, contemplated for state participation and administration under that act.

NEW SECTION. Sec. 4. There is added to chapter 43.21A RCW a new section to read as follows:

The department of ecology, the department of natural resources, the department of social and health services, and the oil and gas conservation committee are authorized to participate fully in and are empowered to administer all programs of Part C of the federal Safe Drinking Water Act (42 U.S.C. Sec. 300 (h) et. seq.), as it exists on the effective date of this act, contemplated for state participation in administration under the act. The department of ecology is also authorized to participate in any future federal program established under the federal Safe Drinking Water Act which provides matching funding for planning and implementation of a sole source aquifer protection program.

The department of ecology, in the implementation of powers provided herein shall enter into agreements of administration with the departments of social and health services and natural resources and the oil and gas conservation committee to administer those portions of the state program, approved under the federal act, over which the said departments and committee have primary subject-matter authority under existing state law. The departments of social and health services and natural resources and the oil and gas conservation committee are empowered to enter into such agreements and perform the administration contained therein.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 23, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 271

[Senate Bill No. 3763]

GUARDIANS—ANNUAL STATEMENT REQUIREMENT MODIFIED

AN ACT Relating to guardians; and amending section 11.88.100, chapter 145, Laws of 1965 as last amended by section 7, chapter 309, Laws of 1977 ex. sess. and RCW 11.88.100.

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

Sec. 1. Section 11.88.100, chapter 145, Laws of 1965 as last amended by section 7, chapter 309, Laws of 1977 ex. sess. and RCW 11.88.100 are each amended to read as follows:

Before letters of guardianship are issued, each guardian or limited guardian shall take and subscribe an oath and, unless dispensed with by order of the court as provided in RCW 11.88.105, file a bond, with sureties to be approved by the court, payable to the state, in such sum as the court may fix, taking into account the character of the assets on hand or anticipated and the income to be received and disbursements to be made, and such bond shall be conditioned substantially as follows:

The condition of this obligation is such, that if the above bound A.B., who has been appointed guardian or limited guardian for C.D., shall faithfully discharge the office and trust of such guardian or limited guardian according to law and shall render a fair and just account of his guardianship or limited guardianship to the superior court of the county of, from time to time as he shall thereto be required by such court, and comply with all orders of the court, lawfully made, relative to the goods, chattels, moneys, care, management, and education of such incompetent or disabled person, or his or her property, and render and pay to such incompetent or disabled person all moneys, goods, chattels, title papers, and effects which may come into the hands or possession of such guardian or limited guardian, at such time and in such manner as the court may order or adjudge, then this obligation shall be void, otherwise to be and remain in full force and effect.

The bond shall be for the use of the incompetent or disabled person, and shall not become void upon the first recovery, but may be put in suit from time to time against all or any one of the obligors, in the name and for the use and benefit of any person entitled by the breach thereof, until the whole penalty is recovered thereon. The court may require an additional bond whenever for any reason it appears to the court that an additional bond should be given.

In all guardianships or limited guardianships of the person, and in all guardianship or limited guardianships of the estate, in which the petition alleges that the alleged incompetent or disabled person has total assets of a value of less than three thousand dollars, the court may dispense with the requirement of a bond pending filing of an inventory confirming that the estate has total assets of less than three thousand dollars: PROVIDED, That the guardian or limited guardian shall swear to report to the court any changes in the total assets of the incompetent or disabled person increasing their value to over three thousand dollars: PROVIDED FURTHER, That said guardian or limited guardian shall file a yearly statement showing the monthly income of the incompetent or disabled person if said monthly income, excluding moneys from state or federal benefits, is over the sum of

~~((two hundred fifty))~~ four hundred dollars per month for any three consecutive months.

Passed the Senate March 30, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 272

[Substitute Senate Bill No. 3812]

SURVEYS AND MAPS ACCOUNT—AUTHORIZED USE—FILING AND RECORDING—GUIDE OF PUBLIC PARKS AND RECREATION SITES—FEES

AN ACT Relating to local government; amending section 6, chapter 165, Laws of 1982 and RCW 58.24.060; amending section 7, chapter 165, Laws of 1982 and RCW 58.24.070; and repealing section 8, chapter 165, Laws of 1982 and RCW 58.24.080.

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

Sec. 1. Section 6, chapter 165, Laws of 1982 and RCW 58.24.060 are each amended to read as follows:

There is created in the general fund of the state treasury the surveys and maps account which shall be a separate account consisting of funds received or collected under chapters 58.22 and 58.24 RCW, moneys appropriated to it by law, and moneys deposited in the account from the sale of surveys, maps, map data, publications, and photographs. This account shall be used exclusively by the department of natural resources for carrying out the purposes and provisions of chapters 58.22 and 58.24 RCW ~~((and RCW 43.99-142))~~. Appropriations from the account shall be expended for no other purposes.

Sec. 2. Section 7, chapter 165, Laws of 1982 and RCW 58.24.070 are each amended to read as follows:

A fee ~~((to be established by rule in accordance with chapter 34.04 RCW by the department of natural resources in consultation with the surveys and maps advisory board shall not exceed the actual cost to the department of providing the service, and))~~ of fifteen dollars shall be charged by each county auditor, in addition to any other fees required by law, as a condition precedent to the filing and recording of any surveys, subdivision plats, short plats, and condominium surveys, plats, or maps. Ten percent of the fees imposed under this section shall be credited to the county current expense fund and ninety percent shall be forwarded monthly to the state treasurer to be deposited in the surveys and maps account in the general fund. The fees shall be verified in the same manner as other fees collected by the county auditor. Fees collected under this section shall be expended by the department only for the maintenance, sale, and distribution of survey records information ~~((and publications authorized by RCW 43.99.142))~~.

NEW SECTION. Sec. 3. Section 8, chapter 165, Laws of 1982 and RCW 58.24.080 are each repealed.

Passed the Senate March 30, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 273

[Engrossed Senate Bill No. 3843]

STATE BOARD ON GEOGRAPHIC NAMES CREATED—POWERS, DUTIES

AN ACT Relating to geographic names; adding new sections to chapter 43.126 RCW; and repealing section 3, chapter 178, Laws of 1973 1st ex. sess., section 130, chapter 78, Laws of 1980 and RCW 43.126.030.

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

NEW SECTION. Sec. 1. The purposes of this chapter are: To establish a procedure for the retention and formal recognition of existing geographical names; to standardize the procedures for naming or renaming geographical features within the state of Washington; to identify one body as the responsible agency to coordinate this important activity between local, state, and federal agencies; to identify the responsible agency for the purpose of serving the public interest; to avoid the duplication of names for similar features whenever possible; and as far as possible, to retain the significance, spelling, and color of names associated with the early history of Washington.

NEW SECTION. Sec. 2. There is hereby created a Washington state board on geographic names composed of:

- (1) The state librarian or a representative;
- (2) The commissioner of public lands or a representative;
- (3) The chairperson of the Washington state heritage council created by 1983 law; and
- (4) Four members from the general public to be appointed by the commissioner of public lands.

The commissioner of public lands or his or her representative shall be chairman of the board.

The members of the initial board to be appointed by the commissioner shall be appointed as follows: One member for a one-year term, one member for a two-year term, one member for a three-year term, and one member for a four-year term. Thereafter, each member shall be appointed for a three-year term. Each member of the board shall continue in office until a successor is appointed.

NEW SECTION. Sec. 3. It shall be the duty of the Washington state board on geographic names and it shall have the power and authority to:

(1) Establish the official names for the lakes, mountains, streams, places, towns, and other geographic features within the state and the spellings thereof except when a name is specified by law. For the purposes of this subsection geographic features do not include man-made features or administrative areas such as parks, game reserves, and dams, but shall include man-made lakes;

(2) Assign names to lakes, mountains, streams, places, towns, and other geographic features in the state for which no single generally accepted name has been in use;

(3) Cooperate with county commissioners, state departments, and agencies, and with the United States board on geographic names to establish, change and/or determine the appropriate names of the lakes, mountains, streams, places, towns, and other geographic features for the purpose of eliminating, as far as possible, duplication of place names within the state;

(4) Serve as a state of Washington liaison with the United States board on geographic names;

(5) Periodically issue a list of names approved by the board.

NEW SECTION. Sec. 4. The board is authorized to establish policies to carry out the purposes of this chapter. In determining the names and spelling of geographic place names within the state of Washington, the board's decisions shall be made only after a careful consideration of all available information relating to such names, including the recommendations of the United States board on geographic names, with which the board shall cooperate.

NEW SECTION. Sec. 5. Adoption of names by the board shall take place only after consideration at a previous meeting. All board determinations shall be filed with the code reviser and shall be compiled and indexed in the same manner as agency rules under RCW 34.04.050. Determinations by the board shall not be considered a rule under RCW 34.04.010. Whenever the state board on geographic names has given a name to any lake, stream, place, or other geographic feature within the state, that name shall be used in all maps, records, documents, and other publications issued by the state or any of its departments and political subdivisions, and that name shall be the official name of the geographic feature.

NEW SECTION. Sec. 6. (1) The board shall hold at least two meetings each year, and shall hold special meetings as called by the chairman or a majority of the board.

(2) All meetings shall be open to the public.

(3) Notice of all board meetings shall be as provided in RCW 42.30-.080. This notice includes those names to be considered by the board and those names to be adopted by the board.

(4) Four board members shall constitute a quorum.

(5) The board shall establish rules for the conduct of its affairs and to carry out the purposes of this chapter.

(6) The department of natural resources shall furnish secretarial and administrative services and shall serve as custodian of the records.

(7) All geographic names adopted by the board shall be published in the Washington State Register.

NEW SECTION. Sec. 7. Members of the board who are not otherwise public employees shall be reimbursed for travel expenses as provided in RCW 43.03.050 and RCW 43.03.060, which shall be paid by the agency that each member represents and, for the four members of the general public, by the department of natural resources.

NEW SECTION. Sec. 8. A person shall not, in any advertisement or publication, attempt to change local usage or name unnamed geographic features without first obtaining approval of the board.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall be added to chapter 43.126 RCW.

NEW SECTION. Sec. 10. Section 3, chapter 178, Laws of 1973 1st ex. sess., section 130, chapter 78, Laws of 1980 and RCW 43.126.030 are each repealed.

Passed the Senate April 23, 1983.

Passed the House April 16, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 274

[Engrossed Senate Bill No. 3846]

IMPOUNDED VEHICLES—REVISIONS

AN ACT Relating to impoundment of motor vehicles; amending section 7, chapter 42, Laws of 1969 ex. sess. as last amended by section 12, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.111; amending section 1, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.118; amending section 4, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1194; amending section 5, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1196; amending section 2, chapter 111, Laws of 1971 ex. sess. as last amended by section 19, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.150; amending section 4, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.190; amending section 5, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.200; adding a new section to chapter 46.52 RCW; and declaring an emergency.

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

Sec. 1. Section 7, chapter 42, Laws of 1969 ex. sess. as last amended by section 12, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.111 are each amended to read as follows:

(1) A registered disposer shall take custody of any vehicle or hulk placed in his custody by a law enforcement officer pursuant to RCW 46.61-.565 or 46.52.180 and shall remove the vehicle or hulk to the established

place of business of the registered disposer where the vehicle or hulk shall be stored, and the registered disposer shall have a lien upon the vehicle or hulk for services provided in the towing and storage of the vehicle or hulk, unless the impoundment is determined to have been invalid. However the lien does not apply to personal property in or upon the vehicle which personal property is not permanently attached to or is not an integral part of the vehicle. The registered disposer shall also have a claim against the last registered owner of the vehicle or hulk for services provided in the towing and storage of the vehicle or hulk, not to exceed the sum of two hundred dollars, unless the removal is determined to be invalid. A registered owner who has complied with RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

(2) Within twenty-four hours after receiving custody of the vehicle or hulk from the law enforcement officer, the registered disposer shall give notice of his custody to the department of licensing and the Washington state patrol. If a vehicle impounded from private property pursuant to this chapter is in the custody of a registered disposer and remains unclaimed after seventy-two hours, the registered disposer shall without undue delay give notice of his custody to the department. The department shall supply the last known names and addresses of registered and legal owners of the vehicle((s)) as the names and addresses appear on the records of the department to the registered disposer on request without charge in those cases where the information was not given to the registered disposer by the law enforcement officer.

(3) Within three days after receiving the names and addresses of the owners from the department or the law enforcement officer, the registered disposer shall send a notice to the registered and legal owners of the vehicle to the last known addresses of the owners as the addresses appear on the records of the department by certified or registered mail, return receipt requested. The notice shall contain a description of the vehicle or hulk including its license number and vehicle identification number and shall state the amount due the registered disposer for services in the towing and storage of the vehicle or hulk and the time and place of public sale if the amount remains unpaid or if possession of the vehicle is not otherwise regained pursuant to RCW 46.52.200. The notice shall not be sent if the registered owner has regained possession of the vehicle pursuant to RCW 46.52.200. If the vehicle is sold pursuant to this chapter, a copy of the notice with proof of mailing shall be retained in the registered disposer's files and available for inspection for a period of three years from the date of sale.

(4) The failure of the registered disposer to comply with the time limits provided in this chapter shall limit the accumulation of storage charges to five days except where delay is unavoidable. The providing of incorrect or

incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available.

(5) Impounded vehicles shall be redeemed only by the legal or registered owner, a person authorized by the registered owner, or one who has purchased a vehicle from the registered owner, who produces proof of ownership or authorization and signs a receipt therefor.

(6) Any person redeeming an impounded vehicle shall pay to the towing contractor the costs of impoundment before redeeming the vehicle. However, the county, city, or town with jurisdiction over the impoundment may authorize release before payment of the towing or impoundment fees if the owner requests a hearing as to the propriety of the impoundment. The towing contractor shall accept cash, major bank credit cards, certified bank drafts, money orders, and personal checks drawn on in-state banks in payment for these costs. If such a personal check is offered in payment, the person offering the check may be required to show evidence of his or her identity by two pieces of identification which may include a driver's license, Washington state identification card issued by the department of licensing, other credit cards, or similar forms of identification. If the contractor has reasonable cause to believe the tendered check is uncollectible under standards adopted by the county, city, or town with jurisdiction over the impoundment, acceptance of the check may be refused. If the vehicle was impounded at the direction of a law enforcement officer and any personal check or promissory note is subsequently not paid or is dishonored, the drawer of the check or maker of the note shall be liable to the towing firm that has provided service for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

Sec. 2. Section 1, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.118 are each amended to read as follows:

Any person having possession or control of real property who finds an abandoned vehicle or abandoned vehicle hulk as defined in RCW 46.52.102 standing upon that property is authorized to have ~~((such))~~ the vehicle or hulk removed by a person properly registered pursuant to RCW 46.52.108. ~~((Such))~~ The vehicle shall be disposed of in accordance with the procedure prescribed in RCW ~~((46.52.111 and 46.52.112))~~ 46.52.119 and section 4 of this act.

A vehicle trespassing on family residential private property or posted private property as defined in RCW 46.52.119 or 46.52.1192 without the consent of the property owner may be impounded immediately in accordance with the procedures set forth in this chapter.

Sec. 3. Section 4, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1194 are each amended to read as follows:

(1) Any towing firm removing vehicles from private property pursuant to RCW 46.52.118, 46.52.119, or 46.52.1192 shall:

(a) File with the department a detailed schedule of all fees charged incident to the removal and storage of vehicles pursuant to RCW 46.52.119 or 46.52.1192;

(b) Post a copy of the schedule of fees on file with the department in a prominent place at the business location where vehicles are released from storage;

(c) Maintain personnel able and authorized to arrange for the release of any vehicle to its owner on a twenty-four hour basis;

(d) After removing a vehicle from private property pursuant to RCW 46.52.118, 46.52.119, or 46.52.1192, report the fact of removal together with the license number, vehicle identification number, make, year, and place of impoundment to the law enforcement agency with jurisdiction over the place of impoundment, which agency shall maintain a log of such reports(~~(:PROVIDED, That)~~). The law enforcement agency to which the report was made shall provide the name and address of the registered and legal owner, as may appear on the records of the department, to the towing firm removing a vehicle under RCW 46.52.118 through 46.52.1198. The reporting required in this subsection shall include an immediate radio or telephone call to, and a written notification, within twenty-four hours, to such local law enforcement agency;

(e) If any vehicle removed pursuant to RCW 46.52.118, 46.52.119, or 46.52.1192 remains unclaimed after twenty-four hours, send to the registered and legal owner of the vehicle by the end of the next business day a notice by certified mail, return receipt requested(~~(:)~~): (i) Advising that person of the name, location, and twenty-four hour telephone number of the person, tow truck operator, or operator of any storage facility who is empowered or authorized to return custody of any such towed, removed, or impounded motor vehicle(~~(: The notification shall also contain)~~); (ii) providing an estimate of the costs of towing, storage, or other services rendered during the course of removing, impounding, or storing any such motor vehicle(~~(: For the purpose of sending such notice, the law enforcement agency to which the report was made shall provide the name and address of the registered owner, as it appears on the records of the department, to the towing firm removing a vehicle under the provisions of RCW 46.52.118 through 46.52.1198: PROVIDED, That in the event)~~); (iii) containing notice of right of redemption and opportunity for a hearing conducted pursuant to section 4 of this act; and (iv) announcing that the vehicle will be sold at public auction pursuant to RCW 46.52.112 if not reclaimed within fifteen days of mailing of this notice.

(2) If such certified letter has been refused or returned to the sender unclaimed, the notification to the law enforcement agency as provided in subsection (1)(d) of this section shall constitute actual notice to the registered and legal owner(~~(:PROVIDED FURTHER, That)~~).

(3) The towing company shall give to each person who seeks to redeem an impounded vehicle written notice of right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, and a copy of the tow and storage receipt. The towing company shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(4) The effect of other laws notwithstanding, the costs of towing, storage, or other services rendered during the course of removing, impounding, or storing any such motor vehicle shall not constitute a lien upon the legal ownership of ~~((such))~~ the motor vehicle until forty-eight hours after the notice as provided in this ~~((subsection))~~ section has been received by the local law enforcement agency or owner of the vehicle, at which time the lien may be enforced as otherwise provided by law for the enforcement of towing or storage liens or liens generally~~((AND PROVIDED FURTHER, That))~~.

(5) If the towing firm assesses a fee according to the miles a vehicle is towed, the lien shall be, and the towing firm shall attempt to recover, no more than the fees that would accrue for towing to the nearest storage location of any towing firm.

~~((2))~~ (6) A failure to comply with the provisions of this section or section 4 of this act in regard to any vehicle waives the lien on that vehicle, constitutes a bar to recovery of the charges accrued on that vehicle, and is grounds for the suspension or revocation of the registration of any towing firm registered under RCW 46.52.108 to dispose of the abandoned vehicle~~((PROVIDED, That))~~. However, no storage charges ~~((shall))~~ accrue in any event until written notice as provided in this section ~~((shall have))~~ has been received by the local law enforcement agency or owner of the vehicle.

NEW SECTION. Sec. 4. There is added to chapter 46.52 RCW a new section to read as follows:

(1) Unclaimed vehicles impounded by registered disposers pursuant to RCW 46.52.118, 46.52.119, or 46.52.1192 shall be redeemed only under the following circumstances:

(a) Only the registered owner, a person authorized by the registered owner, or one who has purchased a vehicle from the registered owner, who produces proof of ownership or written authorization and signs a receipt therefor, or the legal owner, may redeem an impounded vehicle.

(b) An unclaimed vehicle subject to sale may be redeemed pursuant to RCW 46.52.1196, or by posting a sufficient bond to cover accrued impoundment, towing, and storage charges. The bond shall be held in trust by the registered disposer pending the outcome of a hearing.

(2) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district court for the jurisdiction in

which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date the notification provided for in RCW 46.52.1194 was mailed or delivered. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the legal and registered owners shall be liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The district court, within five days after the request for a hearing, shall notify the registered disposer and the registered and legal owner of the motor vehicle in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment, towing, or storage fees charged were proper.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs and the expenses of the hearing shall be assessed against the person or persons requesting the hearing.

(e) If the impoundment is determined to be invalid, then the registered and legal owners of the vehicle shall bear no impoundment, towing, or storage costs, and any bond or other security shall be returned or discharged as appropriate.

(4) Any unclaimed vehicle not redeemed within fifteen days of mailing of the notice required by RCW 46.52.1194 shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.52.112.

Sec. 5. Section 5, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1196 are each amended to read as follows:

(1) Any towing firm removing a vehicle(s) from private property pursuant to RCW 46.52.118, 46.52.119, or 46.52.1192 shall release ((such)) the vehicle to the owner, operator, driver, or authorized designee thereof upon the presentation to any person having custody of ((such)) the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such motor vehicle(~~(, such)~~). Commercially reasonable tender ((to)) shall include, without limitation, cash, personal checks drawn on ((local)) in-state banks with proper identification, and valid and appropriate credit cards(~~(-PROVIDED HOWEVER, That))~~. Any person who stops payment on a personal check with intent to defraud a

towing firm (~~which~~) that has provided a service pursuant to this section(;) or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees(~~PROVIDED FURTHER, That every towing firm providing service pursuant to this section shall post a true copy of this section in a conspicuous place upon its business premises. PROVIDED FURTHER, That~~).

(2) If the owner, operator, driver, or authorized designee thereof(~~shall~~) provides adequate proof of his financial responsibility, employment, and residence in the community to any person having custody of any towed, removed, impounded, or stored motor vehicle, (~~then~~) the motor vehicle shall be released without payment(;) with the understanding that such costs shall be paid within thirty days, or shall be recoverable through an action by law.

(3) A towing firm providing service under this section shall post a true copy of this section in a conspicuous place upon its business premises.

Sec. 6. Section 2, chapter 111, Laws of 1971 ex. sess. as last amended by section 19, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.150 are each amended to read as follows:

Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director of licensing shall inspect and may authorize the disposal of an abandoned junk motor vehicle. The officer or authorized person shall record the make of such motor vehicle(;) and the serial number or vehicle identification number, if available, and shall also detail the damage or missing equipment to verify that the value of (~~such~~) the abandoned junk vehicle is equivalent only to the value of the scrap metal (~~therein, only~~) in it.

An abandoned junk motor vehicle is subject to the provisions of RCW 46.52.1194 and section 4 of this act.

Any surplus moneys arising from the disposal of abandoned junk motor vehicle shall be deposited in the county general fund.

Sec. 7. Section 4, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.190 are each amended to read as follows:

(1) When a vehicle or hulk is impounded pursuant to RCW 46.61.565 or 46.52.180, the governmental agency at whose direction the impoundment was effected shall, within twenty-four hours after the impoundment, mail notification of the impoundment to the last registered owner and the legal owner of the vehicle as shown on the records of the department or as otherwise reasonably ascertainable. The notification shall contain a certificate of mailing and shall inform the registered and legal owners of the impoundment, redemption procedures, and opportunity for a hearing to contest the basis for the impoundment. The notice need not be mailed if the vehicle is

redeemed prior to the mailing of the notice or if the registered owner and the legal owner are not reasonably ascertainable.

Upon impoundment of a vehicle pursuant to this section, the law enforcement officer shall also provide the registered disposer with the name and address of the last registered owner and legal owner of the vehicle as may be shown by the records of the department or as otherwise reasonably ascertainable.

(2) The notification provided for in this section shall inform the registered and legal owners that any hearing request shall be directed to the district court for the justice court district in which the vehicle was impounded and shall be accompanied by a form to be ~~((utilized))~~ used for the purpose of requesting a hearing. Any request for a hearing pursuant to this section shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date the notification provided for in this section was mailed. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the registered and legal owners shall be liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(3) If the registered or legal owner timely requests a hearing provided for by this section and prevails at the hearing, the unit of government under whose jurisdiction the impoundment was effected shall be liable for any towing, storage, or other impoundment charges permitted under this chapter.

(4) Removal and storage of a vehicle or hulk under RCW 46.52.170 through 46.52.190 or under RCW 46.61.565 shall be at the ~~((owner's))~~ registered and legal owners' expense, except as provided in RCW 46.52.104, 46.52.106, and subsection (3) of this section.

(5) The department may adopt rules providing that the owner's vehicle license will not be renewed or a new vehicle license issued to the owner unless any outstanding removal and storage charges are paid.

Sec. 8. Section 5, chapter 178, Laws of 1979 ex. sess. and RCW 46.52-.200 are each amended to read as follows:

When a vehicle or hulk is impounded pursuant to RCW 46.52.170 through 46.52.190 or 46.61.565 and the registered or legal owner has made a timely request for a hearing, the registered or legal owner may regain possession of the vehicle pending the outcome of the hearing by posting a sufficient ~~((cash))~~ bond to cover accrued impoundment, towing, and storage charges to be held in trust by the registered disposer ~~((or such other security as the department may by rule require)).~~

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 23, 1983.

Passed the House April 20, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 275

[Substitute Senate Bill No. 3880]

SCHOOL DISTRICTS—EMPLOYEES—LEAVES—REMUNERATION FOR UNUSED SICK LEAVE

AN ACT Relating to education; amending section 2, chapter 16, Laws of 1981 and RCW 28A.58.095; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; creating a new section; repealing section 5, chapter 182, Laws of 1980 and RCW 28A.58.097; and repealing section 3, chapter 10, Laws of 1972 ex. sess., section 108, chapter 275, Laws of 1975 1st ex. sess., section 4, chapter 182, Laws of 1980, section 1, chapter 16, Laws of 1981 and RCW 28A.58.100.

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

Sec. 1. Section 2, chapter 16, Laws of 1981 and RCW 28A.58.095 are each amended to read as follows:

(1) Every school district board of directors (1) shall fix, alter, allow, and order paid salaries and compensation for all district employees. No school district board of directors may grant salary and compensation increases from any fund source whatsoever in excess of the amount and or percentage as may be provided for employees as set forth in the state operating appropriations act in effect at the time the compensation is payable.

(2) Increases in school district employee fringe benefit contributions by school districts shall be included for purposes of determining salary and compensation increases under this section if contributions to fringe benefits provided by a district exceed or, by virtue of the increase, will exceed the amount provided for fringe benefits in the state operating appropriations act in effect at the time the compensation is payable.

(3) For purposes of this section, salary and compensation shall not include the following:

(a) Payment for unused leave for illness or injury under (~~RCW 28A-58.097~~) section 2 of this 1983 act,

(b) Employer contributions for the following employee fringe benefits:

(i) Old Age Survivors Insurance

(ii) Workers' Compensation

(iii) Unemployment Compensation

(iv) Retirement benefits under the Washington State Retirement System.

(4) Provisions of any contract in force on March 20, 1981 which conflict with requirements of this section shall continue in effect until contract expiration. After expiration, any new contract executed between the parties shall be consistent with this section.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Every school district board of directors may, in accordance with chapters 41.56 and 41.59 RCW, establish an attendance incentive program for all certificated and noncertificated employees in the following manner, including covering persons who were employed during the 1982-'83 school year: (1) In January of the year following any year in which a minimum of sixty days of leave for illness or injury is accrued, and each January thereafter, any eligible employee may exercise an option to receive remuneration for unused leave for illness or injury accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued leave for illness or injury in excess of sixty days. Leave for illness or injury for which compensation has been received shall be deducted from accrued leave for illness or injury at the rate of four days for every one day's monetary compensation: PROVIDED, That no employee may receive compensation under this section for any portion of leave for illness or injury accumulated at a rate in excess of one day per month. (2) At the time of separation from school district employment due to retirement or death an eligible employee or the employee's estate shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days accrued leave for illness or injury.

Moneys received under this section shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

The superintendent of public instruction in its administration hereof, shall promulgate uniform rules and regulations to carry out the purposes of this section.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right.

NEW SECTION. Sec. 3. 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 board of directors, unless otherwise specially provided by law, shall:

(1) Employ for not more than one year, and for sufficient cause discharge all certificated and noncertificated employees;

(2) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or noncertification qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical

leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and, emergencies for both certificated and noncertificated employees, and with such compensation as the board of directors prescribe: PROVIDED, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury and emergencies as follows:

(a) For such persons under contract with the school district for a full year, at least ten days;

(b) For such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) For certificated and noncertificated employees, annual leave with compensation for illness, injury, and emergencies shall be granted and accrue at a rate not to exceed twelve days per year; provisions of any contract in force on June 12, 1980, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(d) Compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(e) Leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days. Such accumulated time may be taken at any time during the school year or up to twelve days per year may be used for the purpose of payments for unused sick leave.

(f) Sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(g) Any leave for injury or illness accumulated up to a maximum of forty-five days shall be creditable as service rendered for the purpose of determining the time at which an employee is eligible to retire, if such leave is taken it may not be compensated under the provisions of section 2 of this act and RCW 28A.21.360;

(h) Accumulated leave under this proviso shall be transferred to and from one district to another, the office of superintendent of public instruction and offices of educational service district superintendents and boards, to and from such districts and such offices;

(i) Leave accumulated by a person in a district prior to leaving said district may, under rules and regulations of the board, be granted to such person when he returns to the employment of the district.

When any certificated or classified employee leaves one school district within the state and commences employment with another school district within the state, he shall retain the same seniority, leave benefits and other benefits that he had in his previous position. If the school district to which the person transfers has a different system for computing seniority, leave benefits, and other benefits, then the employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1) Section 5, chapter 182, Laws of 1980 and RCW 28A.58.097; and

(2) Section 3, chapter 10, Laws of 1972 ex. sess., section 108, chapter 275, Laws of 1975 1st ex. sess., section 4, chapter 182, Laws of 1980, section 1, chapter 16, Laws of 1981 and RCW 28A.58.100.

NEW SECTION. Sec. 5. This act is intended to effectuate the legislature's intent in the original enactment of chapter 182, Laws of 1980 and constitutes a readoption of the relevant portions of that law. This act shall be construed as being in effect since June 12, 1980.

Passed the Senate April 23, 1983.

Passed the House April 18, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 276

[Senate Bill No. 4082]

JUDGES—POWER TO REDUCE SENTENCES FOR GOOD BEHAVIOR— REDUCTION OF FINE BY LABOR OR CONFINEMENT MODIFIED

AN ACT Relating to prisoner fines and costs and sentences; amending section 1, chapter 99, Laws of 1937 and RCW 9.92.150; and amending section 147, page 124, Laws of 1854 as last amended by section 4, chapter 200, Laws of 1967 and RCW 10.82.030.

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

Sec. 1. Section 1, chapter 99, Laws of 1937 and RCW 9.92.150 are each amended to read as follows:

The sentencing judge of the superior court and the sentencing (~~justice of peace of the justice court~~) judge of courts of limited jurisdictions shall have authority and jurisdiction whereby the sentence of a prisoner, sentenced to imprisonment in their respective county jail, may be reduced by up to ((five)) ten days for each month of confinement therein, for good behavior.

Sec. 2. Section 147, page 124, Laws of 1854 as last amended by section 4, chapter 200, Laws of 1967 and RCW 10.82.030 are each amended to read as follows:

If any person ordered into custody until the fine and costs adjudged against him be paid shall not, within five days, pay, or cause the payment of the same to be made, the clerk of the court shall issue a warrant to the sheriff commanding him to imprison such defendant in the county jail until the amount of such fine and costs owing are paid. Execution may at any time issue against the property of the defendant for that portion of such fine and costs not reduced by the application of this section. The amount of such fine and costs owing shall be the whole of such fine and costs reduced by the amount of any portion thereof paid, and ~~((ten))~~ thirty-five dollars for every day the defendant performs labor as provided in RCW 10.82.040, and ~~((eight))~~ twenty-five dollars for every day the defendant does not perform such labor while imprisoned.

Passed the Senate April 23, 1983.

Passed the House April 20, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 277

[Substitute Senate Bill No. 4107]

LITTER CONTROL AND RECYCLING—FINES AND DISTRIBUTION MODIFIED

AN ACT Relating to litter control and recycling; amending section 6, chapter 307, Laws of 1971 ex. sess. as amended by section 1, chapter 39, Laws of 1979 ex. sess. and RCW 70.93.060; amending section 7, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.070; amending section 18, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.180; and amending section 23, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.230.

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

Sec. 1. Section 6, chapter 307, Laws of 1971 ex. sess. as amended by section 1, chapter 39, Laws of 1979 ex. sess. and RCW 70.93.060 are each amended to read as follows:

No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(1) When such property is designated by the state or by any of its agencies or political subdivisions for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose;

(2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters.

Any person violating the provisions of this section shall be guilty of a misdemeanor and the fine for such violation shall not be less than ~~((ten))~~

fifty dollars for each offense. In addition thereto, except where infirmity or age or other circumstance would create a hardship, such person shall be directed by the court in which conviction is obtained to pick up and remove litter from public property and/or private property, with prior permission of the legal owner, for not less than eight hours nor more than sixteen hours for each separate offense. The court shall schedule the time to be spent on such activities in such a manner that it does not interfere with the person's employment and does not interfere substantially with the person's family responsibilities.

Sec. 2. Section 7, chapter 307, Laws of 1971 ex. sess. and RCW 70.93-.070 are each amended to read as follows:

The director shall prescribe the procedures for the collection of fines and bail forfeitures including the imposition of additional penalty charges for late payment of fines. Included in the procedures shall be provisions requiring the distribution of one-half of the amount of fines collected under the enforcement provisions of this chapter by a local governmental agency to that local governmental agency.

Sec. 3. Section 18, chapter 307, Laws of 1971 ex. sess. and RCW 70-.93.180 are each amended to read as follows:

There is hereby created an account within the general fund to be known as the "litter control account". All assessments, fines, bail forfeitures, and other funds collected or received pursuant to this chapter shall be deposited in the litter control account and used for the administration and implementation of this chapter except as required to be otherwise distributed under RCW 70.93.070.

Sec. 4. Section 23, chapter 307, Laws of 1971 ex. sess. and RCW 70-.93.230 are each amended to read as follows:

Every person convicted of a violation of this chapter for which no penalty is specially provided for shall be punished by a fine of not more than ~~((ten))~~ fifty dollars for each such violation.

Passed the Senate March 26, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 278

[Engrossed Senate Bill No. 4112]

VEHICLE SIZE AND LOAD—REGULATIONS REVISED

AN ACT Relating to vehicle size and load; amending section 46.44.010, chapter 12, Laws of 1961 and RCW 46.44.010; amending section 46.44.030, chapter 12, Laws of 1961 as last amended by section 4, chapter 113, Laws of 1979 ex. sess. and RCW 46.44.030; amending section 2, chapter 137, Laws of 1965 as last amended by section 5, chapter 113, Laws of 1979 ex. sess. and RCW 46.44.0941; and declaring an emergency.

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

Sec. 1. Section 46.44.010, chapter 12, Laws of 1961 and RCW 46.44-.010 are each amended to read as follows:

The total outside width of any vehicle or load thereon shall not exceed eight and one-half feet: PROVIDED, That ~~((in any instance where it is necessary to extend a rear vision mirror beyond the extreme left or right of the body the same may be done despite the fact that this results in a width in excess of eight feet, but))~~ no rear vision mirror ~~((shall))~~ may extend more than five inches beyond the extreme limits of the body: PROVIDED FURTHER, That ~~((in those instances where it is necessary to install fenders on the rear wheels of vehicles to reduce wheel spray the same may be done despite the fact that this results in a width in excess of eight feet providing such fenders are made of rubber and do not extend more than two inches beyond either side of the body: AND PROVIDED FURTHER, That a tolerance of two inches in width will be allowed on the tires of all vehicles where such overwidth is due entirely to the expansion of the tires: PROVIDED FURTHER, HOWEVER, That))~~ excluded from this calculation of width are safety appliances such as clearance lights, rub rails, ((binder chains)) flexible fender extensions, mud flaps, and splash and spray suppressant devices, and appurtenances such as door handles, door hinges, and turning signal brackets((, may extend beyond the extreme left or right of the body despite the fact that this results in a width in excess of eight feet but)) and such other safety appliances and appurtenances as the department may determine are necessary for the safe and efficient operation of motor vehicles: AND PROVIDED FURTHER, That no appliances or appurtenances ((can)) may extend more than two inches beyond the extreme limits of the body.

Sec. 2. Section 46.44.030, chapter 12, Laws of 1961 as last amended by section 4, chapter 113, Laws of 1979 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 forty feet: PROVIDED, That an auto stage or school bus shall not exceed an overall length, inclusive of front and rear bumpers, of forty feet: PROVIDED FURTHER, That any such school bus constructed prior to April 1, 1977, shall be equipped with three axles: PROVIDED FURTHER, That any school bus constructed on or after April 1, 1977, and in excess of thirty-six feet six inches shall be equipped with three axles: PROVIDED FURTHER, That the route of any auto stage in excess of thirty-five feet or school bus in excess of thirty-six feet six inches upon or across the public highways shall be limited as determined by the department of transportation for state highways, or by the local legislative authority for other public roads.

It is unlawful for any person to operate on the highways of this state any combination of vehicles (~~(which)~~) that contains a vehicle of which the permanent structure is in excess of (~~(forty-five)~~) forty-eight 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)~~) that has (~~(an overall)~~) a semitrailer length in excess of (~~(sixty-five)~~) forty-eight feet or a combination consisting of a tractor and two trailers in which the combined length of the trailers exceeds fifty-nine 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)~~) that 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 (~~(stair)~~) means a tractor and semitrailer combination (~~(which)~~) that 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 (~~(stair)~~) do not apply to vehicles transporting poles, pipe, machinery, or other objects of a structural nature (~~(which)~~) that 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)~~) the load.

The length limitations described in this section are exclusive of safety and energy conservation devices, such as mud flaps and splash and spray suppressant devices, refrigeration units or air compressors, and other devices that the department determines to be necessary for safe and efficient operation of commercial vehicles. No device excluded under this paragraph from the limitations of this section may have, by its design or use, the capability to carry cargo.

Sec. 3. Section 2, chapter 137, Laws of 1965 as last amended by section 5, chapter 113, Laws of 1979 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 overlength <u>features</u> only, for a period not to exceed thirty days	\$ 10.00
<u>Continuous operation of a combination of vehicles having one trailing unit that exceeds forty-eight feet and is not more than fifty-six feet in length, for a period of one year</u>	<u>\$100.00</u>
<u>Continuous operation of a combination of vehicles having two trailing units which together exceed fifty-nine feet and are not more than sixty-eight feet in length, for a period of one year</u>	<u>\$100.00</u>
Continuous operation of a (combination of vehicles) <u>truck and trailer</u> not to exceed seventy-five feet overall length (which) <u>that</u> may contain a permanent structure vehicle not in excess of (forty-seven) <u>forty-eight</u> 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 and fourteen feet in width, for a period of one year	\$150.00
((Continuous operation of vehicles having width not to exceed eight feet six inches, subject to such rules governing their operation as may be adopted by the department of transportation, for a period of one year	\$150.00))
Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:	
(1) Farmers in the course of farming activities, for any three-month period	\$ 10.00
(2) Farmers in the course of farming activities, for a period not to exceed one year	\$ 25.00
(3) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for any three-month period	\$ 25.00

- (4) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for a period not to exceed one year \$100.00

Overweight Fee Schedule

Weight over total registered gross weight plus additional gross weight purchased under ((provisions of)) RCW 46.44.095 or 46.44.047 ((as now or hereafter amended)) , or any other statute authorizing <u>the state</u> ((highway commission)) <u>department of transportation</u> 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))~~ that 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.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 23, 1983.
 Passed the House April 20, 1983.
 Approved by the Governor May 17, 1983.
 Filed in Office of Secretary of State May 17, 1983.

CHAPTER 279

[Substitute Senate Bill No. 4135]

DEPARTMENT OF SOCIAL AND HEALTH SERVICES AUTHORITY—
REIMBURSEMENT FOR CRIMES AND DISTURBANCES IN STATE
INSTITUTIONS

AN ACT Relating to state institutions; amending section 2, chapter 108, Laws of 1979 ex. sess. as amended by section 120, chapter 136, Laws of 1981 and RCW 72.72.020; amending section 3, chapter 108, Laws of 1979 ex. sess. and RCW 72.72.030; amending section 4, chapter 108, Laws of 1979 ex. sess. and RCW 72.72.040; amending section 3, chapter 49, Laws of 1982 and RCW 72.72.050; amending section 4, chapter 49, Laws of 1982 and RCW 72.72.060; and declaring an emergency.

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

Sec. 1. Section 2, chapter 108, Laws of 1979 ex. sess. as amended by section 120, chapter 136, Laws of 1981 and RCW 72.72.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) (~~"Department" means the department of corrections.~~

(2)) "Political subdivisions" means counties, cities, and towns.

((3)) (2) "Institution" means any state institution for the confinement of adult offenders committed pursuant to chapters 10.64, 10.77, and 71.06 RCW or juvenile offenders committed pursuant to chapter 13.40 RCW.

((4) ~~"Secretary" means the secretary of corrections.~~)

Sec. 2. Section 3, chapter 108, Laws of 1979 ex. sess. and RCW 72.72.030 are each amended to read as follows:

(1) There is hereby created, in the general fund, an institutional impact account (~~which shall be administered by the secretary~~). The (~~purpose of this fund is to~~) secretary of social and health services may reimburse political subdivisions for criminal justice costs incurred directly as a result of crimes committed by offenders residing in an institution as defined herein under the jurisdiction of the secretary of social and health services. (~~The secretary shall make~~) Such reimbursement shall be made to the extent funds are available from the general fund—institutional impact account. Reimbursements shall be limited to law enforcement, prosecutorial, judicial, and jail facilities costs which are documented to be strictly related to the criminal activities of the offender.

(2) The secretary of corrections may reimburse political subdivisions for criminal justice costs incurred directly as a result of crimes committed by offenders residing in an institution as defined herein under the jurisdiction of the secretary of corrections. Such reimbursement shall be made to the extent funds are available from the general fund—institutional impact

account. Reimbursements shall be limited to law enforcement, prosecutorial, judicial, and jail facilities costs which are documented to be strictly related to the criminal activities of the offender.

Sec. 3. Section 4, chapter 108, Laws of 1979 ex. sess. and RCW 72.72.040 are each amended to read as follows:

(1) The secretary of social and health services and the secretary of corrections shall each promulgate rules pursuant to chapter 34.04 RCW regarding the reimbursement process for their respective agencies.

(2) Reimbursement shall not be made if otherwise provided pursuant to other provisions of state law.

Sec. 4. Section 3, chapter 49, Laws of 1982 and RCW 72.72.050 are each amended to read as follows:

The state shall reimburse cities and counties for their expenses incurred directly as a result of their providing personnel and material pursuant to a contingency plan adopted under RCW 72.02.150. Reimbursement to cities and counties shall be expended solely from the institutional impact account within funds available in that account. If the costs of reimbursements to cities and counties exceed available funds, the secretary of corrections shall request the legislature to appropriate sufficient funds to enable the secretary of corrections to make full reimbursement.

Sec. 5. Section 4, chapter 49, Laws of 1982 and RCW 72.72.060 are each amended to read as follows:

The state shall reimburse cities and counties for their costs incurred under chapter 41.26 RCW if the costs are the direct result of physical injuries sustained in the implementation of a contingency plan adopted under RCW 72.02.150 and if reimbursement is not precluded by the following provisions: If the secretary of corrections identifies in the contingency plan the prison walls or other perimeter of the secured area, then reimbursement will not be made unless the injuries occur within the walls or other perimeter of the secured area. If the secretary of corrections does not identify prison walls or other perimeter of the secured area, then reimbursement shall not be made unless the injuries result from providing assistance, requested by the secretary of corrections or the secretary's designee, which is beyond the description of the assistance contained in the contingency plan. In no case shall reimbursement be made when the injuries result from conduct which either is not requested by the secretary of corrections or the secretary's designee, or is in violation of orders by superiors of the local law enforcement agency.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 30, 1983.

Passed the House April 20, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 280

[Senate Bill No. 4156]

FISHING LICENSE FEES—WHEELCHAIR-CONFINED PERSONS EXEMPT

AN ACT Relating to game fish licenses; and amending section 77.32.230, chapter 36, Laws of 1955 as last amended by section 27, chapter 310, Laws of 1981 and RCW 77.32.230.

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

Sec. 1. Section 77.32.230, chapter 36, Laws of 1955 as last amended by section 27, chapter 310, Laws of 1981 and RCW 77.32.230 are each amended to read as follows:

(1) A person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability and who has been a resident for five years may receive upon application a state hunting and fishing license free of charge.

(2) A person seventy years of age or older who has been a resident for ten years or a blind person or a physically handicapped person confined to a wheelchair may receive upon application a fishing license free of charge.

(3) A fishing license is not required for persons under the age of sixteen.

(4) Tags, permits, stamps, and punchcards required by this chapter shall be purchased separately by persons receiving a free license.

Passed the Senate March 16, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 281

[Substitute Senate Bill No. 4226]

TREE FRUIT SANITATION PROGRAMS—ASSESSMENTS FOR INDUSTRY SERVICE PROGRAMS

AN ACT Relating to tree fruit; amending section 2, chapter 129, Laws of 1969 and RCW 15.26.020; amending section 3, chapter 129, Laws of 1969 and RCW 15.26.030; and adding a new section to chapter 15.26 RCW.

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

Sec. 1. Section 2, chapter 129, Laws of 1969 and RCW 15.26.020 are each amended to read as follows:

The purpose of this chapter is for the creation of a commission which shall promote and carry on research and administer specific industry service programs, including but not limited to sanitation programs, which will or may benefit the planting, production, harvesting, handling, processing or shipment of tree fruit of this state, which shall collect assessments on tree fruit in this state and which shall coordinate its research efforts with those of other state, federal, or private agencies doing similar research.

Sec. 2. Section 3, chapter 129, Laws of 1969 and RCW 15.26.030 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture or his duly authorized representative.

(3) "Person" means any natural persons, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(4) "Producer" means any person who owns or is engaged in the business of commercially producing tree fruit or has orchard plantings intended for commercial tree fruit production.

(5) "Sanitation program" means a program designed to eliminate pests and/or plants or trees which serve as hosts to pests or diseases of tree fruits.

NEW SECTION. Sec. 3. There is added to chapter 15.26 RCW a new section to read as follows:

The producers of tree fruit subject to the provisions of this chapter may at any time, by referendum conducted by the department and approved by a majority of the producers voting, establish an additional assessment for programs including but not limited to sanitation programs. The total amount assessed for any specific industry service program under this section shall not exceed one hundred thousand dollars in any single crop year. The members of the commission may, subject to approval by two-thirds of the voting members of the commission, suspend all or part of the assessments on tree fruit under this section.

NEW SECTION. Sec. 4. Funds collected and expenditures made for specific industry service programs shall be collected, administered, and dispersed separately from all other funds authorized and collected for research by the commission. The commission may appoint a committee to advise

them regarding the need for specific industry service programs and regarding the administration of the assessments collected under section 3 of this act.

Passed the Senate April 23, 1983.

Passed the House April 20, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 282

[Substitute House Bill No. 116]

CIVIL PROCEDURE—OFFERS OF SETTLEMENT

AN ACT Relating to offers of settlement served on an adverse party; and amending section 4, chapter 84, Laws of 1973 as amended by section 3, chapter 94, Laws of 1980 and RCW 4.84.280.

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

Sec. 1. Section 4, chapter 84, Laws of 1973 as amended by section 3, chapter 94, Laws of 1980 and RCW 4.84.280 are each amended to read as follows:

Offers of settlement shall be served on the adverse party in the manner prescribed by applicable court rules at least ten days prior to trial. Offers of settlement shall not be served until thirty days after the completion of the service and filing of the summons and complaint (~~in an action filed in superior court~~). Offers of settlement shall not be filed or communicated to the trier of the fact until after judgment, at which time a copy of said offer of settlement shall be filed for the purposes of determining attorneys' fees as set forth in RCW 4.84.250.

Passed the House April 22, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 283

[Substitute House Bill No. 129]

STATE OFFICERS AND EMPLOYEES—ACCUMULATION OF VACATION LEAVE

AN ACT Relating to state officers and employees; adding a new section to chapter 43.01 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; and adding a new section to chapter 43.43 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 43.01 RCW a new section to read as follows:

As an alternative, in addition to the provisions of RCW 43.01.040 authorizing the accumulation of vacation leave in excess of thirty days with the filing of a statement of necessity, vacation leave in excess of thirty days may also be accumulated as provided in this section but without the filing of a statement of necessity. The accumulation of leave under this alternative method shall be governed by the following provisions:

(1) Each subordinate officer and employee of the several offices, departments, and institutions of state government may accumulate the vacation leave days between the time thirty days is accrued and his or her anniversary date of state employment.

(2) All vacation days accumulated under this section shall be used by the anniversary date and at a time convenient to the employing office, department, or institution. If an officer or employee does not use the excess leave by the anniversary date, then such leave shall be automatically extinguished and considered to have never existed.

(3) This section shall not result in any increase in a retirement allowance under any public retirement system in this state.

(4) Should the legislature revoke any benefits or rights provided under this section, no affected officer or employee shall be entitled thereafter to receive such benefits or exercise such rights as a matter of contractual right.

(5) Vacation leave credit acquired and accumulated under this section shall never, regardless of circumstances, be deferred by the employing office, department or institution by filing a statement of necessity under the provisions of RCW 43.01.040.

(6) Notwithstanding any other provision of this chapter, on or after the effective date of this act, a statement of necessity for excess leave, shall as a minimum, include the following: (a) the specific number of days of excess leave; and (b) the date on which it was authorized. A copy of any such authorization shall be sent to the department of retirement systems.

NEW SECTION. Sec. 2. There is added to chapter 41.26 RCW a new section to read as follows:

Section 1 of this 1983 act shall not result in any increase in retirement benefits. The rights extended to state officers and employees under section 1 of this 1983 act are not intended to and shall not have any effect on retirement benefits under this chapter.

NEW SECTION. Sec. 3. There is added to chapter 41.32 RCW a new section to read as follows:

Section 1 of this 1983 act shall not result in any increase in retirement benefits. The rights extended to state officers and employees under section 1 of this 1983 act are not intended to and shall not have any effect on retirement benefits under this chapter.

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

Section 1 of this 1983 act shall not result in any increase in retirement benefits. The rights extended to state officers and employees under section 1 of this 1983 act are not intended to and shall not have any effect on retirement benefits under this chapter.

NEW SECTION. Sec. 5. There is added to chapter 43.43 RCW a new section to read as follows:

Section 1 of this 1983 act shall not result in any increase in retirement benefits. The rights extended to state officers and employees under section 1 of this 1983 act are not intended to and shall not have any effect on retirement benefits under this chapter.

Passed the House April 22, 1983.

Passed the Senate April 18, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 284

[Substitute House Bill No. 233]

ANADROMOUS GAME FISH—EXCISE TAX—COMMERCIAL LICENSE

AN ACT Relating to anadromous game fish; amending section 77.12.170, chapter 36, Laws of 1955 as last amended by section 2, chapter 310, Laws of 1981 and RCW 77.12.170; amending section 77.32.010, chapter 36, Laws of 1955 as last amended by section 7, chapter 310, Laws of 1981 and RCW 77.32.010; amending section 30, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 25, chapter 310, Laws of 1981 and RCW 77.32.211; amending section 77.32.220, chapter 36, Laws of 1955 as last amended by section 26, chapter 310, Laws of 1981 and RCW 77.32.220; amending section 1, chapter 98, Laws of 1980 and RCW 82.27.010; amending section 2, chapter 98, Laws of 1980 as amended by section 10, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.27.020; amending section 7, chapter 98, Laws of 1980 and RCW 82.27.070; and adding a new section.

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

Sec. 1. Section 77.12.170, chapter 36, Laws of 1955 as last amended by section 2, chapter 310, Laws of 1981 and RCW 77.12.170 are each amended to read as follows:

(1) There is established in the state treasury the state game fund which consists of moneys received from:

- (a) Rentals or concessions of the department;
- (b) The sale of real or personal property held for department purposes;
- (c) The sale of licenses, permits, tags, stamps, and punchcards required by this title;
- (d) Fees for informational materials published by the department;
- (e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;
- (f) Articles or wildlife sold by the commission under this title;
- (g) Penalty assessments collected under RCW 77.21.050;

(h) Compensation for wildlife losses or gifts or grants received under RCW 77.12.320; (~~and~~)

(i) Fines, forfeitures, and costs collected under this title for violations of law or rules of the commission; and

(j) Excise tax on anadromous game fish collected under chapter 82.27 RCW.

(2) Courts shall collect fines and forfeitures and deposit them within fifteen days after the end of each quarter in the state treasury. Except as provided in RCW 77.12.201, the treasurer shall credit fifty percent of these fines and forfeitures to the state game fund and shall return the remainder to the county in which it was collected.

(3) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state game fund.

(4) The term "fines and forfeitures" includes amounts, by whatever name known, levied by courts for violations of this title or rules of the commission but does not include penalty assessments under RCW 77.21.050, or actual court costs.

Sec. 2. Section 77.32.010, chapter 36, Laws of 1955 as last amended by section 7, chapter 310, Laws of 1981 and RCW 77.32.010 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a license issued by the commission is required to:

(a) Hunt for wild animals or wild birds or fish for game fish;

(b) Practice taxidermy for profit;

(c) Deal in raw furs for profit;

(d) Act as a fishing guide;

(e) Operate a game farm; (~~or~~)

(f) Purchase or sell anadromous game fish; or

(g) Use department-managed lands or facilities as provided by rule of the commission.

(2) A permit issued by the director is required to:

(a) Conduct, hold, or sponsor hunting or fishing contests or competitive field trials using live wildlife;

(b) Collect wild animals, wild birds, game fish, or protected wildlife for research or display; or

(c) Stock game fish.

Sec. 3. Section 30, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 25, chapter 310, Laws of 1981 and RCW 77.32.211 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for profit. The fee for this license is one hundred dollars.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for profit. The fee for this license is one hundred dollars.

(3) A fishing guide license allows the holder to offer or perform the services of a professional guide in the taking of game fish. The fee for this license is one hundred dollars for a resident and two hundred fifty dollars for a nonresident.

(4) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the commission. The fee for this license is fifty dollars for the first year and thirty dollars for each following year.

(5) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is ten dollars.

(6) A hunting, fishing, or field trial permit allows the holder to promote, conduct, hold, or sponsor a hunting, fishing, or field trial contest in accordance with rules of the commission. The fee for this permit is ten dollars.

(7) An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian fishermen lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the commission. The fee for this license is one hundred dollars.

Sec. 4. Section 77.32.220, chapter 36, Laws of 1955 as last amended by section 26, chapter 310, Laws of 1981 and RCW 77.32.220 are each amended to read as follows:

Licensed taxidermists, fur dealers, anadromous game fish buyers, fishing guides, game farmers, and persons stocking game fish or conducting a hunting, fishing, or field trial contest shall make reports as required by rules of the commission.

Sec. 5. Section 1, chapter 98, Laws of 1980 and RCW 82.27.010 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Food fish and shellfish" has the meaning ascribed to it by RCW 75.04.040 and includes byproducts and also parts of food fish and shellfish, whether fresh, frozen, canned, or otherwise.

(2) "Commercial ((purposes" has the meaning ascribed to it by RCW 75.04.080))" means related to or connected with buying, selling, bartering, or processing.

(3) "Possession" means the control of food fish ((and)), shellfish, and anadromous game fish by the owner and includes both actual and constructive possession. Constructive possession occurs when the person has legal ownership but not actual possession of the food fish ((or)), shellfish, or anadromous game fish.

(4) "Anadromous game fish" means steelhead trout and anadromous cutthroat trout and Dolly Varden char and includes byproducts and also parts of anadromous game fish, whether fresh, frozen, canned, or otherwise.

Sec. 6. Section 2, chapter 98, Laws of 1980 as amended by section 10, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.27.020 are each amended to read as follows:

(1) In addition to all other taxes, licenses, or fees provided by law there is established an excise tax on the commercial possession of food fish ~~((and))~~, shellfish ~~((for commercial purposes))~~, and anadromous game fish as provided in this chapter. The tax is levied upon and shall be collected from the owner of the food fish ~~((or))~~, shellfish, or anadromous game fish whose possession constitutes the taxable event. The taxable event is the first possession by an owner after the food fish ~~((or))~~, shellfish, or anadromous game fish have been landed. Processing and handling of food fish ~~((and))~~, shellfish, and anadromous game fish by a person who is not the owner is not a taxable event to the processor or handler.

(2) A person in possession of food fish ~~((and))~~, shellfish, and anadromous game fish and liable to this tax may deduct from the price paid to the person from which ~~((such))~~ the food fish ~~((or))~~, shellfish (except oysters), or anadromous game fish are purchased an amount equal to a tax at one-half the rate levied in this section upon these products.

(3) The measure of the tax is the price paid by the first person in possession of the food fish ~~((or))~~, shellfish, or anadromous game fish. If the food fish ~~((or))~~, shellfish, or anadromous game fish are acquired other than by purchase or are purchased under conditions where the purchase price does not represent the value of the food fish ~~((or))~~, shellfish, or anadromous game fish or these products are transferred outside the state without sale, the measure of the tax shall be determined as nearly as possible according to the selling price of similar products of like quality and character under rules adopted by the department of revenue.

(4) The tax shall be equal to the measure of the tax multiplied by the rates for food fish ~~((and))~~, shellfish, and anadromous game fish as follows:

(a) Chinook, coho, and chum salmon and anadromous game fish: Five percent.

(b) Pink and sockeye salmon: Three percent.

(c) Other food fish and shellfish, except oysters: Two percent.

(d) Oysters: Seven one-hundredths of one percent.

(5) From and after the first day of July, 1982, until and including the thirtieth day of June, 1983, an additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (4) of this section.

Sec. 7. Section 7, chapter 98, Laws of 1980 and RCW 82.27.070 are each amended to read as follows:

All taxes collected by the department of revenue under this chapter shall be deposited in the state general fund except for the excise tax on anadromous game fish, which shall be deposited in the game fund.

NEW SECTION. Sec. 8. The legislature finds that there are commercial fish buyers benefiting financially from the propagation of game fish in the state. The legislature recognizes that license fees obtained from sports fishermen support the majority of the production of these game fish. The legislature finds that commercial operations which benefit from the commercial harvest of these fish should pay a tax to assist in the funding of these facilities. However, the intent of the legislature is not to support the commercial harvest of steelhead and other game fish.

Passed the House April 23, 1983.

Passed the Senate April 20, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 285

[Substitute House Bill No. 334]

HIGHER EDUCATION INSTITUTIONS—RESIDENCY REQUIREMENT MODIFIED

AN ACT Relating to residency requirements for institutions of higher education; amending section 2, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.012; and declaring an emergency.

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

Sec. 1. Section 2, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.012 are each amended to read as follows:

Whenever used in chapter 28B.15 RCW:

(1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "resident student" shall mean: (a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which he has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational ((or)); (b) a dependent student, if one or both of his parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution; or (c) a student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying

purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that he has in fact established a bona fide domicile in this state primarily for purposes other than educational.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.011 through 28B.15.014 and 28B.15.015, each as now or hereafter amended. A nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter.

(b) A person who is not a citizen of the United States of America who does not have permanent resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service and who does not also meet and comply with all the applicable requirements in RCW 28B.15.011 through 28B.15.014 and 28B.15.015, each as now or hereafter amended.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where he intends to remain, and to which he expects to return when he leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the council for postsecondary education and shall include, but not be limited to, the state and federal income tax returns of the person and/or his parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the council may require.

(6) The terms "he" or "his" shall apply to the female as well as the male sex unless the context clearly requires otherwise.

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

Passed the House April 23, 1983.

Passed the Senate April 23, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 286

[Substitute House Bill No. 336]

HEALTH CARE SERVICE CONTRACTORS—COVERAGE FOR CHIROPRACTIC SERVICES REQUIRED, EXCEPTIONS—GROUNDS FOR DISAPPROVAL OF CONTRACT FORMS

AN ACT Relating to health care; amending section 1, chapter 268, Laws of 1947 as last amended by section 10, chapter 102, Laws of 1980 and RCW 48.44.010; amending section 2, chapter 268, Laws of 1947 as last amended by section 1, chapter 65, Laws of 1973 1st ex. sess. and RCW 48.44.020; and adding new sections to chapter 48.44 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 48.44 RCW a new section to read as follows:

The legislature finds and declares that there is a paramount concern that the right of the people to obtain access to health care in all its facets is being impaired. The legislature further finds that there is a heavy reliance by the public upon prepaid health care service agreements and insurance, whether profit or nonprofit, as the only effective manner in which the large majority of the people can obtain access to quality health care. Further, the legislature finds that health care service agreements may be anticompetitive because of the exclusion of other licensed forms of health care and that because of the high costs of health care, there is a need for competition to reduce these costs. It is, therefore, declared to be in the public interest that these contracts as a form of insurance be regulated under the police power of the state to assure that all the people have the greatest access to health care services.

NEW SECTION. Sec. 2. There is added to chapter 48.44 RCW a new section to read as follows:

(1) Each group contract for comprehensive health care service which is entered into, or renewed, on or after September 8, 1983, between a health care service contractor and the person or persons to receive such care shall offer coverage for chiropractic care on the same basis as any other care.

(2) A patient of a chiropractor shall not be denied benefits under a contract because the practitioner is not licensed under chapter 18.57 or 18.71 RCW.

(3) This section shall not apply to agreements entered into or renewed by a health maintenance organization as defined in RCW 48.46.020(1) or a federally qualified health maintenance organization.

(4) This section shall not apply to a group contract for comprehensive health care services entered into in accordance with a collective bargaining agreement between management and labor representatives. Benefits for chiropractic care shall be offered by the employer in good faith on the same

basis as any other care as a subject for collective bargaining for group contracts for health care services.

Sec. 3. Section 1, chapter 268, Laws of 1947 as last amended by section 10, chapter 102, Laws of 1980 and RCW 48.44.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Health care services" means and includes medical, surgical, dental, chiropractic, hospital and other therapeutic services. Ambulance services licensed in this state, the services of an optometrist licensed by the state of Washington, and the services of a pharmacist registered by the state of Washington are also declared to be health care services for the purposes of this chapter.

(2) "Doctor" means any person lawfully licensed or authorized to render any health care services.

(3) "Health care service contractor" means any corporation, cooperative group, or association, which corporation, cooperative group, or association is sponsored by or otherwise intimately connected with a group of doctors licensed by the state of Washington or by a group of hospitals licensed by the state of Washington; or doctor licensed by the state of Washington; or group of doctors licensed by the state of Washington, who or which not otherwise being engaged in the insurance business, accepts prepayment for health care services from or for the benefit of persons or groups of persons as consideration for providing such persons with any health care services. The term also includes any corporation, cooperative group, or association, sponsored by or otherwise intimately connected with a group of pharmacists registered by the state of Washington; or any pharmacist, or group of pharmacists, registered by the state of Washington; who or which not otherwise being engaged in the insurance business, accepts prepayment for health care services from or for the benefit of persons or groups of persons as consideration for providing such persons with any health care services.

(4) "Participant" means a doctor, hospital, or licensed pharmacy, drug store or dispensary, who or which has contracted in writing with a health care service contractor to accept payment from and to look solely to such contractor according to the terms of the subscriber contract for any health care services rendered to a person who has previously paid such contractor for such services.

Sec. 4. Section 2, chapter 268, Laws of 1947 as last amended by section 1, chapter 65, Laws of 1973 1st ex. sess. and RCW 48.44.020 are each amended to read as follows:

(1) Any health care service contractor may enter into agreements with or for the benefit of persons or groups of persons which require prepayment for health care services by or for such persons in consideration of such health care service contractor providing one or more health care services to such persons and such activity shall not be subject to the laws relating to

insurance if the health care services are rendered by the health care service contractor or by a participant.

(2) The commissioner may require the submission of contract forms for his examination and may on examination, subject to the right of the health care service contractor to demand and receive a hearing under chapters 48-.04 and 34.04 RCW, disapprove any contract form for any of the following grounds:

(a) If it contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the contract; or

(b) If it has any title, heading or other indication of its provisions which is misleading; or

(c) If purchase of health care services thereunder is being solicited by deceptive advertising; or

(d) If, the benefits provided therein are unreasonable in relation to the amount charged for the contract;

(e) If it contains unreasonable restrictions on the treatment of patients;

((or))
(f) If it violates any provision of this chapter; or

(g) If it fails to conform to minimum provisions or standards required by regulation made by the commissioner pursuant to chapter 34.04 RCW.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 23, 1983.

Passed the Senate April 18, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 287

[Substitute House Bill No. 434]

COLLECTIVE BARGAINING—COVERAGE OF PORT DISTRICT EMPLOYEES—ARBITRATION PANEL PROVISIONS MODIFIED

AN ACT Relating to collective bargaining for fire fighters; amending section 4, chapter 131, Laws of 1973 as last amended by section 2, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.450; amending section 19, chapter 87, Laws of 1980 and RCW 41.56.452; amending section 5, chapter 131, Laws of 1973 as amended by section 3, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.460; amending section 10, chapter 131, Laws of 1973 and RCW 41.56.905; and adding a new section to chapter 53.18 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 53.18 RCW a new section to read as follows:

Port districts and their employees shall be covered by the provisions of chapter 41.56 RCW except as provided otherwise in this chapter.

Sec. 2. Section 4, chapter 131, Laws of 1973 as last amended by section 2, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.450 are each amended to read as follows:

If an agreement has not been reached following a reasonable period of negotiations and mediation, and the executive director, upon the recommendation of the assigned mediator, finds that the parties remain at impasse, then an interest arbitration panel shall be created to resolve the dispute. The issues for determination by the arbitration panel shall be limited to the issues certified by the executive director. Within ~~((five))~~ seven days following the issuance of the determination of the executive director, each party shall name one person to serve as its arbitrator on the arbitration panel. The two members so appointed shall meet within ~~((five))~~ seven days following the appointment of the later appointed member to attempt to choose a third member to act as the neutral chairman of the arbitration panel. Upon the failure of the arbitrators to select a neutral chairman within ~~((five))~~ seven days, the two appointed members shall ~~((utilize))~~ use 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) either party may apply to the commission, the federal mediation and conciliation service, or the American Arbitration Association to provide a list of five qualified arbitrators from which the neutral chairman shall be chosen. Each party shall pay the fees and expenses of its arbitrator, and the fees and expenses of the neutral chairman shall be shared equally between the parties.

The arbitration panel so constituted shall promptly establish a date, time, and place for a hearing and shall provide reasonable notice thereof to the parties to the dispute (~~((, provided, that the requirements of chapter 34-04 RCW do not apply to such notice))~~). A hearing, which shall be informal, shall be held, and each party shall have the opportunity to present evidence and make argument. No member of the arbitration panel may present the case for a party to the proceedings. The rules of evidence prevailing in judicial proceedings may be considered, but are not binding, and any oral testimony or documentary evidence or other data deemed relevant by the chairman of the arbitration panel may be received in evidence. A recording of the proceedings shall be taken. The arbitration panel ~~((shall have))~~ has

the power to administer oaths, require the attendance of witnesses, and require the production of such books, papers, contracts, agreements, and documents as may be deemed by the panel to be material to a just determination of the issues in dispute. If any person refuses to obey a subpoena issued by the arbitration panel, or refuses to be sworn or to make an affirmation to testify, or any witness, party, or attorney for a party is guilty of any contempt while in attendance at any hearing held hereunder, the arbitration panel may invoke the jurisdiction of the superior court in the county where the labor dispute exists, and ~~((such))~~ the court ~~((shall have))~~ has jurisdiction to issue an appropriate order. Any failure to obey ~~((such))~~ the order may be punished by the court as a contempt thereof. The hearing conducted by the arbitration panel shall be concluded within twenty-five days following the selection or designation of the neutral chairman of the arbitration panel, unless the parties agree to a longer period.

The neutral chairman shall consult with the other members of the arbitration panel, and, within thirty days following the conclusion of the hearing, the neutral chairman shall make written findings of fact and a written determination of the issues in dispute, based on the evidence presented. A copy thereof shall be served on the commission, on each of the other members of the arbitration panel, and on each of the parties to the dispute. That determination shall be final and binding upon both parties, subject to review by the superior court upon the application of either party solely upon the question of whether the decision of the panel was arbitrary or capricious.

Sec. 3. Section 19, chapter 87, Laws of 1980 and RCW 41.56.452 are each amended to read as follows:

~~((The))~~ An interest arbitration panel created pursuant to RCW 41.56.450, in the performance of its duties under chapter 41.56 RCW, exercises a state function and is, for the purposes of ~~((that))~~ this chapter, a state agency. Chapter 34.04 RCW does not apply to proceedings before an interest arbitration panel under this chapter.

Sec. 4. Section 5, chapter 131, Laws of 1973 as amended by section 3, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.460 are each amended to read as follows:

In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards or guidelines to aid it in reaching a decision, it shall take into consideration the following factors:

- (a) The constitutional and statutory authority of the employer~~((:));~~
- (b) Stipulations of the parties~~((:));~~
- (c) Comparison of the wages, hours and conditions of employment of ~~((the uniformed))~~ personnel ~~((of cities and counties))~~ involved in the proceedings with the wages, hours, and conditions of employment of ~~((unif-ormed))~~ like personnel ~~((of (cities and counties respectively))~~ like employers of similar size on the west coast of the United States.

(d) The average consumer prices for goods and services, commonly known as the cost of living(:);

(e) Changes in any of the foregoing circumstances during the pendency of the proceedings(:); and

(f) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment.

Sec. 5. Section 10, chapter 131, Laws of 1973 and RCW 41.56.905 are each amended to read as follows:

The provisions of this (~~(1973 amendatory act relating to uniformed personnel)~~) chapter are intended to be additional to other remedies and shall be liberally construed to accomplish their purpose. Except as provided in section 1 of this 1983 act, if any provision of this (~~(1973 amendatory act)~~) chapter conflicts with any other statute, ordinance, rule or regulation of any public employer (~~(as it relates to uniformed employees)~~), the provisions of this (~~(1973 amendatory act)~~) chapter shall control.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 23, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 288

[Substitute House Bill No. 458]

ANTITRUST/CONSUMER PROTECTION IMPROVEMENTS ACT

AN ACT Relating to antitrust and unfair and deceptive business practices; amending section 14, chapter 216, Laws of 1961 as amended by section 7, chapter 26, Laws of 1970 ex. sess. and RCW 19.86.140; amending section 9, chapter 216, Laws of 1961 as amended by section 2, chapter 26, Laws of 1970 ex. sess. and RCW 19.86.090; amending section 20, chapter 216, Laws of 1961 as amended by section 25, chapter 3, Laws of 1983 and RCW 19.86.920; amending section 15.66.010, chapter 11, Laws of 1961 as last amended by section 180, chapter 35, Laws of 1982 and RCW 15.66.010; adding a new section to chapter 19.86 RCW; creating a new section; repealing section 1, chapter 221, Laws of 1939 and RCW 19.90.010; repealing section 2, chapter 221, Laws of 1939, section 3, chapter 4, Laws of 1983 and RCW 19.90.020; repealing section 3, chapter 221, Laws of 1939 and RCW 19.90.030; repealing section 4, chapter 221, Laws of 1939 and RCW 19.90.040; repealing section 5, chapter 221, Laws of 1939 and RCW 19.90.050; repealing section 6, chapter 221, Laws of 1939 and RCW 19.90.060; repealing section 7, chapter 221, Laws of 1939 and RCW 19.90.070; repealing section 8, chapter 221, Laws of 1939 and RCW 19.90.080; repealing section 9, chapter 221, Laws of 1939 and RCW 19.90.090; repealing section 10, chapter 221, Laws of 1939 and RCW 19.90.100; repealing section 11, chapter 221, Laws of 1939 and RCW 19.90.110; repealing section 12, chapter 221, Laws of 1939, section 4, chapter 4, Laws of 1983 and RCW 19.90.120; repealing section 13, chapter 221, Laws of 1939 and RCW 19.90.130; repealing section 1, chapter 246, Laws of 1959

and RCW 19.90.140; repealing section 2, chapter 246, Laws of 1959 and RCW 19.90.150; repealing section 3, chapter 246, Laws of 1959 and RCW 19.90.160; repealing section 14, chapter 221, Laws of 1939 and RCW 19.90.900; repealing section 4, chapter 246, Laws of 1959 and RCW 19.90.901; repealing section 15, chapter 221, Laws of 1939 and RCW 19.90.910; repealing section 16, chapter 221, Laws of 1939 and RCW 19.90.920; and prescribing penalties.

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

NEW SECTION. Sec. 1. This act may be cited as the antitrust/consumer protection improvements act. Its purposes are to strengthen public and private enforcement of the unfair business practices–consumer protection act, chapter 19.86 RCW, and to repeal the unfair practices act, chapter 19.90 RCW, in order to eliminate a statute which is unnecessary in light of the provisions and remedies of chapter 19.86 RCW. In repealing chapter 19.90 RCW, it is the intent of the legislature that chapter 19.86 RCW should continue to provide appropriate remedies for predatory pricing and other pricing practices which constitute violations of federal antitrust law.

Sec. 2. Section 14, chapter 216, Laws of 1961 as amended by section 7, chapter 26, Laws of 1970 ex. sess. and RCW 19.86.140 are each amended to read as follows:

Every person who shall violate (~~RCW 19.86.030 or 19.86.040 or~~) the terms of any injunction issued as in this chapter provided, shall forfeit and pay a civil penalty of not more than twenty–five thousand dollars.

Every person, other than a corporation, who violates RCW 19.86.030 or 19.86.040 shall pay a civil penalty of not more than one hundred thousand dollars. Every corporation which violates RCW 19.86.030 or 19.86.040 shall pay a civil penalty of not more than five hundred thousand dollars.

Every person who violates RCW 19.86.020 shall forfeit and pay a civil penalty of not more than two thousand dollars for each violation: PROVIDED, That nothing in this paragraph shall apply to any radio or television broadcasting station which broadcasts, or to any publisher, printer or distributor of any newspaper, magazine, billboard or other advertising medium who publishes, prints or distributes, advertising in good faith without knowledge of its false, deceptive or misleading character.

For the purpose of this section the superior court issuing any injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

With respect to violations of RCW 19.86.030 and 19.86.040, the attorney general, acting in the name of the state, may seek recovery of such penalties in a civil action.

Sec. 3. Section 9, chapter 216, Laws of 1961 as amended by section 2, chapter 26, Laws of 1970 ex. sess. and RCW 19.86.090 are each amended to read as follows:

Any person who is injured in his business or property by a violation of RCW 19.86.020, 19.86.030, 19.86.040, 19.86.050, or 19.86.060, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him, or both, together with the costs of the suit, including a reasonable attorney's fee, and the court may in its discretion, increase the award of damages to an amount not to exceed three times the actual damages sustained: PROVIDED, That such increased damage award for violation of RCW 19.86.020 may not exceed ((one)) ten thousand dollars: PROVIDED FURTHER, That such person may bring a civil action in the justice court to recover his actual damages, except for damages which exceed the amount specified in RCW 3.66.020, and the costs of the suit, including reasonable attorney's fees. The justice court may, in its discretion, increase the award of damages to an amount not more than three times the actual damages sustained, but such increased damage award shall not exceed the amount specified in RCW 3.66.020. For the purpose of this section "person" shall include the counties, municipalities, and all political subdivisions of this state.

Whenever the state of Washington is injured by reason of a violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, it may sue therefor in the superior court to recover the actual damages sustained by it and to recover the costs of the suit including a reasonable attorney's fee.

Sec. 4. Section 20, chapter 216, Laws of 1961 as amended by section 25, chapter 3, Laws of 1983 and RCW 19.86.920 are each amended to read as follows:

The legislature hereby declares that the purpose of this act is to complement the body of federal law governing restraints of trade, unfair competition and unfair, deceptive, and fraudulent acts or practices in order to protect the public and foster fair and honest competition. It is the intent of the legislature that, in construing this act, the courts be guided by ((the interpretation given by)) final decisions of the federal courts ((to)) and final orders of the federal trade commission interpreting the various federal statutes dealing with the same or similar matters and that in deciding whether conduct restrains or monopolizes trade or commerce or may substantially lessen competition, determination of the relevant market or effective area of competition shall not be limited by the boundaries of the state of Washington. To this end this act shall be liberally construed that its beneficial purposes may be served.

It is, however, the intent of the legislature that this act shall not be construed to prohibit acts or practices which are reasonable in relation to the development and preservation of business or which are not injurious to the public interest.

NEW SECTION. Sec. 5. There is added to chapter 19.86 RCW a new section to read as follows:

In any proceeding in which there is a request for injunctive relief under RCW 19.86.090, the attorney general shall be served with a copy of the initial pleading alleging a violation of this chapter. In any appellate proceeding in which an issue is presented concerning a provision of this chapter, the attorney general shall, within the time provided for filing the brief with the appellate court, be served with a copy of the brief of the party presenting such issue.

Sec. 6. Section 15.66.010, chapter 11, Laws of 1961 as last amended by section 180, chapter 35, Laws of 1982 and RCW 15.66.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him concerning some matter under this chapter.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Marketing order" means an order issued by the director pursuant to this chapter.

(4) "Agricultural commodity" means any distinctive type of agricultural, horticultural, viticultural, vegetable, and/or animal product within its natural or processed state, including bees and honey but not including timber or timber products. The director is authorized to determine what kinds, types or subtypes should be classed together as an agricultural commodity for the purposes of this chapter.

(5) "Producer" means any person engaged in the business of producing or causing to be produced for market in commercial quantities any agricultural commodity. For the purposes of RCW 15.66.060, 15.66.090, and 15.66.120, as now or hereafter amended "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(6) "Affected producer" means any producer of an affected commodity.

(7) "Affected commodity" means any agricultural commodity for which the director has established a list of producers pursuant to RCW 15.66.060.

(8) "Commodity commission" or "commission" means a commission formed to carry out the purposes of this chapter under a particular marketing order concerning an affected commodity.

(9) "Unit" means a unit of volume, quantity or other measure in which an agricultural commodity is commonly measured.

(10) "Unfair trade practice" means any practice which is unlawful or prohibited under the laws of the state of Washington including but not limited to Titles 15, 16 and 69 RCW and chapters 9.16, 19.77, 19.80, 19.84,

((19.90;)) and 19.83 RCW, or any practice, whether concerning interstate or intrastate commerce that is unlawful under the provisions of the act of Congress of the United States, September 26, 1914, chapter 311, section 5, 38 U.S. Statutes at Large 719 as amended, known as the "Federal Trade Commission Act of 1914", or the violation of or failure accurately to label as to grades and standards in accordance with any lawfully established grades or standards or labels.

(11) "Person" includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.

(12) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of Congress of the United States, Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U.S. Statutes at Large 388 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a nonprofit cooperative basis.

(13) "Member of a cooperative association" or "member" means any producer of an agricultural commodity who markets his product through such cooperative association and who is a voting stockholder of or has a vote in the control of or is under a marketing agreement with such cooperative association with respect to such product.

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

- (1) Section 1, chapter 221, Laws of 1939 and RCW 19.90.010;
- (2) Section 2, chapter 221, Laws of 1939, section 3, chapter 4, Laws of 1983 and RCW 19.90.020;
- (3) Section 3, chapter 221, Laws of 1939 and RCW 19.90.030;
- (4) Section 4, chapter 221, Laws of 1939 and RCW 19.90.040;
- (5) Section 5, chapter 221, Laws of 1939 and RCW 19.90.050;
- (6) Section 6, chapter 221, Laws of 1939 and RCW 19.90.060;
- (7) Section 7, chapter 221, Laws of 1939 and RCW 19.90.070;
- (8) Section 8, chapter 221, Laws of 1939 and RCW 19.90.080;
- (9) Section 9, chapter 221, Laws of 1939 and RCW 19.90.090;
- (10) Section 10, chapter 221, Laws of 1939 and RCW 19.90.100;
- (11) Section 11, chapter 221, Laws of 1939 and RCW 19.90.110;
- (12) Section 12, chapter 221, Laws of 1939, section 4, chapter 4, Laws of 1983 and RCW 19.90.120;
- (13) Section 13, chapter 221, Laws of 1939 and RCW 19.90.130;
- (14) Section 1, chapter 246, Laws of 1959 and RCW 19.90.140;
- (15) Section 2, chapter 246, Laws of 1959 and RCW 19.90.150;
- (16) Section 3, chapter 246, Laws of 1959 and RCW 19.90.160;
- (17) Section 14, chapter 221, Laws of 1939 and RCW 19.90.900;
- (18) Section 4, chapter 246, Laws of 1959 and RCW 19.90.901;

(19) Section 15, chapter 221, Laws of 1939 and RCW 19.90.910; and
 (20) Section 16, chapter 221, Laws of 1939 and RCW 19.90.920.

Passed the House April 22, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 289

[Engrossed House Bill No. 479]

SAFE DEPOSIT COMPANIES—DUTIES MODIFIED—UNCLAIMED PROPERTY

AN ACT Relating to safe deposit companies; amending section 4, chapter 186, Laws of 1923 and RCW 22.28.040; and amending section 5, chapter 186, Laws of 1923 and RCW 22.28.060.

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

Sec. 1. Section 4, chapter 186, Laws of 1923 and RCW 22.28.040 are each amended to read as follows:

If the amount due for the rental of any safe or box in the vaults of any safe deposit company shall not have been paid for one year, it may, at the expiration thereof, send to the person in whose name such safe or box stands on its books a notice in writing in ~~((a))~~ securely closed, postpaid and ~~((registered letter))~~ certified mail, return receipt requested, directed to such person at his post office address, as recorded upon the books of the safe deposit company, notifying such person that if the amount due for the rental of such safe or box is not paid within thirty days from date, the safe deposit company will then cause such safe or box to be opened, and the contents thereof to be inventoried, sealed, and placed in one of its general safes or boxes.

Upon the expiration of thirty days from the date of mailing such notice, and the failure of the person in whose name the safe or box stands on the books of the company to pay the amount due for the rental thereof to the date of notice, the corporation may, in the presence of ~~((a notary public and of its president or secretary, cashier or treasurer))~~ two officers of the corporation, cause such safe or box to be opened, and the contents thereof, if any, to be removed, inventoried and sealed ~~((up by such notary public))~~ in a package, upon which the ~~((notary public))~~ officers shall distinctly mark the name of the person in whose name the safe or box stood on the books of the company, and the date of removal of the property, and when such package has been so marked for identification by the ~~((notary public))~~ officers, it shall ~~((, in the presence of the president, secretary, treasurer or cashier of the company,))~~ be placed ~~((by the notary public))~~ in one of the general safes or boxes of the company at a rental not to exceed the original rental of the safe or box which was opened, and shall remain in such general safe or

box for a period of not less than ~~((two years))~~ one year, unless sooner removed by the owner thereof, and ~~((the notary public))~~ two officers of the corporation shall thereupon file with the company a certificate ~~((under seal;))~~ which shall fully set out the date of the opening of such safe or box, the name of the person in whose name it stood and a ~~((list))~~ reasonable description of the contents, if any.

A copy of such certificate shall within ten days thereafter be mailed to the person in whose name the safe or box so opened stood on the books of the company, at his last known post office address, in ~~((a))~~ securely closed, postpaid and ~~((registered letter))~~ certified mail, return receipt requested, together with a notice that the contents will be kept, at the expense of such person, in a general safe or box in the vaults of the company, for a period of not less than ~~((two years))~~ one year. At any time after the mailing of such certificate and notice, and before the expiration of ~~((two years))~~ one year, such person may require the delivery of the contents of the safe as shown by said certificate, upon the payment of all rentals due at the time of opening of the safe or box, the cost of opening the box, ~~((the fees of the notary public for issuing his certificate thereon;))~~ and the payment of all further charges accrued during the period the contents remained in the general safe or box of the company.

~~((After the expiration of two years from the time of mailing the certificate herein provided for, the company shall mail in a securely closed postpaid registered letter, addressed to such person at his last known post office address, a notice stating that two years have elapsed since the opening of the safe or box and the mailing of the certificate thereof, and that the company will sell all the property or articles of value set out in said certificate, at a time and place to be stated in such notice, not less than thirty days after the time of mailing such notice, and stating the amount which shall have then become due for rental up to the time of opening such safe, the cost of opening thereof, and the further cost of safekeeping all of its contents for the period since the opening of the safe or box. Unless such person shall pay on or before the day mentioned all said sums, and all the charges accruing to the time of payment, including advertising;))~~ The company may sell all the property or articles of value set out in said certificate, at public auction, ~~((at the time and place stated in said notice;))~~ provided a notice of the time and place of sale has been published once within ten days prior to the sale in a newspaper published in the county where the ~~((sale is held))~~ contents of the safe or box located and where the holder chooses to conduct the sale. If the holder chooses not to sell the contents at public sale, the contents shall be delivered to the department of revenue as unclaimed property.

From the proceeds of the sale, the company shall deduct ~~((all its charges as stated in said notice, together with any further charges that shall have accrued since the mailing thereof, including reasonable expenses for notices, advertising, and sale))~~ amounts which shall then be due for rental up to the

time of opening the safe, the cost of opening thereof, and the further cost of safekeeping all of its contents for the period since the safe or box was opened, plus any additional charges accruing to the time of sale, including advertising and cost of sale. The balance, if any, of such proceeds, together with any unsold property, shall be deposited by the company within thirty days after the receipt of the same, with the ((county treasurer, of the county where the safe was held)) department of revenue as unclaimed property. The company shall file with such deposit a certificate stating the name and last known place of residence of the owner of the property sold, the articles sold, the price obtained therefor, and showing that the notices herein required were duly mailed and that the sale was advertised as required herein. ~~((The officer with whom such balance is deposited shall credit the same to the owner of the property, and pay the same to such owner, his assignee, or legal representative, on demand and satisfactory evidence of identity. If such balance remains in the possession of such officer for a period of ten years, unclaimed by the person legally entitled thereto, it shall be transferred to the state treasurer for the benefit of the permanent school fund of the state of Washington.))~~

Sec. 2. Section 5, chapter 186, Laws of 1923 and RCW 22.28.060 are each amended to read as follows:

Whenever the contents of any such safe or box, so opened, shall consist either wholly or in part, of documents or letters or other papers of a private nature, such documents, letters, or papers shall not be sold, but shall be ~~((retained by the company for a period of five years from the time of the opening of the box, and,))~~ deposited with the department of revenue as unclaimed property unless sooner claimed by the owner((, may be thereafter destroyed in the presence of an officer of the corporation and a notary public not an officer or employee of the corporation)). The department may hold or destroy documents or letters or other papers, and the holder shall not be held liable to any person or persons whatsoever for the destruction of papers or other contents which the department declines to accept.

The provision of this section shall not preclude any other remedy by action or otherwise now existing for the enforcement of the claims of a corporation against the person in whose name such safe or box stood, nor bar the right of a safe deposit company to recover so much of the debt due it as shall not be paid by the proceeds of the sale of the property deposited with it. The sale or disposition of property in accordance with this chapter shall discharge the holder of all liability to the owner for such sale or disposition, irrespective of whether a better price could have been obtained by a sale at a different time or in a different method from that selected by the holder.

Passed the House March 27, 1983.

Passed the Senate April 24, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 290

[Engrossed Substitute House Bill No. 484]

LONG-TERM CARE OMBUDSMAN PROGRAM ESTABLISHED

AN ACT Relating to a long-term care ombudsman program; amending section 1, chapter 109, Laws of 1979 and RCW 36.39.060; amending section 4, chapter 131, Laws of 1975-'76 2nd ex. sess. as amended by section 3, chapter 321, Laws of 1977 ex. sess. and RCW 74.38.040; amending section 5, chapter 131, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 147, Laws of 1979 ex. sess. and RCW 74.38.050; and adding a new chapter to Title 43 RCW.

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

NEW SECTION. Sec. 1. The legislature finds that in order to comply with the federal Older Americans Act and to effectively assist residents, patients, and clients of long-term care facilities in the assertion of their civil and human rights, a long-term care ombudsman program should be instituted.

NEW SECTION. Sec. 2. As used in this chapter, "long-term care facility" means any of the following which provide services to persons sixty years of age and older and is:

(1) A facility which:

(a) Maintains and operates twenty-four hour skilled nursing services for the care and treatment of chronically ill or convalescent patients, including mental, emotional, or behavioral problems, mental retardation, or alcoholism;

(b) Provides supportive, restorative, and preventive health services in conjunction with a socially oriented program to its residents, and which maintains and operates twenty-four hour services including board, room, personal care, and intermittent nursing care. "Long-term health care facility" includes nursing homes, skilled nursing facilities, and intermediate care facilities, but does not include acute care hospital or other licensed facilities except for that distinct part of the hospital or facility which provides nursing home, skilled nursing facility, or intermediate care facility services.

(2) Any family home, group care facility, or similar facility determined by the secretary, for twenty-four hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

(3) Any swing bed in an acute care facility.

NEW SECTION. Sec. 3. (1) There is created within the department of social and health services the office of the state long-term care ombudsman. The secretary shall place the office in an area within the department which will enable the office to fully carry out the purposes of this chapter. The secretary shall ensure that all program and staff support necessary to enable the ombudsman to effectively protect the interests of residents, patients, and

clients of all long-term care facilities is made available to the ombudsman to the extent authorized by section 12 of this act.

(2) The state ombudsman shall have the following powers and duties:

(a) To provide services for coordinating the activities of long-term care ombudsmen throughout the state;

(b) Carry out such other activities as the secretary deems appropriate;

(c) Establish procedures consistent with section 11 of this act for appropriate access by long-term care ombudsmen to long-term care facilities and patients' records, including procedures to protect the confidentiality of the records and ensure that the identity of any complainant or resident will not be disclosed without the written consent of the complainant or resident, or upon court order;

(d) Establish a state-wide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems, with provision for submission of such data to the department of social and health services and to the federal department of health and human services, or its successor agency, on a regular basis; and

(e) Establish procedures to assure that any files maintained by ombudsman programs shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files, except that the identity of any complainant or resident of a long-term care facility shall not be disclosed by such ombudsman unless:

(i) Such complainant or resident, or the complainant's or resident's legal representative, consents in writing to such disclosure; or

(ii) Such disclosure is required by court order.

NEW SECTION. Sec. 4. (1) Any long-term care ombudsman authorized by this chapter or a local governmental authority shall have training or experience or both in the following areas:

(a) Gerontology, long-term care, or other related social services programs.

(b) The legal system.

(c) Dispute or problem resolution techniques, including investigation, mediation, and negotiation.

(2) A long-term care ombudsman shall not have been employed by any long-term care facility within the past three years.

(3) No long-term care ombudsman or any member of his or her immediate family shall have, or have had within the past three years, any pecuniary interest in the provision of long-term health care facilities.

NEW SECTION. Sec. 5. Every long-term care facility shall post in a conspicuous location a notice of the nursing home complaint toll-free number and the name, address, and phone number of the office of the appropriate long-term care ombudsman and a brief description of the services provided by the office. The form of the notice shall be approved by the office

and the organization responsible for maintaining the nursing home complaint toll-free number. This information shall also be distributed to the residents, family members, and legal guardians upon the resident's admission to the facility.

NEW SECTION. Sec. 6. A long-term care ombudsman shall:

(1) Investigate and resolve complaints made by or on behalf of older individuals who are residents of long-term care facilities relating to administrative action which may adversely affect the health, safety, welfare, and rights of these individuals;

(2) Monitor the development and implementation of federal, state, and local laws, rules, regulations, and policies with respect to long-term care facilities in this state;

(3) Provide information as appropriate to public agencies regarding the problems of individuals residing in long-term care facilities; and

(4) Provide for training volunteers and promoting the development of citizen organizations to participate in the ombudsman program. Volunteers shall not be used for complaint investigation or problem resolution activities authorized in subsection (1) of this section.

NEW SECTION. Sec. 7. (1) The office of the state long-term care ombudsman shall develop referral procedures for all long-term care ombudsman programs to refer any complaint to any appropriate state or local government agency. The department of social and health services shall act as quickly as possible on any complaint referred to them by a long-term care ombudsman.

(2) The department of social and health services shall respond to any complaint against a long-term care facility which was referred to it by a long-term care ombudsman and shall forward to that ombudsman a summary of the results of the investigation and action proposed or taken.

NEW SECTION. Sec. 8. (1) The office of the state long-term care ombudsman shall develop procedures governing the right of entry of all long-term care ombudsmen to long-term care facilities and shall have access to residents with provisions made for privacy for the purpose of hearing, investigating, and resolving complaints of, and rendering advice to, individuals who are patients or residents of the facilities at any time deemed necessary and reasonable by the state ombudsman to effectively carry out the provisions of this chapter.

(2) Nothing in this chapter restricts, limits, or increases any existing right of any organizations or individuals not described in subsection (1) of this section to enter or provide assistance to patients or residents of long-term care facilities.

(3) Nothing in this chapter restricts any right or privilege of any patient or resident of a long-term care facility to receive visitors of his or her choice.

NEW SECTION. Sec. 9. (1) No long-term care ombudsman is liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against any employee of a facility or agency, any patient, resident, or client of a long-term care facility, or any volunteer, for any communication made, or information given or disclosed, to aid the long-term care ombudsman in carrying out its duties and responsibilities, unless the same was done maliciously or without good faith. This subsection is not intended to infringe on the rights of the employer to supervise, discipline, or terminate an employee for other reasons.

(3) All communications by a long-term care ombudsman, if reasonably related to the requirements of that individual's responsibilities under this chapter and done in good faith, are privileged and that privilege shall serve as a defense to any action in libel or slander.

(4) A representative of the office is exempt from being required to testify in court as to any confidential matters except as the court may deem necessary to enforce this chapter.

NEW SECTION. Sec. 10. The office shall prepare and submit by January 1 of each year a report on the operations of the office to the governor, the legislature, the federal commissioner on aging, any area agencies on aging, and the department. The report shall include information on complaints and conditions in long-term care facilities and may include recommendations for policy and program changes and appropriate supporting data.

NEW SECTION. Sec. 11. All records and files of long-term care ombudsmen relating to any complaint or investigation made pursuant to carrying out their duties and the identities of complainants, witnesses, patients, or residents shall remain confidential unless disclosure is authorized by the patient or resident or his or her guardian or legal representative. No disclosures may be made outside the office without the consent of any named witnesses, resident, patient, client, or complainant unless the disclosure is made without the identity of any of these individuals being disclosed.

NEW SECTION. Sec. 12. It is the intent that federal requirements be complied with and the department annually expend at least one percent of the state's allotment of social services funds from Title III B of the Older Americans Act of 1965, as it exists as of the effective date of this act, or twenty thousand dollars, whichever is greater to establish the state long-term care ombudsman program established by this chapter if funds are appropriated by the legislature.

Sec. 13. Section 1, chapter 109, Laws of 1979 and RCW 36.39.060 are each amended to read as follows:

(1) Counties, cities, and towns are granted the authority, and it is hereby declared to be a public purpose for counties, cities, and towns, to establish and administer senior citizens programs either directly or by creating

public corporations or authorities to carry out the programs and to expend their own funds for such purposes, as well as to expend federal, state, or private funds that are made available for such purposes. Such federal funds shall include, but not be limited to, funds provided under the federal Older Americans Act, as amended (42 U.S.C. Sec. 3001 et seq.).

(2) Counties, cities, and towns may establish and administer long-term care ombudsman programs for residents, patients, and clients if such a program is not prohibited by federal or state law. Such local ombudsman programs shall be coordinated with the efforts of other long-term care ombudsman programs, including the office of the state long-term care ombudsman established in section 3 of this act, to avoid multiple investigation of complaints.

Sec. 14. Section 4, chapter 131, Laws of 1975-'76 2nd ex. sess. as amended by section 3, chapter 321, Laws of 1977 ex. sess. and RCW 74-.38.040 are each amended to read as follows:

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) In-home care for persons, including basic health care; performance of various household tasks and other necessary chores, or, a combination of these services;

(4) 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;

(5) 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 health screening and evaluation, in-home services, health education, and such health appliances which will further the independence and well-being of the person;

(6) 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;

(7) 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;

(8) 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;

(9) Long-term care ombudsman programs for residents of all long-term care facilities.

Sec. 15. Section 5, chapter 131, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 147, Laws of 1979 ex. sess. and RCW 74.38.050 are each amended to read as follows:

The services provided in RCW 74.38.040 may be provided to nonlow income eligible persons: PROVIDED, That the department and the area agencies on aging shall utilize volunteer workers and public assistant recipients to the maximum extent possible to provide the services provided in RCW 74.38.040; PROVIDED, FURTHER, That the department and the area agencies shall utilize the bid procedure pursuant to chapter 43.19 RCW for providing such services to low income and nonlow 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, health screening, services under the long-term care ombudsman program under chapter 43.—RCW (sections 1 through 12 of this 1983 act) and access services provided in RCW 74.38.040 shall not be based on need and no fee shall be charged; except further, notwithstanding any other provision of this chapter, that well adult clinic services may be provided in lieu of health screening services if such clinics use the fee schedule established by this section.

NEW SECTION. Sec. 16. Sections 1 through 12 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 7, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 291

[Engrossed House Bill No. 511]

LOCAL IMPROVEMENTS—AQUATIC PLANT CONTROL—LAKE OR RIVER RESTORATION—WATER QUALITY ENHANCEMENT

AN ACT Relating to local improvements; and amending section 35.43.040, chapter 7, Laws of 1965 as last amended by section 1, chapter 17, Laws of 1981 and RCW 35.43.040.

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

Sec. 1. Section 35.43.040, chapter 7, Laws of 1965 as last amended by section 1, chapter 17, Laws of 1981 and RCW 35.43.040 are each amended to read as follows:

Whenever the public interest or convenience may require, the legislative authority of any city or town may order the whole or any part of any local improvement including but not restricted to those, or any combination thereof, listed below to be constructed, reconstructed, repaired, or renewed and landscaping including but not restricted to the planting, setting out, cultivating, maintaining, and renewing of shade or ornamental trees and shrubbery thereon; may order any and all work to be done necessary for completion thereof; and may levy and collect special assessments on property specially benefited thereby to pay the whole or any part of the expense thereof, viz:

(1) Alleys, avenues, boulevards, lanes, park drives, parkways, public places, public squares, public streets, their grading, regrading, planking, replanking, paving, repaving, macadamizing, remacadamizing, graveling, re-graveling, piling, repiling, capping, recapping, or other improvement; if the management and control of park drives, parkways, and boulevards is vested in a board of park commissioners, the plans and specifications for their improvement must be approved by the board of park commissioners before their adoption;

(2) Auxiliary water systems;

(3) Auditoriums, field houses, gymnasiums, swimming pools, or other recreational or playground facilities or structures;

(4) Bridges, culverts, and trestles and approaches thereto;

(5) Bulkheads and retaining walls;

(6) Dikes and embankments;

(7) Drains, sewers and sewer appurtenances which as to trunk sewers shall include as nearly as possible all the territory which can be drained through the trunk sewer and subsewers connected thereto;

(8) Escalators or moving sidewalks together with the expense of operation and maintenance;

(9) Parks and playgrounds;

(10) Sidewalks, curbing, and crosswalks;

(11) Street lighting systems together with the expense of furnishing electrical energy, maintenance, and operation;

(12) Underground utilities transmission lines;

(13) Water mains, hydrants and appurtenances which as to trunk water mains shall include as nearly as possible all the territory in the zone or district to which water may be distributed from the trunk water mains through lateral service and distribution mains and services;

(14) Fences, culverts, syphons, or coverings or any other feasible safeguards along, in place of, or over open canals or ditches to protect the public from the hazards thereof;

(15) Roadbeds, trackage, signalization, storage facilities for rolling stock, overhead and underground wiring, and any other stationary equipment reasonably necessary for the operation of an electrified public street-car line; and

(16) Programs of aquatic plant control, lake or river restoration, or water quality enhancement. Such programs shall identify all the area of any lake or river which will be improved and shall include the adjacent waterfront property specially benefited by such programs of improvements. Assessments may be levied only on waterfront property including any waterfront property owned by the department of natural resources or any other state agency. Notice of an assessment on a private leasehold in public property shall comply with provisions of chapter 79.44 RCW. Programs under this subsection shall extend for a term of not more than five years.

Passed the House April 23, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 292

[Substitute House Bill No. 548]

PUBLIC WATER SUPPLY SYSTEMS—REVISIONS

AN ACT Relating to public water supply systems; amending section 1, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.010; amending section 2, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.020; amending section 3, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.030; amending section 5, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.050; amending section 7, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.070; amending section 8, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.080; amending section 9, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.090; amending section 10, chapter 99, Laws of 1977 ex. sess. as amended by section 13, chapter 201, Laws of 1982 and RCW 70.119.100; amending section 11, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.110; and amending section 13, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.130.

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

Sec. 1. Section 1, chapter 99, Laws of 1977 ex. sess. and RCW 70.119-.010 are each amended to read as follows:

The legislature declares that competent operation of a public water supply system is necessary for the protection of the consumers' health, and therefore it is of vital interest to the public. In order to protect the public health and conserve and protect the water resources of the state, it is necessary to provide for the classifying of all public water supply systems; to require the examination and certification of the persons responsible for the (~~supervision and~~) technical operation of such systems; and to provide for the promulgation of rules and regulations to carry out this chapter.

Sec. 2. Section 2, chapter 99, Laws of 1977 ex. sess. and RCW 70.119-.020 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

(1) "Board" means the board established pursuant to RCW 70.95B.070 which shall be known as the water and waste water operator certification board of examiners.

(2) "Certificate" means a certificate of competency issued by the secretary stating that the operator has met the requirements for the specified operator classification of the certification program.

(3) "Department" means the department of social and health services.

(4) "Distribution system" means that portion of a public water supply system which stores, transmits, pumps and distributes water to consumers.

(5) "Nationally recognized association of certification authorities" shall mean an organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and waste water facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

(6) "Certified operator" means an individual employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person, or the state of Washington who is designated by the employing or appointing officials (~~to operate or assist in the operation of a water purification plant or distribution system~~) as the person responsible for active daily technical operation.

(7) "Public water supply system" means any water supply system intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community or group of individuals, or is made available to the public for human consumption or domestic use, but excluding all water supply systems serving one single family residence.

(8) "Purification plant" means that portion of a public water supply system which treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards.

(9) "Secretary" means the secretary of the department of social and health services.

Sec. 3. Section 3, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.030 are each amended to read as follows:

(1) All public water supply systems which serve either:

(a) One hundred services in use at any one time; or

(b) Twenty-five or more persons which are supplied from a stream, lake or other surface water supply source and which are required by law to use a water filtration system;

are required to have a certified operator (~~((designated by the employing or appointing official as the person responsible for active daily technical direction and supervision))~~). The certified operators shall be in charge of the technical direction (~~(and supervision)~~) of a ((public)) water system's operation, or an operating shift of such a system, or a major segment of a system necessary for monitoring or improving the quality of water. The operator shall be certified as provided in RCW 70.119.050.

(2) The amount of time that a certified operator shall be required to be present shall be based upon the time required to properly operate and maintain the public water supply system as designed and constructed in accordance with RCW 43.20.050. The employing or appointing officials shall designate the position or positions requiring mandatory certification within their individual systems and shall assure that such certified operators are responsible for the system's technical operation.

(3) Operators not required to be certified by this chapter are encouraged to become certified on a voluntary basis.

Sec. 4. Section 5, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.050 are each amended to read as follows:

The secretary shall adopt, with the approval of the board, such rules and regulations as may be necessary for the administration of this chapter and shall enforce such rules and regulations. The rules and regulations shall include provisions establishing minimum qualifications and procedures for the certification of operators, criteria for determining the kind and nature of (~~((continued professional growth required))~~) continuing educational requirements for renewal of certification under RCW 70.119.100(2), and provisions for classifying water purification plants and distribution systems.

Rules and regulations adopted under the provisions of this section shall be adopted in accordance with the provisions of chapter 34.04 RCW.

Sec. 5. Section 7, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.070 are each amended to read as follows:

The secretary is authorized, when taking action pursuant to RCW 70.119.050 and 70.119.060, to consider generally applicable criteria and guidelines developed by a nationally recognized association of certification authorities and commonly accepted national guidelines and standards.

Sec. 6. Section 8, chapter 99, Laws of 1977 ex. sess. and RCW 70.119-.080 are each amended to read as follows:

For the purpose of carrying out the provisions of this chapter, the membership of the water and wastewater operator certification board of examiners established under RCW 70.95B.070, shall, pursuant to RCW 70.95B.070:

- (1) Be expanded to include two waterworks operators ; ~~((and))~~
- (2) Serve in a common capacity for the certification of both water and wastewater plant and system operators; and
- (3) Be expanded to include one commissioner from a water district and one commissioner from a sewer district operating under Title 56 or 57 RCW.

In addition to the powers and duties in RCW 70.95B.070, the board shall assist in the development of rules and regulations implementing this chapter, shall prepare, administer and evaluate examinations of operator competency as required in this chapter, and shall recommend the issuance or revocation of certificates. The board shall determine where and when the examinations shall be held. Such examinations shall be held at least three times annually.

Sec. 7. Section 9, chapter 99, Laws of 1977 ex. sess. and RCW 70.119-.090 are each amended to read as follows:

Certificates shall be issued without examination under the following conditions:

(1) Certificates shall be issued without application fee to operators who, on the effective date of this act, hold certificates of competency attained under the voluntary certification program sponsored jointly by the state department of social and health services, health services division, and the Pacific Northwest section of the American water works association.

(2) Certification shall be issued to persons certified by a governing body or owner of a public water supply system to have been the operators of a purification plant or distribution system on the effective date of this chapter but only to those who are required to be certified under RCW 70.119.030(1). A certificate so issued shall be ~~((conditioned to be))~~ valid ~~((only))~~ for operating ~~((the existing))~~ any plant or system of the same classification and same type of water source.

(3) A nonrenewable certificate, temporary in nature, may be issued to an operator for a period not to exceed twelve months to fill a vacated position required to have a certified operator. Only one such certificate may be issued subsequent to each instance of vacation of any such position.

Sec. 8. Section 10, chapter 99, Laws of 1977 ex. sess. as amended by section 13, chapter 201, Laws of 1982 and RCW 70.119.100 are each amended to read as follows:

The issuance and renewal of a certificate shall be subject to the following conditions:

(1) Except as provided in RCW 70.119.090, a certificate shall be issued if the operator has satisfactorily passed a written examination, has paid the department an application fee as established by the department under RCW 43.20A.055, and has met the requirements specified in the rules and regulations as authorized by this chapter.

(2) The terms for all certificates shall be for one year from the date of issuance. Every certificate shall be renewed annually upon the payment of a fee as established by the department under RCW 43.20A.055 and satisfactory evidence is presented to the secretary that the operator ((demonstrates continued professional growth in the field)) has fulfilled the continuing education requirements as prescribed by rule of the department.

(3) The secretary shall notify operators who fail to renew their certificates before the end of the certificate year that their certificates are temporarily valid for two months following the end of the certificate year. Certificates not renewed during the two month period shall be invalid and the secretary shall so notify the holders of such certificates.

(4) An operator who has failed to renew a certificate pursuant to the provisions of this section, may reapply for certification and the secretary may require the operator to meet the requirements established for new applicants.

Sec. 9. Section 11, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.110 are each amended to read as follows:

The secretary may, with the recommendation of the board and after hearing before the same, revoke a certificate found to have been obtained by fraud or deceit; or for gross negligence in the operation of a purification plant or distribution system; or for ((violating)) an intentional violation of the requirements of this chapter or any lawful rules, order, or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for ((one year)) six months from the effective date of the final order of revocation.

Sec. 10. Section 13, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.130 are each amended to read as follows:

On or after one year following the effective date of this act, any person, including any operator or any firm, association, corporation, municipal corporation, or other governmental subdivision or agency who, after thirty days' written notice, operates a public water supply system which is not in compliance with RCW 70.119.030(1), shall be guilty of a misdemeanor. Each ((day)) month of such operation out of compliance with RCW 70.119.030(1) shall constitute a separate offense. Upon conviction, violators shall be fined an amount not exceeding one hundred dollars for each offense. It shall be the duty of the prosecuting attorney or the attorney general, as appropriate to secure injunctions of continuing violations of any provisions of this chapter or the rules and regulations adopted hereunder: PROVIDED, That, except in the case of fraud, deceit, or gross negligence under

RCW 70.119.110, no revocation, citation or charge shall be made under RCW 70.119.110 and 70.119.130 until a proper written notice of violation is received and a reasonable opportunity for correction has been given.

Passed the House March 30, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 293

[House Bill No. 555]

LAWS AGAINST DISCRIMINATION—REVISIONS

AN ACT Relating to discrimination; amending section 17, chapter 270, Laws of 1955 as last amended by section 2, chapter 259, Laws of 1981 and RCW 49.60.250; and amending section 5, chapter 100, Laws of 1961 and RCW 49.44.090.

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

Sec. 1. Section 17, chapter 270, Laws of 1955 as last amended by section 2, chapter 259, Laws of 1981 and RCW 49.60.250 are each amended to read as follows:

(1) In case of failure to reach an agreement for the elimination of such unfair practice, and upon the entry of findings to that effect, the entire file, including the complaint and any and all findings made, shall be certified to the chairman of the ((board)) commission. The chairman of the ((board)) commission shall thereupon request the appointment of an administrative law judge under Title 34 RCW to hear the complaint and shall cause to be issued and served in the name of the ((board)) commission a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint at a hearing before the administrative law judge, at a time and place to be specified in such notice.

(2) The place of any such hearing may be the office of the ((board)) commission or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the ((board)) commission: PROVIDED, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the ((board)) commission who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall he participate in the deliberations of the administrative law judge in such case. Any endeavors or negotiations for conciliation shall not be received in evidence.

(3) The respondent may file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine the complainant.

(4) The administrative law judge conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and recorded.

(5) If, upon all the evidence, the administrative law judge finds that the respondent has engaged in any unfair practice, the administrative law judge shall state findings of fact and shall issue and file with the ((board)) commission and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair practice and to take such affirmative action, including, (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, an admission or restoration to full membership rights in any respondent organization, or to take such other action as, in the judgment of the administrative law judge, will effectuate the purposes of this chapter, including action that could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed one thousand dollars, and including a requirement for report of the matter on compliance.

(6) If, upon all the evidence, the administrative law judge finds that the respondent has not engaged in any alleged unfair practice, the administrative law judge shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

(7) An order dismissing a complaint may include an award of reasonable attorneys' fees in favor of the respondent if the administrative law judge concludes that the complaint was frivolous, unreasonable, or groundless.

(8) The ((board)) commission shall establish rules of practice to govern, expedite and effectuate the foregoing procedure.

Sec. 2. Section 5, chapter 100, Laws of 1961 and RCW 49.44.090 are each amended to read as follows:

It shall be an unfair practice:

(1) For an employer or licensing agency, because an individual is between the ages of forty and ((~~sixty-five~~)) seventy, to refuse to hire or employ or license or to bar or to terminate from employment such individual, or to discriminate against such individual in promotion, compensation or in terms, conditions or privileges of employment: PROVIDED, That employers or licensing agencies may establish reasonable minimum and/or maximum age limits with respect to candidates for positions of employment, which positions are of such a nature as to require extraordinary physical effort, endurance, condition or training, subject to the approval of the director of labor and industries through the division of industrial relations.

(2) For any employer, licensing agency or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination respecting individuals

between the ages of forty and (~~sixty-five~~) seventy: PROVIDED, That nothing herein shall forbid a requirement of disclosure of birth date upon any form of application for employment or by the production of a birth certificate or other sufficient evidence of the applicant's true age.

Nothing contained in this section or in RCW 49.60.180 as to age shall be construed to prevent the termination of the employment of any person who is physically unable to perform his duties or to affect the retirement policy or system of any employer where such policy or system is not merely a subterfuge to evade the purposes of this section; nor shall anything in this section or in RCW 49.60.180 be deemed to preclude the varying of insurance coverages according to an employee's age; nor shall this section be construed as applying to any state, county, or city law enforcement agencies, or as superseding any law fixing or authorizing the establishment of reasonable minimum or maximum age limits with respect to candidates for certain positions in public employment which are of such a nature as to require extraordinary physical effort, or which for other reasons warrant consideration of age factors.

Passed the House April 23, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 294

[House Bill No. 569]

PUBLIC DISCLOSURE REPORTS

AN ACT Relating to public disclosure reports required to be filed with county officials; adding a new section to chapter 29.07 RCW; and adding a new section to chapter 42.17 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 42.17 RCW a new section to read as follows:

With regard to the reports required by this chapter to be filed with a county auditor or county elections official, the commission shall adopt rules governing the arrangement, handling, indexing, and disclosing of those reports by the county auditor or county elections official. The rules shall ensure ease of access by the public to the reports and shall include, but not be limited to, requirements for indexing the reports by the names of candidates or political committees and by the ballot proposition for or against which a political committee is receiving contributions or making expenditures.

NEW SECTION. Sec. 2. There is added to chapter 29.07 RCW a new section to read as follows:

Each county auditor or county elections official shall ensure that reports filed pursuant to chapter 42.17 RCW are arranged, handled, indexed, and

disclosed in a manner consistent with the rules of the public disclosure commission adopted under section 1 of this act.

Passed the House March 27, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 295

[Substitute House Bill No. 576]

VETERANS' RELIEF

AN ACT Relating to veterans; amending section 1, page 208, Laws of 1888 as last amended by section 1, chapter 180, Laws of 1947 and RCW 73.08.010; amending section 2, page 208, Laws of 1888 as last amended by section 2, chapter 180, Laws of 1947 and RCW 73.08.030; amending section 4, page 209, Laws of 1888 as last amended by section 4, chapter 180, Laws of 1947 and RCW 73.08.050; amending section 5, page 209, Laws of 1888 as last amended by section 5, chapter 180, Laws of 1947 and RCW 73.08.060; amending section 6, page 209, Laws of 1888 as last amended by section 1, chapter 15, Laws of 1949 and RCW 73.08.070; and amending section 7, page 210, Laws of 1888 as last amended by section 6, chapter 155, Laws of 1980 and RCW 73.08.080.

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

Sec. 1. Section 1, page 208, Laws of 1888 as last amended by section 1, chapter 180, Laws of 1947 and RCW 73.08.010 are each amended to read as follows:

For the relief of indigent and suffering (~~Union soldiers, sailors and marines who served in the Civil War, in the war of Mexico or in any of the Indian wars in the United States, the Spanish-American war and Philippine insurrection, soldiers, sailors and marines who served in the United States army, navy, or marine corps between April 6, 1917, and the date upon which peace is finally concluded with the German government and its allies, or soldiers, sailors and marines who served in the army, navy or marine corps of the United States in any other foreign war, insurrection, or expedition, which service shall be governed by the issuance of a campaign badge by the government of the United States of America, or for any members of the armed forces of the United States in the existing war between the United States and Japan and her allies, or the existing war between the United States and Germany and her allies,)~~ veterans as defined in RCW 41.04.005 and their families or the families of those deceased, who need assistance in any city, town or precinct in this state, the (~~board of commissioners~~) legislative authority of the county in which (~~said~~) the city, town or precinct is situated shall provide such sum or sums of money as may be necessary, to be drawn upon by the commander and quartermaster, or commander and adjutant or commander and service officer of any post, camp or chapter of any national organization of veterans now, or which may hereafter be, chartered by an act of congress in (~~said~~) the city or

town upon recommendation of the relief committee of said post, camp or chapter: PROVIDED, Said (~~soldier, sailor or marine;~~) veteran or the families of those deceased are and have been residents of the state for at least twelve months, and the orders of said commander and quartermaster, or commander and adjutant or commander and service officer shall be the proper voucher for the expenditure of said sum or sums of money.

Sec. 2. Section 2, page 208, Laws of 1888 as last amended by section 2, chapter 180, Laws of 1947 and RCW 73.08.030 are each amended to read as follows:

If there be no post, camp or chapter of any national organization of veterans now, or which may hereafter be, chartered by an act of congress, in any precinct in which it should be granted, the (~~county commissioners~~) legislative authority of the county in which said precinct is, may accept and pay the orders drawn, as hereinbefore provided by the commander and quartermaster, or commander and adjutant or commander and service officer, of any post, camp or chapter of any national organization of veterans now, or which may hereafter be, chartered by an act of congress, located in the nearest city or town, upon the recommendation of a relief committee who shall be residents of the said precinct in which the relief may be furnished.

Sec. 3. Section 4, page 209, Laws of 1888 as last amended by section 4, chapter 180, Laws of 1947 and RCW 73.08.050 are each amended to read as follows:

The county (~~commissioners~~) legislative authority may require of the commander and quartermaster, or commander and adjutant or commander and service officer, of any post, camp or chapter of any national organization of veterans now, or which may hereafter be, chartered by an act of congress undertaking to distribute relief under this chapter a bond with sufficient and satisfactory sureties for the faithful and honest discharge of their duties under this chapter.

Sec. 4. Section 5, page 209, Laws of 1888 as last amended by section 5, chapter 180, Laws of 1947 and RCW 73.08.060 are each amended to read as follows:

County (~~commissioners~~) legislative authorities are hereby prohibited from sending indigent (~~Union, Spanish-American war soldiers, sailors and marines, soldiers, sailors and marines who have served the United States in the United States army, navy, or marine corps between April 6, 1917, and the date upon which peace is finally concluded with the German government and its allies, or soldiers, sailors and marines who served in the army, navy, or marine corps of the United States in any other foreign war, insurrection or expedition, which service shall be governed by the issuance of a campaign badge by the government of the United States of America, or any members of the armed forces of the United States in the existing war between the~~

~~United States and Germany and her allies or the existing war between the United States and Japan and her allies (~~) or disabled veterans as defined in RCW 41.04.005 ~~or their families or the families of the deceased(~~), ~~of the classes of persons mentioned in RCW 73.08.010;~~) to any almshouse (or orphan asylum) without the concurrence and consent of the commander and relief committee of the post, camp or chapter of any national organization of veterans now, or which may hereafter be, chartered by an act of congress as provided in RCW 73.08.010 and 73.08.030. Indigent veterans shall, whenever practicable, be provided for and relieved at their homes in such city, town or precinct in which they shall have a residence, in the manner provided in RCW 73.08.010 and 73.08.030. Indigent or disabled veterans ~~((of the classes specified in RCW 73.08.010))~~ as defined in RCW 41.04.005, who are not insane and have no families or friends with whom they may be domiciled, may be sent to any soldiers' home.

Sec. 5. Section 6, page 209, Laws of 1888 as last amended by section 1, chapter 15, Laws of 1949 and RCW 73.08.070 are each amended to read as follows:

It shall be the duty of the ~~((board of county commissioners))~~ legislative authority in each of the counties in this state to designate some proper authority other than the one designated by law for the care of paupers and the custody of criminals who shall cause to be interred at the expense of the county the body of any honorably discharged ~~((soldier, sailor or marine who served in the army or the navy of the United States of America during the late Civil War or in the war with Mexico or in any of the Indian wars that occurred in the state of Washington, or the Spanish-American war and the Philippine insurrection, soldiers, sailors and marines who served in the United States army, navy or marine corps between April 6, 1917, and the date upon which peace is finally concluded with the German government and its allies, or soldiers, sailors and marines who served in the army, navy or marine corps of the United States in any other foreign war, insurrection or expedition which service shall be governed by the issuance of a campaign badge by the government of the United States of America, or any member of the armed forces of the United States in the existing war between the United States and Germany and her allies or the existing war between the United States and Japan and her allies;))~~ veterans as defined in RCW 41.04.005 and the wives, husbands, minor children, widows or widowers of such ~~((soldiers, sailors or marines))~~ veterans, who shall hereafter die without leaving means sufficient to defray funeral expenses; and when requested so to do by the commanding officer of any post, camp or chapter of any national organization of veterans now, or which may hereafter be, chartered by an act of congress or the relief committee of any such posts, camps or chapters: PROVIDED, HOWEVER, That such interment shall not cost more than ~~((one))~~ three hundred ~~((eighty))~~ dollars. If the deceased has relatives or friends who desire to conduct the burial of such deceased person,

then upon request of said commander or relief committee a sum not to exceed ~~((one))~~ three hundred ~~((eighty))~~ dollars shall be paid to said relatives or friends by the county treasurer, upon due proof of the death and burial of any person provided for by this section and proof of expenses incurred.

Sec. 6. Section 7, page 210, Laws of 1888 as last amended by section 6, chapter 155, Laws of 1980 and RCW 73.08.080 are each amended to read as follows:

The ~~((boards of county commissioners))~~ legislative authorities of the several counties in this state shall levy, in addition to the taxes now levied by law, a tax in a sum equal to the amount which would be raised by not less than one and one-eighth cents per thousand dollars of assessed value, and not greater than twenty-seven cents per thousand dollars of assessed value against the taxable property of their respective counties, to be levied and collected as now prescribed by law for the assessment and collection of taxes, for the purpose of creating the veteran's relief fund for the relief of honorably discharged veterans ~~((who served in the armed forces of the United States in the Civil War, in the war of Mexico or in any of the Indian wars, or the Spanish-American war or the Philippine insurrection, in the First World War, or Second World War or Korean conflict, or Viet Nam conflict;))~~ as defined in RCW 41.04.005 and the indigent wives, husbands, widows, widowers and minor children of such indigent or deceased veterans, to be disbursed for such relief by such ~~((board of county commissioners))~~ county legislative authority: PROVIDED, That if the funds on deposit, less outstanding warrants, residing in the veteran's relief fund on the first Tuesday in September exceed the expected yield of one and one-eighth cents per thousand dollars of assessed value against the taxable property of the county, the county ~~((commissioners))~~ legislative authority may levy a lesser amount: PROVIDED FURTHER, That the costs incurred in the administration of said veteran's relief fund shall be computed by the county treasurer not less than annually and such amount may then be transferred from the veteran's relief fund as herein provided for to the county current expense fund.

The amount of a levy allocated to the purposes specified in this section may be reduced in the same proportion as the regular property tax levy of the county is reduced by chapter 84.55 RCW.

Passed the House March 30, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 296

[Engrossed Substitute House Bill No. 579]

PRISON WORK PROGRAMS

AN ACT Relating to prison work programs; adding a new section to chapter 43.19 RCW; and creating new sections.

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

NEW SECTION. Sec. 1. The legislature finds and declares that the costs of state government automated data input and retrieval are escalating. The legislature further finds and declares that new record conversion technologies offer a promising means for coping with current records management problems.

NEW SECTION. Sec. 2. It is the policy of the state of Washington that state prisons shall provide prisoners with a work environment in order that, upon their release, inmates may have the skills necessary for the successful reentry into society. It is also the policy of the state to promote the establishment and growth of prison industries whose work shall benefit the state.

NEW SECTION. Sec. 3. The department of general administration and the department of corrections shall implement prison work programs to operate automated data input and retrieval systems for appropriate departments of state government.

NEW SECTION. Sec. 4. Class II institutional industries may subcontract its data input and microfilm capacities to firms from the private sector. Inmates employed under these subcontracts will be paid in accordance with the Class I free venture industries procedures and wage scale.

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

General administration and the data processing authority shall report biennially to the legislature about the degree to which the data entry and microfilm services of institutional industries were used to perform the state's data entry and microfilm work. The report shall include information on the comparative costs of such service.

Passed the House April 23, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 297

[House Bill No. 585]

COMMERCIAL SALMON LICENSES—EMERGENCY EXCEPTION

AN ACT Relating to salmon; and amending section 3, chapter 184, Laws of 1974 ex. sess. as amended by section 4, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.460.

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

Sec. 1. Section 3, chapter 184, Laws of 1974 ex. sess. as amended by section 4, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.460 are each amended to read as follows:

~~((Any))~~ A commercial ~~((salmon))~~ fishing vessel not qualified for a ~~((commercial salmon fishing))~~ license or ~~((vessel delivery))~~ permit under RCW 75.28.455 ~~((and wishing to land salmon caught outside the territorial waters of the state of Washington shall be able to))~~ shall not land salmon in the state of Washington unless, as determined by the director or his designee on a case-by-case basis, a bona fide emergency exists. In such an emergency situation, the vessel owner shall obtain a single delivery vessel delivery permit. The fee for such permit shall be one hundred dollars.

Passed the House April 24, 1983.

Passed the Senate April 24, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 298

[Engrossed House Bill No. 653]

LIVESTOCK MARKETS AND OPEN CONSIGNMENT HORSE SALES—
REGULATIONS MODIFIED

AN ACT Relating to livestock; amending section 1, chapter 107, Laws of 1959 as amended by section 1, chapter 182, Laws of 1961 and RCW 16.65.010; amending section 2, chapter 107, Laws of 1959 and RCW 16.65.020; amending section 4, chapter 107, Laws of 1959 as amended by section 2, chapter 91, Laws of 1979 ex. sess. and RCW 16.65.040; amending section 6, chapter 107, Laws of 1959 and RCW 16.65.060; amending section 9, chapter 107, Laws of 1959 as amended by section 3, chapter 192, Laws of 1971 ex. sess. and RCW 16.65.090; amending section 10, chapter 107, Laws of 1959 and RCW 16.65.100; amending section 15, chapter 107, Laws of 1959 and RCW 16.65.150; amending section 18, chapter 107, Laws of 1959 and RCW 16.65.180; amending section 19, chapter 107, Laws of 1959 and RCW 16.65.190; amending section 4, chapter 182, Laws of 1961 as amended by section 5, chapter 192, Laws of 1971 ex. sess. and RCW 16.65.200; amending section 26, chapter 107, Laws of 1959 and RCW 16.65.260; amending section 40, chapter 107, Laws of 1959 as amended by section 5, chapter 182, Laws of 1961 and RCW 16.65.400; amending section 18, chapter 232, Laws of 1963 and RCW 16.65.423; and adding new sections to chapter 16.65 RCW.

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

Sec. 1. Section 1, chapter 107, Laws of 1959 as amended by section 1, chapter 182, Laws of 1961 and RCW 16.65.010 are each amended to read as follows:

For the purposes of this chapter:

(1) The term "public livestock market" means any place, establishment or facility commonly known as a "public livestock market", "livestock auction market", "livestock sales ring", yards selling on commission, or the like, conducted or operated for compensation or profit as a public livestock market, consisting of pens or other enclosures, and their appurtenances in which livestock is received, held, sold, kept for sale or shipment (~~PROVIDED, That it does not include a farmer selling his own livestock on his own premises by auction or any other method, or a farmers cooperative association or an association of livestock breeders when any class of their own livestock is assembled and offered for sale at a special sale on an occasional and seasonal basis under such association's management and responsibility; and such special sale has been approved by the director in writing; PROVIDED, That such special sale shall be subject to brand and health inspection requirements as herein provided for sales at public livestock markets~~). The term does not include the operation of a person licensed under this chapter to operate a special open consignment horse sale.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of the department or his duly authorized representative.

(4) "Licensee" means any person licensed under the provisions of this chapter.

(5) "Livestock" includes horses, mules, burros, cattle, sheep, swine, and goats.

(6) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

(7) "Stockyard" means any place, establishment, or facility commonly known as a stockyard consisting of pens or other enclosures and their appurtenances in which livestock services such as feeding, watering, weighing, sorting, receiving and shipping are offered to the public: PROVIDED, That stockyard shall not include any facilities where livestock is offered for sale at public auction, feed lots, or quarantined registered feed lots.

(8) "Packer" means any person engaged in the business of slaughtering, manufacturing, preparing meat or meat products for sale, marketing meat, meat food products or livestock products.

(9) "Deputy state veterinarian" means a graduate veterinarian authorized to practice in the state of Washington and appointed or deputized by the director as his duly authorized representative.

(10) "Special open consignment horse sale" means a sale conducted by a person other than the operator of a public livestock market which is limited to the consignment of horses and donkeys only for sale on an occasional and seasonal basis.

NEW SECTION. Sec. 2. There is added to chapter 16.65 RCW a new section to read as follows:

This chapter does not apply to:

(1) A farmer selling his own livestock on the farmer's own premises by auction or any other method.

(2) A farmers' cooperative association or an association of livestock breeders when any class of their own livestock is assembled and offered for sale at a special sale on an occasional and seasonal basis under the association's management and responsibility, and the special sale has been approved by the director in writing. However, the special sale shall be subject to brand and health inspection requirements as provided in this chapter for sales at public livestock markets.

NEW SECTION. Sec. 3. There is added to chapter 16.65 RCW a new section to read as follows:

(1) A person shall not operate a special open consignment horse sale without first obtaining a license from the director. The application for the license shall include:

(a) A detailed statement showing all of the assets and liabilities of the applicant;

(b) The schedule of rates and charges the applicant proposes to impose on the owners of horses for services rendered in the operation of the horse sale;

(c) The specific date and exact location of the proposed sale;

(d) Projected quantity and approximate value of horses to be handled; and

(e) Such other information as the director may reasonably require.

(2) The application shall be accompanied by a license fee of one hundred dollars. Upon the approval of the application by the director and compliance with this chapter, the applicant shall be issued a license. A special open consignment horse sale license is valid only for the specific date or dates and exact location for which the license was issued.

NEW SECTION. Sec. 4. There is added to chapter 16.65 RCW a new section to read as follows:

The sum of the bond to be executed by an applicant for a special open consignment horse sale license shall be determined by estimating the dollar volume of business to be carried on, at, or through the applicant's proposed special open consignment horse sale. The bond amount shall be that amount estimated as the applicant's dollar volume of business. However, the bond

shall not be in an amount less than ten thousand dollars. If the amount exceeds fifty thousand dollars, then that portion above fifty thousand dollars shall be at the rate of ten percent of that value, except that the amount of the bond shall be to the nearest greater five thousand dollar figure.

Sec. 5. Section 2, chapter 107, Laws of 1959 and RCW 16.65.020 are each amended to read as follows:

Public livestock markets and special open consignment horse sales shall be under the direction and supervision of the director, and the director, but not his duly authorized representative, may adopt such rules and regulations as are necessary to carry out the purpose of this chapter. It shall be the duty of the director to enforce and carry out the provisions of this chapter and rules and regulations adopted hereunder. No person shall interfere with the director when he is performing or carrying out any duties imposed upon him by this chapter or rules and regulations adopted hereunder.

Sec. 6. Section 4, chapter 107, Laws of 1959 as amended by section 2, chapter 91, Laws of 1979 ex. sess. and RCW 16.65.040 are each amended to read as follows:

All public livestock market licenses provided for in this chapter shall expire on March 1st subsequent to the date of issue. Any person who fails, refuses, or neglects to apply for a renewal of a preexisting license on or before the date of expiration, shall pay a penalty of twenty-five dollars, which shall be added to the regular license fee, before such license may be renewed by the director.

Sec. 7. Section 6, chapter 107, Laws of 1959 and RCW 16.65.060 are each amended to read as follows:

The licensee's license shall be posted conspicuously in the main office of such licensee's public livestock market or special open consignment horse sale.

Sec. 8. Section 9, chapter 107, Laws of 1959 as amended by section 3, chapter 192, Laws of 1971 ex. sess. and RCW 16.65.090 are each amended to read as follows:

The director shall provide for brand inspection. When such brand inspection is required the licensee shall collect from the consignor and pay to the department, as provided by law, a fee for brand inspection for each animal consigned to the public livestock market or special open consignment horse sale: PROVIDED, That if in any one sale day the total fees collected for brand inspection do not exceed ((forty)) sixty dollars, then such licensee shall pay ((forty)) sixty dollars for such brand inspection or as much thereof as the director may prescribe.

Sec. 9. Section 10, chapter 107, Laws of 1959 and RCW 16.65.100 are each amended to read as follows:

The licensee of each public livestock market or special open consignment horse sale shall collect from any purchaser of livestock requesting brand inspection a fee as provided by law for each animal inspected. Such fee shall be in addition to the fee charged to the consignor for brand inspection and shall not apply to the minimum fee chargeable to the licensee.

Sec. 10. Section 15, chapter 107, Laws of 1959 and RCW 16.65.150 are each amended to read as follows:

The delivery of livestock, for the purpose of sale, by any consignor or vendor to a public livestock market or special open consignment horse sale without making a full disclosure to the agent or licensee of such public livestock market or special open consignment horse sale of any unsatisfied lien or mortgage upon such livestock shall constitute a gross misdemeanor.

Sec. 11. Section 18, chapter 107, Laws of 1959 and RCW 16.65.180 are each amended to read as follows:

All rates or charges made for any stockyard services furnished at a public livestock market or special open consignment horse sale shall be just, reasonable, and nondiscriminatory, and any unjust, unreasonable, or discriminatory rate or charge is prohibited and declared to be unlawful.

Sec. 12. Section 19, chapter 107, Laws of 1959 and RCW 16.65.190 are each amended to read as follows:

No person shall hereafter operate a public livestock market or special open consignment horse sale unless such person has filed a schedule with the application for license to operate such public livestock market or special open consignment horse sale. Such schedule shall show all rates and charges for stockyard services to be furnished by such person at such public livestock market or special open consignment horse sale.

(1) Schedules shall be posted conspicuously at the public livestock market or special open consignment horse sale, and shall plainly state all such rates and charges in such detail as the director may require, and shall state any rules and regulations which in any manner change, affect, or determine any part of the aggregate of such rates or charges, or the value of the stockyard services furnished. The director may determine and prescribe the form and manner in which such schedule shall be prepared, arranged and posted.

(2) No changes shall be made in rates or charges so filed and published except after thirty days' notice to the director and to the public filed and posted as aforesaid, which shall plainly state the changes proposed to be made and the time such changes will go into effect.

(3) No licensee shall charge, demand or collect a greater or a lesser or a different compensation for such service than the rates and charges specified in the schedule filed with the director and in effect at the time; nor shall a licensee refund or remit in any manner any portion of the rates or charges

so specified (but this shall not prohibit a cooperative association of producers from properly returning to its members, on a patronage basis, its excess earnings on their livestock); nor shall a licensee extend to any person at such public livestock market or special open consignment horse sale any stockyard services except such as are specified in such schedule.

Sec. 13. Section 4, chapter 182, Laws of 1961 as amended by section 5, chapter 192, Laws of 1971 ex. sess. and RCW 16.65.200 are each amended to read as follows:

Before the license is issued to operate a public livestock market or special open consignment horse sale, the applicant shall execute and deliver to the director a surety bond in a sum as herein provided for, executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety. Said bond shall be a standard form and approved by the director as to terms and conditions. Said bond shall be conditioned that the principal will not commit any fraudulent act and will comply with the provisions of this chapter and the rules and/or regulations adopted hereunder. Said bond shall be to the state in favor of every consignor and/or vendor creditor whose livestock was handled or sold through or at the licensee's public livestock market or special open consignment horse sale: **PROVIDED**, That if such applicant is bonded as a market agency under the provisions of the packers and stockyards act, (7 U.S.C. 181) as amended, on March 20, 1961, in a sum equal to or greater than the sum required under the provisions of this chapter, and such applicant furnishes the director with a bond approved by the United States secretary of agriculture naming the department as trustee, the director may accept such bond and its method of termination in lieu of the bond provided for herein and issue a license if such applicant meets all the other requirements of this chapter.

The total and aggregate liability of the surety for all claims upon the bond shall be limited to the face of such bond. Every bond filed with and approved by the director shall, without the necessity of periodic renewal, remain in force and effect until such time as the license of the licensee is revoked for cause or otherwise canceled. The surety on a bond, as provided herein, shall be released and discharged from all liability to the state accruing on such bond upon compliance with the provisions of RCW 19.72.110 concerning notice and proof of service, as enacted or hereafter amended, but this shall not operate to relieve, release or discharge the surety from any liability already accrued or which shall accrue (due and to become due hereunder) before the expiration period provided for in RCW 19.72.110 concerning notice and proof of service as enacted or hereafter amended, and unless the principal shall before the expiration of such period, file a new bond, the director shall forthwith cancel the principal's license.

Sec. 14. Section 26, chapter 107, Laws of 1959 and RCW 16.65.260 are each amended to read as follows:

In case of failure by a licensee to pay amounts due a vendor or consignor or creditor whose livestock was handled or sold through or at the licensee's public livestock market or special open consignment horse sale, as evidenced by a verified complaint filed with the director, the director may proceed forthwith to ascertain the names and addresses of all vendor or consignor creditors of such licensee, together with the amounts due and owing to them and each of them by such licensee, and shall request all such vendor and consignor creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known vendor or consignor creditor at his last known address.

Sec. 15. Section 40, chapter 107, Laws of 1959 as amended by section 5, chapter 182, Laws of 1961 and RCW 16.65.400 are each amended to read as follows:

(1) Each public livestock market licensee shall maintain and operate approved weighing facilities for the weighing of livestock at such licensee's public livestock market.

(2) All dial scales used by the licensee shall be of adequate size to be readily visible to all interested parties and shall be equipped with a mechanical weight recorder.

(3) All beam scales used by the licensee shall be equipped with a balance indicator, a weigh beam and a mechanical weight recorder, all readily visible to all interested parties.

(4) All scales used by the licensee shall be checked for balance at short intervals during the process of selling and immediately prior to the beginning of each sale day.

(5) The scale ticket shall have the weights mechanically imprinted upon such tickets when the weigh beam is in balance during the process of weighing, and shall be issued in triplicate, for all livestock weighed at a public livestock market. A copy of such weight tickets shall be issued to the buyer and seller of the livestock weighed.

Sec. 16. Section 18, chapter 232, Laws of 1963 and RCW 16.65.423 are each amended to read as follows:

The director shall have the authority to issue a public livestock market license pursuant to the provisions of this chapter limited to the sale of horses and/or mules and to allocate a sales day or days to such licensee. The director is hereby authorized and directed to adopt regulations for facilities and sanitation applicable to such a license. The facility requirements of RCW 16.65.360 shall not be applicable to such licensee's operation as provided for in this section.

Passed the House March 26, 1983.

Passed the Senate April 20, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 299

[Substitute House Bill No. 661]

FOREST FIRE PROTECTION ASSESSMENTS—FIRE SUPPRESSION ACCOUNT ASSESSMENTS

AN ACT Relating to forest protection; amending section 1, chapter 102, Laws of 1977 ex. sess. as last amended by section 1, chapter 55, Laws of 1982 1st ex. sess. and RCW 76.04.360; and amending section 8, chapter 207, Laws of 1971 ex. sess. as last amended by section 2, chapter 55, Laws of 1982 1st ex. sess. and RCW 76.04.515.

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

Sec. 1. Section 1, chapter 102, Laws of 1977 ex. sess. as last amended by section 1, chapter 55, Laws of 1982 1st ex. sess. and RCW 76.04.360 are each amended to read as follows:

If any owner of forest land neglects or fails to provide adequate fire protection therefor as required by RCW 76.04.350, the department shall provide such protection therefor, notwithstanding the provisions of RCW 76.04.515, at a cost to the owner of not to exceed twenty-one cents an acre per year on lands west of the summit of the Cascade mountains and seventeen cents an acre per year on lands east of the summit of the Cascade mountains: PROVIDED, That (1) there shall be no assessment on each parcel of privately owned lands of less than two acres or on each parcel of tax exempt lands of less than ten acres; (2) for lands not exempt under (1) of this proviso, the cost for any ownership parcel containing less than thirty acres shall not be less than five dollars and ten cents east of the Cascade mountains and six dollars and thirty cents west of the Cascade mountains (PROVIDED FURTHER, That); and (3) an owner of two or more parcels per county, each containing less than thirty acres, may obtain a ((certified list of such parcels from the county assessor and file it by January 1 each year with the department, which will collect from that owner one minimum assessment for all parcels. Should)) refund of the assessments paid on all such parcels over one by applying therefor within the year the assessment was due to the department of natural resources, in such form as the department may require, upon showing to the satisfaction of the department that all assessments and property taxes on the property have been paid, but if the total acreage of the parcels ((filed)) exceed thirty acres, the per-acre rate shall apply and the refund shall be computed accordingly. ((If payment is not received within ten days of filing, the owner shall not be entitled to the exception contained in this proviso for that tax year and the assessments shall be collected as otherwise provided.)) Application for the refund may be made by mail.

For the purpose of chapter 76.04 RCW, the supervisor may divide the forest lands of the state, or any part thereof, into districts, for ((patrol)) fire protection and assessment purposes, may classify lands according to the

character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Such cost must be justified by a showing of budgets on demand of twenty-five owners of forest land in the county concerned at public hearing. Any amounts paid or contracted to be paid by the supervisor of the department of natural resources for this purpose from any funds at his disposal shall be a lien upon the property (~~(patrolled and)~~) protected, and unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred, on which date the supervisor of the department of natural resources shall be prepared to make statement thereof upon request to any forest owner whose own protection has not been previously approved by him as adequate, shall be reported by the supervisor of the department of natural resources to the assessor of the county in which the property is situated who shall extend the amounts upon the tax rolls covering the property, or the county assessor shall upon authorization from the supervisor of the department of natural resources levy the forest (~~(patrol)~~) fire protection assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records and the assessor may then segregate on his records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in (~~(chapter 52.04)~~) RCW 52.16.170.

The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the supervisor of the department of natural resources certifying them to the treasurer of the county in which the land involved is situated. Assessments shall be known and designated as assessments of the year in which the amounts became reimbursable. Upon the collection of such assessments the county treasurer shall transmit them to the supervisor of the department of natural resources to be applied against expenses incurred in carrying out the provisions of this section, including necessary and reasonable administrative costs incurred by the department in the enforcement of these provisions. He may also expend any sums collected from owners of forest lands or received from any other source for necessary administrative costs in connection with the enforcement of RCW 76.04.370.

When land against which forest (~~(patrol)~~) fire protection assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment, and the county treasurer in case the proceeds of sale exceed the amount of the delinquent tax judgment shall forthwith remit to the supervisor of the department of natural resources the amount of the outstanding (~~(patrol)~~) forest fire protection assessments.

All public bodies owning or administering forest lands shall pay the forest ((patrol)) fire protection assessments provided in this section and the special forest fire suppression account assessments under RCW 76.04.515. The forest ((patrol)) fire protection assessments and special forest fire suppression account assessments shall be payable by public bodies from any available funds within thirty days following receipt of the written notice from the department which is given after October 1st of the year in which the protection was provided. Unpaid assessments shall not be a lien against the publicly owned land but shall constitute a debt by the public body to the department and shall be subject to interest charges in the same amount as other unpaid forest ((patrol)) fire protection assessments.

A public body, having failed to previously pay forest ((patrol)) fire protection assessments required of it by this section, which fails to suppress a fire on or originating from forest lands owned or administered by it shall be liable for the costs of suppression incurred by the department or its agent and shall not be entitled to reimbursement of any costs incurred by the public body in the suppression activities.

The supervisor of the department of natural resources shall furnish the surety company bond under RCW 43.30.170(6), conditioned for the faithful performance of his duties and for a faithful accounting for all sums received and expended thereunder, which bond shall be approved by the attorney general.

The supervisor of the department of natural resources may adopt rules to implement this section, including, but not limited to, rules on the levying and collecting of forest fire protection assessments.

Sec. 2. Section 8, chapter 207, Laws of 1971 ex. sess. as last amended by section 2, chapter 55, Laws of 1982 1st ex. sess. and RCW 76.04.515 are each amended to read as follows:

There is created a landowner contingency forest fire suppression account which shall be a separate account in the general fund. This account shall be for the purpose of paying emergency fire costs incurred or approved by the department in the suppression of forest fires. When a determination is made that the fire was started by other than a participating landowner operation, moneys expended from this account in the suppression of such fire shall be recovered from such general fund appropriations as may be available for emergency fire suppression costs. Moneys spent from this account shall be by appropriation. The department shall transmit to the state treasurer for deposit in the landowner contingency forest fire suppression account any moneys paid out of said account which are later recovered, less reasonable costs of recovery, which moneys may be expended for purposes set forth herein during the current biennium, without reappropriation.

This account shall be established and renewed by a special forest fire suppression account assessment paid by participating forest landowners at rates to be established by the department, but not to exceed ten cents per

acre per year for such period of years as may be necessary to establish and thereafter reestablish a balance in said account of two million dollars; PROVIDED, That the department may establish a minimum assessment for ownership parcels containing less than thirty acres. The maximum assessment for these parcels shall not exceed the fees levied on a thirty acre parcel. There shall be no assessment on each parcel of privately owned lands of less than two acres or on each parcel of tax exempt lands of less than ten acres. The assessments with respect to forest lands in western and eastern Washington may differ to equitably distribute the assessment based on emergency fire suppression cost experience necessitated by participating landowner operations. Amounts assessed for this account shall be a lien upon the forest lands with respect to which the assessment is made, and may be collected as directed by the department in the same manner as forest ((patrol)) fire protection assessments. This account shall be held by the state treasurer who is authorized to invest so much of said account as is not necessary to meet current needs. Any interest earned on moneys from said account shall be deposited in and remain a part of the account, and shall be computed as part of the same in determining the balance thereof. Interfund loans to and from this account are authorized at the then current rate of interest as determined by the state treasurer, provided that the effect of the loan is considered for purposes of determining the assessments. Payment of emergency costs from this account shall in no way restrict the right of the department to recover costs pursuant to RCW 76.04.390 as now or hereafter amended, or other laws.

When the department determines that a forest fire was started in the course of or as a result of a participating landowner operation, it shall notify the forest fire advisory board of such determination. Such determination shall be final, unless, within ninety days of such notification, the forest fire advisory board or any interested party, serves a request for a hearing before the department. Such hearing shall constitute a contested case under chapter 34.04 RCW and any appeal therefrom shall be to the superior court of Thurston county.

Passed the House March 29, 1983.

Passed the Senate April 20, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 300

[Engrossed House Bill No. 674]

STURGEON FISHING

AN ACT Relating to food fish; adding a new section to chapter 75.28 RCW; creating a new section; and providing an effective date.

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

NEW SECTION. Sec. 1. In an effort to enhance recreational opportunity and improve management of the resource, the director shall pursue the elimination of set line fishing for sturgeon through the Columbia river compact, RCW 75.40.010.

NEW SECTION. Sec. 2. There is added to chapter 75.28 RCW a new section to read as follows:

In addition to a set line license, a Columbia river sturgeon endorsement is required to take sturgeon commercially with set lines in the waters of the Columbia river or its tributaries. The annual endorsement fee is two hundred dollars for residents and four hundred dollars for nonresidents.

NEW SECTION. Sec. 3. This act shall take effect on January 1, 1984.

Passed the House April 23, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 301

[Engrossed House Bill No. 683]

INDUSTRIAL INSURANCE APPEALS—INTEREST

AN ACT Relating to industrial insurance appeals; and adding a new section to chapter 51.52 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 51.52 RCW a new section to read as follows:

(1) When a worker or beneficiary prevails in an appeal by the employer to the board or in an appeal by the employer to the court from the decision and order of the board, the worker or beneficiary shall be entitled to interest at the rate of twelve percent per annum on the unpaid amount of the award after deducting the amount of attorney fees.

(2) When a worker or beneficiary prevails in an appeal by the worker or beneficiary to the board or the court regarding a claim for temporary total disability, the worker or beneficiary shall be entitled to interest at the rate of twelve percent per annum on the unpaid amount of the award after deducting the amount of attorney fees.

(3) The interest provided for in subsections (1) and (2) of this section shall accrue from the date of the department's order granting the award or

denying payment of the award. The interest shall be paid by the party having the obligation to pay the award. The amount of interest to be paid shall be fixed by the board or court, as the case may be.

Passed the House April 19, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 302

[House Bill No. 747]

GENERAL PARTNERS—LIABILITY—CONDITIONS FOR LIMITED LIABILITY

AN ACT Relating to the uniform limited partnership act; amending section 20, chapter 51, Laws of 1981 and RCW 25.10.200; and amending section 24, chapter 51, Laws of 1981 and RCW 25.10.240.

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

Sec. 1. Section 20, chapter 51, Laws of 1981 and RCW 25.10.200 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person who makes a contribution to a business enterprise and erroneously but in good faith believes that he has become a limited partner in the enterprise is not a general partner in the enterprise and is not bound by its obligations by reason of making the contribution, receiving distributions from the enterprise, or exercising any rights of a limited partner, if, on ascertaining the mistake, he:

(a) Causes an appropriate certificate of limited partnership or a certificate of amendment to be executed and filed; or

(b) Withdraws from future equity participation in the enterprise by executing and filing in the office of the secretary of state a certificate or statement declaring withdrawal under this section.

(2) A person who makes a contribution of the kind described in subsection (1) of this section is liable as a general partner to any third party who transacts business with the enterprise (a) before the person withdraws and an appropriate certificate or statement is filed to show withdrawal, or (b) before an appropriate certificate is filed to show his status as a limited partner and, in the case of an amendment, after expiration of the thirty-day period for filing an amendment relating to the person as a limited partner under RCW 25.10.090, but in either case only if the third party actually believed in good faith that the person was a general partner at the time of the transaction.

Sec. 2. Section 24, chapter 51, Laws of 1981 and RCW 25.10.240 are each amended to read as follows:

(1) Except as provided in this chapter or in the partnership agreement, a general partner of a limited partnership has the rights and powers and is subject to the restrictions (~~and liabilities~~) of a partner in a partnership without limited partners.

(2) Except as provided in this chapter, a general partner of a limited partnership has the liabilities of a partner in a partnership without limited partners to persons other than the partnership and the other partners. Except as provided in this chapter or in the partnership agreement, a general partner of a limited partnership has the liabilities of a partner in a partnership without limited partners to the partnership and to the other partners.

Passed the House April 22, 1983.

Passed the Senate April 17, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 303

[Engrossed House Bill No. 753]

LOCAL IMPROVEMENTS—MODIFICATIONS—STATE RAIL PLAN— COUNTY RAIL DISTRICTS

AN ACT Relating to local improvements; amending section 35.43.130, chapter 7, Laws of 1965 as amended by section 6, chapter 52, Laws of 1967 and RCW 35.43.130; amending section 35.43.150, chapter 7, Laws of 1965 and RCW 35.43.150; amending section 35.43.180, chapter 7, Laws of 1965 as last amended by section 8, chapter 52, Laws of 1967 and RCW 35.43.180; amending section 19, chapter 2, Laws of 1983 and RCW 84.52.052; amending section 35.50.030, chapter 7, Laws of 1965 as last amended by section 1, chapter 91, Laws of 1982 and RCW 35.50.030; amending section 35.50.230, chapter 7, Laws of 1965 as last amended by section 3, chapter 91, Laws of 1982 and RCW 35.50.230; amending section 35.50.250, chapter 7, Laws of 1965 as amended by section 5, chapter 91, Laws of 1982 and RCW 35.50.250; amending section 35.50.260, chapter 7, Laws of 1965 as last amended by section 7, chapter 91, Laws of 1982 and RCW 35.50.260; amending section 35.50.270, chapter 7, Laws of 1965 as amended by section 8, chapter 91, Laws of 1982 and RCW 35.50.270; adding a new chapter to Title 47 RCW; and adding a new chapter to Title 36 RCW.

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

Sec. 1. Section 35.43.130, chapter 7, Laws of 1965 as amended by section 6, chapter 52, Laws of 1967 and RCW 35.43.130 are each amended to read as follows:

Upon the filing of a petition or upon the adoption of a resolution, as the case may be, initiating a proceeding for the formation of a local improvement district or utility local improvement district, the proper board, officer, or authority designated by charter or ordinance to make the preliminary estimates and assessment roll shall cause an estimate to be made of the cost and expense of the proposed improvement and certify it to the legislative authority of the city or town together with all papers and information in its possession touching the proposed improvement, a description of the boundaries of the district, and a statement of what portion of the cost and expense

of the improvement should be borne by the property within the proposed district (~~(, a statement in detail of the local improvement assessments outstanding and unpaid against the property in the proposed district, and a statement of the aggregate actual valuation of the real estate including twenty-five percent of the actual valuation of the improvements in the proposed district according to the valuation last placed upon it for the purposes of general taxation)~~).

If the proceedings were initiated by petition the designated board, officer or authority shall also determine the sufficiency of the petition and whether the facts set forth therein are true. If the petition is found to be sufficient and in all proceedings initiated by resolution of the legislative authority of the city or town, the estimates must be accompanied by a diagram showing thereon the lots, tracts, and parcels of land and other property which will be specially benefited by the proposed improvement and the estimated amount of the cost and expense thereof to be borne by each lot, tract, or parcel of land or other property: PROVIDED, That no such diagram shall be required where such estimates are on file in the office of the city engineer, or other designated city office, together with a detailed copy of the preliminary assessment roll and the plans and assessment maps of the proposed improvement.

For the purpose of estimating and levying local improvement assessments, the value of property of the United States, of the state, or of any county, city, town, school district, or other public corporation whose property is not assessed for general taxes shall be computed according to the standards afforded by similarly situated property which is assessed for general taxes.

Sec. 2. Section 35.43.150, chapter 7, Laws of 1965 and RCW 35.43.150 are each amended to read as follows:

Notice of the hearing upon a resolution declaring the intention of the legislative authority of a city or town to order an improvement shall be given by mail at least fifteen days before the day fixed for hearing to the owners or reputed owners of all lots, tracts, and parcels of land or other property to be specially benefited by the proposed improvement, as shown on the rolls of the county (~~(treasurer)~~) assessor, directed to the address thereon shown.

The notice shall set forth the nature of the proposed improvement, the estimated cost, and the estimated benefits of the particular lot, tract, or parcel.

Sec. 3. Section 35.43.180, chapter 7, Laws of 1965 as last amended by section 8, chapter 52, Laws of 1967 and RCW 35.43.180 are each amended to read as follows:

The jurisdiction of the legislative authority of a city or town to proceed with any local improvement initiated by resolution shall be divested by a protest filed with the city or town council within thirty days from the date

of passage of the ordinance ordering the improvement, signed by the owners of the property within the proposed local improvement district or utility local improvement district subject to sixty percent or more of the total cost of the improvement including federally-owned or other nonassessable property as shown and determined by the preliminary estimates and assessment roll of the proposed improvement district or, if all or part of the local improvement district or utility local improvement district lies outside of the city or town, such jurisdiction shall be divested by a protest filed in the same manner and signed by the owners of property which is within the proposed local improvement district or utility local improvement district but outside the boundaries of the city or town, and which is subject to sixty percent or more of that part of the total cost of the improvement allocable to property within the proposed local improvement district or utility local improvement district but outside the boundaries of the city or town, including federally-owned or other nonassessable property: PROVIDED, That such restraint by protest shall not apply to ~~((any local improvement by sanitary sewers or watermains and fire hydrants where the health officer of any city or town shall file with the legislative authority thereof a report showing the necessity for such improvement accompanied by a report of the chief of the fire department in the event such improvement includes fire hydrants, and such))~~ any of the following local improvements, if the legislative body finds and recites in the ordinance or resolution authorizing the improvement that such improvement is necessary for the protection of the public health and safety and such ordinance or resolution is passed by unanimous vote of all members present: (1) Sanitary sewers or watermains where the health officer of the city or town, or department of ecology, files with the legislative authority a report showing the necessity for such improvement; and (2) fire hydrants where the chief of the fire department files a report showing the necessity for such improvement.

NEW SECTION. Sec. 4. The legislature finds that the abandonment of rail lines and rail freight service may alter the delivery to market of many commodities. In addition, the resultant motor vehicle freight traffic increases the burden on state highways and county roads. In many cases, the cost of upgrading the state highways and county roads exceeds the cost of maintaining rail freight service. Thus, the economy of the state will be best served by a policy of maintaining and encouraging a healthy rail freight system by creating a mechanism which keeps rail freight lines operating if the benefits of the service outweigh the cost.

NEW SECTION. Sec. 5. (1) The transportation commission shall prepare and periodically update a state rail plan, the objective of which is to identify, evaluate, and encourage essential rail service. The plan shall:

- (a) Identify and evaluate those rail freight lines that may be abandoned;
- (b) Quantify the costs and benefits of maintaining rail service on those lines that are likely to be abandoned; and

(c) Establish priorities for determining which rail lines should receive state support. The priorities should include the anticipated benefits to the state and local economy, the anticipated cost of road and highway improvements necessitated by the abandonment of the rail line, the likelihood the rail line receiving funding can meet operating costs from freight charges, surcharges on rail traffic, and other funds authorized to be raised by a county or port district, and the impact of abandonment on changes in energy utilization and air pollution.

(2) The state rail plan may be prepared in conjunction with the rail plan prepared by the department pursuant to the federal railroad revitalization and regulatory reform act.

NEW SECTION. Sec. 6. (1) The essential rail assistance account is hereby created in the state general fund. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys in the account may be distributed to county rail districts and port districts for the purpose of:

(a) Acquiring, maintaining, or improving branch rail lines; or

(b) Operating railroad equipment necessary to maintain essential rail service.

(3) County rail districts and port districts may grant franchises to private railroads for the right to operate on lines acquired, repaired, or improved under this chapter.

(4) Moneys distributed under this section shall not exceed eighty percent of the cost of the service or project undertaken. At least twenty percent of the cost shall be provided by the county, port district, or other local sources.

(5) The amount distributed under this section shall be repaid to the state by the county rail district or port district. The repayment shall occur within ten years of the distribution of the moneys and shall be deposited in the essential rail assistance account. The repayment schedule and rate of interest, if any, shall be set at the time of the distribution of the moneys.

NEW SECTION. Sec. 7. Sections 4 through 6 of this act shall constitute a new chapter in Title 47 RCW.

NEW SECTION. Sec. 8. Subject to section 9 of this act, the legislative authority of a county may establish one or more county rail districts within the county for the purpose of providing and funding improved rail freight service. The boundaries of county rail districts shall be drawn to include contiguous property in an area from which agricultural or other goods could be shipped by the rail service provided. The district shall not include property outside this area which does not, or, in the judgment of the county legislative authority, is not expected to produce goods which can be shipped by rail, or property substantially devoted to fruit crops or producing goods that are shipped in a direction away from the district. A county rail district is a

quasi municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

A county rail district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, to accept and expend or use gifts, grants, and donations, and to sue and be sued.

The county legislative authority shall be the governing body of a county rail district. The county treasurer shall act as the ex officio treasurer of the county rail district. The electors of a district are all registered voters residing within the district.

NEW SECTION. Sec. 9. (1) A county legislative authority proposing to establish a county rail district, or to modify the boundaries of an existing county rail district, or to dissolve an existing county rail district, shall conduct a hearing at the time and place specified in a notice published at least once, not less than ten days prior to the hearing, in a newspaper of general circulation within the proposed county rail district. This notice shall be in addition to any other notice required by law to be published. Additional notice of the hearing may be given by mail, posting within the proposed county rail district, or in any manner^d the county legislative authority deems necessary to notify affected persons. All hearings shall be public and the county legislative authority shall hear objections from any person affected by the formation, modification of the boundaries, or dissolution of the county rail district.

(2) Following the hearing held under subsection (1) of this section, the county legislative authority may adopt a resolution providing for the submission of a proposal to establish a county rail district, modify the boundaries of an existing county rail district, or dissolve an existing county rail district, if the county legislative authority finds the proposal to be in the public interest. The resolution shall contain the boundaries of the district if applicable.

A proposition to create a county rail district, modify the boundaries of an existing county rail district, or dissolve an existing rail district shall be submitted to the affected voters at the next general election held sixty or more days after the adoption of the resolution providing for the submittal by the county legislative authority. The resolution shall establish the boundaries of the district and include a finding that the creation of the district is in the public interest and that the area included within the district can reasonably be expected to benefit from its creation. No portion of a city may be included in such a district unless the entire city is included.

The district shall be created upon approval of the proposition by simple majority vote. The ballot proposition submitted to the voters shall be in substantially the following form:

FORMATION OF COUNTY RAIL DISTRICT

Shall a county rail district be established for the area described in a resolution of the legislative authority of county, adopted on the day of , 19 . . . ?

NEW SECTION. Sec. 10. A county rail district is authorized to contract with a person, partnership, or corporation to provide rail service along a light-density essential-service rail line for the purpose of carrying commodities. The district shall also have the power to acquire, maintain, improve, or extend rail facilities within the district that are necessary for the safe and efficient operation of the contracted rail service. A county rail district may receive state rail assistance under chapter 47. RCW (sections 4 through 6 of this act). Two or more county rail districts may enter into interlocal cooperation agreements under chapter 39.34 RCW to carry out the purposes of this chapter.

NEW SECTION. Sec. 11. A county rail district is not authorized to impose a regular ad valorem property tax levy but may:

(1) Levy an ad valorem property tax, in excess of the one percent limitation, upon the property within the district for a one-year period to be used for operating or capital purposes whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) Provide for the retirement of voter approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies, in excess of the one percent limitation, whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

NEW SECTION. Sec. 12. (1) To carry out the purpose of this chapter, a county rail district may issue general obligation bonds, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to three-eighths of one percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A county rail district may additionally issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, as prescribed in Article VIII, section 6 of the state Constitution, and

to provide for the retirement thereof by excess property tax levies as provided in section 11(2) of this act. The county rail district may submit a single proposition to the voters which, if approved, authorizes both the issuance of the bonds and the bond retirement property tax levies.

(2) General obligation bonds with a maturity in excess of forty years shall not be issued. The governing body of the county rail district shall by resolution determine for each general obligation bond issue the amount, date or dates, terms, conditions, denominations, interest rate or rates, which may be fixed or variable, maturity or maturities, redemption rights, registration privileges, manner of execution, price, manner of sale, and covenants. The bonds may be in any form, including bearer bonds or registered bonds. Facsimile signatures may be used on the bonds and any coupons. Refunding general obligation bonds may be issued in the same manner as general obligation bonds are issued.

(3) Whenever general obligation bonds are issued to fund specific projects or enterprises that generate revenues, charges, user fees, or special assessments, the county rail district which issues the bonds may specifically pledge all or a portion of the revenues, charges, user fees, or special assessments to refund the general obligation bonds.

NEW SECTION. Sec. 13. (1) A county rail district may issue revenue bonds to fund revenue generating facilities which it is authorized to provide or operate. Whenever revenue bonds are to be issued, the governing body of the district shall create or have created a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the governing body may obligate the district to pay such amounts of the gross revenue of all or any part of the facilities constructed, acquired, improved, repaired, or replaced pursuant to this chapter as the governing body determines.

(2) The governing body of a county rail district issuing revenue bonds shall create a special fund or funds from which, along with any reserves created under RCW 39.44.140, the principal and interest on the revenue bonds shall exclusively be payable. The governing body may obligate the county rail district to set aside and pay into the special fund or funds a fixed proportion or a fixed amount of the revenues from the public improvements, projects, facilities, and all related additions funded by the revenue bonds. This amount or proportion shall be a lien and charge against these revenues, subject only to operating and maintenance expenses. The governing body shall consider the cost of operation and maintenance of the public improvement, project, facility, or additions funded by the revenue bonds and shall not place into the special fund or funds a greater amount or proportion of the revenues than it thinks will be available after maintenance and operation expenses have been paid and after the payment of revenue previously pledged. The governing body may also provide that revenue bonds payable

from the same source or sources of revenue may later be issued on parity with any revenue bonds issued and sold.

(3) Revenue bonds issued pursuant to this section shall not be an indebtedness of the county rail district issuing the bonds, and the interest and principal on the bonds shall only be payable from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created pursuant to RCW 39.44.140. The owner of a revenue bond or any interest coupon issued pursuant to this section shall not have any claim against the county rail district arising from the bond or coupon except for payment from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created pursuant to RCW 39.44.140. The substance of the limitations included in this subsection shall be plainly printed, written, or engraved on each bond issued pursuant to this section.

(4) Revenue bonds with a maturity in excess of thirty years shall not be issued. The governing body of the county rail district shall by resolution determine for each revenue bond issue the amount, date, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, and covenants including the refunding of existing revenue bonds. The bonds may be in any form, including bearer bonds or registered bonds. Facsimile signatures may be used on the bonds and any coupons. Refunding revenue bonds may be issued in the same manner as revenue bonds are issued.

NEW SECTION. Sec. 14. A county rail district may exercise the power of eminent domain to obtain property for its authorized purposes in the manner counties exercise the powers of eminent domain.

NEW SECTION. Sec. 15. The rule of strict construction does not apply to this chapter, and this chapter shall be liberally construed to permit the accomplishment of its purposes.

Sec. 16. Section 19, chapter 2, Laws of 1983 and RCW 84.52.052 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district except school districts in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, county rail district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and RCW 84.52.043, or RCW 84.55.010 through 84.55.050, when authorized so to do by the electors of such county, metropolitan park district, park and recreation

service area, park and recreation district, sewer district, water district, solid waste disposal district, county rail district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium and convention district in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 64 and as thereafter amended, at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the county legislative authority, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, county rail district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium and convention district, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

NEW SECTION. Sec. 17. Sections 8 through 15 of this act constitute a new chapter in Title 36 RCW.

Sec. 18. Section 35.50.030, chapter 7, Laws of 1965 as last amended by section 1, chapter 91, Laws of 1982 and RCW 35.50.030 are each amended to read as follows:

If on the first day of January in any year, two installments of any local improvement assessment are delinquent, or if the final installment thereof has been delinquent for more than one year, the city or town shall proceed with the foreclosure of the delinquent assessment or delinquent installments thereof by proceedings brought in its own name in the superior court of the county in which the city or town is situate.

The proceedings shall be commenced on or before March 1st of that year or on or before such other date in such year as may be fixed by general ordinance, but not before the city or town treasurer has notified by certified mail the persons whose names appear on the assessment roll as owners of the property charged with the assessments or installments which are delinquent, at the address last known to the treasurer, a notice thirty days before the commencement of the proceedings. If the person whose name appears on the tax rolls of the (~~county treasurer~~) county assessor as owner of the property, or the address shown for the owner, differs from that appearing on the city or town assessment roll, then the treasurer shall also mail a copy of the notice to that person or that address.

The notice shall state the amount due upon each separate lot, tract, or parcel of land and the date after which the proceedings will be commenced.

The city or town treasurer shall file with the clerk of the superior court at the time of commencement of the foreclosure proceeding the affidavit of the person who mailed the notices. This affidavit shall be conclusive proof of compliance with the requirements of this section.

Sec. 19. Section 35.50.230, chapter 7, Laws of 1965 as last amended by section 3, chapter 91, Laws of 1982 and RCW 35.50.230 are each amended to read as follows:

~~((In foreclosing local improvement assessment liens, all or any of the lots, tracts, or parcels of land or other property included in the assessment for one local improvement district or one utility local improvement district may be proceeded against in the same action.))~~ In foreclosing local improvement assessment liens, it is not necessary to bring a separate suit for each of the lots, tracts, or parcels of land or other property or for each separate local improvement district or utility local improvement district. All or any of the lots, tracts, or parcels of land or other property upon which local improvement assessments are delinquent under any and all local improvement assessment rolls in the city or town may be proceeded against in the same action. For all lots, tracts, or parcels which contain a residential structure with an assessed value of at least two thousand dollars, all persons owning or claiming to own ((or having or claiming to have any interest in or lien upon the lots, tracts, or parcels involved in the action and all persons unknown who may have an interest or claim of interest therein)) the property shall be made defendants thereto. For all other lots, tracts, or parcels, the persons whose names appear on the assessment roll and property tax rolls as owners of the property charged with the assessments or taxes shall be made defendants thereto.

Sec. 20. Section 35.50.250, chapter 7, Laws of 1965 as amended by section 5, chapter 91, Laws of 1982 and RCW 35.50.250 are each amended to read as follows:

~~In foreclosing local improvement assessments, ((summons and the service thereof shall be governed by the statutes governing the foreclosure of mortgages on real property))~~ if the lot, tract, or parcel contains a residential structure with an assessed value of at least two thousand dollars, the summons shall be served upon the defendants in the manner required by RCW 4.28.080. For all other lots, tracts, or parcels the summons shall be served by either personal service on the defendants or by certified and regular mail.

Sec. 21. Section 35.50.260, chapter 7, Laws of 1965 as last amended by section 7, chapter 91, Laws of 1982 and RCW 35.50.260 are each amended to read as follows:

In foreclosing local improvement assessments the action shall be tried to the court without a jury. If the parties interested in any particular lot, tract, or parcel default, the court may enter judgment of foreclosure and sale as to such parties and lots, tracts, or parcels and the action may proceed as to the

remaining defendants and lots, tracts, or parcels. Judgment and order of sale may be entered as to any one or more separate lots, tracts, or parcels involved in the action and the court shall retain jurisdiction to others.

The judgment shall specify separately the amount of the installments with interest, penalty, and all reasonable costs, including the title searches, chargeable to each lot, tract, or parcel. The judgment shall have the effect of a separate judgment as to each lot, tract, or parcel described in the judgment, and any appeal shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In the judgment the court shall order the lots, tracts, or parcels therein described sold((:)) by the city or town treasurer or by the county sheriff and an order of sale shall issue pursuant thereto for the enforcement of the judgment.

In all other respects, the trial, judgment (~~and order of sale~~), and appeals to the supreme court or the court of appeals shall be governed by the statutes governing the foreclosure of mortgages on real property.

Prior to the sale of the property, if the property is shown on the property tax rolls under unknown owner or if the property contains a residential structure having an assessed value of two thousand dollars or more, the treasurer shall order or conduct a title search of the property to determine the record title holders and all persons claiming a mortgage, deed of trust, or mechanic's, laborer's, materialmen's, or vendor's lien on the property.

At least thirty days prior to the sale of the property, a copy of the notice of sale shall be mailed by certified and regular mail to all defendants in the foreclosure action as to that parcel, lot, or tract and, if the owner is unknown or the property contains a residential structure having an assessed value of two thousand dollars or more, a copy of the notice of sale shall be mailed by regular and certified mail to any additional record title holders and persons claiming a mortgage, deed of trust, or mechanic's, laborer's, materialmen's, or vendor's lien on the property.

In all other respects the procedure for sale shall be conducted in the same manner as property tax sales described in RCW 84.64.080.

Sec. 22. Section 35.50.270, chapter 7, Laws of 1965 as amended by section 8, chapter 91, Laws of 1982 and RCW 35.50.270 are each amended to read as follows:

In foreclosing local improvement assessments, all sales shall be subject to the right of redemption within two years from the date of sale. (~~In all other respects, the sale, redemption and issuance of deed shall be governed by the statutes governing the foreclosure of mortgages on real property and the terms "judgment debtor" and "successor in interest" as used in such statutes shall be held to include an owner or a vendee.~~)

NEW SECTION. Sec. 23. 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 April 23, 1983.

Passed the Senate April 18, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 304

[Substitute House Bill No. 790]

COUNCIL FOR POSTSECONDARY EDUCATION—TRANSFER OF CREDIT POLICY AND AGREEMENT

AN ACT Relating to higher education; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.80 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.80 RCW a new section to read as follows:

The council shall, in cooperation with the state institutions of higher education and the state board for community college education, establish and maintain a state-wide transfer of credit policy and agreement. The policy and agreement shall, where feasible, include course and program descriptions consistent with state-wide interinstitutional guidelines. The institutions of higher education shall provide support and staff resources as necessary to assist in developing and maintaining this policy and agreement. The state-wide transfer of credit policy and agreement shall be effective beginning with the 1985-86 academic year. The council shall report on developments toward that objective at both the 1984 and 1985 regular sessions of the legislature.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.80 RCW a new section to read as follows:

The state-wide transfer of credit policy and agreement shall be designed to facilitate the transfer of students and the evaluation of transcripts, to better serve persons seeking information about courses and programs, to aid in academic planning, and to improve the review and evaluation of academic programs in the state institutions of higher education. The state-wide transfer of credit policy and agreement shall not require nor encourage the standardization of course content and shall not prescribe course content or the credit value assigned by any institution to the course.

Passed the House April 20, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 305

[Engrossed Substitute House Bill No. 793]

AGRICULTURAL PRODUCTS AND COMMODITIES—REVISIONS—
APPROPRIATION

AN ACT Relating to agricultural commodities; amending section 1, chapter 139, Laws of 1959 as last amended by section 1, chapter 194, Laws of 1982 and RCW 20.01.010; amending section 3, chapter 139, Laws of 1959 as last amended by section 2, chapter 194, Laws of 1982 and RCW 20.01.030; amending section 4, chapter 139, Laws of 1959 as last amended by section 3, chapter 115, Laws of 1979 ex. sess. and RCW 20.01.040; amending section 5, chapter 232, Laws of 1963 as last amended by section 3, chapter 194, Laws of 1982 and RCW 20.01.210; amending section 16, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.211; amending section 29, chapter 139, Laws of 1959 and RCW 20.01.290; amending section 2, chapter 124, Laws of 1963 and RCW 22.09.020; amending section 3, chapter 124, Laws of 1963 as amended by section 20, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.030; amending section 4, chapter 124, Laws of 1963 as last amended by section 13, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.040; amending section 5, chapter 124, Laws of 1963 as amended by section 14, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.050; amending section 6, chapter 124, Laws of 1963 as amended by section 22, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.060; amending section 7, chapter 124, Laws of 1963 and RCW 22.09.070; amending section 9, chapter 124, Laws of 1963 as last amended by section 23, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.090; amending section 10, chapter 124, Laws of 1963 and RCW 22.09.100; amending section 11, chapter 124, Laws of 1963 and RCW 22.09.110; amending section 13, chapter 124, Laws of 1963 as last amended by section 38, chapter 296, Laws of 1981 and RCW 22.09.130; amending section 15, chapter 124, Laws of 1963 as amended by section 17, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.150; amending section 17, chapter 124, Laws of 1963 and RCW 22.09.170; amending section 18, chapter 124, Laws of 1963 as amended by section 24, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.180; amending section 19, chapter 124, Laws of 1963 and RCW 22.09.190; amending section 24, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.195; amending section 20, chapter 124, Laws of 1963 and RCW 22.09.200; amending section 21, chapter 124, Laws of 1963 as amended by section 18, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.210; amending section 23, chapter 124, Laws of 1963 and RCW 22.09.230; amending section 24, chapter 124, Laws of 1963 and RCW 22.09.240; amending section 25, chapter 124, Laws of 1963 and RCW 22.09.250; amending section 26, chapter 124, Laws of 1963 and RCW 22.09.260; amending section 29, chapter 124, Laws of 1963 as amended by section 19, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.290; amending section 31, chapter 124, Laws of 1963 and RCW 22.09.310; amending section 33, chapter 124, Laws of 1963 and RCW 22.09.330; amending section 34, chapter 124, Laws of 1963 and RCW 22.09.340; amending section 35, chapter 124, Laws of 1963 and RCW 22.09.350; amending section 37, chapter 124, Laws of 1963 and RCW 22.09.370; amending section 42, chapter 124, Laws of 1963 and RCW 22.09.420; amending section 55, chapter 124, Laws of 1963 as amended by section 22, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.550; amending section 29, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.570; amending section 30, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.580; amending section 31, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.590; amending section 32, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.600; amending section 33, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.610; amending section 34, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.620; amending section 26, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.650; amending section 9-104, chapter 157, Laws of 1965 ex. sess. as amended by section 8, chapter 41, Laws of 1981 and RCW 62A.9-104; amending section 9-310, chapter 157, Laws of 1965 ex. sess. and RCW 62A.9-310; adding new sections to chapter 20.01 RCW; adding new sections to chapter 22.09 RCW; recodifying RCW 22.09.210; recodifying RCW 22.09.270; recodifying RCW 22.09.280; recodifying RCW 22.09.370; recodifying RCW 22.09.380; recodifying RCW 22.09.390; recodifying RCW 22.09.400; recodifying RCW 22.09.410; recodifying RCW 22.09.420; recodifying RCW 22.09.430; recodifying RCW 22.09.440; recodifying RCW 22.09.450;

recodifying RCW 22.09.460; recodifying RCW 22.09.470; recodifying RCW 22.09.480; recodifying RCW 22.09.490; recodifying RCW 22.09.500; recodifying RCW 22.09.530; recodifying RCW 22.09.540; recodifying RCW 22.09.550; recodifying RCW 22.09.560; decodifying RCW 22.09.950; decodifying RCW 22.09.951; repealing section 1, chapter 124, Laws of 1963, section 51, chapter 240, Laws of 1967, section 1, chapter 65, Laws of 1971, section 19, chapter 7, Laws of 1975 1st ex. sess., section 12, chapter 238, Laws of 1979 ex. sess., section 37, chapter 296, Laws of 1981 and RCW 22.09.010; repealing section 36, chapter 124, Laws of 1963 and RCW 22.09.360; prescribing penalties; making an appropriation; and declaring an emergency.

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

Sec. 1. Section 1, chapter 139, Laws of 1959 as last amended by section 1, chapter 194, Laws of 1982 and RCW 20.01.010 are each amended to read as follows:

As used in this title the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) "Director" means the director of agriculture or his duly authorized representative.

(2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(3) "Agricultural product" means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form (~~by or for the producer thereof~~) and livestock. When used in this chapter under the provisions of section 9 of this act, "agricultural product" means horticultural, viticultural, and berry products, hay and straw, and turf and forage seed and applies only when such products are delivered to a processor or conditioner in an unprocessed form.

(4) "Producer" means any person engaged in the business of growing or producing any agricultural product, whether as the owner of (~~such~~) the products, or producing (~~such~~) the products for others holding the title thereof.

(5) "Consignor" means any producer, person, or his agent who sells, ships, or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale, or resale.

(6) "Commission merchant" means any person who (~~shall~~) receives on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of (~~such~~) the consignor, or who (~~shall~~) accepts any farm product in trust from the consignor thereof for the purpose of resale, or who (~~shall~~) sells or offers for sale on commission any agricultural product, or who (~~shall~~) in any way handles for the account of or as an agent of the consignor thereof, any agricultural product.

(7) "Dealer" means any person other than a cash buyer, as defined in subsection (10) of this section, who solicits, contracts for, or obtains from the consignor thereof for reselling or processing, title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing and includes any person, other than one who acts solely as a producer, who retains title in an agricultural product and delivers it to a producer for further production or increase(~~(-PROVIDED, That)~~). For the purposes of this chapter, the term dealer includes any person who purchases livestock on behalf of and for the account of another, or who purchases cattle in another state or country and imports these cattle into this state for resale.

(8) "Limited dealer" means any person operating under the alternative bonding provision in RCW 20.01.211(~~(-as now or hereafter amended)~~).

(9) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product(~~(-PROVIDED, That)~~), but no broker may handle the agricultural products involved or proceeds of ((such)) the sale.

(10) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession, or control of any agricultural product or who contracts for the title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of ((such)) the agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check, or bankdraft may be used for ((such)) the payment.

(11) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, acts as liaison between a consignor and a principal, or receives, contracts for, or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of ((such)) that business at any location other than at the principal place of business of his employer(~~(-PROVIDED, That)~~). With the exception of an agent for a commission merchant or dealer handling horticultural products, an agent may operate only in the name of one principal and only to the account of ((said)) that principal.

(12) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products twelve months of each year(~~(-PROVIDED, That)~~). Any retailer may occasionally wholesale any agricultural product which he has in surplus; however, such wholesaling shall not be in excess of two percent of ((such)) the retailer's gross business.

(13) "Fixed or established place of business" for the purpose of this chapter (~~(shall)~~) means any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered, and generally dealt in in quantities reasonably adequate for and usually carried for the requirements of such a business, and (~~(which)~~) that is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, (~~(said)~~) which personnel (~~(being)~~) are available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

(14) "Processor" means any person, firm, company, or other organization that purchases agricultural crops from a consignor and (~~(who)~~) that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes (~~(such)~~) those crops in any manner whatsoever for eventual resale.

(15) "Pooling contract" means any written agreement whereby a consignor delivers a horticultural product to a commission merchant under terms whereby the commission merchant may commingle the consignor's horticultural products for sale with others similarly agreeing, which must include all of the following:

(a) A delivery receipt for the consignor (~~(which shall)~~) that indicates the variety of horticultural product delivered, the number of containers, or the weight and tare thereof(:);

(b) Horticultural products received for handling and sale in the fresh market shall be accounted for to the consignor with individual pack-out records (~~(which)~~) that shall include variety, grade, size, and date of delivery. Individual daily packing summaries shall be available within forty-eight hours after packing occurs(~~(-PROVIDED, That)~~). However, platform inspection shall be acceptable by mutual contract agreement on small deliveries to determine variety, grade, size, and date of delivery(:);

(c) Terms under which the commission merchant may use his judgment in regard to the sale of the pooled horticultural product(:);

(d) The charges to be paid by the consignor as filed with the state of Washington(:);

(e) A provision that the consignor shall be paid for his pool contribution when the pool is in the process of being marketed in direct proportion, not less than eighty percent of his interest less expenses directly incurred, prior liens, and other advances on the grower's crop unless otherwise mutually agreed upon between grower and commission merchant.

(16) "Date of sale" means the date agricultural products are delivered to the person buying ~~((such))~~ the products.

(17) "Boom loader" means a person who owns or operates, or both, a mechanical device mounted on a vehicle and used to load hay or straw for compensation.

(18) "Conditioner" means any person, firm, company, or other organization that receives turf, forage, or vegetable seeds from a consignor for drying or cleaning.

(19) "Seed bailment contract" means any contract meeting the requirements of chapter 15.48 RCW.

(20) "Proprietary seed" means any seed that is protected under the Federal Plant Variety Protection Act.

Sec. 2. Section 3, chapter 139, Laws of 1959 as last amended by section 2, chapter 194, Laws of 1982 and RCW 20.01.030 are each amended to read as follows:

This chapter does not apply to:

(1) Any cooperative marketing associations or federations incorporated under, or whose articles of incorporation and bylaws are equivalent to, the requirements of chapter 23.86 RCW or chapter 24.32 RCW, except as to that portion of the activities of ~~((such))~~ the association or federation ~~((as))~~ that involve~~((s))~~ the handling or dealing in the agricultural products of nonmembers of ~~((such))~~ the organization: PROVIDED, That ~~((such))~~ the associations or federations may purchase up to fifteen percent of their gross from nonmembers for the purpose of filling orders: PROVIDED FURTHER, That if ~~((such))~~ the cooperative or association acts as a processor as defined in RCW 20.01.500(2) and markets ~~((such))~~ the processed agricultural crops on behalf of the grower or its own behalf, ~~((said))~~ the association or federation ~~((shall be))~~ is subject to the provisions of RCW 20.01.500 through 20.01.560 and the license provision of this chapter excluding bonding provisions: PROVIDED FURTHER, That none of the foregoing exemptions in this subsection ~~((shall))~~ apply to any such cooperative or federation dealing in or handling grain in any manner, and not licensed under the provisions of chapter 22.09 RCW~~((:));~~

(2) Any person who sells exclusively his own agricultural products as the producer thereof~~((:));~~

(3) Any public livestock market operating under a bond required by law or a bond required by the United States to secure the performance of ~~((such))~~ the public livestock market's obligation~~((: -PROVIDED, That))~~; However, any such market operating as a livestock dealer ~~((and/or))~~ or order buyer ~~((shall be))~~, or both, is subject to all provisions of this chapter except for the payment of the license fee required in RCW 20.01.040 ~~((as now or hereafter amended:));~~

(4) Any retail merchant having a bona fide fixed or permanent place of business in this state~~((:));~~

(5) Any person buying farm products for his own use or consumption((:));

(6) Any warehouseman or grain dealer licensed under the state grain warehouse act, chapter 22.09 RCW, with respect to his operations as a licensee under that act((:));

(7) Any nurseryman who is required to be licensed under the horticultural laws of the state with respect to his operations as such licensee((:));

(8) Any person licensed under the now existing dairy laws of the state with respect to his operations as such licensee((:));

(9) Any producer who purchases less than fifteen percent of his volume to complete orders((:));

(10) Any person, association, or corporation regulated under chapter 67.16 RCW and the rules adopted thereunder while performing acts regulated by that chapter and the rules adopted thereunder;

(11) Any boom loader who loads exclusively his own hay or straw as the producer thereof.

Sec. 3. Section 4, chapter 139, Laws of 1959 as last amended by section 3, chapter 115, Laws of 1979 ex. sess. and RCW 20.01.040 are each amended to read as follows:

~~((On or after June 10, 1959;))~~ No person ((shall)) may act as a commission merchant, dealer, broker, cash buyer((or)), agent, or boom loader without a license. Any person applying for such a license shall file an application with the director on or before January 1st of each year. ((Such)) The application shall be accompanied by the following license fee:

- (1) Commission merchant, one hundred forty-five dollars;
- (2) Dealer, one hundred forty-five dollars;
- (3) Limited dealer, one hundred dollars;
- (4) Broker, one hundred dollars;
- (5) Cash buyer, forty dollars; ~~((and))~~
- (6) Agent, fifteen dollars;
- (7) Boom loader, ten dollars.

Sec. 4. Section 5, chapter 232, Laws of 1963 as last amended by section 3, chapter 194, Laws of 1982 and RCW 20.01.210 are each amended to read as follows:

(1) Before the license is issued to any commission merchant ((and/or)) or dealer, or both, the applicant shall execute and deliver to the director a surety bond executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety.

~~((Such bond shall be in the sum of seven thousand five hundred dollars for a commission merchant or any dealer handling livestock, hay, grain, or straw and a bond in the sum of three thousand dollars for any other dealer. PROVIDED, That the bond for a commission merchant, a dealer acting as a processor, or a dealer in livestock, hay, grain, or straw shall be in a minimum amount of seven thousand five hundred dollars or more based upon~~

~~the annual gross dollar volume of purchases by, or consignments to the licensee. A dealer in livestock shall increase his bond by five thousand dollars for each agent he has endorsed pursuant to RCW 20.01.090. The bond for any other dealer shall be in the minimum amount of three thousand dollars, or an increased amount based upon the annual gross dollar volume of purchases by, or consignments to, the licensee. The bond for such commission merchant or dealer shall be determined by taking the annual gross dollar volume of that commission merchant or dealer of net payment to growers and dividing that amount by fifty-two and the bond shall be in an amount to the next multiple of two thousand dollars larger than the sum. PROVIDED, That the gross dollar volume used in computing the bond requirements of a commission merchant or dealer handling horticultural products shall be based on the net proceeds due to growers. PROVIDED FURTHER, That bonds above twenty-six thousand dollars shall be not less than the next multiple of five thousand dollars above the amount secured by applying the formula except that when the bond amount reaches fifty thousand dollars any amount of bond required above this shall be on a basis of ten percent of the amount arrived by applying the formula of annual gross divided by fifty-two. Such bond shall be of a standard form and approved by the director as to terms and conditions. Said bond shall be conditioned that the principal or his or her agents will not commit any fraudulent act and will comply with the provisions of this chapter and the rules and regulations adopted hereunder. Said bond shall be to the state for the benefit of every consignor of an agricultural product in this state. The total and aggregate liability of the surety for all claims upon the bond shall be limited to the face of such bond. Every bond filed with and approved by the director shall without the necessity of periodic renewal remain in force and effect until released by notice from the director when a superseding bond has been issued and is in effect. All such sureties on a bond, as provided herein, shall also be released and discharged from all liability to the state accruing on such bond by giving notice to the principal and the director by certified mail. Upon receipt of such notice the director shall notify the surety and the principal of the effective date of termination which shall be thirty days from the receipt of such notice by the director, but this shall not operate to relieve, release or discharge the surety from any liability already accrued or which shall accrue (due and to become due hereunder) before the expiration period provided for above. Unless the principal shall before the expiration of such period, file a new bond, the director shall forthwith cancel the principal's license. Upon such cancellation the license and vehicle plates issued attendant to the license shall be surrendered to the director forthwith.)~~

(2) The bond shall be not less than fifteen thousand dollars for a commission merchant, or a dealer in turf, forage, or vegetable seed, hay, or straw. Except as provided in subsection (3) of this section, the bond shall be not less than three thousand dollars for any other dealer.

(3) The bond for a dealer in livestock shall be not less than seven thousand five hundred dollars. A dealer in livestock shall increase his bond by five thousand dollars for each agent he has endorsed under RCW 20.01.090.

(4) The bond for a commission merchant or dealer, other than a commission merchant or a dealer in turf, forage, or vegetable seed or a dealer in hay or straw, shall be determined by dividing the annual dollar volume of that commission merchant's or dealer's net proceeds or net payments due consignors by fifty-two and increasing that amount to the next multiple of two thousand dollars. However, bonds above twenty-six thousand dollars shall be increased to the next multiple of five thousand dollars.

(5) The bond for a commission merchant or dealer in turf, forage, or vegetable seed or a dealer in hay or straw shall be determined by dividing the annual dollar volume of that commission merchant's or dealer's net proceeds or net payments due consignors by twelve and increasing that amount to the next multiple of five thousand dollars, except that the determination of bond amounts for any portion of dollar volume directly related to proprietary seed bailment contracts shall be computed as provided in subsection (4) of this section. The bond for a new commission merchant or a dealer in turf, forage, or vegetable seed or dealer in hay or straw is subject to increase at any time during the licensee's first year of operation and shall be based on the monthly average of the volume of purchases of any three months of operation.

(6) When the annual dollar volume of any commission merchant or dealer reaches two million six hundred thousand dollars, the amount of the bond required above this level shall be on a basis of ten percent of the amount arrived at by applying the appropriate formula.

Sec. 5. Section 16, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.211 are each amended to read as follows:

In lieu of the bonding provision required by RCW 20.01.210 ((as now or hereafter amended)), any dealer who ((has not been found after a hearing to be in violation of this chapter during the two most recent years of such business operations)) buys, agrees to buy, or pays for the production or increase of any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product may file a bond in an amount equal to ((such)) the dealer's maximum monthly purchases, divided by ((thirty, and multiplied by the maximum number of days which will expire after the date of sale but before final payment is made: PROVIDED, That)) fifteen, but the minimum bond provided by this section shall be in a minimum of ((three)) seven thousand five hundred dollars.

Any dealer ((utilizing)) using the bonding provisions of this section shall file an affidavit with the director ((which)) that sets forth the dealer's maximum monthly purchases ((of the dealer and the maximum number of days which will expire from the date of sale to the date final payment is made))

from or payments to consignors. The affidavit shall be filed at the time of application and with each renewal.

Any dealer bonded under this section who is found to be in violation of this chapter shall be required to comply with the bonding requirements of RCW 20.01.210 for a minimum of two years.

Sec. 6. Section 29, chapter 139, Laws of 1959 and RCW 20.01.290 are each amended to read as follows:

In any settlement or compromise by the director with a surety company as provided in RCW 20.01.270, where there are two or more consignor creditors that have filed claims, either fixed or contingent, against a licensee's bond, ~~((such))~~ the creditors shall share pro rata in the proceeds of the bond to the extent of their actual damage. If a creditor claim is filed after the default date as provided in RCW 20.01.390 and the total of all claims exceeds the face amount of the bond, the creditor's pro rata share of the bond shall be reduced based on the following schedule:

- (1) Thirty to sixty days after default, five percent reduction;
- (2) Sixty to ninety days after default, ten percent reduction;
- (3) Ninety to one hundred twenty days after default, twenty-five percent reduction;
- (4) More than one hundred twenty days after default, no claim may be allowed.

NEW SECTION. Sec. 7. Every boom loader shall promptly make and keep for one year a complete record of all hay and straw loaded. The records shall include the date and time of loading, the name and address of the purchaser, the name and address of the driver of the vehicle being loaded, if other than the purchaser, the license number of the vehicle being loaded, the name and address of the selier, and the location of the stack.

NEW SECTION. Sec. 8. The director or his appointed officers may stop a vehicle transporting hay or straw upon the public roads of this state if there is reasonable cause to believe the carrier, seller, or buyer may be in violation of this chapter. Any operator of a vehicle failing or refusing to stop when directed to do so is guilty of a misdemeanor.

NEW SECTION. Sec. 9. Starting on the date a producer delivers any agricultural product to a processor or conditioner, the producer has a first priority statutory lien, referred to as a "processor lien." This processor lien shall continue until twenty days after payment for the product is due and remains unpaid, without filing any notice of lien, for the contract price, if any, or the fair market value of the products delivered. The processor lien attaches to the agricultural products delivered, to the processor's or conditioner's inventory, and to the processor's or conditioner's accounts receivable.

NEW SECTION. Sec. 10. For the purposes of this section and sections 11 through 14 of this act, "preparer" means a person engaged in the business of feeding livestock or preparing livestock products for market. Starting on the date a producer delivers grain, hay, or straw to a preparer, the producer has a first priority statutory lien, referred to as a "preparer lien." This preparer lien shall continue until twenty days after payment for the product is due and remains unpaid, without filing any notice of lien, for the contract price, if any, or the fair market value of the products delivered. The preparer lien attaches to the agricultural products delivered and to the preparer's accounts receivable.

NEW SECTION. Sec. 11. (1) A producer claiming a processor or preparer lien may file a statement evidencing the lien with the department of licensing after payment from the processor, conditioner, or preparer to the producer is due and remains unpaid. For purposes of this subsection and section 12 of this act, payment is due on the date specified in the contract, or if not specified, then within thirty days from time of delivery.

(2) The statement shall be in writing, verified by the producer, and shall contain in substance the following information:

(a) A true statement of the amount demanded after deducting all credits and offsets;

(b) The name of the processor, conditioner, or preparer who received the agricultural product to be charged with the lien;

(c) A description sufficient to identify the agricultural product to be charged with the lien;

(d) A statement that the amount claimed is a true and bona fide existing debt as of the date of the filing of the notice evidencing the lien; and

(e) The date on which payment was due for the agricultural product to be charged with the lien.

NEW SECTION. Sec. 12. (1)(a) If a statement is filed pursuant to section 11 of this act within twenty days of the date upon which payment from the processor, conditioner, or preparer to the producer is due and remains unpaid, the processor or preparer lien evidenced by the statement continues its priority over all other liens or security interests upon agricultural products, inventory, and accounts receivable, except as provided in (b) of this subsection. Such priority is without regard to whether the other liens or security interests attached before or after the date on which the processor or preparer lien attached.

(b) The processor or preparer lien shall be subordinate to liens for taxes or labor perfected before filing of the processor or preparer lien.

(2) If the statement provided for in section 11 of this act is not filed within twenty days of the date payment is due and remains unpaid, the processor or preparer lien shall thereupon become subordinate to:

(a) A lien that has attached to the agricultural product, inventory, or accounts receivable before the date on which the processor or preparer lien attaches; and

(b) A perfected security interest in the agricultural product, inventory, or accounts receivable.

NEW SECTION. Sec. 13. (1) The processor lien shall terminate six months after, and the preparer lien shall terminate fifty days after, the later of the date of attachment or filing, unless a suit to foreclose the lien has been filed before that time as provided in section 14 of this act.

(2) If a statement has been filed as provided in section 11 of this act and the producer has received payment for the obligation secured by the lien, the producer shall promptly file with the department of licensing a statement declaring that full payment has been received and that the lien is discharged. If, after payment, the producer fails to file such statement of discharge within ten days following a request to do so, the producer shall be liable to the processor, conditioner, or preparer in the sum of one hundred dollars plus actual damages caused by the failure.

NEW SECTION. Sec. 14. (1) The processor or preparer liens may be foreclosed and enforced by civil action in the superior courts.

(2) In all suits to enforce processor or preparer liens, the court shall, upon entering judgment, allow to the prevailing party as a part of the costs all moneys paid for the filing and recording of the lien and reasonable attorney fees.

NEW SECTION. Sec. 15. Sections 7 through 14 of this act shall be added to chapter 20.01 RCW.

NEW SECTION. Sec. 16. The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly authorized representative.

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, two or more persons having a joint or common interest, or any unit or agency of local, state, or federal government.

(4) "Agricultural commodities," hereinafter referred to as "commodities," means, but is not limited to, all the grains, peas, beans, lentils, corn, sorghums, malt, peanuts, flax, and other similar agricultural products.

(5) "Warehouse," also referred to as a public warehouse, means any elevator, mill, subterminal grain warehouse, terminal warehouse, country warehouse, or other structure or enclosure located in this state that is used or useable for the storage of agricultural products, and in which commodities are received from the public for storage, handling, conditioning, or

shipment for compensation. The term does not include any warehouse storing or handling fresh fruits and/or vegetables, any warehouse used exclusively for cold storage, or any warehouse that conditions yearly less than three hundred tons of an agricultural commodity for compensation.

(6) "Terminal warehouse" means any warehouse designated as a terminal by the department, and located at an inspection point where inspection facilities are maintained by the department and where commodities are ordinarily received and shipped by common carrier.

(7) "Subterminal warehouse" means any warehouse that performs an intermediate function in which agricultural commodities are customarily received from dealers rather than producers and where the commodities are accumulated before shipment to a terminal warehouse.

(8) "Station" means two or more warehouses between which commodities are commonly transferred in the ordinary course of business and that are (a) immediately adjacent to each other, or (b) located within the corporate limits of any city or town and subject to the same transportation tariff zone, or (c) at any railroad siding or switching area and subject to the same transportation tariff zone, or (d) at one location in the open country off rail, or (e) in any area that can be reasonably audited by the department as a station under this chapter and that has been established as such by the director by rule adopted under chapter 34.04 RCW, or (f) within twenty miles of each other but separated by the border between Washington and Idaho or Oregon when the books and records for the station are maintained at the warehouse located in Washington.

(9) "Inspection point" means a city, town, or other place wherein the department maintains inspection and weighing facilities.

(10) "Warehouseman" means any person owning, operating, or controlling a warehouse in the state of Washington.

(11) "Depositor" means (a) any person who deposits a commodity with a Washington state licensed warehouseman for storage, handling, conditioning, or shipment, or (b) any person who is the owner or legal holder of a warehouse receipt, outstanding scale weight ticket, or other evidence of the deposit of a commodity with a Washington state licensed warehouseman or (c) any producer whose agricultural commodity has been sold to a grain dealer through the dealer's place of business located in the state of Washington, or any producer whose agricultural commodity has been sold to or is under the control of a grain dealer, which dealer has negotiated the sale of the commodity or has control of the commodity in the state of Washington.

(12) "Historical depositor" means any person who in the normal course of business operations has consistently made deposits in the same warehouse of commodities produced on the same land. In addition the purchaser, lessee, and/or inheritor of such land from the original historical depositor with

reference to the land shall be considered a historical depositor with regard to the commodities produced on the land.

(13) "Grain dealer" means any person who, through his place of business located in the state of Washington, solicits, contracts for, or obtains from a producer, title, possession, or control of any agricultural commodity for purposes of resale, or any person who solicits, contracts for, or obtains from a Washington producer, title, possession, or control of any agricultural commodity for purposes of resale.

(14) "Producer" means any person who is the owner, tenant, or operator of land who has an interest in and is entitled to receive all or any part of the proceeds from the sale of a commodity produced on that land.

(15) "Warehouse receipt" means a negotiable or nonnegotiable warehouse receipt as provided for in Article 7 of Title 62A RCW.

(16) "Scale weight ticket" means a load slip or other evidence of deposit, serially numbered, not including warehouse receipts as defined in subsection (15) of this section, given a depositor on request upon initial delivery of the commodity to the warehouse and showing the warehouse's name and state number, type of commodity, weight thereof, name of depositor, and the date delivered.

(17) "Put through" means agricultural commodities that are deposited in a warehouse for receiving, handling, conditioning, or shipping, and on which the depositor has concluded satisfactory arrangements with the warehouseman for the immediate or impending shipment of the commodity.

(18) "Conditioning" means, but is not limited to, the drying or cleaning of agricultural commodities.

(19) "Deferred price contract" means a contract for the sale of commodities that conveys the title and all rights of ownership to the commodities represented by the contract to the buyer, but allows the seller to set the price of the commodities at a later date based on an agreed upon relationship to a future month's price or some other mutually agreeable method of price determination. Deferred price contracts include but are not limited to those contracts commonly referred to as delayed price, price later contracts, or open price contracts.

(20) "Shortage" means that a warehouseman does not have in his possession sufficient commodities at each of his stations to cover the outstanding warehouse receipts, scale weight tickets, or other evidence of storage liability issued or assumed by him for the station.

(21) "Failure" means:

(a) An inability to financially satisfy claimants in accordance with this chapter and the time limits provided for in it;

(b) A public declaration of insolvency;

(c) A revocation of license and the leaving of an outstanding indebtedness to a depositor;

(d) A failure to redeliver any commodity to a depositor or to pay depositors for commodities purchased by a licensee in the ordinary course of business and where a bona fide dispute does not exist between the licensee and the depositor;

(e) A failure to make application for license renewal within sixty days after the annual license renewal date; or

(f) A denial of the application for a license renewal.

Sec. 17. Section 2, chapter 124, Laws of 1963 and RCW 22.09.020 are each amended to read as follows:

The department shall administer and carry out the provisions of this chapter and rules adopted hereunder, and it ~~((shall have))~~ has the power and authority to:

(1) Supervise the receiving, ~~((shipping,))~~ handling, conditioning, weighing, ~~((and))~~ storage, and shipping of all commodities;

(2) Supervise the inspection and grading of all commodities;

(3) Approve or disapprove the facilities, including scales, of all warehouses;

(4) Approve or disapprove all rates and charges for the handling, storage, and shipment of all commodities;

(5) Investigate all complaints of fraud in the operation of any warehouse;

(6) Examine ~~((and))~~, inspect, and audit, during ordinary business hours, any warehouse licensed ~~((hereunder))~~ under this chapter, including all commodities therein and examine, inspect, audit, or record all books, documents, and records;

(7) Examine, inspect, and audit during ordinary business hours, all books, documents, and records, and examine, inspect, audit, or record records of any grain dealer licensed hereunder at the grain dealer's principal office or headquarters;

(8) Inspect at reasonable times any warehouse or storage facility where commodities are ~~((stored;))~~ received, handled, conditioned, stored, or shipped, ~~((or received))~~ including all commodities stored therein and all books, documents, and records in order to determine whether or not such facility should be licensed pursuant to this chapter;

~~((#))~~ (9) Inspect at reasonable times any grain dealer's books, documents, and records in order to determine whether or not the grain dealer should be licensed under this chapter;

(10) Administer oaths~~((;))~~ and issue subpoenas to compel the attendance of witnesses, and/or the production of books, documents, and records anywhere in the state pursuant to a hearing relative to the purpose and provisions of this chapter. Witnesses shall be entitled to fees for attendance and travel, as provided in chapter 2.40 RCW~~((, as enacted or hereafter amended))~~;

~~((9))~~ (11) Adopt rules regarding the identification of commodities by the use of confetti or other similar means so that such commodities may be readily identified if stolen or removed in violation of the provisions of this chapter from a warehouse or if otherwise unlawfully transported;

~~((10))~~ (12) Adopt all the necessary rules ~~((and regulations))~~ for carrying out the purpose and provisions of this chapter. The adoption of rules ~~((and regulations))~~ under the provisions of this chapter shall be subject to the provisions of chapter 34.04 RCW ~~((f))~~, the Administrative Procedure Act ~~((as enacted or hereafter amended))~~. ~~((The director))~~ When adopting rules in respect to the provisions of this chapter, the director shall hold a public hearing and shall to the best of his ability consult with persons and organizations or interests who will be affected thereby, and any final rule adopted as a result of the hearing shall be designed to promote the provisions of this chapter and shall be reasonable and necessary and based upon needs and conditions of the industry, and shall be for the purpose of promoting the well-being of the industry to be regulated and the general welfare of the people of the state.

Sec. 18. Section 3, chapter 124, Laws of 1963 as amended by section 20, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.030 are each amended to read as follows:

It shall be unlawful for any person to operate a warehouse in the state of Washington without first having obtained an annual license from the department ~~((PROVIDED, That))~~, but this chapter shall not apply to warehouses that are federally licensed under the provisions of 7 USC 241 et seq. for the handling and storage of agricultural commodities. A separate license shall be required for each warehouse that a person intends to operate ~~((PROVIDED, That))~~, but any person operating two or more warehouses ~~((which))~~ that constitute a station may license ~~((such))~~ the warehouses under one state license. All the assets of a given station ~~((;))~~ that is licensed under one state license ~~((; shall be))~~ are subject to all the liabilities of that station and for the purposes of this chapter shall be treated as a single warehouse, requiring all the stocks and obligations of the warehouses at a given station to be treated as a unit for all purposes including, but not limited to, issuance of warehouse receipts and receipt and delivery of commodities for handling, conditioning, storage, or shipment ~~((; or handling))~~.

NEW SECTION. Sec. 19. It is unlawful for any person to operate as a grain dealer in the state of Washington without first having obtained an annual license from the department. This chapter does not apply to a grain dealer that is licensed for dealing in agricultural commodities under federal law.

Sec. 20. Section 4, chapter 124, Laws of 1963 as last amended by section 13, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.040 are each amended to read as follows:

Application for a license to operate a warehouse under the provisions of this chapter shall be on a form prescribed by the department and shall include:

(1) The full name of the person applying for the license and whether the applicant is an individual, partnership, association, corporation, or other entity;

(2) The full name of each member of the firm or partnership, or the names of the officers of the company, society, cooperative association, or corporation;

(3) The principal business address of the applicant in the state and elsewhere;

(4) The name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant;

(5) Whether the applicant has also applied for or has been issued a grain dealer license under the provisions of this chapter;

(6) The location of each warehouse the applicant intends to operate and the ~~((preponderate commodity expected in storage))~~ location of the headquarters or main office of the applicant;

~~((6))~~ (7) The bushel storage capacity of each such warehouse to be licensed ~~((, including a schematic diagram accurately showing the areas of storage and floor plan of the warehouse));~~

~~((7))~~ (8) The schedule of fees to be charged at each warehouse for the handling, conditioning, storage, and shipment of all commodities during the licensing period;

~~((8))~~ (9) A financial statement to determine the net worth of the applicant to determine whether or not the applicant meets the minimum net worth requirements established by the director pursuant to chapter 34.04 RCW;

~~((9))~~ (10) Whether the application is for a terminal, subterminal, or ~~((public))~~ country warehouse license;

~~((10))~~ (11) Whether the applicant has previously been denied a grain dealer or warehouseman license or whether the applicant has had either license suspended or revoked by the department;

(12) Any other reasonable information the department finds necessary to carry out the purpose and provisions of this chapter.

NEW SECTION. Sec. 21. Application for a license to operate as a grain dealer under the provisions of this chapter shall be on a form prescribed by the department and shall include:

(1) The full name of the person applying for the license and whether the applicant is an individual, partnership, association, corporation, or other entity;

(2) The full name of each member of the firm or partnership, or the names of the officers of the company, society, cooperative association, or corporation;

(3) The principal business address of the applicant in the state and elsewhere;

(4) The name or names of the person or persons in this state authorized to receive and accept service of summons and legal notices of all kinds for the applicant;

(5) Whether the applicant has also applied for or has been issued a warehouse license under this chapter;

(6) The location of each business location from which the applicant intends to operate as a grain dealer in the state of Washington whether or not the business location is physically within the state of Washington, and the location of the headquarters or main office of the application;

(7) A financial statement to determine the net worth of the applicant to determine whether or not the applicant meets the minimum net worth requirements established by the director under chapter 34.04 RCW. However, if the applicant is a subsidiary of a larger company, corporation, society, or cooperative association, both the parent company and the subsidiary company must submit a financial statement to determine whether or not the applicant meets the minimum net worth requirements established by the director under chapter 34.04 RCW;

(8) Whether the applicant has previously been denied a grain dealer or warehouseman license or whether the applicant has had either license suspended or revoked by the department;

(9) Any other reasonable information the department finds necessary to carry out the purpose and provisions of this chapter.

Sec. 22. Section 5, chapter 124, Laws of 1963 as amended by section 14, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.050 are each amended to read as follows:

Any application for a license to operate a warehouse shall be accompanied by a license fee of ~~((one))~~ two hundred dollars for a terminal warehouse, ~~((twenty-five))~~ one hundred fifty dollars for a subterminal warehouse, and ~~((twenty-five))~~ fifty dollars for a ~~((public))~~ country warehouse. If a licensee operates more than one warehouse~~(:)~~ under one state license as provided for in RCW 22.09.030, the license fee shall be computed by multiplying the number of physically separated warehouses within ~~((such))~~ the station by the applicable terminal, subterminal, or ~~((public))~~ country warehouse license fee. If an application for renewal of a warehouse license or licenses is not received by the department prior to June 30th of any year, a penalty of fifty dollars for the first week and one hundred dollars for each week thereafter shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license may be issued. This penalty does not apply if the applicant furnishes an affidavit certifying

that he has not acted as a warehouseman subsequent to the expiration of his prior license.

NEW SECTION, Sec. 23. An application for a license to operate as a grain dealer shall be accompanied by a license fee of one hundred dollars unless the applicant is also a licensed warehouseman, in which case the fee for a grain dealer license shall be fifty dollars.

If an application for renewal of a grain dealer license is not received by the department before June 30th of any year, a penalty of fifty dollars for the first week and one hundred dollars for each week thereafter shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license may be issued. This penalty does not apply if the applicant furnishes an affidavit certifying that he has not acted as a grain dealer after the expiration of his prior license.

Sec. 24. Section 6, chapter 124, Laws of 1963 as amended by section 22, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.060 are each amended to read as follows:

No warehouse or grain dealer license ~~((shall))~~ may be issued to an applicant before a bond or certificate of deposit is given to the department as provided in RCW 22.09.090 ~~((and))~~. No warehouse license may be issued to an applicant before a certificate of insurance as provided in RCW 22.09.110 ~~((have))~~ has been filed with the department.

Sec. 25. Section 7, chapter 124, Laws of 1963 and RCW 22.09.070 are each amended to read as follows:

The department shall issue a warehouse license to an applicant upon its determination that the applicant has facilities adequate for handling and storage of commodities and, if applicable, conditioning, and that the application is in the proper form and upon approval of the matters contained ~~((therein))~~ on the application and upon a showing that ~~((such))~~ the applicant has complied with the provisions of this chapter and rules adopted hereunder. The licensee shall ~~((forthwith))~~ immediately upon receipt of ~~((such))~~ the license post it in a conspicuous place in the office of the licensed warehouse or if a station license, in the main office at ~~((such))~~ the station. ~~((Such))~~ The license ~~((shall))~~ automatically expires on June 30th ~~((; subsequent to))~~ after the date of issuance unless it has been revoked, canceled, or suspended ~~((prior thereto))~~ by the department before that date.

NEW SECTION, Sec. 26. The department shall issue a grain dealer license to an applicant upon its determination that the application is in its proper form and upon approval of the matters contained on the application and upon a showing that the applicant has complied with the provisions of this chapter and rules adopted hereunder. The licensee shall immediately upon receipt of the license post it in a conspicuous place in its principal place of business. The license expires automatically on June 30th after the

date of issuance unless it has been revoked, canceled, or suspended by the department before that date.

Sec. 27. Section 9, chapter 124, Laws of 1963 as last amended by section 23, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.090 are each amended to read as follows:

(1) Before any person (~~(shall be)~~) is granted a warehouse or grain dealer license pursuant to the provisions of this chapter (~~(such)~~) the person shall give a bond to the state of Washington executed by the (~~(warehouseman)~~) applicant as the principal and by a corporate surety licensed to do business in this state as surety.

(2) The bond required for the issuance of a warehouse license shall be in the sum of not less than (~~(twenty-five)~~) fifty thousand dollars nor more than (~~(five)~~) seven hundred fifty thousand dollars. The department shall, after holding a public hearing, determine the amount (~~(of the)~~) that will be required for the warehouse bond which shall be computed at a rate of not less than fifteen cents nor more than thirty cents per bushel multiplied by the number of bushels of licensed commodity storage capacity of the warehouses of the (~~(licensee)~~) applicant furnishing the bond (~~(, or at the rate of not less than six percent nor more than twelve percent of the gross sales of agricultural commodities of such licensee, whichever is greater)~~).

~~((2) The bond shall be approved by the department and shall be conditioned upon the faithful performance by the warehouseman of the duty to keep in the warehouse for the depositor the commodity delivered, and to deliver the commodity to, or ship it for, such depositor, and such additional obligations, including merchandising, as a warehouseman may assume with the respective depositors as defined in RCW 22.09.010(9) as now or hereafter amended. In case a person has applied for licenses to conduct two or more warehouses in the state, the assets applicable to all warehouses, but not the deposits except in case of a station, shall be subject to the liabilities of each. The total and aggregate liability of the surety for all claims upon such bond shall be limited to the amount specified in the bond.~~

~~((3)) The~~ (~~(warehouseman)~~) applicant for a warehouse license may give a single bond meeting the requirements of this chapter, and all warehouses operated by the warehouseman (~~(shall be)~~) are deemed (~~(as)~~) to be one warehouse for the purpose of the amount of the bond required under (~~(such section)~~) this subsection. Any change in the capacity of a warehouse or (~~(installation)~~) addition of any new warehouse involving a change in bond liability under this chapter shall be immediately reported to the department (~~(prior to the operation thereof)~~).

(3) The bond required for the issuance of a grain dealer license shall be in the sum of not less than fifty thousand dollars nor more than seven hundred fifty thousand dollars. The department shall, after holding a public hearing, determine the amount that will be required for the dealer bond which shall be computed at a rate not less than six percent nor more than

twelve percent of the sales of agricultural commodities purchased by the dealer from producers during the dealer's last completed fiscal year or in the case of a grain dealer who has been engaged in business as a grain dealer less than one year, the estimated aggregate dollar amount to be paid by the dealer to producers for agricultural commodities to be purchased by the dealer during the dealer's first fiscal year.

(4) An applicant making application for both a warehouse license and a grain dealer license may satisfy the bonding requirements set forth in subsections (2) and (3) of this section by giving to the state of Washington a single bond for the issuance of both licenses, which bond shall be in the sum of not less than fifty thousand dollars nor more than seven hundred fifty thousand dollars. The department shall, after holding a public hearing, determine the amount of the bond which shall be computed at a rate of not less than fifteen cents nor more than thirty cents per bushel multiplied by the number of bushels of licensed commodity storage capacity of the warehouses of the applicant furnishing the bond, or at the rate of not less than six percent nor more than twelve percent of the gross sales of agricultural commodities of the applicant whichever is greater.

(5) The bonds required under this section shall be approved by the department and shall be conditioned upon the faithful performance by the licensee of the duties imposed upon him by this chapter. If a person has applied for warehouse licenses to operate two or more warehouses in this state, the assets applicable to all warehouses, but not the deposits except in case of a station, are subject to the liabilities of each. The total and aggregate liability of the surety for all claims upon the bond are limited to the amount specified in the bond.

(6) Any person required to submit a bond to the department under this chapter has the option to give the department a certificate of deposit payable to the director as trustee, in lieu of a bond or a portion thereof. The principal amount of the certificate shall be the same as that required for a surety bond under this chapter or may be in an amount which, when added to the applicant's bond, will satisfy the licensee's requirements for a surety bond under this chapter, and the interest thereon shall be made payable to the purchaser of the certificate. The certificate of deposit shall remain on deposit until it is released, canceled, or discharged as provided for by rule of the department. The provisions of this chapter that apply to a bond required under this chapter apply to each certificate of deposit given in lieu of such a bond.

(7) The department may, when it has reason to believe that a grain dealer does not have the ability to pay producers for grain purchased, or when it determines that the grain dealer does not have a sufficient net worth to outstanding financial obligations ratio, or when it believes there may be claims made against the bond in excess of the face amount of the bond, require a grain dealer to post an additional bond in a dollar amount deemed

appropriate by the department or may require an additional certificate of deposit. The additional bonding may exceed the maximum amount of the bond otherwise required under this section. Failure to post the additional bond or certificate of deposit constitutes grounds for suspension or revocation of a license issued under this chapter.

~~((4))~~ (8) Notwithstanding any other provisions of this chapter, the license of a warehouseman or grain dealer shall automatically be suspended in accordance with ~~((the provisions of))~~ RCW 22.09.100 for failure at any time to have or to maintain a bond or certificate of deposit, or both, in the amount and type required ~~((herein))~~ by this chapter. The department shall remove the suspension or issue a license as the case may be, when the required bond or certificate of deposit has been obtained.

~~((5))~~ Any warehouseman required to submit a bond to the department pursuant to the provisions of this chapter shall have the option to file a policy of insurance with the department in lieu of the warehouseman's bond. Such insurance policy, before being accepted, shall be approved by the attorney general and the insurance commissioner of the state of Washington if they deem the coverage provided thereby is equivalent to or greater than the coverage for depositors provided by the warehouseman's bond. If such an insurance policy is accepted in place of the bond, such insurance policy, as between the department, warehouseman, and the depositors, shall be treated exactly the same as if it were a bond filed with the department. It is the intention of the legislature in this subsection to have the insurance policy replace the bond, as between the department, warehouseman, and the depositors, for all purposes as though the term bond used throughout the several sections of this chapter were to contain instead the term insurance policy:))

Sec. 28. Section 10, chapter 124, Laws of 1963 and RCW 22.09.100 are each amended to read as follows:

Every bond filed with and approved by the department shall without the necessity of periodic renewal remain in force and effect until such time as the warehouseman's license is revoked for cause or otherwise canceled. The surety on a bond, as provided ~~((herein))~~ in this chapter, shall be released and discharged from all liability to the state accruing on ~~((such))~~ the bond after the expiration of ~~((ninety))~~ thirty days from the date a warehouseman's license is revoked for cause or otherwise terminated or after the expiration of ninety days from the date upon which ~~((such))~~ the surety ~~((shall have))~~ lodged with the department a written request to be released and discharged~~((:))~~, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or ~~((which shall))~~ that has accrued before the expiration of the respective thirty or ninety-day period. In the event of a cancellation by the surety, the surety shall simultaneously send ~~((such))~~ the notification of cancellation in writing to any other governmental agency requesting it. ~~((The department shall promptly))~~

Upon receiving any such request, the department shall promptly notify the principal who furnished the bond, and unless the principal ((shall)) files a new bond on or before the expiration of the respective thirty or ninety-day period, ((file a new bond,)) the department shall forthwith cancel the principal's license.

Sec. 29. Section 11, chapter 124, Laws of 1963 and RCW 22.09.110 are each amended to read as follows:

All commodities in storage in a warehouse shall be kept fully insured for the current market value of ~~((such))~~ the commodity for the license period against loss by fire, lightning, internal explosion, windstorm, cyclone, and tornado. Evidence of ~~((such))~~ the insurance coverage in the form of a certificate of insurance approved by the department shall be filed by the warehouseman with the department at the time of making application for an annual license to operate a warehouse as required by this chapter. The department shall not issue a license ~~((when such))~~ until the certificate of insurance is received.

Sec. 30. Section 13, chapter 124, Laws of 1963 as last amended by section 38, chapter 296, Laws of 1981 and RCW 22.09.130 are each amended to read as follows:

(1) Every warehouseman shall receive for ~~((storage,))~~ handling, conditioning, storage, or shipment, so far as the capacity and facilities of his warehouse will permit, all commodities included in the provisions of this chapter, in suitable condition for storage, tendered him in the usual course of business from historical depositors and shall issue therefor a warehouse receipt or receipts in a form prescribed by the department as ~~((herein))~~ provided in this chapter or a scale weight ticket. Warehousemen may accept agricultural commodities from new depositors who qualify to the extent of the capacity of that warehouse. The deposit for handling, conditioning, storage, or shipment~~((, or handling))~~ of ~~((such))~~ the commodity must be credited to the depositor in the books of the warehouseman ~~((within))~~ as soon as possible, but in no event later than seven days from the date of ~~((such))~~ the deposit. If the commodity has been graded a warehouse receipt shall be issued within ten days after demand by the owner.

(2) If requested by the depositor, each lot of his commodity shall be kept in a special pile or special bin, if available, but in the case of a bulk commodity, if the lot or any portion of it does not equal the capacity of any available bin, the depositor may exercise his option to require the commodity to be specially binned only on agreement to pay charges based on the capacity of the available bin most nearly approximating the required capacity.

(3) A warehouseman may refuse to accept for storage, commodities ~~((which))~~ that are wet, damaged, insect-infested, or in other ways unsuitable for storage.

(4) Terminal and subterminal warehousemen shall receive put through agricultural commodities to the extent satisfactory transportation arrangements can be made, but may not be required to receive agricultural commodities for storage.

Sec. 31. Section 15, chapter 124, Laws of 1963 as amended by section 17, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.150 are each amended to read as follows:

(1) The duty of the warehouseman to deliver the ~~((commodity stored shall be))~~ commodities in storage is governed by the provisions of this chapter and the requirements of Article 7 of Title 62A RCW ~~((as enacted or hereafter amended))~~. Upon the return of the receipt to the proper warehouseman, properly endorsed, and upon payment or tender of all advances and legal charges, the warehouseman shall deliver commodities of the grade and quantity named ~~((therein shall be delivered))~~ upon the receipt to the holder of ~~((such))~~ the receipt, except as provided by Article 7 of Title 62A RCW ~~((as enacted or hereafter amended))~~.

(2) A warehouseman's duty to deliver any commodity is fulfilled if delivery is made pursuant to the contract with the depositor or if no contract exists, then to the several owners in the order of demand as rapidly as it can be done by ordinary diligence~~(;)~~. Where delivery is made within forty-eight hours excluding Saturdays, Sundays, and legal holidays after facilities for receiving the commodity are provided, ~~((such))~~ the delivery is deemed to comply with this subsection.

(3) No warehouseman ~~((shall))~~ may fail to deliver a commodity as provided in this section, and delivery shall be made at the warehouse or station where the commodity was received unless ~~((agreed))~~ the warehouseman and depositor otherwise agree in writing.

(4) In addition to being subject to penalties provided in this chapter for a violation of this section, if a warehouseman unreasonably fails to deliver commodities within the time as provided in this section, the person entitled to delivery of the commodity may maintain an action against the warehouseman for any damages resulting from the warehouseman's unreasonable failure to so deliver. In any such action the person entitled to delivery of the commodity has the option to seek recovery of his actual damages or liquidated damages of one-half of one percent of the value for each day's delay after ~~((such))~~ the forty-eight hour period.

Sec. 32. Section 17, chapter 124, Laws of 1963 and RCW 22.09.170 are each amended to read as follows:

~~((+))~~ If ~~((written instruction or order is given or furnished by))~~ the owner of the commodity~~(;)~~ or his authorized agent~~((directed))~~ gives or furnishes to a licensed warehouseman a written instruction or order, and if ~~((such))~~ the order is properly made a part of the warehouseman's records and is available for departmental inspection, then the warehouseman:

~~((a) May accept such deposit of a commodity for the purpose of sale to the warehouseman;~~

~~((b)) (1) May receive ((such)) the commodity for the purpose of processing or ((cleaning)) conditioning;~~

~~((c)) (2) May receive ((such)) the commodity for the purpose of shipping by the warehouseman for the account of the depositor;~~

~~((d)) (3) May accept an agricultural commodity delivered as seed and handle ~~((the same))~~ it pursuant to the terms of a contract with the depositor and the contract shall be considered written instructions pursuant to ~~((subsection (1) of))~~ this section.~~

~~((2) Commodities deposited with the warehouseman without written order, as provided for in subsection (1) of this section, must be handled and considered to be a commodity in storage.))~~

NEW SECTION. Sec. 33. (1) A commodity deposited with a warehouseman without a written agreement for sale of the commodity to the warehouseman shall be handled and considered to be a commodity in storage.

(2) A presumption is hereby created that in all written agreements for the sale of commodities, the intent of the parties is that title and ownership to the commodities shall pass on the date of payment therefor. This presumption may only be rebutted by a clear statement to the contrary in the agreement.

(3) Any warehouseman or grain dealer entering into a deferred price contract with a depositor shall first have the form of the contract approved by the director. The director shall adopt rules setting forth the standards for approval of the contracts.

Sec. 34. Section 18, chapter 124, Laws of 1963 as amended by section 24, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.180 are each amended to read as follows:

(1) The ~~((warehouseman))~~ licensee shall maintain ~~((current and))~~ complete records at all times with respect to all agricultural commodities handled, stored, shipped, or merchandised by him, including commodities owned by him. ~~((Such records shall include, but not be limited to, a daily position record showing the total quantity of each kind and class of agricultural commodity received and loaded out and the amount remaining in storage at the close of each business day, and the warehouseman's total storage obligation for each kind and class of agricultural commodity at the close of each business day.~~

~~(2) No warehouse receipt issued by any warehouseman as defined in this chapter and no negotiation, transfer, or pledge of any such receipt shall be defeated by reason of the fact that the goods covered by the receipt were owned, in whole or in part, by the warehouseman at the time the receipt was issued.~~

~~(3) Every warehouseman purchasing any agricultural commodity from a depositor thereof shall promptly make and keep for one year a correct record showing in detail the following:~~

~~(a) The name and address of the depositor;~~

~~(b) The date purchased;~~

~~(c) The terms of the sale; and~~

~~(d) The quality and quantity purchased by the warehouseman, and where applicable the dockage, tare, grade, size, net weight, or quantity;))~~

The department shall adopt rules specifying the minimum record-keeping requirements necessary to comply with this section.

~~((4)) (2) The licensee shall maintain an itemized statement of any charges paid by the ((warehouseman for the account of the)) depositor.~~

~~((A copy of such record containing the above matters shall be forwarded to the depositor forthwith:))~~

Sec. 35. Section 19, chapter 124, Laws of 1963 and RCW 22.09.190 are each amended to read as follows:

No warehouseman subject to the provisions of this chapter ~~((shall))~~ may:

(1) Directly or indirectly, by any special charge, rebate, drawback, or other device, demand, collect, or receive from any person a greater or lesser compensation for any service rendered or to be rendered in the handling, conditioning, storage, or shipment of any commodity than he demands, collects, or receives from any other person for doing for him a like and contemporaneous service in the handling, conditioning, storage, or shipment of any commodity under substantially similar circumstances or conditions;

(2) Make or give any undue or unreasonable preference or advantage to any person in any respect whatsoever;

(3) Subject any particular person to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Sec. 36. Section 24, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.195 are each amended to read as follows:

RCW 22.09.190 does not apply to contracts entered into with a governmental agency, state or federal, for the handling ~~((or)),~~ conditioning, storage, or shipping of agricultural commodities.

Sec. 37. Section 20, chapter 124, Laws of 1963 and RCW 22.09.200 are each amended to read as follows:

Each ~~((warehouseman))~~ licensee shall report information to the department at such times and as may be reasonably required by the department for the necessary enforcement and supervision of a sound, reasonable, and efficient ~~((warehouse))~~ commodity inspection program for the protection of depositors of commodities and for persons~~((;))~~ or agencies~~((;))~~ who deal in ~~((such))~~ commodities.

Sec. 38. Section 21, chapter 124, Laws of 1963 as amended by section 18, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.210 are each amended to read as follows:

It is unlawful (~~((for any warehouseman to receive in any terminal warehouse any commodity that has not been weighed, inspected, and/or graded by an employee of the department under the supervision of a duly authorized inspector of the department, or))~~) to deliver out of any terminal warehouse any commodity for export that has not been weighed, inspected, and/or graded (~~((in such manner))~~) by an employee of the department under the supervision of a duly authorized inspector of the department.

Sec. 39. Section 23, chapter 124, Laws of 1963 and RCW 22.09.230 are each amended to read as follows:

Every warehouse licensee shall post at or near the main entrance to each of his warehouses a sign as prescribed by the department which shall include the words "Washington Bonded Warehouse(^(L-))." It (~~((shall be))~~) is unlawful to display such sign or any sign of similar appearance or bearing the same words, or words of similar import, when (~~((such))~~) the warehouse is not licensed and bonded under this chapter.

Sec. 40. Section 24, chapter 124, Laws of 1963 and RCW 22.09.240 are each amended to read as follows:

Every warehouseman shall annually, during the first week in July, publish by posting in a conspicuous place in each of his warehouses the schedule of (~~((storage and))~~) handling, conditioning, and storage rates filed with the department for the ensuing license year. The schedule shall be kept posted, and the rates shall not be changed during such year except upon approval of the department.

Sec. 41. Section 25, chapter 124, Laws of 1963 and RCW 22.09.250 are each amended to read as follows:

It (~~((shall be))~~) is unlawful for a warehouseman to:

- (1) Issue a warehouse receipt for any commodity (~~((which))~~) that he does not have in his warehouse at the time (~~((such))~~) the receipt is issued;
- (2) Issue warehouse receipts in excess of the amount of the commodities held in the licensee's warehouse to cover (~~((such))~~) the receipt;
- (3) Remove, deliver, direct, assist, or permit any person to remove, or deliver any commodity from any warehouse for which warehouse receipts have been issued and are outstanding without receiving and canceling the warehouse receipt issued therefor;
- (4) Sell, encumber, ship, transfer, or in any manner remove or permit to be shipped, transferred, or removed from a warehouse any commodity received by him for deposit, (~~((shipment, or))~~) handling, conditioning, or shipment, for which scale weight tickets have been issued without the written approval of the holder of the scale weight ticket and such transfer shall be

shown on the individual depositor's account and the inventory records of the warehouseman;

(5) Remove, deliver, direct, assist, or permit any person to deliver, or remove any commodities from any warehouse, whereby the amount of any fairly representative grade or class of any commodity in the warehouses of ~~((such))~~ the licensee is reduced below the amount for which warehouse receipts or scale weight tickets for the particular commodity are outstanding;

(6) Issue a warehouse receipt showing a grade or description different from the grade or description of the commodity delivered ~~((and for which such warehouse receipt is issued))~~;

(7) Issue a warehouse receipt or scale weight ticket ~~((which))~~ that exceeds ~~((in))~~ the amount ~~((from))~~ of the actual quantity of commodities delivered for storage;

(8) Fail to deliver commodities pursuant to RCW 22.09.150 upon demand of the depositor;

(9) Knowingly accept for storage any commodity destined for human consumption ~~((which))~~ that has been contaminated with an agricultural pesticide or filth rendering it unfit for human consumption, if ~~((such))~~ the commodities are commingled with any uncontaminated commodity;

(10) Terminate storage of a commodity in his warehouse without giving ~~((reasonable))~~ thirty days' written notice to the depositor.

Sec. 42. Section 26, chapter 124, Laws of 1963 and RCW 22.09.260 are each amended to read as follows:

No depositor ~~((shall))~~ may knowingly deliver for handling, conditioning, storage, or shipment~~((, or handling))~~ any commodity treated with an agricultural pesticide or contaminated with filth rendering it unfit for human consumption without first notifying the warehouseman.

Sec. 43. Section 29, chapter 124, Laws of 1963 as amended by section 19, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.290 are each amended to read as follows:

(1) Every warehouse receipt issued for commodities covered by this chapter shall embody within its written or printed terms:

(a) The grade of the commodities received as established by the official standards of this state, unless the identity of the commodity is in fact preserved in a special pile or special bin, and an identifying mark of such pile or bin shall appear on the face of the receipt and on the pile or bin. ~~((Such))~~ A commodity in ~~((such))~~ a special pile or bin shall not be removed or relocated without canceling the outstanding receipt and issuing a new receipt showing ~~((such))~~ the change;

(b) Such other terms and conditions as required by Article 7 of Title 62A RCW ~~((as enacted or hereafter amended))~~: PROVIDED, That nothing contained therein ~~((shall))~~ requires a receipt issued for wheat to specifically state the variety of wheat by name;

(c) A clause reserving for the warehouseman the optional right to terminate storage upon thirty days' written notice to the depositor and collect outstanding charges against any lot of commodities after June 30th following the date of the receipt.

(2) Warehouse receipts issued under the United States Warehouse Act (7 USCA § 241 et seq.) (~~shall be~~) are deemed to fulfill the requirements of this chapter so far as it pertains to the issuance of warehouse receipts.

Sec. 44. Section 31, chapter 124, Laws of 1963 and RCW 22.09.310 are each amended to read as follows:

Any person, or any agent or servant of (~~such~~) that person, or any officer of a corporation who prints, binds, or delivers warehouse receipt forms, except on an order or requisition signed by the director, or who uses such forms knowing that they were not so printed, bound, or delivered (~~shall be~~) is guilty of a (~~misdemeanor~~) class C felony and is punishable as provided in chapter 9A.20 RCW.

Sec. 45. Section 33, chapter 124, Laws of 1963 and RCW 22.09.330 are each amended to read as follows:

Nothing in this chapter (~~shall~~) may be construed to prevent the issuance of scale weight tickets (~~as defined in RCW 22.09.010(12)~~) showing when and what quantities of commodities were received and the condition thereof upon delivery.

Sec. 46. Section 34, chapter 124, Laws of 1963 and RCW 22.09.340 are each amended to read as follows:

(1) Upon the request of any person or persons having an interest in a commodity stored in any public warehouse and upon payment of (~~twenty-five~~) fifty dollars in advance by (~~such~~) the person or persons, the department may cause (~~such~~) the warehouse to be inspected and shall check the outstanding negotiable and nonnegotiable warehouse receipts, and scale weight tickets (~~which~~) that have not been superseded by negotiable or nonnegotiable warehouse receipts, with the commodities on hand and shall report the amount of receipts and scale weight tickets outstanding and the amount of storage, if any. If the cost of the examination is more than (~~twenty-five~~) fifty dollars, the person or persons having an interest in the commodity stored in (~~any such~~) the warehouse(;) and requesting (~~such~~) the examination, shall pay the additional cost to the department, unless a shortage is found to exist.

(2) A warehouse shall be maintained in a manner (~~which~~) that will provide a reasonable means of ingress and egress to the various storage bins and compartments by those persons authorized to make inspections, and an adequate facility to complete (~~such~~) the inspections shall be provided.

(3) The property, books, records, accounts, papers, and proceedings of every such warehouseman shall at all reasonable times be subject to (~~such~~) inspection by the department. The warehouseman shall maintain

adequate records and systems for the filing and accounting of warehouse receipts, canceled warehouse receipts, scale weight tickets, other documents, and transactions necessary or common to the warehouse industry. Canceled warehouse receipts, copies of scale weight tickets, and other copies of documents evidencing ownership or ownership liability shall be retained by the warehouseman for a period of at least three years from the date of deposit.

(4) Any warehouseman whose principal office or headquarters is located outside the state of Washington shall make available, if requested, during ordinary business hours, at any of their warehouses licensed in the state of Washington, all books, documents, and records for inspection.

(5) Any grain dealer whose principal office or headquarters is located outside the state of Washington shall make available, if requested, all books, documents, and records for inspection during ordinary business hours at any facility located in the state of Washington, or if no facility in the state of Washington, then at a Washington state department of agriculture office or other mutually acceptable place.

NEW SECTION. Sec. 47. (1) The department may give written notice to the warehouseman or grain dealer to submit to inspection under such conditions and at such time as the department may deem necessary whenever a warehouseman or grain dealer fails to:

- (a) Submit his books, papers, or property to lawful inspection or audit;
- (b) Submit required reports or documents to the department by their due date; or
- (c) Furnish the department with requested information, including but not limited to correction notices.

(2) If the warehouseman or grain dealer fails to comply with the terms of the notice within twenty-four hours from the date of its issuance, or within such further time as the department may allow, the department shall levy a fine of fifty dollars per day from the final date for compliance allowed by this section or the department. In those cases where the failure to comply continues for more than thirty days or where the director determines the failure to comply creates a threat of loss to depositors, the department may, in lieu of levying further fines petition the superior court of the county where the licensee's principal place of business in Washington is located, as shown by the license application, for an order:

- (a) Authorizing the department to seize and take possession of all books, papers, and property of all kinds used in connection with the conduct or the operation of the warehouseman's or grain dealer's business, and the books, papers, records, and property that pertain specifically, exclusively, and directly to that business; and
- (b) Enjoining the warehouseman or grain dealer from interfering with the department in the discharge of its duties as required by this chapter.

(3) All necessary costs and expenses, including attorneys' fees, incurred by the department in carrying out the provisions of this section may be recovered at the same time and as part of the action filed under this section.

Sec. 48. Section 35, chapter 124, Laws of 1963 and RCW 22.09.350 are each amended to read as follows:

(1) Whenever it appears that there is evidence after any investigation that a warehouseman has ~~((not in his possession sufficient commodities to cover the outstanding warehouse receipts, scale weight tickets, or other evidence of storage liability issued or assumed by him, or when such warehouseman refuses to submit his books, papers, or property to lawful inspection))~~ a shortage, the department may levy a fine of one hundred dollars per day until the warehouseman covers the shortage.

(2) In any case where the director determines the shortage creates a substantial or continuing threat of loss to the depositors of the warehouseman, the department may, in lieu of levying a fine or further fines, give notice to the warehouseman to comply with all or any of the following requirements:

- (a) Cover ~~((such))~~ the shortage;
- (b) Give additional bond as requested by the department;
- (c) Submit to such inspection as the department may deem necessary;

(d) Cease accepting further commodities from depositors or selling, encumbering, transporting, or otherwise changing possession, custody, or control of commodities owned by the warehouseman until there is no longer a shortage.

~~((2))~~ (3) If ~~((such))~~ the warehouseman fails to comply with the terms of ~~((such))~~ the notice provided for in subsection (2) of this section within twenty-four hours from the date of its issuance, or within such further time as the department may allow, the department may petition the superior court of the county where the licensee's principal place of business in Washington is located ~~((f))~~as shown by the license application~~((t))~~, for an order:

(a) Authorizing the department to seize and take possession of all or a portion of special piles and special bins of commodities and all or a portion of commingled commodities in the warehouse or warehouses owned, operated, or controlled by the warehouseman, and of all books, papers, and property of all kinds used in connection with the conduct or the operation of ~~((such))~~ the warehouseman's warehouse business, and the books, papers, records, and property ~~((which))~~ that pertain specifically, exclusively, and directly to that business; and

(b) Enjoining the warehouseman from interfering with the department in the discharge of its duties as required by this section.

~~((3)) Upon taking possession the department shall give written notice of its action to the surety on the bond of the warehouseman and may notify~~

~~the holders of record, as shown by the warehouseman's records, of all warehouse receipts or scale weight tickets issued for commodities, to present their warehouse receipt or other evidence of deposits for inspection, or to account for the same. The department may thereupon cause an audit to be made of the affairs of such warehouse, especially with respect to the commodities in which there is an apparent shortage, to determine the amount of such shortage and compute the shortage as to each depositor as shown by the warehouseman's records, if practicable. The department shall notify the warehouseman and the surety on his bond of the approximate amount of such shortage and notify each depositor thereby affected by sending notice to the depositor's last known address as shown by the records of the warehouseman:~~

~~(4) The department shall retain possession of the commodities in the warehouse or warehouses, and of the books, papers, and property of the warehouseman, until such time as the warehouseman or the surety on the bond shall have satisfied the claims of all holders of warehouse receipts or other evidence of deposits, or, in case the shortage exceeds the amount of the bond, the surety on the bond shall have satisfied such claims pro rata, or until such time as the department is ordered by the court to surrender possession:~~

~~(5) If during or after the audit provided for in this section, or at any other time the department has evidence that the warehouseman is insolvent or is unable to satisfy the claims of all holders of warehouse receipts or other evidence of deposits, the department may petition the superior court which authorized the department to take possession, for the appointment of a receiver to operate or liquidate the business of the warehouseman in accordance with law:~~

~~(6) At any time within ten days after the department takes possession of any commodities, or the books, papers, and property of any warehouse, the warehouseman may serve notice upon the department to appear in the superior court of the county in which such warehouse is located, at a time to be fixed by such court, which shall not be less than five, nor more than fifteen days from the date of the service of such notice, and show cause why such commodities, books, papers, and property should not be restored to his possession:~~

~~(7) All necessary expenses incurred by the department in carrying out the provisions of this section may be recovered in a separate civil action brought by the department in the said superior court or recovered at the same time and as a part of the receivership or seizure action filed under this chapter:~~

~~(8) As a part of the expenses so incurred, the department or the receiver is authorized to include the cost of adequate liability insurance necessary to protect the department, its officers, and others engaged in carrying out the provisions of this section:))~~

NEW SECTION. Sec. 49. (1) Whenever the department, pursuant to court order, seizes and takes possession of all or a portion of special piles and special bins of commodities, all or a portion of commingled commodities in a warehouse owned, operated, or controlled by a warehouseman, or books, papers, and property of any kind used in connection with the conduct of a warehouseman's warehouse business, the department shall:

(a) Give written notice of its action to the surety on the bond of the warehouseman and may notify the holders of record, as shown by the warehouseman's records, of all warehouse receipts or scale weight tickets issued for commodities, to present their warehouse receipt or other evidence of deposits for inspection, or to account for the same. The department may thereupon cause an audit to be made of the affairs of the warehouse, especially with respect to the commodities in which there is an apparent shortage, to determine the amount of the shortage and compute the shortage as to each depositor as shown by the warehouseman's records, if practicable. The department shall notify the warehouseman and the surety on his bond of the approximate amount of the shortage and notify each depositor thereby affected by sending notice to the depositor's last known address as shown by the records of the warehouseman.

(b) Retain possession of the commodities in the warehouse or warehouses, and of the books, papers, and property of the warehouseman, until the warehouseman or the surety on the bond has satisfied the claims of all holders of warehouse receipts or other evidence of deposits, or, in case the shortage exceeds the amount of the bond, the surety on the bond has satisfied the claims pro rata.

(2) At any time within ten days after the department takes possession of any commodities or the books, papers, and property of any warehouse, the warehouseman may serve notice upon the department to appear in the superior court of the county in which the warehouse is located, at a time to be fixed by the court, which shall not be less than five nor more than fifteen days from the date of the service of the notice, and show cause why such commodities, books, papers, and property should not be restored to his possession.

(3) All necessary expenses and attorneys' fees incurred by the department in carrying out the provisions of this section may be recovered in the same action or in a separate civil action brought by the department in the superior court.

(4) As a part of the expenses so incurred, the department is authorized to include the cost of adequate liability insurance necessary to protect the department, its officers, and others engaged in carrying out the provisions of this section.

NEW SECTION. Sec. 50. (1) When a depositor stores a commodity with a warehouseman or sells a commodity to a grain dealer, the depositor

has a first priority statutory lien on the commodity or the proceeds therefrom or on commodities owned by the warehouseman or grain dealer if the depositor has written evidence of ownership disclosing a storage obligation or written evidence of sale. The lien arises at the time the title is transferred from the depositor to the warehouseman or grain dealer, or if the commodity is under a storage obligation, the lien arises at the commencement of the storage obligation. The lien terminates when the liability of the warehouseman or grain dealer to the depositor terminates or if the depositor sells his commodity to the warehouseman or grain dealer, then thirty days after the time of the sale. If, however, the depositor is tendered payment by check or draft, then the lien shall not terminate until forty days after the time of sale.

(2) The lien created under this section shall be preferred to any lien or security interest in favor of any creditor of the warehouseman or grain dealer, regardless of whether the creditor's lien or security interest attached to the commodity or proceeds before or after the date on which the depositor's lien attached under subsection (1) of this section.

(3) A depositor who claims a lien under subsection (1) of this section need not file any notice of the lien in order to perfect the lien.

(4) The lien created by subsection (1) of this section is discharged, except as to the proceeds therefrom and except as to commodities owned by the warehouseman or grain dealer, upon sale of the commodity by the warehouseman or grain dealer to a buyer in the ordinary course of business.

NEW SECTION. Sec. 51. In the event of a failure of a grain dealer or warehouseman, the department may process the claims of depositors possessing written evidence of ownership disclosing a storage obligation or written evidence of a sale of commodities in the following manner:

(1) The department shall give notice and provide a reasonable time to depositors possessing written evidence of ownership disclosing a storage obligation or written evidence of sale of commodities to file their claims with the department.

(2) The department may investigate each claim and determine whether the claimant's commodities are under a storage obligation or whether a sale of the commodities has occurred. The department may, in writing, notify each claimant and the failed grain dealer or warehouseman of the department's determination as to the status and amount of each claimant's claim. A claimant, failed warehouseman, or grain dealer may request a hearing on the department's determination within twenty days of receipt of written notification, and a hearing shall be held in accordance with chapter 34.04 RCW.

(3) The department may inspect and audit the failed warehouseman to determine whether the warehouseman has in his possession sufficient quantities of commodities to cover his storage obligations. In the event of a shortage, the department shall determine each depositor's pro rata share of

available commodities and the deficiency shall be considered as a claim of the depositor. Each type of commodity shall be treated separately for purpose of determining shortages.

(4) The department shall determine the amount, if any, due each claimant by the surety and make demand upon the bond in the manner set forth in this chapter.

NEW SECTION. Sec. 52. Upon the failure of a grain dealer or warehouseman, the statutory lien created in section 50 of this act shall be liquidated by the department to satisfy the claims of depositors in the following manner:

(1) The department shall take possession of all commodities in the warehouse that are under warehouse receipts or any written evidence of ownership that discloses a storage obligation by a failed warehouseman, including but not limited to scale weight tickets, settlement sheets, and ledger cards. These commodities shall be distributed or sold and the proceeds distributed to satisfy the outstanding warehouse receipts or other written evidences of ownership. If a shortage exists, the department shall distribute the commodities or the proceeds from the sale of the commodities on a prorated basis to the depositors. To the extent the commodities or the proceeds from their sale are inadequate to satisfy the claims of depositors with evidence of storage obligations, the depositors have a first priority lien against any proceeds received from commodities sold while under a storage obligation or against any commodities owned by the failed warehouseman or grain dealer.

(2) Depositors possessing written evidence of the sale of a commodity to the failed warehouseman or grain dealer, including but not limited to scale weight tickets, settlement sheets, deferred price contracts, or similar commodity delivery contracts, who have completed delivery and pricing during a thirty-day period immediately before the failure of the failed warehouseman or grain dealer have a second priority lien against the commodity, the proceeds of the sale, or warehouse-owned or grain dealer-owned commodities. If the commodity, commodity proceeds, or warehouse-owned or grain dealer-owned commodities are insufficient to wholly satisfy the claim of depositors possessing written evidence of the sale of the commodity to the failed warehouseman or grain dealer, each depositor shall receive a pro rata share thereof.

(3) Upon the satisfaction of the claims of depositors qualifying for first or second priority treatment, all other depositors possessing written evidence of the sale of the commodity to the failed warehouseman or grain dealer have a third priority lien against the commodity, the proceeds of the sale, or warehouse-owned or grain dealer-owned commodities. If the commodities, commodity proceeds, or warehouse-owned or grain dealer-owned commodities are insufficient to wholly satisfy these claims, each depositor shall receive a pro rata share thereof.

(4) The director of agriculture may represent depositors whom, under section 51 of this act, the director has determined have claims against the failed warehouseman or failed grain dealer in any action brought to enjoin or otherwise contest the distributions made by the director under this section.

Sec. 53. Section 37, chapter 124, Laws of 1963 and RCW 22.09.370 are each amended to read as follows:

(1) If no action is commenced (~~(pursuant to RCW 22.09.360)~~) under RCW 22.09.570 within thirty days after written demand to the department, any depositor injured by the failure of a licensee to comply with the condition of his bond (~~((shall have))~~) has a right of action upon ((such)) the licensee's bond for the recovery of ((att)) his damages ((suffered thereby)). The depositor shall give the department immediate written notice of the commencement of any such action.

(2) Recovery under ~~((such)) the~~ bond shall be prorated when the claims exceed the liability under ~~((such)) the~~ bond.

(3) Whenever the claimed shortage exceeds the amount of ~~((such)) the~~ bond, it ~~((shall)) is~~ not ~~((be))~~ necessary for any depositor~~((s))~~ suing on ~~((such)) the~~ bond to join other depositors in ~~((such)) the~~ suit, and the burden of establishing proration ~~((shall be)) is~~ on the surety as a matter of defense.

Sec. 54. Section 42, chapter 124, Laws of 1963 and RCW 22.09.420 are each amended to read as follows:

The department's inspectors shall, at terminal warehouses, have exclusive control of the weighing, inspecting, and grading of the commodities ~~((which)) that~~ are included within the provisions of this chapter, and the action and certificates of ~~((such)) the~~ inspectors in the discharge of their duties, as to all commodities weighed or inspected by them, shall be accepted as prima facie evidence of the correctness of the above activity~~((:PROVIDED, That))~~. However, an appeal may be taken as provided in RCW ((22.09.450;)) 22.09.780 to the director of the department. Suitable books and records shall be kept in which shall be entered a record of every carload, or cargo, or part of cargo of commodities inspected or weighed by them, showing the number and initial or other designation of the vehicle or boat containing ~~((such)) the~~ carload, or cargo, or part of cargo, its weight, the kind of commodity, and its grade, the reason for ~~((such)) the~~ grade~~((:))~~ if of inferior grade, the amount of ~~((such)) the~~ dockage, the amount of fees and forfeitures and disposition of ~~((same)) them~~; and for each vehicle or cargo, or part of cargo, of commodity inspected, they shall give a certificate of inspection showing the kind and grade of the same and the reason for all grades established. They shall also keep a record of all appeals, decisions, and a complete record of every official act, which books and records shall be open to inspection by any party in interest. They shall also furnish the agent

of the railroad company, or other carrier over which ~~((such))~~ the commodity was shipped or carried, a report showing the weight thereof, if requested to do so.

Sec. 55. Section 55, chapter 124, Laws of 1963 as amended by section 22, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.550 are each amended to read as follows:

The director may cooperate with and enter into agreements with governmental agencies of this state, other states, agencies of the federal government, and private associations in order to carry out the purpose and provisions of this chapter and the United States Warehouse Act (7 USCA § 241 et seq.) and the United States Grain Standards Act, as amended (7 USCA § 71, et seq.). Notwithstanding any other provision of this chapter such agreements may also relate to a joint program for licensing, bonding, and inspecting stations ~~((as defined in RCW 22.09.010(8)(f)))~~. Such a program should be designed to avoid duplication of effort on the part of the licensing authority and requirements for operation, and promote more efficient enforcement of the provisions of this chapter and ~~((or))~~ comparable provisions of the law of the states of Idaho or Oregon.

Sec. 56. Section 29, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.570 are each amended to read as follows:

The director ~~((or any depositor of any agricultural commodity))~~ may bring action upon ~~((said))~~ the bond of a warehouseman or grain dealer against both principal and surety in any court of competent jurisdiction to recover the damages caused by any failure to comply with the provisions of this chapter or the rules ~~((and regulations))~~ adopted hereunder.

Sec. 57. Section 30, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.580 are each amended to read as follows:

If a depositor creditor after notification fails, refuses, or neglects to file in the office of the director his verified claim against a warehouseman or grain dealer bond as requested by the director within ~~((sixty))~~ thirty days from the date of ~~((such))~~ the request, the director shall thereupon be relieved of further duty or action ~~((hereunder))~~ under this chapter on behalf of ~~((said))~~ the depositor creditor.

Sec. 58. Section 31, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.590 are each amended to read as follows:

Where by reason of the absence of records ~~((;))~~ or other circumstances making it impossible or unreasonable for the director to ascertain the names and addresses of all ~~((said))~~ the depositor creditors, the director after exerting due diligence and making reasonable inquiry to secure ~~((said))~~ that information from all reasonable and available sources, may make demand

on ~~((said))~~ a warehouseman's or grain dealer's bond on the basis of information then in his possession, and thereafter shall not be liable or responsible for claims or the handling of claims ~~((which))~~ that may subsequently appear or be discovered.

Sec. 59. Section 32, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.600 are each amended to read as follows:

Upon ascertaining all claims and statements in the manner ~~((herein))~~ set forth in this chapter, the director may then make demand upon the warehouseman's or grain dealer's bond on behalf of those claimants whose claims and statements have been filed, and ~~((shall have))~~ has the power to settle or compromise ~~((said))~~ the claims with the surety company on the bond, and is empowered in such cases to execute and deliver a release and discharge of the bond involved.

Sec. 60. Section 33, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.610 are each amended to read as follows:

Upon the refusal of the surety company to pay the demand, the director may thereupon bring an action on the warehouseman's or grain dealer's bond in behalf of ~~((said))~~ the depositor creditors. Upon any action being commenced on ~~((said))~~ the bond, the director may require the filing of a new bond, and immediately upon the recovery in any action on ~~((such))~~ the bond ~~((such))~~, the warehouseman or grain dealer shall file a new bond ~~((and upon))~~. The failure to file the ~~((same))~~ new bond within ten days in either case ~~((such failure shall))~~ constitutes grounds for the suspension or revocation of ~~((his))~~ the warehouseman's or grain dealer's license.

NEW SECTION. Sec. 61. RCW 22.09.370, as amended by this 1983 act, is hereby decodified and is recodified as RCW 22.09.615.

Sec. 62. Section 34, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.620 are each amended to read as follows:

Every warehouseman or grain dealer must pay for agricultural commodities purchased by him at the time and in the manner specified in the contract with the depositor, but if no time is set by ~~((such))~~ the contract, then within thirty days after taking possession for purpose of sale or taking title of ~~((such))~~ the agricultural product.

Sec. 63. Section 26, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.650 are each amended to read as follows:

When a station ~~((as defined in RCW 22.09.010(8)(f)))~~ is licensed pursuant to this chapter, the department may assert any and all the remedies provided for in this chapter, including but not limited to those remedies provided for in RCW 22.09.350. Furthermore, if inspection of that portion of the station located in the contiguous state is refused by the licensee, the department may give notice to the licensee to submit to such inspection as the department may deem necessary.

If ((such)) the station refuses to comply with the terms of the notice within twenty-four hours, the director may summarily suspend the station's license pending a hearing in compliance with chapter 34.04 RCW.

NEW SECTION. Sec. 64. Upon determining that an emergency storage situation appears to exist, the director may authorize the warehouseman to forward grain that is covered by negotiable receipts to other licensed warehouses for storage without canceling and reissuing the negotiable receipts for not more than thirty days pursuant to conditions established by rule.

NEW SECTION. Sec. 65. RCW 22.09.210, as amended by this 1983 act, is hereby decodified and is recodified as RCW 22.09.700.

NEW SECTION. Sec. 66. RCW 22.09.380, 22.09.390, 22.09.400, and 22.09.410 are each hereby decodified and recodified as RCW 22.09.710, 22.09.720, 22.09.730, and 22.09.740, respectively.

NEW SECTION. Sec. 67. RCW 22.09.420, as amended by this 1983 act, is hereby decodified and is recodified as RCW 22.09.750.

NEW SECTION. Sec. 68. RCW 22.09.430, 22.09.440, 22.09.450, 22.09.460, 22.09.470, 22.09.480, 22.09.490, 22.09.500, and 22.09.530 are each hereby decodified and recodified as RCW 22.09.760, 22.09.770, 22.09.780, 22.09.790, 22.09.800, 22.09.810, 22.09.820, 22.09.830, and 22.09.840, respectively.

NEW SECTION. Sec. 69. RCW 22.09.280 is hereby decodified and is recodified as RCW 22.09.850.

NEW SECTION. Sec. 70. RCW 22.09.270 is hereby decodified and is recodified as RCW 22.09.860.

NEW SECTION. Sec. 71. RCW 22.09.540 is hereby decodified and is recodified as RCW 22.09.870.

NEW SECTION. Sec. 72. RCW 22.09.550, as amended by this 1983 act, is hereby decodified and is recodified as RCW 22.09.880.

NEW SECTION. Sec. 73. RCW 22.09.560 is hereby decodified and is recodified as RCW 22.09.890.

NEW SECTION. Sec. 74. RCW 22.09.950 and 22.09.951 are each hereby decodified.

Sec. 75. Section 9-104, chapter 157, Laws of 1965 ex. sess. as amended by section 8, chapter 41, Laws of 1981 and RCW 62A.9-104 are each amended to read as follows:

This Article does not apply

(a) to a security interest subject to any statute of the United States to the extent that such statute governs the rights of parties to and third parties affected by transactions in particular types of property; or

(b) to a landlord's lien; or

(c) to a lien given by statute or other rule of law for services or materials or to a lien created under chapter 20.01 or 22.09 RCW except as provided in RCW 62A.9-310 on priority of such liens; or

(d) to a transfer of a claim for wages, salary or other compensation of an employee; or

(e) to a transfer by a government or governmental subdivision or agency; or

(f) to a sale of accounts or chattel paper as part of a sale of the business out of which they arose, or an assignment of accounts or chattel paper which is for the purpose of collection only, or a transfer of a right to payment under a contract to an assignee who is also to do the performance under the contract or a transfer of a single account to an assignee in whole or partial satisfaction of a preexisting indebtedness; or

(g) to a transfer of an interest or claim in or under any policy of insurance, except as provided with respect to proceeds (RCW 62A.9-306) and priorities in proceeds (RCW 62A.9-312); or

(h) to a right represented by a judgment (other than a judgment taken on a right to payment which was collateral); or

(i) to any right of set-off; or

(j) except to the extent that provision is made for fixtures in RCW 62A.9-313, to the creation or transfer of an interest in or lien on real estate, including a lease or rents thereunder; or

(k) to a transfer in whole or in part of any claim arising out of tort; or

(l) to a transfer of an interest in any deposit account (subsection (1) of RCW 62A.9-105), except as provided with respect to proceeds (RCW 62A.9-306) and priorities in proceeds (RCW 62A.9-312).

Sec. 76. Section 9-310, chapter 157, Laws of 1965 ex. sess. and RCW 62A.9-310 are each amended to read as follows:

(1) When a person in the ordinary course of his business furnishes services or materials with respect to goods subject to a security interest, a lien upon goods in the possession of such person given by statute or rule of law for such materials or services takes priority over a perfected security interest only if the lien is statutory and the statute expressly provides for such priority.

(2) A preparer lien or processor lien created pursuant to chapter 20.01 RCW or a depositor's lien created pursuant to chapter 22.09 RCW takes priority over any perfected or unperfected security interest.

NEW SECTION. Sec. 77. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 124, Laws of 1963, section 51, chapter 240, Laws of 1967, section 1, chapter 65, Laws of 1971, section 19, chapter 7, Laws of 1975 1st ex. sess., section 12, chapter 238, Laws of 1979 ex. sess., section 37, chapter 296, Laws of 1981 and RCW 22.09.010; and

(2) Section 36, chapter 124, Laws of 1963 and RCW 22.09.360.

NEW SECTION. Sec. 78. 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. 79. Sections 16, 19, 21, 23, 26, 33, 47, 49, 50, 51, 52, and 64 of this act are each added to chapter 22.09 RCW.

NEW SECTION. Sec. 80. There is appropriated to the department of licensing from the general fund for the biennium ending June 30, 1983, the sum of forty-nine thousand five hundred dollars, or so much thereof as may be necessary, for the operation and expenses of an automated lien filing and search system capable of filing and searching agricultural liens.

NEW SECTION. Sec. 81. Sections 16 through 80 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 19, 1983.

Passed the Senate April 13, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 306

[Engrossed House Bill No. 804]

STATE AGENCIES—ESTABLISHMENT OF GOALS REQUIRED

AN ACT Relating to state government; and adding a new section to chapter 43.17 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 43.17 RCW a new section to read as follows:

(1) The legislature finds that the establishment of program goals and objectives by the agencies of the state will increase agency productivity, allow legislative input into expenditure decisions, and increase the accountability of state agencies.

(2) Each agency of the state shall biennially establish goals and objectives for each program administered by the agency. The goals and objectives shall be stated in terms of objective, measurable results as much as feasible. The goals and objectives shall be submitted biennially to the legislative committees on ways and means and the legislative budget committee for review and comment.

(3) Each agency of the state shall submit a report by August 15 of each year on their performance of these goals and objectives for the previous fiscal year to the legislative committees on ways and means and the legislative budget committee for evaluation, review, and comment.

Passed the House March 28, 1983.

Passed the Senate April 20, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 307

[Engrossed Substitute House Bill No. 848]

VIETNAM VETERANS—EXEMPTION FROM TUITION INCREASES EXTENDED

AN ACT Relating to tuition and fees at institutions of higher education; amending section 22, chapter 279, Laws of 1971 ex. sess. as last amended by section 1, chapter 83, Laws of 1979 ex. sess. and RCW 28B.15.620; providing an expiration date; and declaring an emergency.

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

Sec. 1. Section 22, chapter 279, Laws of 1971 ex. sess. as last amended by section 1, chapter 83, Laws of 1979 ex. sess. and RCW 28B.15.620 are each amended to read as follows:

Notwithstanding any other provision of law, veterans of the Vietnam conflict who have served in the southeast Asia theater of operations attending institutions of higher learning shall be exempted from the payment of any increase in tuition and fees otherwise applicable to any other resident or nonresident student at any institution of higher education, and shall not be required to pay more than the total amount of tuition and fees paid by veterans of the Vietnam conflict on October 1, 1977: PROVIDED, That for the purposes of this exemption, "veterans of the Vietnam conflict" shall be those persons who have been on active federal service as a member of the armed military or naval forces of the United States between a period commencing August 5, 1964, and ending on May 7, 1975, and who qualify as a resident student under RCW 28B.15.012, and who have enrolled in state institutions of higher education on or before May 7, (~~1983~~) 1989. This section shall expire June 30, 1995.

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

Passed the House April 20, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 308

[Engrossed Substitute House Bill No. 865]

CONTRACTS FOR ELECTRICAL ENERGY—LIMITATIONS

AN ACT Relating to public power; and amending section 43.52.410, chapter 8, Laws of 1965 as amended by section 9, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.410.

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

Sec. 1. Section 43.52.410, chapter 8, Laws of 1965 as amended by section 9, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.410 are each amended to read as follows:

Any city or district is authorized to enter into contracts or compacts with any operating agency or a publicly or privately owned public utility for the purchase and sale of electric energy or falling waters: PROVIDED, That no city or district may enter into a contract or compact with an operating agency to purchase electric energy, or to purchase or participate in a portion of an electrical generating project, that commits the city or district to pay an amount in excess of an express dollar amount or in excess of an express rate per unit of electrical energy received.

Passed the House April 22, 1983.

Passed the Senate April 18, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 309

[Substitute House Bill No. 882]

INTEREST RATES—WRITING DEFINED

AN ACT Relating to interest rates; and amending section 1, chapter 80, Laws of 1899 as amended by section 1, chapter 80, Laws of 1981 and RCW 19.52.010.

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

Sec. 1. Section 1, chapter 80, Laws of 1899 as amended by section 1, chapter 80, Laws of 1981 and RCW 19.52.010 are each amended to read as follows:

Every loan or forbearance of money, goods, or thing in action shall bear interest at the rate of twelve percent per annum where no different rate is agreed to in writing between the parties: PROVIDED, That with regard to any transaction heretofore or hereafter entered into subject to this section, if an agreement in writing between the parties evidencing such transaction provides for the payment of money at the end of an agreed period of time or in installments over an agreed period of time, then such agreement shall constitute a writing for purposes of this section and satisfy the requirements thereof. The discounting of commercial paper, where the borrower makes

himself liable as maker, guarantor, or indorser, shall be considered as a loan for the purposes of this chapter.

Passed the House March 28, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 310

[Engrossed House Bill No. 905]

STATE RESIDENTIAL SCHOOLS—PAYMENT ELIGIBILITY AND AMOUNT

AN ACT Relating to state residential schools; and amending section 4, chapter 251, Laws of 1961 as last amended by section 12, chapter 71, Laws of 1974 ex. sess. and RCW 72.33.815.

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

Sec. 1. Section 4, chapter 251, Laws of 1961 as last amended by section 12, chapter 71, Laws of 1974 ex. sess. and RCW 72.33.815 are each amended to read as follows:

The parent or guardian of a retarded or developmentally disabled person may make application to the secretary of social and health services for the payment of all, or a portion of, the monthly cost of care, treatment, maintenance, support and training of such mentally retarded or developmentally disabled person, whether in a day training center or a group training home or a combination thereof or otherwise, approved by the department. In determining eligibility and the amount of payment, the secretary shall make special provision for group training homes where parents are required to provide some of the care and training of the person. The special provisions shall include establishing eligibility requirements for a person placed in such a group training home to have a parent able and willing to provide some of the care and training of the person. The secretary, after investigation, may accept or reject the application, and, if accepted, shall determine the extent and type of care and training and the amount which the department will pay, based upon the needs of such mentally retarded or developmentally disabled person and the ability of the parent or the guardian to pay, or contribute to the payment of the monthly cost of such care and training. The secretary, may, upon application of such parent or guardian, after investigation of the ability or inability of such persons to pay, or without application being made, modify the amount of the monthly payments to be paid by the department of social and health services for the care and training of such mentally retarded or developmentally disabled persons whether

at a day training center or group training home or combination thereof or otherwise.

Passed the House March 30, 1983.

Passed the Senate April 20, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 311

[Engrossed Substitute House Bill No. 906]

DEVELOPMENTALLY DISABLED JUVENILES—OUT-OF-HOME PLACEMENT—COURT REVIEW

AN ACT Relating to developmentally disabled juveniles; amending section 31, chapter 291, Laws of 1977 ex. sess. as last amended by section 4, chapter 129, Laws of 1982 and RCW 13.34.030; amending section 6, chapter 160, Laws of 1913 as last amended by section 17, chapter 3, Laws of 1983 and RCW 13.34.070; amending section 5, chapter 302, Laws of 1961 as last amended by section 44, chapter 155, Laws of 1979 and RCW 13.34.110; amending section 41, chapter 291, Laws of 1977 ex. sess. as amended by section 46, chapter 155, Laws of 1979 and RCW 13.34.130; and creating a new section.

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

NEW SECTION. Sec. 1. The legislature finds that in order for the state to receive federal funds for family foster care under Title IV-B and Title IV-E of the social security act, all children in family foster care must be subjected to periodic court review. Unfortunately, this includes children who are developmentally disabled and who are placed in family foster care solely because their parents have determined that the children's service needs require out-of-home placement. Except for providing such needed services, the parents of these children are completely competent to care for the children. The legislature intends by this act to minimize the embarrassment and inconvenience of developmentally disabled persons and their families caused by complying with these federal requirements.

Sec. 2. Section 31, chapter 291, Laws of 1977 ex. sess. as last amended by section 4, chapter 129, Laws of 1982 and RCW 13.34.030 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years;

(2) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has evidenced either by statement or conduct, a settled intent to forego, for an extended period, all parental rights or all parental responsibilities despite an ability to do so; ((or))

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; ((or))

(c) Who has no parent, guardian, or custodian willing and capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Who is developmentally disabled, as defined in RCW 71.20.016 and whose parent, guardian, or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist.

Sec. 3. Section 6, chapter 160, Laws of 1913 as last amended by section 17, chapter 3, Laws of 1983 and RCW 13.34.070 are each amended to read as follows:

(1) Upon the filing of the petition, the clerk of the court shall issue a summons, one directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. If the child is developmentally disabled and not living at home, the notice shall be given to the child's custodian as well as to the child's parent. The developmentally disabled child shall not be required to appear unless requested by the court. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons. The hearing on the petition shall be set for a time no later than forty-five days after the filing of the petition and shall be held at such time, unless for good cause the hearing is continued to a later time at the request of either party.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel.

(4) The judge may endorse upon the summons an order directing any parent, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

(5) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to RCW 13.34.050, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take him to the place of shelter designated by the court.

(6) If the person summoned as provided in this section is subject to an order of the court pursuant to subsection (4) or (5) of this section, and if the person fails to abide by the order, he may be proceeded against as for contempt of court. The order endorsed upon the summons shall conspicuously display the following legend:

NOTICE:
VIOLATION OF THIS ORDER
IS SUBJECT TO PROCEEDING

FOR CONTEMPT OF COURT
PURSUANT TO RCW 13.34.070.

(7) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally at least five court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail at least ten court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

(8) Service of summons may be made under the direction of the court by any person eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department of social and health services social worker.

(9) In any proceeding brought under this chapter where the court knows or has reason to know that the child involved is a member of an Indian tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's tribe. If the identity or location of the tribe cannot be determined, such notice shall be transmitted to the secretary of the interior of the United States.

Sec. 4. Section 5, chapter 302, Laws of 1961 as last amended by section 44, chapter 155, Laws of 1979 and RCW 13.34.110 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days or longer for good cause shown. The parties need not appear at the fact-finding or dispositional hearing if all are in agreement; but the court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other

business of any other division of the superior court. The general public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

Sec. 5. Section 41, chapter 291, Laws of 1977 ex. sess. as amended by section 46, chapter 155, Laws of 1979 and RCW 13.34.130 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Such an order may be made only if:

(i) There is no parent or guardian available to care for such child; ((or))

(ii) The child is unwilling to reside in the custody of the child's parent, guardian, or legal custodian; ((or))

(iii) The parent, guardian, or legal custodian is not willing to take custody of the child; ((or))

(iv) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home; or

(v) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with a specific plan as to where the child will be placed, what steps will be taken to return

the child home, and what actions the agency will take to maintain parent-child ties.

(a) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody and what requirements the parents must meet in order to resume custody.

(b) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(c) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(d) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(3) The status of all children found to be dependent shall be reviewed by the court at least every six months at a hearing in which it shall be determined whether court supervision should continue.

(a) A child shall be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section still exists. When a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) What services have been provided to or offered to the parties to facilitate reunion;

(ii) The extent to which the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(iii) Whether the agency is satisfied with the cooperation given to it by the parents;

(iv) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered; and

(v) When return of the child can be expected.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Passed the House April 24, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 312

[Engrossed House Bill No. 919]

SELF-INSURERS—RESERVE FUND PAYMENT PROCEDURES ALTERNATIVES

AN ACT Relating to industrial insurance; and amending section 51.44.070, chapter 23, Laws of 1961 as last amended by section 1, chapter 325, Laws of 1981 and RCW 51.44.070.

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

Sec. 1. Section 51.44.070, chapter 23, Laws of 1961 as last amended by section 1, chapter 325, Laws of 1981 and RCW 51.44.070 are each amended to read as follows:

(1) For every case resulting in death or permanent total disability the department shall transfer on its books from the accident fund of the proper class and/or appropriate account to the "reserve fund" a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this title provided to be made for the case. Such annuity values shall be based upon rates of mortality, disability, remarriage, and interest as determined by the state insurance commissioner, taking into account the experience of the reserve fund in such respects.

Similarly, a self-insurer in these circumstances shall pay into the reserve fund a sum of money computed in the same manner, and the disbursements therefrom shall be made as in other cases.

(2) As an alternative to payment procedures otherwise provided under law, in the event of death or permanent total disability to workers of self-insured employers, a self-insured employer may upon establishment of such obligation file with the department a bond, or an assignment of account from a federally or state chartered commercial banking institution authorized to conduct business in the state of Washington, in an amount deemed by the insurance commissioner to be reasonably sufficient to insure payment of the pension benefits provided by law. The department shall adopt rules governing assignments of account. Such rules shall ensure that the funds are available if needed, even in the case of failure of the banking institution or of the employer's business.

The annuity value for every such case shall be determined by the insurance commissioner based upon the commissioner's experience as to rates of mortality, disability, remarriage, and interest. The amount of the required bond or assignment of account may be reviewed and adjusted periodically by the department, based upon periodic redeterminations by the insurance commissioner as to the outstanding annuity value for the case.

Under such alternative, the department shall make the monthly payments from the pension reserve fund for the benefits provided for by RCW 51.32.050 and 51.32.060 to the self-insured beneficiary or beneficiaries and

the department shall be reimbursed for all such payments from the particular self-insured employer through periodic charges not less than quarterly in a manner to be determined by the director.

Any self-insured employer electing this alternative method of providing for payment to the beneficiary or beneficiaries shall additionally pay to the department a deposit equal to the first three months' payments otherwise required under RCW 51.32.050 and 51.32.060. Such deposit shall be placed in the reserve fund in accordance with RCW 51.44.140 and shall be returned to the respective self-insured employer when monthly payments are no longer required for such particular obligation.

If a self-insurer delays or refuses to reimburse the department beyond fifteen days after the reimbursement charges become due, there shall be a penalty paid by the self-insurer upon order of the director of an additional amount equal to twenty-five percent of the amount then due which shall be paid into the pension reserve fund. Such an order shall conform to the requirements of RCW 51.52.050.

Passed the House March 30, 1983.

Passed the Senate April 18, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 313

[Substitute House Bill No. 1011]

STATE BUILDINGS—ENERGY CONSERVATION MEASURES

AN ACT Relating to building requirements; and amending section 5, chapter 172, Laws of 1980 as amended by section 3, chapter 48, Laws of 1982 and RCW 43.19.680.

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

Sec. 1. Section 5, chapter 172, Laws of 1980 as amended by section 3, chapter 48, Laws of 1982 and RCW 43.19.680 are each amended to read as follows:

(1) Upon completion of each walk-through survey required by RCW 43.19.675, the director of general administration or the agency responsible for the facility if other than the department of general administration shall implement energy conservation maintenance and operation procedures that may be identified for any state-owned facility. These procedures shall be implemented as soon as possible but not later than twelve months after the walk-through survey.

(2) By December 31, 1981, for the capitol campus the director of general administration, in cooperation with the director of the state energy office, shall prepare and transmit to the governor and the legislature an implementation plan.

(3) By December 31, 1983, for all other state-owned facilities, the director of general administration in cooperation with the director of the state energy office shall prepare and transmit to the governor and the legislature the results of the energy consumption and walk-through surveys and a schedule for the conduct of technical assistance studies. This submission shall contain the energy conservation measures planned for installation during the ensuing biennium. Priority considerations for scheduling technical assistance studies shall include but not be limited to a facility's energy efficiency, responsible agency participation, comparative cost and type of fuels, possibility of outside funding, logistical considerations such as possible need to vacate the facility for installation of energy conservation measures, coordination with other planned facility modifications, and the total cost of a facility modification, including other work which would have to be done as a result of installing energy conservation measures. Energy conservation measure acquisitions and installations shall be scheduled to be twenty-five percent complete by June 30, 1985, or at the end of the capital budget biennium which includes that date, whichever is later, fifty-five percent complete by June 30, 1989, or at the end of the capital budget biennium which includes that date, whichever is later, eighty-five percent complete by June 30, 1993, or at the end of the capital budget biennium which includes that date, whichever is later, and fully complete by June 30, 1995, or at the end of the capital budget biennium which includes that date, whichever is later. Each state agency shall implement energy conservation measures with a payback period of twenty-four months or less that have a positive cash flow in the same biennium.

For each biennium until all measures are installed, the director of general administration shall report to the governor and legislature installation progress, measures planned for installation during the ensuing biennium, and changes, if any, to the technical assistance study schedule. This report shall be submitted by December 31, 1984, or at the end of the following year whichever immediately precedes the capital budget adoption, and every two years thereafter until all measures are installed.

(4) The director of general administration shall adopt rules to facilitate private investment in energy conservation measures for state-owned buildings consistent with state law.

Passed the House April 20, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 314

[Substitute House Bill No. 1089]

CHINA EXHIBITION COUNCIL CREATED—APPROPRIATION

AN ACT Relating to the holding of a China Exhibition in Washington state; creating new sections; making an appropriation; and providing an expiration date.

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

NEW SECTION. Sec. 1. The legislature recognizes the benefits to the people and the economy of the state of Washington of hosting major exhibitions which attract out-of-state visitors. The King Tut exhibition in 1978 was one such successful event. The legislature finds significant benefits to the state's residents in assisting the Pacific Science Center to host "China: 7000 Years of Discovery," a six-month exhibition in 1984. Washington is one of only three states, and the only one west of the Mississippi River, to be selected to host this exhibition. The economic development benefits of the proposed exhibit include encouraging and facilitating trade with China and enhancing tourism in Washington state.

NEW SECTION. Sec. 2. There is created a China exhibition council that shall consist of five members, appointed by the governor, who shall serve without compensation to:

- (1) Advise the governor on ways to use the resources of the various state agencies to facilitate the promotion and hosting of the proposed exhibition;
- (2) Direct the expenditure of funds appropriated by section 3 of this act to be used for the promotion of the proposed exhibition;
- (3) Report to the governor and the legislature by January 30, 1985, about the results of the exhibition.

NEW SECTION. Sec. 3. There is appropriated from the general fund for the fiscal biennium ending June 30, 1985, to the office of the governor the sum of forty-five thousand dollars, or so much thereof as may be necessary, for the purposes of carrying out this act.

NEW SECTION. Sec. 4. This act shall expire on February 1, 1985.

Passed the House March 29, 1983.

Passed the Senate April 20, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 315

[Engrossed Substitute House Bill No. 1093]

STORM WATER CONTROL FACILITIES—RATES AND CHARGES FOR USE BY PUBLIC ENTITIES

AN ACT Relating to local government; amending section 19, chapter 2, Laws of 1983 and RCW 84.52.052; amending section 1, chapter 153, Laws of 1961 and RCW 86.15.010; amending section 2, chapter 153, Laws of 1961 and RCW 86.15.020; amending section 8, chapter 153, Laws of 1961 and RCW 86.15.080; amending section 10, chapter 153, Laws of 1961 and RCW 86.15.100; amending section 11, chapter 153, Laws of 1961 and RCW 86.15.110; amending section 12, chapter 153, Laws of 1961 and RCW 86.15.120; amending section 14, chapter 153, Laws of 1961 and RCW 86.15.140; amending section 15, chapter 153, Laws of 1961 and RCW 86.15.150; amending section 16, chapter 153, Laws of 1961 as amended by section 131, chapter 195, Laws of 1973 1st ex. sess. and RCW 86.15.160; amending section 3, chapter 195, Laws of 1969 ex. sess. and RCW 86.15.165; amending section 17, chapter 153, Laws of 1961 and RCW 86.15.170; amending section 7, chapter 136, Laws of 1967 ex. sess. and RCW 86.15.176; amending section 8, chapter 136, Laws of 1967 ex. sess. and RCW 86.15.178; amending section 19, chapter 153, Laws of 1961 and RCW 86.15.190; amending section 21, chapter 153, Laws of 1961 and RCW 86.15.210; adding a new section to chapter 35.67 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 36.89 RCW; adding a new section to chapter 36.94 RCW; adding a new section to chapter 56.08 RCW; adding new sections to chapter 86.15 RCW; and adding new sections to chapter 90.03 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 35.67 RCW a new section to read as follows:

Any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by cities and towns pursuant to RCW 35.67.020.

NEW SECTION. Sec. 2. There is added to chapter 35.92 RCW a new section to read as follows:

Any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by cities and towns pursuant to RCW 35.92.020.

NEW SECTION. Sec. 3. There is added to chapter 36.89 RCW a new section to read as follows:

Any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by counties pursuant to RCW 36.89.080.

NEW SECTION. Sec. 4. There is added to chapter 36.94 RCW a new section to read as follows:

Any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by counties pursuant to RCW 36.94.140.

NEW SECTION. Sec. 5. There is added to chapter 56.08 RCW a new section to read as follows:

Any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by sewer districts pursuant to RCW 56.08.010 or 56.16.090.

NEW SECTION. Sec. 6. There is added to chapter 86.15 RCW a new section to read as follows:

A flood control zone district is a quasi municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

A flood control zone district constitutes a body corporate and possesses all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

NEW SECTION. Sec. 7. There is added to chapter 86.15 RCW a new section to read as follows:

If the delinquent assessment remains unpaid on the date fixed for the sale under RCW 86.09.496 and 86.09.499, the parcel shall be sold in the same manner as provided under RCW 87.03.310 through 87.03.330. If the district reconveys the land under RCW 87.03.325 due to accident, inadvertence, or misfortune, however, interest shall accrue not at the rate provided in RCW 87.03.270, but at the rate provided in RCW 86.09.505.

NEW SECTION. Sec. 8. There is added to chapter 90.03 RCW a new section to read as follows:

The legislature finds that increasing the surface water or storm water accumulation on or flow over real property, beyond that which naturally occurs on the real property, may cause severe damage to the real property and limit the gainful use or enjoyment of the real property, resulting in a tort, nuisance, or taking. The damage can arise from activities increasing the point or nonpoint flow of surface water or storm water over the real property, or altering or interrupting the natural drainage from the real property. The legislature finds that it is in the public interest to permit the construction and operation of public improvements to lessen the damage. The legislature further finds that it is in the public interest to provide for

the equitable imposition of special assessments, rates, and charges to fund such improvements. This shall include the imposition of special assessments, rates, and charges on real property to fund that reasonable portion of the public improvements that alleviate the damage arising from activities that are the proximate cause of the damage on other real property. These special assessments, rates, and charges may be imposed on any publicly-owned, including state-owned, real property that causes such damage.

NEW SECTION. Sec. 9. There is added to chapter 90.03 RCW a new section to read as follows:

Whenever a county, city, town, sewer district, or flood control zone district imposes rates or charges to fund storm water control facilities or improvements and the operation and maintenance of such facilities or improvements under RCW 35.67.020, 35.92.020, 36.89.080, 36.94.140, 56.08.010, or 56.16.090, it shall provide a credit for the value of storm water control facilities or improvements that a person or entity has installed or located that mitigate or lessen the impact of storm water which otherwise would occur.

Sec. 10. Section 19, chapter 2, Laws of 1983 and RCW 84.52.052 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district except school districts in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, flood control zone district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, ~~((or))~~ town, or cultural arts, stadium, and convention district may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and RCW 84.52.043, or RCW 84.55.010 through 84.55.050, when authorized so to do by the electors of such county, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, flood control zone district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium, and convention district in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 64 and as thereafter amended, at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the county legislative authority, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid

waste disposal district, flood control zone district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium, and convention district, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no(~~(-)~~)".

Sec. 11. Section 1, chapter 153, Laws of 1961 and RCW 86.15.010 are each amended to read as follows:

~~((As used in this chapter the following words shall mean:))~~ The definitions set forth in this section apply through this chapter.

~~(1) "Board" means the county legislative authority. ((The board of county commissioners of any county, or the county commissioners, serving as ex officio board of supervisors of any zone or zones;))~~

(2) "Flood control improvement"((:)) means any works, projects, or other facilities necessary for the control of flood waters within the county or any zone or zones((:)).

(3) "Flood waters" ((:)) and "storm waters" means any storm waste or surplus waters, including surface water, wherever located within the county or a zone or zones where such waters endanger public highways, streams and water courses, harbors, life, or property((:)).

(4) "Participating zones"((:)) means two or more zones found to benefit from a single flood control improvement((:)) or storm water control improvement.

(5) "Storm water control improvement" means any works, projects, or other facilities necessary to control and treat storm water within the county or any zone or zones.

(6) "Supervisors" means the board of supervisors, or governing body, of a zone.

(7) "Zones"((:)) means flood control zone districts which ~~((shall be))~~ are quasi municipal corporations of the state of Washington created by this chapter.

Sec. 12. Section 2, chapter 153, Laws of 1961 and RCW 86.15.020 are each amended to read as follows:

The board may initiate, by affirmative vote of a majority of the board, the creation of a zone or additional zones within the county, and without reference to an existing zone or zones, for the purpose of undertaking, operating, or maintaining flood control projects or storm water control projects or groups of projects ~~((which))~~ that are of special benefit to specified areas of the county. Formation of a zone may also be initiated by a petition signed by twenty-five percent of the electors within a proposed zone based on the vote cast in the last county general election. If the formation of the zone is initiated by petition, the board shall incorporate the terms of

((such)) the petition in a resolution within forty days after receiving ((such)) the petition from the county auditor. Thereafter, the procedures for establishing a zone shall be the same whether initiated by motion of the board or by a petition of electors.

Petitions shall be in a form prescribed and approved by the county auditor and shall include the necessary legal descriptions and other information necessary for establishment of a zone by resolution. When the sponsors of a petition have acquired the necessary signatures, they shall present the petition to the county auditor who shall thereafter certify the sufficiency of ((such)) the petition within forty-five days. If the petition is found to meet the requirements specified ((herein)) in this chapter, the auditor shall transmit the ((same)) petition to the board for their action; if the petition fails to meet the requirements of this chapter, it shall be returned to the sponsors ((thereof)).

Sec. 13. Section 8, chapter 153, Laws of 1961 and RCW 86.15.080 are each amended to read as follows:

A zone or participating zone may:

(1) Exercise all the powers vested in a county for flood water or storm water control purposes under the provisions of chapters 86.12 ((and)), 86.13, 36.89, and 36.94 RCW: PROVIDED, That in exercising such powers, all actions shall be taken in the name of the zone and title to all property or property rights shall vest in the zone;

(2) Plan, construct, acquire, repair, maintain, and operate all necessary equipment, facilities, improvements, and works to control, conserve, and remove flood waters and storm waters and to otherwise carry out the purposes of this chapter including, but not limited to, protection of the quality of water sources;

(3) Take action necessary to protect life and property within the district from flood water damage;

(4) Control, conserve, retain, reclaim, and remove flood waters and storm waters, including waters of lakes and ponds within the district, and dispose of the same for beneficial or useful purposes under such terms and conditions as the board may deem appropriate, subject to the acquisition((;)) by the board of appropriate water rights in accordance with the statutes;

(5) Acquire necessary property, property rights, facilities, and equipment necessary to the purposes of the zone by purchase, gift, or condemnation: PROVIDED, That property of municipal corporations may not be acquired without the consent of such municipal corporation;

(6) Sue and be sued in the name of the zone;

(7) Acquire or reclaim lands when incidental to the purposes of the zone and dispose of such lands as are surplus to the needs of the zone in the manner provided for the disposal of county property in chapter 36.34 RCW;

(8) Cooperate with or join with the state of Washington, United States, another state, any agency, corporation or political subdivision of the United States or any state, Canada(;;), or any private corporation or individual for the purposes of this chapter;

(9) Accept funds or property by loan, grant, gift or otherwise from the United States, the state of Washington, or any other public or private source;

(10) Remove debris, logs, or other material which may impede the orderly flow of waters in streams or water courses: PROVIDED, That such material shall become property of the zone and may be sold for the purpose of recovering the cost of removal: PROVIDED FURTHER, That valuable material or minerals removed from public lands shall remain the property of the state.

Sec. 14. Section 10, chapter 153, Laws of 1961 and RCW 86.15.100 are each amended to read as follows:

The ((board)) supervisors may authorize the construction, extension, enlargement, or acquisition of necessary flood control or storm water control improvements within the zone or any participating zones. ((Such)) The improvements may include, but shall not be limited to the extension, enlargement, construction, or acquisition of dikes and levees, drain and drainage systems, dams and reservoirs, or other flood control or storm water control improvements; widening, straightening, or relocating of stream or water courses; and the acquisition, extension, enlargement, or construction of any works necessary for the protection of stream and water courses, channels, harbors, life, and property.

Sec. 15. Section 11, chapter 153, Laws of 1961 and RCW 86.15.110 are each amended to read as follows:

Flood control or storm water control improvements may be extended, enlarged, acquired, or constructed by a zone pursuant to a resolution adopted by the ((board)) supervisors. ((Such)) The resolution shall specify:

(1) Whether the improvement is to be extended, enlarged, acquired, or constructed;

(2) That either:

(a) A comprehensive plan of development for flood control has been prepared for the stream or water course upon which the improvement will be enlarged, extended, acquired, or constructed, and that the improvement generally contributes to the objectives of ((such)) the comprehensive plan of development: PROVIDED, That ((improvements initiated before July 1, 1965, may be undertaken without reference to a comprehensive plan: AND PROVIDED FURTHER, That such)) the plan shall be first submitted to the state department of ((conservation)) ecology at least ninety days in advance of the beginning of any flood control project ((of)) or improvement; and shall be subject to all the regulatory control provisions by the ((state

~~supervisor of flood control~~) department of ecology as provided in chapter 86.16 RCW; or

(b) A comprehensive plan of development for storm water control has been prepared for the area that will be served by the proposed storm water control facilities;

(3) If the improvement is to be constructed, that preliminary engineering studies and plans have been made, and that ~~((such))~~ the plans and studies are on file with the county engineer;

(4) The estimated cost of the acquisition or construction of ~~((such))~~ the improvement, together with such supporting data as will reasonably show how ~~((such))~~ the estimates were arrived at; and

(5) That the improvement will benefit:

(a) Two or more zones, hereinafter referred to as participating zones; or

(b) A single zone; or

(c) The county as a whole, as well as a zone or participating zones.

Sec. 16. Section 12, chapter 153, Laws of 1961 and RCW 86.15.120 are each amended to read as follows:

Before finally adopting a resolution to undertake any flood control improvement or storm water control improvement, the ~~((board))~~ supervisors shall hold a hearing thereon. Notice and publication of ~~((such))~~ the hearing shall be given ~~((pursuant to the provisions of))~~ under RCW 36.32.120(7). The ~~((board))~~ supervisors may conduct any such hearing concurrently with a hearing on the establishment of a flood control zone, and may in such case designate ~~((such))~~ the proposed zone a beneficiary of any improvement.

Sec. 17. Section 14, chapter 153, Laws of 1961 and RCW 86.15.140 are each amended to read as follows:

The ~~((board))~~ supervisors shall annually at the same time county budgets are prepared adopt a budget for ~~((each))~~ the zone, which budget shall be divided into the following appropriation items: ~~((a))~~ (1) Overhead and administration~~((, (b)))~~; (2) maintenance and operation~~((, (c)))~~; (3) construction and improvements~~((;))~~; and ~~((d))~~ (4) bond retirement and interest. In preparing ~~((such))~~ the budget, the ~~((board))~~ supervisors shall show the total amount to be expended in each appropriation item and the proportionate share of each appropriation item to be paid from each account of the zone.

In preparing the annual budget, the ~~((board))~~ supervisors shall under the appropriation item of construction and improvement list each flood control improvement or storm water control improvement and the estimated expenditure to be made for each during the ensuing year. The ~~((board))~~ supervisors may at any time during the year, if additional funds become available to the zone, adopt a supplemental budget covering additional authorized improvements.

The zone budget or any supplemental budget shall be approved only after a public hearing, notice of which shall be given as provided by RCW 36.32.120(7).

Sec. 18. Section 15, chapter 153, Laws of 1961 and RCW 86.15.150 are each amended to read as follows:

Whenever the ~~((board finds))~~ supervisors have found under the provisions of RCW 86.15.110 that a flood control improvement or storm water control improvement initiated by any zone will be of benefit to the county as a whole, as well as to the zone or participating zones; or whenever the ~~((board finds))~~ supervisors have found that the maintenance and operation of any flood control improvement or storm water control improvement within any zone will be of benefit to the overall flood control program or storm water control program of the county, the board may authorize the transfer of any funds available to the county for flood control or storm water control purposes to any zone or participating zones for flood control or storm water control purposes.

Sec. 19. Section 16, chapter 153, Laws of 1961 as amended by section 131, chapter 195, Laws of 1973 1st ex. sess. and RCW 86.15.160 are each amended to read as follows:

For the purposes of this chapter the ~~((board))~~ supervisors may authorize:

(1) ~~((A special))~~ An annual excess ad valorem tax levy within any zone or participating zones when authorized by the voters of ~~((such))~~ the zone or participating zones ~~((pursuant to the provisions of))~~ under RCW 84.52.052 and ~~((RCW))~~ 84.52.054; ~~((and))~~

(2) An assessment upon property, including state property, specially benefited by ~~((an))~~ flood control improvements or storm water control improvements ~~((made pursuant to the provisions of))~~ imposed under chapter 86.09 RCW; ~~((and))~~

(3) Within any zone or participating zones an annual ad valorem property tax levy of not to exceed fifty cents per thousand dollars of assessed value when ~~((such))~~ the levy will not take dollar rates ~~((which))~~ that other taxing districts may lawfully claim and ~~((which))~~ that will not cause the combined levies to exceed the constitutional and/or statutory limitations, and ~~((such))~~ the additional levy, or any portion thereof, may also be made when dollar rates of other taxing units is released therefor by agreement with the other taxing units from their authorized levies;

(4) A charge, under RCW 36.89.080, for the furnishing of service to those who are receiving or will receive benefits from storm water control facilities and who are contributing to an increase in surface water runoff. Any public entity and public property, including the state and state property, shall be liable for the charges to the same extent a private person and privately owned property is liable for the charges;

(5) The creation of local improvement districts and utility local improvement districts, the issuance of improvement district bonds and warrants, and the imposition, collection, and enforcement of special assessments on all property, including any state-owned or other publicly-owned property, specially benefited from improvements in the same manner as provided for counties by chapter 36.94 RCW.

Sec. 20. Section 3, chapter 195, Laws of 1969 ex. sess. and RCW 86.15.165 are each amended to read as follows:

The ~~((board))~~ supervisors may provide by resolution for levying voluntary assessments, under a mode of annual installments extending over a period not exceeding fifteen years, on property benefited from a flood control improvement or storm water control improvement. ~~((Such))~~ The voluntary assessment shall be imposed only after each owner of property benefited by the flood control improvement has agreed to the assessment by written agreement with the ~~((board))~~ supervisors. ~~((Such))~~ The agreement shall be recorded with the county auditor and the obligations under the agreement shall be binding upon all heirs(~~;~~) and all successors in interest of the property.

The voluntary assessments need not be uniform or directly related to benefits to the property from the flood control improvement or storm water control improvement.

The levying, collection, and enforcement ~~((hereby))~~ authorized in this section shall be in the manner now and hereafter provided by law for the levying, collection, and enforcement of local improvement assessments by cities ~~((of the first class))~~ and towns, insofar as ~~((the same shall not be))~~ those provisions are not inconsistent with the provisions of this chapter.

The disposition of all proceeds from voluntary assessments shall be in accordance with RCW 86.15.130.

The proceeds from voluntary assessments may be used for any flood control improvement or storm water control improvement not inconsistent with the provisions of this chapter, and in addition the proceeds may be used for operation and maintenance of flood control improvements or storm water control improvements constructed under the authority of this chapter.

Sec. 21. Section 17, chapter 153, Laws of 1961 and RCW 86.15.170 are each amended to read as follows:

The ~~((board))~~ supervisors may authorize the issuance of general obligation bonds to finance any flood control improvement or storm water control improvement and provide for the retirement of the bonds with ad valorem property tax levies. ~~((Such))~~ The general obligation bonds may be issued and the bond retirement levies imposed only when authorized by the voters pursuant to Article VIII, section 6 and Article VII, section 2(b) of the state Constitution and RCW 84.52.056. ~~((Such))~~ The bonds shall be issued on behalf of the zone or participating zones and be approved by the voters of the zone or participating zones when the improvement has by the resolution,

provided in RCW 86.15.110, been found to be of benefit to a zone or participating zones. The bonds may not exceed an amount, together with any outstanding general obligation indebtedness, equal to three-fourths of one percent of the value of taxable property within the zone or participating zones, as the term "value of the taxable property" is defined in RCW 39.36.015. The bonds may be in any form, including bearer bonds or registered bonds.

Sec. 22. Section 7, chapter 136, Laws of 1967 ex. sess. and RCW 86.15.176 are each amended to read as follows:

The ~~((board))~~ supervisors may provide by resolution for revenues by fixing rates and charges for the furnishing of service to those served, including public entities, or receiving benefits from a flood control improvement: PROVIDED, That the service charge shall be uniform for the same class of benefits or service. In classifying services furnished or benefits received the board may in its discretion consider the character and use of land and its water runoff characteristics and any other matters ~~((which))~~ that present a reasonable difference as a ground for distinction. Service charges shall be applicable to a zone or participating zones. The disposition of all revenue from service charges shall be in accordance with RCW 86.15.130.

Sec. 23. Section 8, chapter 136, Laws of 1967 ex. sess. and RCW 86.15.178 are each amended to read as follows:

The ~~((board))~~ supervisors may authorize the issuance of revenue bonds to finance any flood control improvement or storm water control improvement. ~~((Such))~~ The bonds may be issued by the ~~((board))~~ supervisors in the same manner as prescribed in RCW 36.67.510 through 36.67.570 pertaining to counties. ~~((Such))~~ The bonds shall be issued on behalf of the zone or participating zones when the improvement has by the resolution, provided in RCW 86.15.110, been found to be of benefit to a zone or participating zones. The bonds may be in any form, including bearer bonds or registered bonds.

Each revenue bond shall state on its face that it is payable from a special fund, naming ~~((such))~~ the fund and the resolution creating the fund.

Revenue bond principal, interest, and all other related necessary expenses shall be payable only out of the appropriate special fund.

A zone or participating zones shall have a lien for delinquent service charges, including interest thereon, against the premises benefited by a flood control improvement or storm water control improvement, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. ~~((Such))~~ The lien shall be effective and shall be enforced and foreclosed in the same manner as provided for sewerage liens of cities and towns by RCW 35.67.200 through 35.67.290.

Sec. 24. Section 19, chapter 153, Laws of 1961 and RCW 86.15.190 are each amended to read as follows:

The ~~((board))~~ supervisors may order, on behalf of the ~~((county))~~ zone or participating zones, that an action be brought in the superior court of the county to require the removal of publicly or privately owned structures, improvements, facilities, or accumulations of debris or materials ~~((which))~~ that materially contribute to the dangers of loss of life or property from flood waters. Where ~~((such))~~ the structures, improvements, facilities, or accumulations of debris or materials are found to endanger the public health or safety the court shall declare them a public nuisance, and forthwith order their abatement. If ~~((such))~~ the abatement is not completed within the time ordered by the court, the county may abate the nuisance and charge the cost of ~~((such))~~ the action against the land upon which ~~((such))~~ the nuisance is located, and the payment of ~~((such))~~ the charge may be enforced and collected in the same manner at the same time as county property taxes.

Sec. 25. Section 21, chapter 153, Laws of 1961 and RCW 86.15.210 are each amended to read as follows:

A diking, drainage, or sewerage improvement district, flood control district, diking district, drainage district, intercounty diking and drainage district, or zone may convey title to any property improvements or assets of ~~((such))~~ the districts or zone to the county or a zone for flood control purposes ~~((:PROVIDED, That if such))~~. If the property improvements or assets are surplus to the needs of ~~((such))~~ the district or zone ~~((such))~~ the transfer may be made by private negotiations, but in all other cases ~~((such))~~ the transfers ~~((shall be))~~ are subject to the approval of a majority of the registered voters within ~~((such))~~ the district or zone ~~((:AND PROVIDED FURTHER, That))~~. Nothing in this section ~~((shall))~~ permits any district or zone to impair the obligations of any debt or contract of ~~((such))~~ the district or zone.

NEW SECTION. Sec. 26. 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 April 24, 1983.

Passed the Senate April 24, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

WASHINGTON LAWS

1983 FIRST EXTRAORDINARY SESSION

CHAPTER 1

[Engrossed Senate Bill No. 3519]

MT. ST. HELENS—DAMAGE REPAIR AND PREVENTION—EMERGENCY
AUTHORITY ENLARGED

AN ACT Relating to the effects of the eruption of Mount St. Helens; amending section 1, chapter 7, Laws of 1982 and RCW 43.01.200; amending section 2, chapter 7, Laws of 1982 and RCW 43.01.210; amending section 4, chapter 7, Laws of 1982 and RCW 90.58.500; amending section 5, chapter 7, Laws of 1982 and RCW 43.21C.500; amending section 6, chapter 7, Laws of 1982 and RCW 89.16.500; amending section 7, chapter 7, Laws of 1982 and RCW 43.21A.500; amending section 8, chapter 7, Laws of 1982 and RCW 75.20.300; adding a new section to chapter 43.01 RCW; making an appropriation; making a reapportionment; and declaring an emergency.

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

Sec. 1. Section 1, chapter 7, Laws of 1982 and RCW 43.01.200 are each amended to read as follows:

(1) The legislature finds that:

(a) The May 1980 eruption of Mount St. Helens has caused serious economic and physical damage to the land surrounding the mountain;

(b) There are continuing siltation problems which could severely affect the Toutle, Cowlitz, Coweeman, and Columbia Rivers areas;

(c) There is an immediate need for sites for dredging, dredge spoils, flood control works, and bank protection and funds for dredging, dredge sites, dredge spoils sites, flood control works, and bank protection and to continue the rehabilitation of the areas affected by the natural disaster; and

(d) Failure to dredge and dike along the rivers would directly affect the lives and property of the forty-five thousand residents in the Cowlitz and Toutle River valleys with severe negative impacts on local, state, and national transportation systems, public utilities, public and private property, and the Columbia river which is one of the major navigation channels for world-wide commerce.

(2) The intent of RCW 36.01.150, 43.01.210, 43.21A.500, 43.21C.500, 44.04.500, 75.20.300, 89.16.500, and 90.58.500, their 1983 amendments, and section 8 of this act is to authorize and direct maximum cooperative effort to meet the problems noted in subsection (1) of this section.

Sec. 2. Section 2, chapter 7, Laws of 1982 and RCW 43.01.210 are each amended to read as follows:

State agencies shall take action as follows to facilitate recovery from the devastation of the eruption of Mt. St. Helens:

(1) The department of transportation may(~~(, by means other than eminent domain,))~~ secure any lands or interest in lands by purchase (~~((or)),~~ exchange, lease, eminent domain, or donation for dredge sites, dredge spoils sites, flood control works, or bank protection;

(2) The commissioner of public lands may by rule declare any public lands found to be damaged by the eruption of Mt. St. Helens, directly or indirectly, as surplus to the needs of the state and may dispose of such lands pursuant to Title 79 RCW to public or private entities for development, park and recreation uses, or for open space;

(3) All state agencies shall cooperate with local governments, the United States Army Corps of Engineers, and other agencies of the federal government in planning for dredge site selection and dredge spoils removal, and in all other phases of recovery operations;

(4) The department of transportation shall work with the counties concerned on site selection and site disposition in cooperation with the Army Corps of Engineers; and

(5) State agencies may assist the Army Corps of Engineers in the dredging and dredge spoils deposit operations.

Sec. 3. Section 4, chapter 7, Laws of 1982 and RCW 90.58.500 are each amended to read as follows:

Emergency recovery operations from the Mt. St. Helens eruption authorized by RCW 36.01.150, 43.01.200, and 43.01.210 may be exempted by the applicable county legislative authority from the requirements of the Shoreline Management Act of 1971, chapter 90.58 RCW, for operations within such county: PROVIDED, That the applicable legislative authority shall promptly notify the department of ecology within five days of the emergency action taken and the emergent nature of the problem. The notification shall be made to the water resources regional supervisor of the southwest region of the department of ecology.

This section shall expire on June 30, (~~1984~~) 1988.

Sec. 4. Section 5, chapter 7, Laws of 1982 and RCW 43.21C.500 are each amended to read as follows:

Emergency recovery operations from the Mt. St. Helens eruption authorized by RCW 36.01.150, 43.01.200, and 43.01.210 may be exempted by the applicable county legislative authority from the requirements of the State Environmental Policy Act of 1971, chapter 43.21C RCW, for operations within such county: PROVIDED, That the applicable legislative authority shall promptly notify the department of ecology within five days of the emergency action taken and the emergent nature of the problem. The notification shall be made to the water resources regional supervisor of the southwest region of the department of ecology.

This section shall expire on June 30, (~~1984~~) 1988.

Sec. 5. Section 6, chapter 7, Laws of 1982 and RCW 89.16.500 are each amended to read as follows:

Emergency recovery operations from the Mt. St. Helens eruption authorized by RCW 36.01.150, 43.01.200, and 43.01.210 may be exempted by the applicable county legislative authority from the requirements related to

diking and drainage under the department of ecology, for operations within such county: PROVIDED, That the applicable legislative authority shall promptly notify the department of ecology within five days of the emergency action taken and the emergent nature of the problem. The notification shall be made to the water resources regional supervisor of the southwest region of the department of ecology.

This section shall expire on June 30, (~~(1984)~~) 1988.

Sec. 6. Section 7, chapter 7, Laws of 1982 and RCW 43.21A.500 are each amended to read as follows:

Emergency recovery operations from the Mt. St. Helens eruption authorized by RCW 36.01.150, 43.01.200, and 43.01.210 may be exempted by the applicable county legislative authority from the requirements related to water and flood control under the department of ecology, for operations within such county: PROVIDED, That the applicable legislative authority shall promptly notify the department of ecology within five days of the emergency action taken and the emergent nature of the problem. The notification shall be made to the water resources regional supervisor of the southwest region of the department of ecology.

This section shall expire on June 30, (~~(1984)~~) 1988.

Sec. 7. Section 8, chapter 7, Laws of 1982 and RCW 75.20.300 are each amended to read as follows:

(1) The legislature intends to expedite flood-control and dredging operations in those rivers affected by the May 1980 eruption of Mt. St. Helens, while continuing to protect the fish resources of these rivers.

(2) The director of fisheries and director of game shall process hydraulic project applications submitted under RCW 75.20.100 within (~~(five)~~) fifteen working days of receipt of the application. This requirement is only applicable to flood control and dredging projects located in the Toutle river, at the Cowlitz river from River Mile 22 to the confluence with the Columbia and the volcano and affected tributaries to the Cowlitz and Toutle river and volcano affected areas of the Columbia river.

(3) The mandatory emergency provisions of RCW 75.20.100 for the purposes of this (~~(act)~~) section may be initiated by the county legislative authority(~~(- PROVIDED, That)~~) if the project is necessary to provide protection from flood hazards to human life and/or to reduce or prevent flood damages or destruction of property, including:

(a) Flood fight measures necessary to provide protection during a flood event; or

(b) Measures necessary to reduce or eliminate a potential flood threat when other alternative measures are not available or cannot be completed prior to the expected flood threat season; or

(c) Measures which must be initiated and completed within an immediate period of time and for which processing of the request through normal

methods would cause a delay to the project and such delay would significantly increase the potential for damages from a flood event.

This section expires on June 30, (~~1984~~) 1988.

NEW SECTION. Sec. 8. There is added to chapter 43.01 RCW a new section to read as follows:

(1) Court proceedings necessary to acquire property or property rights for purposes of RCW 43.01.210 take precedence over all other causes, including those expedited under the provisions of RCW 47.52.060, in all courts to the end that the provision of lands for dredge sites, dredge spoils sites, flood control works, or bank protection may be expedited.

(2) An order entered under RCW 8.04.070 relating to the acquisition of land under RCW 43.01.210 is final unless review of the order is taken to the supreme court within five days after entry of the order. Such an appeal shall be certified by the trial court to the supreme court. Upon certification, the supreme court shall assign the appeal for hearing at the earliest possible date, and it shall expedite its review and decision in every way possible.

NEW SECTION. Sec. 9. There is appropriated from the state building construction account of the general fund to the department of transportation for the biennium ending June 30, 1983, the sum of five million twenty thousand dollars, or so much thereof as may be necessary, for the required acquisition and related expenses necessary to carry out the purposes of this act, or that portion of the required acquisition that can be accomplished with the funds appropriated herein. There is reappropriated from the state building construction account of the general fund to the department of transportation for the biennium ending June 30, 1985, any sum remaining from the foregoing appropriation that was not spent in the biennium ending June 30, 1983.

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 is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 25, 1983.

Passed the House April 25, 1983.

Approved by the Governor May 2, 1983.

Filed in Office of Secretary of State May 2, 1983.

CHAPTER 2

[Engrossed Substitute Senate Bill No. 3056]
CONTRACTOR REGISTRATION

AN ACT Relating to contractor registration; amending section 2, chapter 77, Laws of 1963 as amended by section 2, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.020; amending section 4, chapter 77, Laws of 1963 as last amended by section 1, chapter 11, Laws of 1977 ex. sess. and RCW 18.27.040; amending section 6, chapter 77, Laws of 1963 as amended by section 1, chapter 61, Laws of 1977 ex. sess. and RCW 18.27.060; amending section 5, chapter 118, Laws of 1972 ex. sess. as amended by section 7, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.120; amending section 2, chapter 161, Laws of 1973 1st ex. sess. and RCW 18.27.140; adding new sections to chapter 18.27 RCW; repealing section 6, chapter 126, Laws of 1967 and RCW 18.27.085; prescribing penalties; and providing an effective date.

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

NEW SECTION. Sec. 1. An offer to do work, submission of a bid, or performance of any work by a contractor who is not registered with the department of labor and industries as required by this chapter is an infraction. Each day that a contractor works without being registered as required by this chapter is a separate infraction. Each worksite at which a contractor works without being registered as required by this chapter is a separate infraction.

NEW SECTION. Sec. 2. An authorized representative of the department may investigate alleged or apparent violations of this chapter. If the name of the contractor allegedly or apparently in violation of this chapter is not known, or if the name of the contractor does not appear on the latest list of registered contractors compiled under RCW 18.27.120(1), upon presentation of credentials, an authorized representative of the department may inspect sites at which a contractor is working to determine whether the contractor is registered in accordance with this chapter. Upon request of the authorized representative of the department, a contractor or an employee of the contractor shall provide information identifying the contractor.

NEW SECTION. Sec. 3. The department may issue a notice of infraction if the department reasonably believes that the contractor required to be registered by this chapter has failed to do so. A notice of infraction issued under this section shall be personally served on the contractor named in the notice by an authorized representative of the department. If the contractor named in the notice of infraction is a firm or corporation, the notice may be personally served on any employee of the firm or corporation. If a notice of infraction is personally served upon an employee of a firm or corporation, the department shall within four days of service send a copy of the notice by certified mail to the contractor if the department is able to obtain the contractor's address.

NEW SECTION. Sec. 4. A violation designated as an infraction under this chapter shall be heard and determined by a district court. A notice of infraction shall be filed in the district court district in which the infraction is alleged to have occurred. If a notice of infraction is filed in a court which is not the proper venue, the notice shall be dismissed without prejudice on motion of either party.

NEW SECTION. Sec. 5. (1) The form of the notice of infraction issued under this chapter shall be prescribed by the supreme court following consultation with the department. To the extent practicable, the notice of infraction issued under this chapter shall conform to the notice of traffic infraction prescribed by the supreme court pursuant to RCW 46.63.060.

(2) The notice of infraction shall include the following:

(a) A statement that the notice represents a determination that the infraction has been committed by the contractor named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that the infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

(c) A statement of the specific infraction for which the notice was issued;

(d) A statement that a one hundred dollar monetary penalty has been established for each infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the contractor may subpoena witnesses, including the authorized representative of the department who issued and served the notice of infraction;

(g) A statement, which the person who has been served with the notice of infraction shall sign, that the contractor promises to respond to the notice of infraction in one of the ways provided in this chapter;

(h) A statement that refusal to sign the infraction as directed in subsection (2)(g) of this section is a misdemeanor and may be punished by a fine or imprisonment in jail; and

(i) A statement that a contractor's failure to respond to a notice of infraction as promised is a misdemeanor and may be punished by a fine or imprisonment in jail.

NEW SECTION. Sec. 6. Unless contested in accordance with this chapter, the notice of infraction represents a determination that the contractor to whom the notice was issued committed the infraction.

NEW SECTION. Sec. 7. (1) A contractor who receives a notice of infraction shall respond to the notice as provided in this section within fourteen days of the date the notice was served.

(2) If the contractor named in the notice of infraction does not want to contest the determination, the contractor shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the department.

(3) If the contractor named in the notice of infraction wants to contest the determination, the contractor shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the contractor in writing of the time, place, and date of the hearing. The date of the hearing shall not be sooner than fourteen days from the date of the notice of hearing, except by agreement of the parties.

(4) If any contractor issued a notice of infraction:

(a) Fails to respond to the notice of infraction as provided in subsection (2) of this section; or

(b) Fails to appear at a hearing requested pursuant to subsection (3) of this section;

the court shall enter an appropriate order assessing the monetary penalty prescribed for the infraction and shall notify the department of the failure of the contractor to respond to the notice of infraction or to appear at a requested hearing.

(5) An order entered by the court under subsection (4)(b) of this section may, for good cause shown and upon such terms as the court deems just, be set aside for the same grounds a default judgment may be set aside in civil actions in courts of limited jurisdiction.

NEW SECTION. Sec. 8. A contractor subject to proceedings under this chapter may appear or be represented by counsel. The department shall be represented by the attorney general in any proceeding under this chapter.

NEW SECTION. Sec. 9. (1) A hearing held to contest the determination that an infraction has been committed shall be without a jury.

(2) The court may consider the notice of infraction and any sworn statement submitted by the department's authorized representative who issued and served the notice in lieu of his or her personal appearance at the hearing. The contractor named in the notice may subpoena witnesses, including the authorized representative who issued and served the notice, and has the right to present evidence and examine witnesses present in court.

(3) The burden of proof is on the department to establish the commission of the infraction by a preponderance of the evidence. The notice of infraction shall be dismissed if the defendant establishes that, at the time the

notice was issued, the defendant was registered by the department or was exempt from registration.

(4) After consideration of the evidence and argument, the court shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the court's records. If it has been established that the infraction was committed, an appropriate order shall be entered in the court's records.

(5) An appeal from the court's determination or order shall be to the superior court. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure.

NEW SECTION. Sec. 10. It is a misdemeanor for any person who has been personally served with a notice of infraction to refuse to sign a written promise to respond to the notice.

NEW SECTION. Sec. 11. It is a misdemeanor for a contractor who has been personally served with a notice of infraction to wilfully violate the written promise to respond to a notice of infraction as provided in this chapter, regardless of the ultimate disposition of the infraction.

NEW SECTION. Sec. 12. Wilful refusal to provide information identifying a contractor as required by section 2 of this act is a misdemeanor.

NEW SECTION. Sec. 13. The court shall dismiss the notice of infraction at any time upon written notification from the department that the contractor named in the notice of infraction was registered at the time the notice of infraction was issued.

NEW SECTION. Sec. 14. The court shall, within thirty days after entry of an order under this chapter, forward a record of the court's order to the department on a form prescribed by the department.

NEW SECTION. Sec. 15. (1) A contractor found to have committed an infraction under section 1 of this act shall be assessed a monetary penalty of one hundred dollars.

(2) The court may waive, reduce, or suspend the monetary penalty imposed for the infraction.

(3) Monetary penalties collected under this chapter shall be remitted as provided in chapter 3.62 RCW.

NEW SECTION. Sec. 16. A partnership or joint venture shall be deemed registered under this chapter if any one of the general partners or venturers whose name appears in the name under which the partnership or venture does business is registered.

Sec. 17. Section 2, chapter 77, Laws of 1963 as amended by section 2, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.020 are each amended to read as follows:

~~((1) It shall be unlawful for any person to submit any bid or do any work as a contractor until such person shall have been issued a certificate of registration by the state department of labor and industries. A partnership or joint venture shall be deemed registered if any one of the general partners or venturers whose name appears in the name under which the partnership or venture does business shall be registered. A violation of this section shall be a misdemeanor.~~

~~(2) In addition to any criminal penalties which may be imposed under the provisions of subsection (1) of this section, any person who is found to be in violation of this section by the director at a hearing held in accordance with the Administrative Procedure Act, chapter 34.04 RCW, shall be required to pay a late registration penalty of not more than one hundred dollars, such amount to be set by the director, in addition to the registration fee provided in RCW 18.27.070, as now or hereafter amended:)) It is a misdemeanor for any contractor having knowledge of the registration requirements of this chapter to offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter.~~

Sec. 18. Section 4, chapter 77, Laws of 1963 as last amended by section 1, chapter 11, Laws of 1977 ex. sess. and RCW 18.27.040 are each amended to read as follows:

(1) Each applicant shall, at the time of applying for or renewing a certificate of registration, file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in a form acceptable to the department running to the state of Washington if a general contractor, in the sum of ((four)) six thousand dollars; if a specialty contractor, in the sum of ((two)) four thousand dollars, conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of negligent or improper work or breach of contract in the conduct of the contracting business. ((Any registered contractor with an unimpaired bond in effect on the day immediately preceding September 21, 1977, is hereby authorized to maintain such bond until the next annual renewal of such bond at which time the terms of this 1977 amendatory act must be complied with: PROVIDED, That)) A change in the name of a business or a change in the type of business entity shall not impair a bond for the purposes of this section so long as one of the original applicants for such bond maintains partial ownership in the business covered by the bond.

(2) Any contractor registered as of the effective date of this 1983 act who maintains such registration in accordance with this chapter shall be in compliance with this chapter until the next annual renewal of the contractor's certificate of registration. At that time, the contractor shall provide a

bond, cash deposit, or other security deposit as required by this chapter and comply with all of the other provisions of this chapter before the department shall renew the contractor's certificate of registration.

(3) Any person, firm, or corporation having a claim against the contractor for any of the items referred to in this section may bring suit upon such bond in the superior court of the county in which the work is done or of any county in which jurisdiction of the contractor may be had. Action upon such bond or deposit shall be commenced by ~~((serving and))~~ filing ~~((of))~~ the complaint with the clerk of the appropriate superior court within one year from the date of expiration of the certificate of registration in force at the time the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was completed. Service of process in an action upon such bond shall be exclusively by service upon the department. Three copies of the complaint and a fee of ten dollars to cover the handling costs shall be served by registered or certified mail upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Service is not complete until the department receives the ten-dollar fee and three copies of the complaint. Such service shall constitute service on the registrant and the surety for suit upon the bond and the department shall transmit the complaint or a copy thereof to the registrant at the address listed in his application and to the surety within forty-eight hours after it shall have been received.

(4) The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

- ~~((1))~~ (a) Labor, including employee benefits;
- ~~((2))~~ (b) Claims for breach of contract by a party to the construction contract;
- ~~((3))~~ (c) Material and equipment;
- ~~((4))~~ (d) Taxes and contributions due the state of Washington;
- ~~((5))~~ (e) Any court costs, interest, and attorney's fees plaintiff may be entitled to recover.

(5) In the event that any final judgment shall impair the liability of the surety upon the bond so furnished that there shall not be in effect a bond undertaking in the full amount prescribed in this section, the department

shall suspend the registration of such contractor until the bond liability in the required amount unimpaired by unsatisfied judgment claims shall have been furnished. If such bond becomes fully impaired, a new bond must be furnished at the increased rates prescribed by this section as now or hereafter amended.

(6) In lieu of the surety bond required by this section the contractor may file with the department a deposit consisting of cash or other security acceptable to the department.

(7) Any person having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

(8) The director may promulgate rules (~~(and regulations)~~) necessary for the proper administration of the security.

Sec. 19. Section 6, chapter 77, Laws of 1963 as amended by section 1, chapter 61, Laws of 1977 ex. sess. and RCW 18.27.060 are each amended to read as follows:

(1) A certificate of registration shall be valid for one year and shall be renewed on or before the expiration date. The (~~(director)~~) department shall issue to the applicant a certificate of registration upon compliance with the registration requirements of this chapter.

(2) If the department approves an application, it shall issue a certificate of registration to the applicant. The certificate shall be valid for:

(a) One year;

(b) Until the bond expires; or

(c) Until the insurance expires, whichever comes first. The department shall place the expiration date on the certificate.

(3) A contractor may supply a short-term bond or insurance policy to bring its registration period to the full one year.

(4) If a contractor's surety bond or other security has an unsatisfied judgment against it or is canceled, or if the contractor's insurance policy is canceled, the contractor's registration shall be automatically suspended on the effective date of the impairment or cancellation. The department shall give notice of the suspension to the contractor.

Sec. 20. Section 5, chapter 118, Laws of 1972 ex. sess. as amended by section 7, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.120 are each amended to read as follows:

(1) The department shall (~~annually, starting July 1, 1973;~~) compile a list of all contractors registered (~~pursuant to the provisions of~~) under this chapter and update ((such)) the list at least bimonthly. ((Such)) The list shall be considered as public record information and shall be available to the public upon request: PROVIDED, That the department may charge a reasonable ((reproduction)) fee under RCW 42.17.300.

(2) The department shall inform any person, firm, or corporation, if a contractor is registered, and if a contractor is bonded or insured, without charge except for a reasonable fee under RCW 42.17.300 for copies made.

Sec. 21. Section 2, chapter 161, Laws of 1973 1st ex. sess. and RCW 18.27.140 are each amended to read as follows:

It is the purpose of this chapter to afford protection to the public including all persons, firms, and corporations furnishing labor, materials, or equipment to a contractor from unreliable, fraudulent, financially irresponsible, or incompetent contractors.

NEW SECTION. Sec. 22. Section 6, chapter 126, Laws of 1967 and RCW 18.27.085 are each hereby repealed.

NEW SECTION. Sec. 23. Sections 1 through 16 of this act are added to chapter 18.27 RCW.

NEW SECTION. Sec. 24. Sections 1 through 17 of this of this act shall take effect January 1, 1984.

Passed the Senate April 26, 1983.

Passed the House April 28, 1983.

Approved by the Governor May 6, 1983.

Filed in Office of Secretary of State May 6, 1983.

CHAPTER 3

[Engrossed Substitute Senate Bill No. 3266]

JOINT OPERATING AGENCIES—COMPENSATION—OPEN PUBLIC MEETINGS ACT COMPLIANCE

AN ACT Relating to operating agencies; amending section 43.52.290, chapter 8, Laws of 1965 as last amended by section 5, chapter 43, Laws of 1982 1st ex. sess. and RCW 43.52.290; amending section 43.52.370, chapter 8, Laws of 1965 as last amended by section 2, chapter 43, Laws of 1982 1st ex. sess. and RCW 43.52.370; and amending section 2, chapter 3, Laws of 1981 1st ex. sess. as amended by section 3, chapter 43, Laws of 1982 1st ex. sess. and RCW 43.52.374; and adding a new section to chapter 43.52 RCW.

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

Sec. 1. Section 43.52.290, chapter 8, Laws of 1965 as last amended by section 5, chapter 43, Laws of 1982 1st ex. sess. and RCW 43.52.290 are each amended to read as follows:

Members of the board of directors of an operating agency shall be paid the sum of fifty dollars per day as compensation for each day or major part thereof devoted to the business of the operating agency, together with their

traveling and other necessary expenses. Such member may, regardless of any charter or other provision to the contrary, be an officer or employee holding another public position and, if he be such other public officer or employee, he shall be paid by the operating agency such amount as will, together with the compensation for such other public position equal the sum of fifty dollars per day. The common law doctrine of incompatibility of offices is hereby voided as it applies to persons sitting on the board of directors or the executive board of an operating agency and holding an elective or appointive position on a public utility district commission or municipal legislative authority or being an employee of a public utility district or municipality.

Sec. 2. Section 43.52.370, chapter 8, Laws of 1965 as last amended by section 2, chapter 43, Laws of 1982 1st ex. sess. and RCW 43.52.370 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the management and control of an operating agency shall be vested in a board of directors, herein sometimes referred to as the board. The legislative body of each member of an operating agency shall appoint a representative who may, at the discretion of the member and regardless of any charter or other provision to the contrary, be an officer or employee of the member, to serve on the board of the operating agency. Each representative shall have one vote and shall have, in addition thereto, one vote for each block of electric energy equal to ten percent of the total energy generated by the agency during the preceding year purchased by the member represented by such representative. Each member may appoint an alternative representative to serve in the absence or disability of its representative. Each representative shall serve at the pleasure of the member. The board of an operating agency shall elect from its members a president, vice president and secretary, who shall serve at the pleasure of the board. The president and secretary shall perform the same duties with respect to the operating agency as are provided by law for the president and secretary, respectively, of public utility districts, and such other duties as may be provided by motion, rule or resolution of the board. The board of an operating agency shall adopt rules for the conduct of its meetings and the carrying out of its business, and adopt an official seal. All proceedings of an operating agency shall be by motion or resolution and shall be recorded in the minute book which shall be a public record. A majority of the board members shall constitute a quorum for the transaction of business. A majority of the votes which the members present are entitled to cast shall be necessary and sufficient to pass any motion or resolution: PROVIDED, That such board members are entitled to cast a majority of the votes of all members of the board. The members of the board of an operating agency may be compensated by such agency as is

provided in RCW 43.52.290: PROVIDED, That the (~~per diem~~) compensation to any member shall not exceed five thousand dollars in any year except for board members who are elected to serve on an executive board established under RCW 43.52.374(~~(; in which case per diem compensation to any member shall not exceed ten thousand dollars in any year)~~).

(2) If an operating agency is constructing, operating, terminating, or decommissioning a nuclear power plant under a site certification agreement under chapter 80.50 RCW, the powers and duties of the board of directors shall include and are limited to the following:

(a) Final authority on any decision of the operating agency to purchase, acquire, construct, terminate, or decommission any power plants, works, and facilities except that once the board of directors has made a final decision regarding a nuclear power plant, the executive board established under RCW 43.52.374 shall have the authority to make all subsequent decisions regarding the plant and any of its components;

(b) Election of members to (~~and~~), removal from, and establishment of salaries for the elected members of the executive board under RCW 43.52.374(1)(a); and

(c) Selection and appointment of three outside directors as provided in RCW 43.52.374(1)(b).

All other powers and duties of the operating agency, including without limitation authority for all actions subsequent to final decisions by the board of directors, including but not limited to the authority to sell any power plant, works, and facilities are vested in the executive board established under RCW 43.52.374.

Sec. 3. Section 2, chapter 3, Laws of 1981 1st ex. sess. as amended by section 3, chapter 43, Laws of 1982 1st ex. sess. and RCW 43.52.374 are each amended to read as follows:

(1) With the exception of the powers and duties of the board of directors described in RCW 43.52.370(2), the management and control of an operating agency constructing, operating, terminating, or decommissioning a nuclear power plant under a site certification agreement under chapter 80.50 RCW is vested in an executive board established under this subsection and consisting of eleven members.

(a) Five members of the executive board shall be elected to four-year terms by the board of directors from among the members of the board of directors. The board of directors may provide by rule for the composition of the five members of the executive board elected from among the members of the board of directors so as to reflect the member public utility districts' and cities' participation in the joint operating agency's projects. Members elected to the executive board from the board of directors are ineligible for continued membership on the executive board if they cease to be members of the board of directors. The board of directors may also provide by rule for the removal of a member of the executive board, except for the outside

directors. Members of the board of directors may be elected to serve successive terms on the executive board. Members elected to the executive board from the board of directors shall receive a salary from the operating agency at a rate set by the board of directors.

(b) Six members of the executive board shall be outside directors. Three shall be selected and appointed by the board of directors, and three shall be selected and appointed by the governor and confirmed by the senate. All outside directors shall:

(i) Serve four-year terms on the executive board. However, of the initial members of the executive board, the board of directors and the governor shall each appoint one outside director to serve a two-year term, one outside director to serve a three-year term, and one outside director to serve a four-year term. Thereafter, all outside directors shall be appointed for four-year terms. All outside directors are eligible for reappointment;

(ii) Receive (~~per diem compensation and~~) travel expenses on the same basis as the five members elected from the board of directors. The outside directors shall also receive a salary from the operating agency as fixed by the governor;

(iii) Not be an officer or employee of, or in any way affiliated with, the Bonneville power administration or any electric utility conducting business in the states of Washington, Oregon, Idaho, or Montana;

(iv) Not be involved in the financial affairs of the operating agency as an underwriter or financial adviser of the operating agency or any of its members or any of the participants in any of the operating agency's plants; and

(v) Be representative of policy makers in business, finance, or science, or have expertise in the construction or management of such facilities as the operating agency is constructing or operating, or have expertise in the termination, disposition, or liquidation of corporate assets.

(c) The governor may remove outside directors from the executive board for incompetency, misconduct, or malfeasance in office in the same manner as state appointive officers under chapter 43.06 RCW. For purposes of this subsection, misconduct shall include, but not be limited to, nonfeasance and misfeasance.

(2) Nothing in this chapter shall be construed to mean that an operating agency is in any manner an agency of the state. Nothing in this chapter alters or destroys the status of an operating agency as a separate municipal corporation or makes the state liable in any way or to any extent for any preexisting or future debt of the operating agency or any present or future claim against the agency.

(3) The eleven members of the executive board shall be selected with the objective of establishing an executive board which has the resources to effectively carry out its responsibilities. All members of the executive board shall conduct their business in a manner which in their judgment is in the

interest of all ratepayers affected by the joint operating agency and its projects.

(4) The executive board shall elect from its members a chairman, vice chairman, and secretary, who shall serve at the pleasure of the executive board. The executive board shall adopt rules for the conduct of its meetings and the carrying out of its business. All proceedings shall be by motion or resolution and shall be recorded in the minute book, which shall be a public record. A majority of the executive board shall constitute a quorum for the transaction of business.

(5) With respect to any operating agency existing on April 20, 1982, to which the provisions of this section are applicable:

(a) The board of directors shall elect five members to the executive board no later than sixty days after April 20, 1982; and

(b) The board of directors and the governor shall select and appoint the initial outside directors and the executive board shall hold its organizational meeting no later than sixty days after April 20, 1982, and the powers and duties prescribed in this chapter shall devolve upon the executive board at that time.

(6) The executive board shall select and employ a managing director of the operating agency and may delegate to the managing director such authority for the management and control of the operating agency as the executive board deems appropriate. The managing director's employment is terminable at the will of the executive board.

(7) Members of the executive board shall be immune from civil liability for mistakes and errors of judgment in the good faith performance of acts within the scope of their official duties involving the exercise of judgment and discretion. This grant of immunity shall not be construed as modifying the liability of the operating agency.

The operating agency shall undertake the defense of and indemnify each executive board member made a party to any civil proceeding including any threatened, pending, or completed action, suit, or proceeding, whether civil, administrative, or investigative, by reason of the fact he or she is or was a member of the executive board, against judgments, penalties, fines, settlements, and reasonable expenses, actually incurred by him or her in connection with such proceeding if he or she had conducted himself or herself in good faith and reasonably believed his or her conduct to be in the best interest of the operating agency.

In addition members of the executive board who are utility employees shall not be fired, forced to resign, or demoted from their utility jobs for decisions they make while carrying out their duties as members of the executive board involving the exercise of judgment and discretion.

NEW SECTION. Sec. 4. There is added to chapter 43.52 RCW a new section to read as follows:

(1) The legislature intends that the business and deliberations of joint operating agencies conducted by their boards of directors, executive boards, committees and subcommittees be conducted openly and with opportunity for public input.

(2) The board of directors, executive board, and all committees or subcommittees thereof shall comply with the provisions of chapter 42.30 RCW, in order to assure adequate public input and awareness of decisions.

Passed the Senate April 26, 1983.

Passed the House April 28, 1983.

Approved by the Governor May 6, 1983.

Filed in Office of Secretary of State May 6, 1983.

CHAPTER 4

[Reengrossed Substitute Senate Bill No. 3856]

CRIMES—AIRCRAFT TAMPERING—MALICIOUS MISCHIEF—
EXTORTION—SEXUAL FAVORS—BAIL JUMPING—CONTROLLED
SUBSTANCES

AN ACT Relating to crimes; amending section 9A.48.070, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.070; amending section 10, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.56.110; amending section 9A.76.170, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.170; amending section 7, chapter 186, Laws of 1973 1st ex. sess. and RCW 69.41.070; and amending section 4, chapter 171, Laws of 1982 and RCW 69.52.030.

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

Sec. 1. Section 9A.48.070, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.070 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the first degree if he knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding one thousand five hundred dollars; ((or))

(b) Causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication; or

(c) Causes an impairment of the safety, efficiency, or operation of an aircraft by physically damaging or tampering with the aircraft or aircraft equipment, fuel, lubricant, or parts.

(2) Malicious mischief in the first degree is a class B felony.

Sec. 2. Section 10, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.56.110 are each amended 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(8) and specifically includes sexual favors.

Sec. 3. Section 9A.76.170, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.170 are each amended to read as follows:

(1) Any person having been released by court order or admitted to bail with the requirement of a subsequent personal appearance before any court of this state, and who knowingly fails (~~((without lawful excuse))~~) to appear as required is guilty of bail jumping. (~~((Unless otherwise established, the failure to appear when required shall be inferred to have been without lawful excuse.))~~)

(2) Bail jumping is:

(a) A class A felony if the person was held for, charged with, or convicted of murder in the first degree;

(b) A class B felony if the person was held for, charged with, or convicted of a class A felony other than murder in the first degree;

(c) A class C felony if the person was held for, charged with, or convicted of a class B or class C felony;

(d) (~~((A gross misdemeanor if the person was held for, charged with, or convicted of a class C felony;~~

~~(e)))~~ A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor.

Sec. 4. Section 7, chapter 186, Laws of 1973 1st ex. sess. and RCW 69.41.070 are each amended to read as follows:

Whoever violates any provision of this chapter shall, upon conviction, be fined and imprisoned as herein provided:

(1) For a violation of RCW 69.41.020, the offender shall be guilty of a felony.

(2) For a violation of RCW 69.41.030 involving the sale, delivery, or possession with intent to sell or deliver, the offender shall be guilty of a felony.

(3) For a violation of RCW 69.41.030 involving possession, the offender shall be guilty of a misdemeanor.

(4) For a violation of RCW 69.41.040, the offender shall be guilty of a felony.

(5) For a violation of RCW 69.41.050, the offender shall be guilty of a misdemeanor.

(6) Any offense which is a violation of chapter 69.50 RCW other than RCW 69.50.401(c) shall not be charged under this chapter.

Sec. 5. Section 4, chapter 171, Laws of 1982 and RCW 69.52.030 are each amended to read as follows:

(1) It is unlawful for any person to manufacture, distribute, or possess with intent to distribute, an imitation controlled substance. Any person who violates this subsection shall, upon conviction, be guilty of a class C felony.

(2) Any person eighteen years of age or over who violates subsection (1) of this section by distributing an imitation controlled substance to a person under eighteen years of age is guilty of a class B felony.

(3) It is unlawful for any person to cause to be placed in any newspaper, magazine, handbill, or other publication, or to post or distribute in any public place, any advertisement or solicitation offering for sale imitation controlled substances. Any person who violates this subsection is guilty of a class C felony.

(4) No civil or criminal liability shall be imposed by virtue of this chapter on any person registered under the Uniform Controlled Substances Act pursuant to RCW 69.50.301 or 69.50.303 who manufactures, distributes, or possesses an imitation controlled substance for use as a placebo or other use by a registered practitioner, as defined in RCW 69.50.101(t), in the course of professional practice or research.

~~(5) ((This chapter shall not apply to offenses defined and punishable under the provisions of RCW 69.50.401(c)).~~

~~(6))~~ No prosecution under this chapter shall be dismissed solely by reason of the fact that the dosage units were contained in a bottle or other container with a label accurately describing the ingredients of the imitation controlled substance dosage units. The good faith of the defendant shall be an issue of fact for the trier of fact.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 26, 1983.

Passed the House April 28, 1983.

Approved by the Governor May 6, 1983.

Filed in Office of Secretary of State May 6, 1983.

CHAPTER 5

[House Bill No. 420]

CEMETERY AUTHORITIES REGULATORY CHARGE INCREASE

AN ACT Relating to the cemetery board; amending section 5, chapter 99, Laws of 1969 ex. sess. as last amended by section 11, chapter 21, Laws of 1979 and RCW 68.05.255; and amending section 51, chapter 290, Laws of 1953 as last amended by section 4, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.230.

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

Sec. 1. Section 51, chapter 290, Laws of 1953 as last amended by section 4, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.230 are each amended to read as follows:

Every cemetery authority shall pay for each cemetery operated by it, an annual regulatory charge to be fixed by the board ~~((, based on the number of interments, entombments, and inurnments made during the preceding full calendar year, but not exceeding one hundred dollars for one hundred or less, two hundred dollars for one hundred one to three hundred fifty, three~~

hundred dollars for three hundred fifty-one to seven hundred, five hundred dollars for seven hundred one or more, plus an additional charge)) of not more than ((one)) four dollars per interment, entombment, and inurnment made during the preceding full calendar year, which charges shall be deposited in the cemetery account. Upon payment of said charges and compliance with the provisions of Title 68 RCW and the lawful orders, rules, and regulations of the board, the board will issue a certificate of authority.

**Sec. 2. Section 5, chapter 99, Laws of 1969 ex. sess. as last amended by section 11, chapter 21, Laws of 1979 and RCW 68.05.255 are each amended to read as follows:*

Prior to the sale or transfer of ownership or control of any cemetery authority, any person, corporation or other legal entity desiring to acquire such ownership or control shall apply in writing for a new certificate of authority to operate a cemetery and shall comply with all provisions of Title 68 RCW relating to applications for, and the basis for granting, an original certificate of authority. The board shall, in addition, enter any order deemed necessary for the protection of all endowment care funds and/or prearrangement trust fund during such transfer. As a condition of applying for a new certificate of authority, the entity desiring to acquire such ownership or control must agree to be bound by all then existing prearrangement contracts and the board shall enter that agreement as a condition of the transfer: PROVIDED, That if the board determines that it is in the public interest it may waive or condition the entity's assumption of those preexisting prearrangement contracts entered into prior to June 7, 1979, which are for cemetery merchandise or services when the entity seeking the certificate of authority obtains ownership from a federal or state chartered bank, savings and loan association, or credit union which acquired ownership or control of a cemetery through foreclosure of a first lien mortgage or deed of trust pursuant to chapter 61.12 or 61.24 RCW: PROVIDED FURTHER, That a waiver shall not be granted if the bank, savings and loan association, or credit union was a party to or participated in the operation or control of the cemetery authority which incurred those obligations.

Persons and business entities selling and persons and business entities purchasing ownership or control of a cemetery authority shall each file an endowment care fund report and/or a prearrangement trust fund report showing the status of such funds immediately before and immediately after such transfer on a written report form prescribed by the board. Failure to comply with this section shall be a gross misdemeanor and any sale or transfer in violation of this section shall be void.

**Sec. 2. was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

Passed the House May 3, 1983.

Passed the Senate April 29, 1983.

Approved by the Governor May 11, 1983, with the exception of section 2, which was vetoed.

Filed in Office of Secretary of State May 11, 1983.

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

"I am returning herewith, without my approval as to one section, House Bill No. 420, entitled:

"AN ACT Relating to the cemetery board."

Section 2 of this bill would allow purchasers of cemeteries, under certain circumstances, to renege on the previous owners' prearrangement contracts for cemetery merchandise and services. I can find no justification for this deviation from the state law requiring that new owners be bound by previous owners' obligations to provide merchandise and services that people have already paid for.

With the exception of section 2, which I have vetoed, House Bill No. 420 is approved."

CHAPTER 6

[Senate Bill No. 3314]

OASI REVOLVING FUND CREATED

AN ACT Relating to old age and survivors' insurance; adding a new section to chapter 41.48 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. There is added to chapter 41.48 RCW a new section to read as follows:

There is hereby established a separate fund in the custody of the state treasurer to be known as the OASI revolving fund. The fund shall consist of all moneys designated for deposit in the fund and the interest earnings therefrom. The OASI revolving fund shall be used exclusively for the purpose of this section. Withdrawals from the fund shall be made for the payment of amounts the state may be obligated to pay or forfeit by reason of any failure of any public agency to pay assessments on contributions or interest assessments required under the federal-state agreement under this chapter or federal regulations.

The treasurer of the state shall be ex officio treasurer and custodian of the fund and shall administer the fund in accordance with this chapter and the directions of the governor and shall pay all amounts drawn upon it in accordance with this section and with the regulations the governor may prescribe under this section.

NEW SECTION. Sec. 2. For the purpose of establishing the OASI revolving fund, the state treasurer shall transfer from the interest earnings

accrued in the OASI contribution fund the sum of twenty thousand dollars to the OASI revolving fund.

Passed the Senate April 28, 1983.

Passed the House May 2, 1983.

Approved by the Governor May 11, 1983.

Filed in Office of Secretary of State May 11, 1983.

CHAPTER 7

[Senate Bill No. 3784]

FEDERAL UNEMPLOYMENT TRUST FUND—STATE USE OF FUNDS MODIFIED

AN ACT Relating to the federal unemployment trust fund; amending section 62, chapter 35, Laws of 1945 as last amended by section 1, chapter 6, Laws of 1973 and RCW 50.16.030; and declaring an emergency.

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

Sec. 1. Section 62, chapter 35, Laws of 1945 as last amended by section 1, chapter 6, Laws of 1973 and RCW 50.16.030 are each amended to read as follows:

(1) Moneys shall be requisitioned from this state's account in the unemployment trust fund solely for the payment of benefits and repayment of loans from the federal government to guarantee solvency of the unemployment compensation fund in accordance with regulations prescribed by the commissioner, except that money credited to this state's account pursuant to section 903 of the social security act, as amended, shall be used exclusively as provided in RCW 50.16.030(5). The commissioner shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to its account therein, as he deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account and shall issue his warrants for the payment of benefits solely from such benefits account.

(2) Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody, and RCW 43.01.050, as amended, shall not apply. All warrants issued by the treasurer for the payment of benefits and refunds shall bear the signature of the treasurer and the countersignature of the commissioner, or his duly authorized agent for that purpose.

(3) Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or in the discretion of the commissioner, shall

be redeposited with the secretary of the treasury of the United States of America to the credit of this state's account in the unemployment trust fund.

(4) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the social security act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this title pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(a) specifies the purposes for which such money is appropriated and the amounts appropriated therefor,

(b) limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law, and

(c) limits the amount which may be obligated during a twelve-month period beginning on July 1st and ending on the next June 30th to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the social security act, as amended, during the same twelve-month period and the ~~((twenty-four))~~ thirty-four preceding twelve-month periods, exceeds (ii) the aggregate of the amounts obligated pursuant to RCW 50.16.030(4), (5) and (6) and charged against the amounts credited to the account of this state during any of such ~~((twenty-five))~~ thirty-five twelve-month periods. For the purposes of RCW 50.16.030(4), (5) and (6), amounts obligated during any such twelve-month period shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for administration during any such twelve-month period may be charged against any amount credited during such a twelve-month period earlier than the ~~((twenty-fourth))~~ thirty-fourth twelve-month period preceding such period: PROVIDED, That any amount credited to this state's account under section 903 of the social security act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund shall be excluded from the unemployment compensation fund balance for the purpose of experience rating credit determination.

(5) Money credited to the account of this state pursuant to section 903 of the social security act, as amended, may not be withdrawn or used except for the payment of benefits and for the payment of expenses of administration and of public employment offices pursuant to RCW 50.16.030(4), (5) and (6).

(6) Money requisitioned as provided in RCW 50.16.030(4), (5) and (6) for the payment of expenses of administration shall be deposited in the unemployment compensation fund, but until expended, shall remain a part of

the unemployment compensation fund. The commissioner shall maintain a separate record of the deposit, obligation, expenditure and return of funds so deposited. Any money so deposited which either will not be obligated within the period specified by the appropriation law or remains unobligated at the end of the period, and any money which has been obligated within the period but will not be expended, shall be returned promptly to the account of this state in the unemployment trust fund.

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 April 28, 1983.

Passed the House May 3, 1983.

Approved by the Governor May 11, 1983.

Filed in Office of Secretary of State May 11, 1983.

CHAPTER 8

[Substitute Senate Bill No. 3372]

WILDLIFE—ILLEGAL HUNTING OR POSSESSION—REIMBURSE STATE

AN ACT Relating to wildlife; amending section 77.12.170, chapter 36, Laws of 1955 as last amended by section 2, chapter 310, Laws of 1981 and RCW 77.12.170; adding a new section to chapter 77.21 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. The legislature finds that wildlife is of great ecological, recreational, esthetic, and economic value to the people of the state of Washington. It further finds that the illegal taking and possession of certain valuable wildlife species is increasing at an alarming rate and that the state should be reimbursed for the loss of individual wildlife of these species in the amounts specified in section 3 of this act.

Sec. 2. Section 77.12.170, chapter 36, Laws of 1955 as last amended by section 2, chapter 310, Laws of 1981 and RCW 77.12.170 are each amended to read as follows:

(1) There is established in the state treasury the state game fund which consists of moneys received from:

- (a) Rentals or concessions of the department;
- (b) The sale of real or personal property held for department purposes;
- (c) The sale of licenses, permits, tags, stamps, and punchcards required by this title;
- (d) Fees for informational materials published by the department;
- (e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;
- (f) Articles or wildlife sold by the commission under this title;

- (g) Penalty assessments collected under RCW 77.21.050;
- (h) Compensation for wildlife losses or gifts or grants received under RCW 77.12.320; ~~((and))~~
- (i) Fines, forfeitures, and costs collected under this title for violations of law or rules of the commission; and
- (j) Reimbursements collected under section 3 of this act.

(2) Courts shall collect fines ~~((and))~~ forfeitures, and reimbursements and deposit them within fifteen days after the end of each quarter in the state treasury. Except as provided in RCW 77.12.201, the treasurer shall credit fifty percent of these fines and forfeitures to the state game fund and shall return the remainder to the county in which it was collected.

(3) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state game fund.

(4) The term "fines and forfeitures" includes amounts, by whatever name known, levied by courts for violations of this title or rules of the commission but does not include penalty assessments under RCW 77.21.050, ~~((or))~~ actual court costs, or reimbursements required under section 3 of this act.

NEW SECTION. Sec. 3. There is added to chapter 77.21 RCW a new section to read as follows:

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

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

(2) For the purpose of this section, the term "convicted" includes a plea of guilty, a finding of guilt regardless of whether the imposition of the sentence is deferred or any part of the penalty is suspended, and the payment of a fine.

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

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

alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

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

(6) All moneys derived from reimbursements required under this section shall be remitted within fifteen days after the end of each fiscal quarter to the state treasurer to the credit of the state game fund.

Passed the Senate April 28, 1983.

Passed the House May 3, 1983.

Approved by the Governor May 11, 1983.

Filed in Office of Secretary of State May 11, 1983.

CHAPTER 9

[House Bill No. 471]

JUDICIARY EDUCATION ACCOUNT—USE OF EXCESS BALANCE

AN ACT Relating to the judiciary education account; amending section 7, chapter 132, Laws of 1981 and RCW 2.56.100; and declaring an emergency.

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

Sec. 1. Section 7, chapter 132, Laws of 1981 and RCW 2.56.100 are each amended to read as follows:

(1) There shall be levied and paid into the judiciary education account hereby created in the general fund of the state treasury a penalty assessment in addition to the penalty or fine imposed as a result of a hearing conducted under RCW 46.63.090 or 46.63.100 on all offenses involving a violation of a state statute or city or county ordinance relating to the operation or use of motor vehicles or the licensing of vehicle operators, except offenses relating to parking of vehicles. The amount of the assessment shall be as follows:

(a) When the fine or penalty is ten dollars to nineteen dollars and ninety-nine cents, four dollars;

(b) When the fine or penalty is twenty dollars to thirty-nine dollars and ninety-nine cents, seven dollars;

(c) When the fine or penalty is forty dollars to fifty-nine dollars and ninety-nine cents, ten dollars;

(d) When the fine or penalty is sixty dollars to ninety-nine dollars and ninety-nine cents, fifteen dollars; and

(e) When the fine or penalty is one hundred dollars or more, twenty dollars.

(2) When a fine or penalty is paid, the assessment prescribed in this section shall be forwarded to the state treasurer and deposited in the judiciary education account. No money in the judiciary education account may be spent except pursuant to an appropriation by the legislature to the administrator for the courts authorizing such spending for the purpose of providing programs and standards for the training and education of judicial personnel: PROVIDED, That if the legislature determines that the judiciary education account balance exceeds the amount required for training and education of judicial personnel, the legislature may appropriate from the account for other judicial purposes.

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

Passed the House April 27, 1983.

Passed the Senate May 2, 1983.

Approved by the Governor May 11, 1983.

Filed in Office of Secretary of State May 11, 1983.

CHAPTER 10

[House Bill No. 725]

SESSION LAWS—PREPARATION, PRINTING, AND MAILING— APPROPRIATION

AN ACT Relating to the publication of the session laws of the state of Washington; making an appropriation; and declaring an emergency.

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

NEW SECTION. Sec. 1. There is hereby appropriated from the general fund to the statute law committee the sum of one hundred twenty-eight thousand three hundred (\$128,300), or so much thereof as may be necessary, for the preparation, reproduction, printing, and mailing of the session laws of the Washington state legislature.

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

Passed the House April 26, 1983.

Passed the Senate May 2, 1983.

Approved by the Governor May 11, 1983.

Filed in Office of Secretary of State May 11, 1983.

CHAPTER 11

[Engrossed Substitute House Bill No. 496]

SENIOR CITIZEN PROPERTY TAX RELIEF—ASSESSED VALUE EXEMPTIONS
AND INCOME LEVELS—ADJUSTMENTS

AN ACT Relating to property tax relief; amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 4, chapter 185, Laws of 1980 and RCW 84.36.381; amending section 2, chapter 182, Laws of 1974 ex. sess. as last amended by section 5, chapter 185, Laws of 1980 and RCW 84.36.383; amending section 3, chapter 182, Laws of 1974 ex. sess. as last amended by section 3, chapter 214, Laws of 1979 ex. sess. and RCW 84.36.385; amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 2 of this 1983 act and RCW 84.36.381; amending section 3, chapter 182, Laws of 1974 ex. sess. as last amended by section 3 of this 1983 act and RCW 84.36.385; creating new sections; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds that inflation has significant detrimental effects on the senior citizen property tax relief program. Inflation increases incomes without increasing real buying power. Inflation also raises the values of homes, and thus the taxes on those homes. This act addresses the problem of inflation in two ways. First, the assessed value exemption is tied to home value so it will increase as values rise. Secondly, though the income of most senior citizens does not keep pace with inflation, it is the legislature's intent that inflationary increases in incomes will not result in program disqualification. Therefore, the income levels are adjusted to reflect the forecasted increase in inflation. The legislature also recommends that similar adjustments be examined by future legislatures.

Sec. 2. Section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 4, chapter 185, Laws of 1980 and RCW 84.36.381 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the claim is filed: **PROVIDED**, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: **PROVIDED FURTHER**, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if the residence is temporarily unoccupied or if the residence is occupied by a spouse and/or a person financially dependent on the claimant for support;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must have been sixty-one years of age or older on January 1st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve.

(5) ~~((a))~~ A person who otherwise qualifies under this section and has a combined disposable income of ~~((fourteen))~~ fifteen thousand dollars or less shall be exempt from all excess property taxes; and in addition

~~((b))~~ (a) For taxes first due in 1984, a person who otherwise qualifies under this section and has a combined disposable income of ~~((ten))~~ twelve thousand dollars or less shall be exempt from all regular property taxes on up to ~~((fifteen))~~ twenty thousand dollars of the valuation of his or her residence; and

(b) For taxes first due in 1985 and thereafter:

(i) A person who otherwise qualifies under this section and has a combined disposable income of twelve thousand dollars or less but greater than nine thousand dollars shall be exempt from all regular property taxes on the greater of twenty thousand dollars or thirty percent of the valuation of his or her residence, but not to exceed forty thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of nine thousand dollars or less shall be exempt from all regular property taxes on the greater of twenty-five thousand dollars or fifty percent of the valuation of his or her residence.

Sec. 3. Section 3, chapter 182, Laws of 1974 ex. sess. as last amended by section 3, chapter 214, Laws of 1979 ex. sess. and RCW 84.36.385 are each amended to read as follows:

Claims for exemption or a renewal affidavit under RCW 84.36.381 as now or hereafter amended, shall be made annually and filed between January 2 and July 1 of the year in which the property tax levies are imposed and solely upon forms as prescribed and furnished by the department of revenue.

Claims under RCW 84.36.381 through 84.36.389, as now or hereafter amended, in ~~((1979))~~ 1983 shall be filed between January 2 and October 1, ~~((1979))~~ 1983, but persons who filed claims after January 2, ~~((1979 and))~~ 1983, and before the effective date of this 1983 act who would have been eligible for an exemption in ~~((1980 under the law amended by chapter 214, Laws of 1979 ex. s.))~~ 1984 are eligible for an exemption under RCW 84.36.381 through 84.36.389 without necessity of reapplication.

In January of each year the county assessor shall mail renewal affidavits for exemption to each person approved for exemption during the previous year.

If the assessor finds that the applicant does not meet the qualifications as set forth in RCW 84.36.381, as now or hereafter amended, the claim shall be denied but such denial shall be subject to appeal under the provisions of RCW 84.48.010(5). If the applicant had received exemption in prior years based on erroneous information, the taxes shall be collected subject to penalties as provided in RCW 84.40.130 for a period of not to exceed three years.

The department and each local assessor is hereby directed to publicize the qualifications and manner of making claims under RCW 84.36.381 through 84.36.389, through communications media, including such paid advertisements or notices as it deems appropriate. Notice of the qualifications, method of making applications and availability of further information shall be included on or with property tax statements and revaluation notices for all residential property including mobile homes, except rental properties. For assessment year 1980 and thereafter, the notice shall also indicate that claim forms and renewal affidavits are available in January of the year in which the property tax levies are imposed.

Sec. 4. Section 2, chapter 182, Laws of 1974 ex. sess. as last amended by section 5, chapter 185, Laws of 1980 and RCW 84.36.383 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" shall mean a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall

also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080, 84.04-.090 or 84.40.250, such a residence shall be deemed real property.

(2) The term "real property" except for the purposes of chapters 84.56 and 84.60 RCW, shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities.

(3) The term "preceding calendar year" shall mean the calendar year preceding the year in which the claim for exemption is to be made.

(4) "Department" shall mean the state department of revenue.

(5) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the preceding calendar year, less amounts paid by the person claiming the exemption or his or her spouse during the previous year for the treatment or care of either person in a nursing home.

(6) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1980, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(a) Capital gains;

(b) Amounts deducted for loss;

(c) Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments;

(f) Veterans benefits other than attendant-care and medical-aid payments;

(g) Federal social security act and railroad retirement benefits;

(h) Dividend receipts; and

(i) Interest received on state and municipal bonds.

(7) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

Sec. 5. Section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 2 of this 1983 act and RCW 84.36.381 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the ~~((claim is filed))~~ exemption is claimed: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if the residence is temporarily unoccupied or if the residence is occupied by a spouse and/or a person financially dependent on the claimant for support;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must have been sixty-one years of age or older on January 1st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve.

(5) A person who otherwise qualifies under this section and has a combined disposable income of fifteen thousand dollars or less shall be exempt from all excess property taxes; and in addition

(a) For taxes first due in 1984, a person who otherwise qualifies under this section and has a combined disposable income of twelve thousand dollars or less shall be exempt from all regular property taxes on up to twenty thousand dollars of the valuation of his or her residence; and

(b) For taxes first due in 1985 and thereafter:

(i) A person who otherwise qualifies under this section and has a combined disposable income of twelve thousand dollars or less but greater than nine thousand dollars shall be exempt from all regular property taxes on the greater of twenty thousand dollars or thirty percent of the valuation of his or her residence, but not to exceed forty thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of nine thousand dollars or less shall be exempt from all regular property taxes on the greater of twenty-five thousand dollars or fifty percent of the valuation of his or her residence.

Sec. 6. Section 3, chapter 182, Laws of 1974 ex. sess. as last amended by section 3 of this 1983 act and RCW 84.36.385 are each amended to read as follows:

A claim(s) for exemption ((or a renewal affidavit)) under RCW 84.36.381 as now or hereafter amended, shall be made ((annually)) and filed between January 2 and July 1 ((of the year in which the property tax levies are imposed)) for exemption from taxes payable the following year and thereafter and solely upon forms as prescribed and furnished by the department of revenue.

~~((Claims under RCW 84.36.381 through 84.36.389, as now or hereafter amended, in 1983 shall be filed between January 2 and October 1, 1983, but persons who filed claims after January 2, 1983, and before the effective date of this 1983 act who would have been eligible for an exemption in 1984 are eligible for an exemption under RCW 84.36.381 through 84.36.389 without necessity of reapplication.~~

In January of each year the county assessor shall mail renewal affidavits for exemption to each person approved for exemption during the previous year.) A person granted an exemption under RCW 84.36.381 shall inform the county assessor of any change in status affecting the person's entitlement to the exemption on forms prescribed and furnished by the department of revenue.

If the assessor finds that the applicant does not meet the qualifications as set forth in RCW 84.36.381, as now or hereafter amended, the claim or exemption shall be denied but such denial shall be subject to appeal under the provisions of RCW 84.48.010(5). If the applicant had received exemption in prior years based on erroneous information, the taxes shall be collected subject to penalties as provided in RCW 84.40.130 for a period of not to exceed three years.

The department and each local assessor is hereby directed to publicize the qualifications and manner of making claims under RCW 84.36.381 through 84.36.389, through communications media, including such paid advertisements or notices as it deems appropriate. Notice of the qualifications, method of making applications, the penalties for not reporting a change in status, and availability of further information shall be included on or with property tax statements and revaluation notices for all residential property including mobile homes, except rental properties. ((For assessment year 1980 and thereafter, the notice shall also indicate that claim forms and renewal affidavits are available in January of the year in which the property tax levies are imposed.))

NEW SECTION. Sec. 7. This act applies to taxes first due in 1984 and thereafter.

NEW SECTION. Sec. 8. 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, except sections 5 and 6 of this act shall take effect January 1, 1984.

Passed the House April 27, 1983.

Passed the Senate May 2, 1983.

Approved by the Governor May 11, 1983.

Filed in Office of Secretary of State May 11, 1983.

CHAPTER 12

[Engrossed House Bill No. 399]

TIMBER SALES ON STATE LANDS—BASE PRICE—MAJOR SPECIES

AN ACT Relating to state timber sales market indices; amending section 14, chapter 222, Laws of 1982 and RCW 79.01.126; amending section 15, chapter 222, Laws of 1982 (uncodified); declaring an emergency; and providing an effective date.

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

Sec. 1. Section 14, chapter 222, Laws of 1982 and RCW 79.01.126 are each amended to read as follows:

(1) When timber situated on state-owned land((s)) under the jurisdiction of the department of natural resources having a minimum appraisal value over twenty thousand dollars is sold on a scale basis separately from the land, the timber sale contract shall include provisions for adjustments in the sale price to reflect changes in the market index subsequent to the time of sale. The price to be paid by a purchaser for major species of timber removed during a calendar quarter shall equal the sum of the contract bid price and the market index change amount for that quarter, except that the

price paid shall not be less than a base price sufficient to fulfill trust obligations. The base price shall be established by the department of natural resources by regulation. Species other than major ones shall be paid for at the contract bid price.

(2) As used in this section:

(a) "Market index" means an an ((composite)) index established by the department of natural resources. Each index shall consist of either the current market prices of various species and grades of logs (~~((harvested in this state))~~), or the current market price of wood products made from logs (~~((harvested in this state))~~). The department shall establish as many distinct indexes as it finds necessary to accurately reflect changes in market prices of various species and grades of logs or wood products made from logs.

(b) "Market index change amount" means an amount calculated by:

(i) Subtracting the market index for the calendar quarter during which the timber was sold from the market index for the calendar quarter in which the timber was removed; and

(ii) Dividing the remainder calculated under (b)(i) of this subsection by two.

(c) "Major species" means those species of timber, as determined by the department of natural resources, for which there is readily available, reliable market price information from which the department can establish market indexes in the various geographic areas of the state.

(3) The department of natural resources shall adopt regulations to implement this section.

Sec. 2. Section 15, chapter 222, Laws of 1982 (uncodified) is amended to read as follows:

Sections 2 through 10 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Section 14 of this act shall take effect ~~((April))~~ October 1, 1983 and shall cease to be effective October 1, 1987.

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 March 31, 1983.

Passed the House May 5, 1983.

Passed the Senate May 4, 1983.

Approved by the Governor May 11, 1983.

Filed in Office of Secretary of State May 11, 1983.

CHAPTER 13

[Engrossed Second Substitute Senate Bill No. 3085]

UNEMPLOYMENT COMPENSATION—FEDERAL INTEREST PAYMENT
 FUND—ADDITIONAL BENEFIT PERIOD EXTENDED—EMPLOYER
 CONTRIBUTIONS MODIFIED—DEPARTMENT OF EMPLOYMENT SECURITY
 DUTIES

AN ACT Relating to unemployment compensation; amending section 8, chapter 35, Laws of 1945 as last amended by section 1, chapter 3, Laws of 1971 and RCW 50.04.070; amending section 8, chapter 266, Laws of 1959 as amended by section 3, chapter 3, Laws of 1971 and RCW 50.04.072; amending section 60, chapter 35, Laws of 1945 as last amended by section 1, chapter 142, Laws of 1980 and RCW 50.16.010; amending section 17, chapter 18, Laws of 1982 1st ex. sess. and RCW 50.22.100; amending section 18, chapter 18, Laws of 1982 1st ex. sess. and RCW 50.22.110; amending section 19, chapter 18, Laws of 1982 1st ex. sess. and RCW 50.22.120; amending section 89, chapter 35, Laws of 1945 as last amended by section 9, chapter 33, Laws of 1977 ex. sess. and RCW 50.24.010; adding new sections to chapter 50.16 RCW; creating new sections; repealing section 13, chapter 2, Laws of 1970 ex. sess., section 12, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.040; repealing section 14, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.050; and repealing section 18, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.140; and declaring an emergency.

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

Sec. 1. Section 17, chapter 18, Laws of 1982 1st ex. sess. and RCW 50.22.100 are each amended to read as follows:

(1) Additional benefits are payable to eligible persons who are "exhaustees" with respect to extended benefits. The term "exhaustee" is deemed to have the same meaning with respect to extended benefits as with respect to regular benefits.

(2) Additional benefit amounts shall be calculated pursuant to RCW 50.22.050(1) (~~and (2)~~) (a) and (b).

(3) Eligibility for additional benefits shall be determined and benefits shall be paid under the same terms and conditions as for extended benefits.

Sec. 2. Section 18, chapter 18, Laws of 1982 1st ex. sess. and RCW 50.22.110 are each amended to read as follows:

(1) Notwithstanding RCW 50.22.010(8)(a), an additional benefit period is established (~~for weeks of unemployment which begin on or after the third Sunday following April 2, 1982. PROVIDED, That this additional benefit period will be suspended~~) from March 31, 1983, through March 31, 1984; PROVIDED, That notwithstanding RCW 50.22.010(8)(c) and (c), this additional benefit period will be temporarily suspended during any week in which federally funded benefits beyond thirty-nine weeks are payable or during any week in which an extended benefit period is not in effect.

~~((2) Additional benefits are payable to otherwise eligible persons who have exhausted extended benefits on their most recent claim after July 1, 1980.~~

(3)) The department of employment security shall develop proposals for a permanent program of additional benefits. The proposals shall address alternatives in trigger mechanisms, benefit levels, eligibility requirements, and unemployment insurance financing.

Sec. 3. Section 19, chapter 18, Laws of 1982 1st ex. sess. and RCW 50.22.120 are each amended to read as follows:

Benefits under RCW 50.22.100 and 50.22.110 are not payable for weeks of unemployment beginning after (~~February 26, 1983~~) March 31, 1984, unless extended by law.

**Sec. 4. Section 89, chapter 35, Laws of 1945 as last amended by section 9, chapter 33, Laws of 1977 ex. sess. and RCW 50.24.010 are each amended to read as follows:*

Contributions shall accrue and become payable by each employer (except employers as described in RCW 50.44.010 who have properly elected to make payments in lieu of contributions and those employers who are required to make payments in lieu of contributions) for each calendar year in which the employer is subject to this title at the rate of two and seven-tenths percent of wages paid each employee, except for such rates as determined for qualified employers according to chapter 50.29 RCW: PROVIDED, That if, as of any June 30th, the amount in the unemployment compensation fund is less than three and one-half percent of total remuneration paid by all employers during the preceding calendar year and reported on or before the March 31st following such year, contributions for the following calendar year for all employers shall be payable at the rate of three percent of wages subject to tax: PROVIDED FURTHER, That, if as of January 1, 1984, the amount of the unemployment fund has a deficit greater than fifty million dollars, or as of July 1, 1984, the fund has a deficit greater than one hundred ten million dollars, contributions for all employers shall be assessed a surcharge of fifteen one-hundredths of one percent of the wages subject to tax effective January 1, 1984, or July 1, 1984, if the fund deficit is greater than the amounts specified in this section.

The amount of wages subject to tax for each individual as of January 1, 1971, shall be four thousand two hundred dollars. If the amount in the unemployment compensation fund on any June 30th, after January 1, 1971, is less than four and one-half percent of total remuneration paid by all employers during the preceding calendar year and reported on or before the March 31st following such year, the amount of wages subject to tax shall increase on the January 1st next following by six hundred dollars: PROVIDED, That the amount of wages subject to tax in any calendar year shall not exceed eighty percent of the "average annual wage" for the second preceding calendar year rounded to the next lower multiple of three hundred dollars.

If, as of January 1, 1984, the amount of the unemployment fund has a deficit greater than fifty million dollars, or as of July 1, 1984, the fund has a

deficit greater than one hundred ten million dollars, the amount of wages subject to tax shall be eighty percent of the "average annual wage for contributions purposes" for the second preceding calendar year rounded to the next lower multiple of three hundred dollars, and shall be effective January 1, 1984, or July 1, 1984, if the fund deficit is greater than the amount specified in this paragraph.

In making computations under this section and RCW 50.29.010, wages paid based on services for employers making payments in lieu of contributions shall not be considered remuneration. Moneys paid from the fund, based on services performed for employers who make payments in lieu of contributions, which have not been reimbursed to the fund as of any June 30 shall be deemed an asset of the unemployment compensation fund, to the extent that such moneys exceed the amount of payments in lieu of contributions which the commissioner has previously determined to be uncollectible: PROVIDED, FURTHER, That the amount attributable to employment with the state shall also include interest as provided for in RCW 50.44.020.

Contributions shall become due and be paid by each employer to the treasurer for the unemployment compensation fund in accordance with such regulations as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in employment of the employer. Any deduction in violation of the provisions of this section shall be unlawful.

In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

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

Sec. 5. Section 60, chapter 35, Laws of 1945 as last amended by section 1, chapter 142, Laws of 1980 and RCW 50.16.010 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund (~~and~~), an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable. The unemployment compensation fund shall consist of

(1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,

(2) interest earned upon any moneys in the fund,

(3) any property or securities acquired through the use of moneys belonging to the fund,

(4) all earnings of such property or securities,

(5) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

(6) all money recovered on official bonds for losses sustained by the fund,

(7) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

(8) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

(9) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title after June 20, 1953, all fines and penalties collected pursuant to the provisions of this title, and all sums recovered on official bonds for losses sustained by the 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. Moneys available in the administrative contingency fund shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

NEW SECTION. Sec. 6. There is added to chapter 50.16 RCW a new section to read as follows:

A separate and identifiable fund to provide for the payment of interest on advances received from this state's account in the federal unemployment trust fund shall be established and administered under the direction of the commissioner. This fund shall be known as the federal interest payment fund and shall consist of contributions paid under section 7 of this act.

NEW SECTION. Sec. 7. There is added to chapter 50.16 RCW a new section to read as follows:

The federal interest payment fund shall consist of contributions payable by each employer (except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, employers who are required to make payments in lieu of contributions, and employers paying contributions under RCW 50.44.035) for any calendar quarter which begins on or after January 1, 1984, and for which the commissioner determines that the department will have an outstanding

balance of accruing federal interest at the end of the calendar quarter. The amount of wages subject to tax shall be determined according to RCW 50.24.010. The tax rate applicable to wages paid during the calendar quarter shall be determined by the commissioner and shall not exceed fifteen one-hundredths of one percent. In determining whether to require contributions as authorized by this section, the commissioner shall consider the current balance in the federal interest payment fund and the projected amount of interest which will be due and payable as of the following September 30. Any excess moneys in the federal interest payment fund shall be retained in the fund for future interest payments.

Contributions under this section shall become due and be paid by each employer in accordance with such rules as the commissioner may prescribe and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

NEW SECTION. Sec. 8. No later than January 15, 1984, the commissioner shall report to the legislature on the federal interest payment fund. The report shall include:

- (1) Projected deposits to and expenditures from the fund during calendar year 1984;
- (2) Any recommended adjustment of the tax rate authorized under section 7 of this act; and
- (3) Any other information deemed necessary by the legislature or the commissioner.

Sec. 9. Section 8, chapter 35, Laws of 1945 as last amended by section 1, chapter 3, Laws of 1971 and RCW 50.04.070 are each amended to read as follows:

"Contributions" means the money payments due to the state unemployment compensation fund as provided in RCW 50.24.010 or to the federal interest payment fund under section 7 of this 1983 act.

Sec. 10. Section 8, chapter 266, Laws of 1959 as amended by section 3, chapter 3, Laws of 1971 and RCW 50.04.072 are each amended to read as follows:

The terms "contributions" and "payments in lieu of contributions" used in this title, whether singular or plural, designate the money payments to be made to the state unemployment compensation fund or to the federal interest payment fund under section 7 of this 1983 act and are deemed to be taxes due to the state of Washington.

NEW SECTION. Sec. 11. (1) The department of employment security shall develop a data base for the following elements of an experience rating system:

(a) A ratio of benefits charged to the accounts of employers during the forty-eight consecutive months immediately preceding the computation date to the taxable payrolls of the employers for the same forty-eight month period. The computations for determining qualified employers shall be limited to the forty-eight month period described above; and

(b) Noncharging of: (i) Benefits paid after December 31, 1983, representing the state's share of benefits payable under chapter 50.22 RCW, to the employer's experience rating account; and (ii) benefits paid after December 31, 1983, to a worker who requalifies for benefits under RCW 50.20.050 or 50.20.060 to the experience rating account of the employer with whom the disqualifying separation took place.

(2) The department shall also provide information as requested by the senate committee on commerce and labor and the house committee on labor regarding: (a) Alternative seasonality provisions which would recognize the potential burden on employers who must, through no fault of their own, vary their work force, while insuring that employees who are unemployed, through no fault of their own, are protected; (b) alternative unemployment compensation financing systems; and (c) the adequacy of benefit levels.

The department shall make an initial report to the legislature by July 1, 1983.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 13, chapter 2, Laws of 1970 ex. sess., section 12, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.040;

(2) Section 14, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.040 [50.29.050];

(3) Section 18, chapter 2, Laws of 1970 ex. sess., and RCW 50.29.140.

NEW SECTION. Sec. 13. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 4, 1983.

Passed the House May 3, 1983.

Approved by the Governor May 11, 1983, with the exception of section 4, which was vetoed.

Filed in Office of Secretary of State May 11, 1983.

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

"I am returning herewith, without my approval as to section 4, Second Substitute Senate Bill No. 3085, entitled:

"AN ACT Relating to unemployment compensation."

This bill provides for a one-year extension of the unemployment insurance additional benefits program, to be implemented only when the corresponding Federal program ends. If and when these benefits are paid, and if the unemployment fund thereby goes into deficit status, sections 4 and 5 provide for ways to finance the deficit. At a given dollar deficit, section 4 could mandate a surcharge in the rate at which employers pay into the fund as well as increase the base (to 80 percent of the average annual wage) on which the rate is paid. Potentially, this could amount to a very substantial increase in employer contributions. There is no mechanism for removing or reducing the surcharge or base once the deficit is made up. In light of the fact that section 5 provides for an alternative way to finance the deficit, by establishing (through employer contributions) a Federal interest payment fund that would pay for the interest on funds borrowed from the Federal government, the potentially onerous impact of section 4 is unwarranted. For that reason I have vetoed section 4.

With the exception of section 4, which is vetoed, Second Substitute Senate Bill No. 3085 is approved."

CHAPTER 14

[Substitute Senate Bill No. 3538]

TRAFFIC SAFETY COMMISSION—DUTIES MODIFIED—SUNSET TERMINATION REPEALED

AN ACT Relating to the traffic safety commission; amending section 4, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.040; amending section 7, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.060; repealing section 10, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.090; repealing section 11, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.100; repealing section 12, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.110; repealing section 13, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.120; repealing section 35, chapter 99, Laws of 1979 and RCW 43.131.217; and repealing section 77, chapter 99, Laws of 1979 and RCW 43.131.218.

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

Sec. 1. Section 4, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.040 are each amended to read as follows:

In addition to other responsibilities set forth in this chapter the commission shall:

(1) Advise and confer with the governing authority of any political subdivision of the state deemed eligible under the federal Highway Safety Act

of 1966 (Public Law 89-564; 80 Stat. 731) for participation in the aims and programs and purposes of that act;

(2) Advise and confer with all agencies of state government whose programs and activities are within the scope of ((said)) the Highway Safety Act including those agencies that are not subject to direct supervision, administration, and control by the governor under existing laws;

(3) Succeed to and be vested with all powers, duties, and jurisdictions previously vested in the Washington state safety council;

(4) ~~((Require all counties and municipalities to prepare a comprehensive traffic safety plan consistent with the standards established by rule and regulation by the commission and the federal Highway Safety Act of 1966 (Public Law 89-564; 80 Stat. 731);~~

(5)) Carry out such other responsibilities as may be consistent with this chapter.

***Sec. 2. Section 7, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.060 are each amended to read as follows:**

The governor or chairman of the commission shall appoint a person to be director of the Washington traffic safety commission ((which)), subject to the consent of the senate. The director shall be paid such salary as shall be deemed reasonable and shall serve at the pleasure of the governor.

*Sec. 2. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed:

(1) Section 10, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.090;

(2) Section 11, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.100;

(3) Section 12, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.110;

(4) Section 13, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.120;

(5) Section 35, chapter 99, Laws of 1979 and RCW 43.131.217; and

(6) Section 77, chapter 99, Laws of 1979 and RCW 43.131.218.

Passed the Senate April 28, 1983.

Passed the House May 4, 1983.

Approved by the Governor May 12, 1983, with the exception of section 2, which was vetoed.

Filed in Office of Secretary of State May 12, 1983.

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. 3538, entitled:

"AN ACT Relating to the traffic safety commission."

Section 2 of this bill calls for Senate confirmation of the Chairman of the Commission. Senate confirmation of gubernatorial appointees should not be routinely required but should be reserved for major agencies and members of major boards and commissions. It has become obvious that the great number of Senate confirmations now required by law presents an administrative difficulty for both the Senate and the executive branch. More prudent use of Senate confirmation is desirable. Insofar as the Director of the Washington Traffic Safety Commission answers to, and carries out the orders of, the Commission itself, there is sufficient accountability for the Director's performance. For these reasons I have vetoed section 2.

With the exception of section 2, which is vetoed, Substitute Senate Bill No. 3538 is approved."

CHAPTER 15

[Engrossed Substitute Senate Bill No. 3163]

JAPANESE STATE EMPLOYEES JOB LOSS REPARATION PROCEDURES

AN ACT Relating to reparations for certain state employees; adding a new chapter to Title 41 RCW; creating a new section; and making an appropriation.

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

NEW SECTION. Sec. 1. The dismissal or termination of various state employees during World War II resulted from the promulgation of federal Executive Order 9066 which was based mainly on fear and suspicion rather than on factual justification. It is fair and just that reparations be made to those employees who were terminated from state employment during the wartime years because of these circumstances. The legislature therefore finds that equity and fairness will be served by authorizing the filing of claims with the state for salary losses suffered by the state employees directly affected, and by authorizing the payment thereof, subject to the provisions of this chapter.

NEW SECTION. Sec. 2. Any state employee or the living surviving spouse of a state employee who, due to the promulgation of federal Executive Order 9066, was dismissed, terminated from a temporary position, or rejected during the person's probationary period, or who voluntarily resigned in lieu of dismissal from state government employment, and who incurred salary losses as a result thereof, is eligible to file a claim with the state for the reparation of those losses.

NEW SECTION. Sec. 3. A claim under this chapter may be submitted to the department of personnel for the reparation of salary losses suffered during the years 1942 through 1947. The claim shall be supported by appropriate verification, such as the person's name at the time of the dismissal, the name of the employing department, and a social security number, or by evidence of official action of termination. The claimant shall also provide an address to which the department shall mail notification of its determination regarding the claimant's eligibility.

NEW SECTION. Sec. 4. (1) The department of personnel shall determine the eligibility of a claimant to receive reparations authorized by this chapter. The department shall then notify the claimant by mail of its determination regarding the claimant's eligibility.

(2) The department may adopt rules that will assist in the fair determination of eligibility and the processing of claims. The department, however, has no obligation to directly notify any person of possible eligibility for reparation of salary losses under this chapter.

NEW SECTION. Sec. 5. A claimant under this chapter who is determined eligible by the department of personnel shall receive two thousand five hundred dollars each year for two years. All claims which the department determines are eligible for reparation shall be immediately forwarded to the state treasurer, who shall issue warrants in the appropriate amounts upon demand and verification of identity. If a claimant dies after filing a claim but before receiving full payment, payments shall be made to the claimant's estate upon demand and verification of identity.

NEW SECTION. Sec. 6. Sections 2 through 5 of this act shall constitute a new chapter in Title 41 RCW.

NEW SECTION. Sec. 7. There is appropriated to the department of personnel from the general fund for the biennium ending June 30, 1985, the sum of one hundred sixty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

Passed the Senate April 28, 1983.

Passed the House May 6, 1983.

Approved by the Governor May 13, 1983.

Filed in Office of Secretary of State May 13, 1983.

CHAPTER 16

[Engrossed Second Substitute Senate Bill No. 3272]

DEATH INVESTIGATIONS COUNCIL—STATE TOXICOLOGY LABORATORY—MEDICAL EXAMINERS—COUNTY CORONERS—DENTAL IDENTIFICATION SYSTEM

AN ACT Relating to death investigations; amending section 13, chapter 188, Laws of 1953 as last amended by section 1, chapter 84, Laws of 1975-'76 2nd ex. sess. and RCW 63.08-.107; amending section 43.20.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 52, Laws of 1979 ex. sess. and RCW 43.20A.630; amending section 9, chapter 94, Laws of 1974 ex. sess. as amended by section 4, chapter 132, Laws of 1981 and RCW 43.101.090; amending section 10, chapter 94, Laws of 1974 ex. sess. as amended by section 5, chapter 132, Laws of 1981 and RCW 43.101.100; amending section 1, chapter 90, Laws of 1917 and RCW 68.12.010; amending section 7, chapter 188, Laws of 1953 as amended by section 3, chapter 178, Laws of 1963 and RCW 68.08.104; adding a new section to chapter 43.79 RCW; adding new sections to chapter 68.08 RCW; adding a new chapter to Title 43 RCW; making appropriations; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. The purposes of this act are declared by the legislature to be as follows:

(1) To fund the death investigation system and to make related state and local institutions more efficient;

(2) To preserve and enhance the state toxicology laboratory which is an essential part of the criminal justice and death investigation systems in the state of Washington;

(3) To provide resources necessary for the performance, by qualified pathologists, of autopsies which are also essential to the criminal justice and death investigation systems of this state and its counties;

(4) To improve the performance of death investigations and the criminal justice system through the formal training of county coroners and county medical examiners;

(5) To establish and maintain a dental identification system; and

(6) To provide flexibility so that any county may establish a county morgue when it serves the public interest.

NEW SECTION. Sec. 2. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Council" means the Washington state death investigations council.

(2) "Toxicology laboratory" means the Washington state toxicology laboratory.

NEW SECTION. Sec. 3. There is created the Washington state death investigations council. The council shall oversee the state toxicology laboratory and, together with the president of the University of Washington, control the laboratory's operation. The council may also study and recommend cost-efficient improvements to the death investigation system in Washington and report its findings to the legislature.

NEW SECTION. Sec. 4. The council shall consist of nine members who shall be selected as follows: One county coroner; one county prosecutor; one county prosecutor who also serves as ex officio county coroner; one county medical examiner; one county sheriff; one chief of police; one representative of the state patrol; one member of a county legislative authority; and one pathologist who is currently in private practice.

All members shall be appointed to the council by the governor.

NEW SECTION. Sec. 5. All members of the council are appointed for terms of four years, commencing on July 1 and expiring on June 30. However, of the members appointed to the initial council, five shall be appointed for two-year terms and four shall be appointed for four-year terms. A person chosen to fill a vacancy created other than by the natural expiration of a member's term shall be nominated and appointed as provided in section 4 of this act for the unexpired term of the member he or she is to succeed. Any member may be reappointed for additional terms.

NEW SECTION. Sec. 6. Any member of the council shall immediately cease to be a member if he or she ceases to hold the particular office or employment which was the basis of his or her appointment under section 4 of this act.

NEW SECTION. Sec. 7. The council shall elect a chairman and a vice chairman from among its members. Five members of the council shall constitute a quorum. The governor shall summon the council to its first meeting. Otherwise, meetings may be called by the chairman and shall be called by him upon the written request of five members of the council. Conference calls by telephone are a proper form of meeting.

NEW SECTION. Sec. 8. (1) Members of the council shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(2) Attendance at meetings of the council shall constitute performance by a council member of the duties of his or her employment or office.

NEW SECTION. Sec. 9. The council has the following powers:

(1) To meet at such times and places as may be designated by a majority vote of the council members or, if a majority cannot agree, by the chairman;

(2) To adopt rules governing the council and the conduct of its meetings;

(3) To require reports from the state toxicologist on matters pertaining to the toxicology laboratory;

(4) To review and, if necessary, require changes in the budget request of the toxicology laboratory; and

(5) To do anything, necessary or convenient, which enables the council to perform its duties and to exercise its powers.

Sec. 10. Section 13, chapter 188, Laws of 1953 as last amended by section 1, chapter 84, Laws of 1975-'76 2nd 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, medical examiners, and prosecuting attorneys. Annually the president of the University of Washington, with the consent of the state death investigations council, 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~~) and the death investigations council deem((s)) 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))~~, medical examiners, and 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~~) one hundred fifty thousand dollars per biennium shall be provided for partial funding of salaries and operations of (~~said~~) the laboratory(~~;~~ ~~and~~). The funds so provided shall take priority over disbursements of any other sums from (~~said~~) the medical and biological research fund.

Sec. 11. Section 43.20.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 52, Laws of 1979 ex. sess. and RCW 43.20A.630 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~~) six dollars to be paid by the applicant: PROVIDED, 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 social and health services 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, except for two dollars of each six dollar fee for the issuance of a certified copy, 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 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, except for two dollars of each six dollar fee, 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.

All health officers in cities and counties shall keep a true and correct account of all fees received under this section for the issuance of certified copies and shall turn two dollars of the fee over to the state treasurer on or before the first day of January, April, July, and October.

Two dollars of each fee imposed for the issuance of certified copies at both the state and local levels shall be held by the state treasurer in the death investigations' account established by section 18 of this 1983 act.

Sec. 12. Section 9, chapter 94, Laws of 1974 ex. sess. as amended by section 4, chapter 132, Laws of 1981 and RCW 43.101.090 are each amended to read as follows:

(1) There are hereby created and established training standards and education boards to be known and designated as (a) the board on law enforcement training standards and education, (b) the board on prosecutor training standards and education, and (c) the board on correctional training standards and education.

(2) The purpose of the board on law enforcement training standards and education shall be to provide programs and standards for the training and education of law enforcement personnel.

(3) The purpose of the board on prosecutor training standards and education shall be to provide programs and standards for the training and education of county prosecuting attorneys, municipal attorneys, and attorneys who are engaged primarily in the defense of persons charged with offenses and for the training and education of county coroners and county medical examiners who are engaged in death investigations.

(4) The purpose of the board on correctional training standards and education shall be to provide programs and standards for the training and education of correctional personnel.

Sec. 13. Section 10, chapter 94, Laws of 1974 ex. sess. as amended by section 5, chapter 132, Laws of 1981 and RCW 43.101.100 are each amended to read as follows:

(1) The board on law enforcement training standards and education shall consist of eleven members, who shall be appointed by the governor from incumbent law enforcement personnel. Two members shall be from police departments of cities having a population in excess of one hundred thousand and of whom one shall be a police chief, two members shall be from police departments of cities having a population of less than one hundred thousand and of whom one shall be a police chief, two members shall be from sheriffs' departments of class AA or A counties and of whom one shall be a sheriff, two members shall be from sheriffs' departments of counties less than class A and of whom one shall be a sheriff, one member shall represent the community colleges of the state, one member shall represent

the four-year colleges and universities, and the final member shall be the chief of the state patrol.

(2) The board on prosecutor training standards and education shall consist of ~~((eleven))~~ thirteen members, who shall be appointed by the governor from incumbent county prosecuting attorneys, municipal attorneys, and attorneys who are engaged primarily in the defense of persons charged with offenses. Three members shall be from county prosecuting attorneys' offices, three members shall be from municipal attorneys' offices, three members shall be attorneys who are primarily engaged in the defense of persons charged with offenses, ~~((and))~~ two members shall be professors of law~~((, and))~~ not from the same college or university, one member shall be a county coroner from a county of the fourth class or above, and one member shall be a county medical examiner.

(3) The board on correctional training standards and education shall consist of eleven members, who shall be appointed by the governor from incumbent correctional personnel. Three members shall be employed in the state correctional system, three members shall be employed in county correctional systems, three members shall be employed in the juvenile correctional system, one member shall represent the community colleges of the state, and one member shall represent the four-year colleges and universities.

Sec. 14. Section 7, chapter 188, Laws of 1953 as amended by section 3, chapter 178, Laws of 1963 and RCW 68.08.104 are each amended to read as follows:

The cost of autopsy shall be borne by the county in which the autopsy is performed, except when requested by the department of labor and industries, in which case, the ~~((said))~~ department shall bear the cost of such autopsy; and except when performed on a body of an infant under the age of three years by the University of Washington medical school, in which case the medical school shall bear the cost of such autopsy.

When the county bears the cost of an autopsy, it shall be reimbursed from the death investigations' account, established by section 18 of this 1983 act, as follows:

(1) up to forty percent of the cost of contracting for the services of a pathologist to perform an autopsy; and

(2) up to twenty-five percent of the salary of pathologists who are primarily engaged in performing autopsies and are (a) county coroners or county medical examiners, or (b) employees of a county coroner or county medical examiner.

Payments from the account shall be made pursuant to biennial appropriation: PROVIDED, That no county may reduce funds appropriated for this purpose below 1983 budgeted levels.

NEW SECTION. Sec. 15. There is added to chapter 68.08 RCW a new section to read as follows:

A dental identification system is established in the identification section of the Washington state patrol. The dental identification system shall act as a repository or computer center or both for dental examination records and it shall be responsible for comparing such records with dental records filed under section 17 of this act. It shall also determine which scoring probabilities are the highest for purposes of identification and shall submit such information to the coroner or medical examiner who prepared and forwarded the dental examination records. Once the dental identification system is established, operating funds shall come from the state general fund.

NEW SECTION. Sec. 16. There is added to chapter 68.08 RCW a new section to read as follows:

When a person reported missing has not been found within thirty days of the report, the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority initiating and conducting the investigation for the missing person shall ask the missing person's family or next of kin to give written consent to contact the dentist or dentists of the missing person and request the person's dental records.

When a person reported missing has not been found within thirty days, the sheriff, chief of police, or other law enforcement authority initiating and conducting the investigation for the missing person shall confer with the county coroner or medical examiner prior to the preparation of a missing person's report. After conferring with the coroner or medical examiner, the sheriff, chief of police, or other law enforcement authority shall submit a missing person's report and the dental records received under this section to the dental identification system of the state patrol identification section on forms supplied by the state patrol for such purpose.

When a person reported missing has been found, the sheriff, chief of police, coroner or medical examiner, or other law enforcement authority shall report such information to the state patrol. The dental identification system shall then erase all records with respect to such person.

The dental identification system shall maintain a file of information regarding persons reported to it as missing and who have not been reported found. The file shall contain the information referred to in this section and such other information as the state patrol finds relevant to assist in the location of a missing person.

The files of the dental identification system shall, upon request, be made available to law enforcement agencies attempting to locate missing persons.

NEW SECTION. Sec. 17. There is added to chapter 68.08 RCW a new section to read as follows:

If the county coroner or county medical examiner investigating a death is unable to establish the identity of a body or human remains by visual means, fingerprints, or other identifying data, he or she shall have a qualified dentist, as determined by the county coroner or county medical examiner, carry out a dental examination of the body or human remains. If the

county coroner or county medical examiner with the aid of the dental examination and other identifying findings is still unable to establish the identity of the body or human remains, he or she shall prepare and forward such dental examination records to the dental identification system of the state patrol identification section on forms supplied by the state patrol for such purposes.

The dental identification system shall act as a repository or computer center or both with respect to such dental examination records. It shall compare such dental examination records with dental records filed with it and shall determine which scoring probabilities are the highest for the purposes of identification. It shall then submit such information to the county coroner or county medical examiner who prepared and forwarded the dental examination records.

NEW SECTION. Sec. 18. There is added to chapter 43.79 RCW a new section to read as follows:

There is established an account in the general fund under the jurisdiction of the state treasurer referred to as the "death investigations' account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in section 20 of this act.

Moneys in the death investigations' account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The above-mentioned entities and individuals may submit billings to the state treasurer prior to December 31.

Sec. 19. Section 1, chapter 90, Laws of 1917 and RCW 68.12.010 are each amended to read as follows:

~~((In counties of the first class of more than two hundred and fifty thousand population;))~~ The county ((commissioners, within three months after the taking effect of this act and in counties which shall hereafter attain a population of more than two hundred and fifty thousand, within one year after attaining such population;)) legislative authority of each county may at ((their)) its discretion provide and equip a public morgue together with suitable morgue wagon for the conveyance, receipt and proper disposition of the bodies of all deceased persons not claimed by relatives, and of all dead bodies which are by law subject to a post mortem or coroner's inquest: PROVIDED, HOWEVER, That only one public morgue may be established in any county: PROVIDED FURTHER, That counties may agree to establish joint morgue facilities pursuant to chapter 39.34 RCW.

NEW SECTION. Sec. 20. There is appropriated from the death investigations account of the state general fund for the biennium ending June 30, 1985, the following sums, or so much thereof as may be necessary, for the following purposes:

- (1) \$5,000 to the death investigation council for its operations.

(2) \$25,000 to the Washington state patrol for the purposes of section 15 of this act.

(3) \$30,000 to the board on prosecutor training standards and education for a coroner training program.

(4) \$372,000 to the state toxicology laboratory for its operations.

(5) \$600,000 to the state treasurer to be distributed on a pro rata basis to counties to be used by county coroners and medical examiners for autopsy costs, as provided in section 14 of this act.

NEW SECTION. Sec. 21. The Legislative Budget Committee shall conduct a study of the medical examiner system and the staffing programs and operations of the state toxicology laboratory and shall report its findings to the legislature no later than January 1, 1984.

NEW SECTION. Sec. 22. Sections 1 through 9 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 23. 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. 24. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1983.

Passed the Senate May 5, 1983.

Passed the House May 4, 1983.

Approved by the Governor May 13, 1983.

Filed in Office of Secretary of State May 13, 1983.

CHAPTER 17

[Substitute House Bill No. 470]

UNIVERSITY OF WASHINGTON—COMMON SCHOOLS—FUND TRANSFERS—RESOURCE MANAGEMENT ACCOUNTS—BUILDING AND CONSTRUCTION ACCOUNTS

AN ACT Relating to state funds; creating new sections; and declaring an emergency.

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

NEW SECTION. Sec. 1. During the fiscal biennium ending June 30, 1983, the state treasurer shall transfer from the resource management cost account to the University of Washington building account three million three hundred thousand dollars or so much thereof as may be necessary to maintain a positive balance in the University of Washington building account.

NEW SECTION. Sec. 2. During the fiscal year ending June 30, 1984, the state treasurer shall transfer from the University of Washington building account to the resource management cost account an amount equal to the amount transferred under section 1 of this act. To the extent moneys in the University of Washington building account, less funds required for debt service and funds authorized for capital expenditure, are not sufficient to allow full transfer under the preceding sentence, the state treasurer shall transfer moneys from the state general fund to the resource management cost account on June 30, 1984.

NEW SECTION. Sec. 3. (1) The deductions authorized in RCW 79.64.040 relating to common school lands may be increased by the board of natural resources to one hundred percent after temporary discontinued deductions result in a transfer to the common school construction fund in the amount of approximately fourteen million dollars or so much thereof as may be necessary to maintain a positive cash balance in the common school construction fund. The increased deductions shall continue until the additional amounts received from the increased rate equal the amounts of the deductions that were discontinued or transferred under subsection (2) of this section. Thereafter the deductions shall be as otherwise provided for in RCW 79.64.040.

(2) If the discontinued deductions will not result in a transfer of fourteen million dollars or so much thereof as may be necessary to maintain a positive balance in the common school construction fund in the biennium ending June 30, 1983, the state treasurer shall transfer the difference from the resource management cost account to the common school construction fund.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 5, 1983.

Passed the Senate May 2, 1983.

Approved by the Governor May 13, 1983.

Filed in Office of Secretary of State May 13, 1983.

CHAPTER 18

[House Bill No. 595]

EAST SELAH REREGULATING RESERVOIR

AN ACT Relating to the Yakima river system; adding a new section to chapter 43.21A RCW; and making an appropriation.

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

NEW SECTION. Sec. 1. There is added to chapter 43.21A RCW a new section to read as follows:

(1) The legislature recognizes the need to improve the control and regulation of the waters of the Yakima river system to insure that both necessary diversionary and instream beneficial uses of those waters, which provide the foundation for the economic and environmental well-being of the Yakima valley, are achieved to the maximum extent reasonably attainable. It is further recognized that the most satisfactory means for satisfying this need is to improve the existing water project, known as the Yakima project, presently operated by the United States bureau of reclamation. Therefore, the legislature intends to aid the United States in improving the Yakima project by constructing physical works and providing financial assistance.

(2) For the purpose of implementing subsection (1) of this section, the department of ecology may acquire, design, and construct a project, known as the East Selah reregulating reservoir, and may acquire, by gift, purchase, or condemnation, all real property interests necessary to complete the project. The department may then transfer the completed East Selah reregulating reservoir to the department of the interior of the United States subject to such conditions as the department of ecology requires to ensure that the objectives of this section are achieved.

(3) The department shall not:

(a) Exercise any powers of acquisition or construction provided in subsection (2) of this section, until the department has entered into a binding agreement with the United States department of the interior that the department of the interior will, upon completion by the department of the East Selah reregulating reservoir project, accept title to the project and thereafter operate and maintain the project (i) consistent with the agreement of transfer, and (ii) without any obligation upon the state for payment of costs for the operation or maintenance of the project; or

(b) Enter into any agreement under subsection (3)(a) of this section until (i) federal legislation is enacted recognizing the amount of the value of the completed East Selah reregulating reservoir as a credit to any matching funds requirement placed upon the state of Washington established in any authorization or appropriation bill enacted after the effective date of this act relating to any project studied under Public Law 96-162, and (ii) the department is satisfied that the United States has the necessary water rights to operate the project.

NEW SECTION. Sec. 2. There is hereby appropriated from the state and local improvement revolving account—water supply facilities (Referendum 38) of the general fund to the department of ecology for the biennium

ending June 30, 1985, the amount of fourteen million five hundred thousand dollars to carry out the purposes of this act.

Passed the House April 26, 1983.

Passed the Senate May 5, 1983.

Approved by the Governor May 13, 1983.

Filed in Office of Secretary of State May 13, 1983.

CHAPTER 19

[Reengrossed Substitute Senate Bill No. 3273]

RADIOACTIVE WASTE REGULATION—DEPARTMENT OF ECOLOGY AUTHORITY—NUCLEAR WASTE POLICY AND REVIEW BOARD— ADVISORY COUNCIL

AN ACT Relating to radioactive waste; amending section 3, chapter 207, Laws of 1961 as last amended by section 125, chapter 141, Laws of 1979 and RCW 70.98.030; adding a new chapter to Title 43 RCW; creating new sections; repealing section 12, chapter 295, Laws of 1981 and RCW 43.21F.075; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds that the safe transporting, handling, storage, or otherwise caring for radioactive wastes is required to protect the health, safety, and welfare of the citizens of the state of Washington. It is the purpose of this chapter to establish authority for the state to exercise appropriate oversight and care for the safe management and disposal of radioactive wastes; to consult with the federal government and other states on interim or permanent storage of these radioactive wastes; and to carry out the state responsibilities under the federal nuclear waste policy act of 1982.

NEW SECTION. Sec. 2. The department of ecology is herein designated as the executive branch agency to carry out the authority and responsibility set forth in this chapter, including executive branch participation in the federal nuclear waste policy act of 1982 and the federal low-level radioactive waste policy act of 1980. The department may receive federal financial assistance for carrying out radioactive waste management activities, including assistance for monitoring and evaluating the program of repository exploration and siting undertaken by the federal government.

The department shall submit a written report at least semiannually to the governor and to each member of the legislature on the radioactive waste program, its progress in carrying out its responsibilities, and any recommendations for legislative or administrative action that will improve the state's management and control activity in maximizing public health and safety.

NEW SECTION. Sec. 3. All departments, agencies, and officers of this state and its subdivisions shall cooperate with the department in the furtherance of any of its activities pursuant to this chapter.

NEW SECTION. Sec. 4. There is hereby created a nuclear waste policy and review board to assist the department in carrying out its responsibilities under this chapter. The board shall consist of the following members: The chairman of the advisory council who shall also serve as chairman of the review board, the director of the department or the director's designee, the director of the energy office or the director's designee, the commissioner of public lands or the commissioner's designee, the secretary of social and health services or the secretary's designee, the chairman of the energy facility site evaluation council or the chairman's designee, four members of the state senate, appointed by the president of the senate, and four members of the house of representatives, appointed by the speaker, who shall be selected from each of the caucuses in each house, but no more than two members of each house shall be of the same political party. Legislative members shall be ex officio nonvoting members of the board and shall serve while members of the legislature, at the pleasure of the appointing officer. The board shall be responsible for identifying and reviewing state agency policies relating to the management of radioactive wastes; analyzing recommendations of the advisory council to determine how state agencies may be responsive to the needs of the department in carrying out its duties under this chapter; assisting the department in determining ways in which coordination among state agencies can be improved; carrying out such review activities that will enable the governor to effectively evaluate federal actions; reviewing the activities of advisory and technical committees created by the governor; advising the director on the need for additional advisory and technical committees; and assisting the department to participate in the consultation and concurrence process provided for in the federal waste management act of 1982 and the low-level waste policy act of 1980 and to monitor and comment on decisions of the northwest interstate compact committee on low-level radioactive waste management.

Nonlegislative members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Legislative members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 44.04.120. The legislature shall seek reimbursement from available sources, including the federal government, for legislative expenditures incurred pursuant to the provisions of this act.

NEW SECTION. Sec. 5. (1) An advisory council is hereby established of not less than fifteen members appointed by the governor to provide advice, counsel, and recommendations to the department on all aspects of the radioactive waste management program. The council shall particularly advise the department on maximizing opportunities for public involvement in the program, soliciting public input, and assisting in the need for wide understanding of the issues involved in nuclear waste management. The governor shall appoint the chairman of the advisory council who shall also

serve as chairman of the waste policy and review board. Members of the council shall be selected from all areas of the state and shall include a broad range of citizens, representatives of local governments, and representatives of such other interests as the governor determines will best further the purposes of this chapter. A representative of an affected Indian tribe may be an ex officio nonvoting member of the council. Terms of council members shall not exceed two years and they shall continue to serve until their successors are appointed. Vacancies shall be filled in the same manner as original appointments. Members may be reappointed. Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 6. The department may establish such additional advisory and technical committees as it deems necessary.

NEW SECTION. Sec. 7. The department of ecology is authorized to adopt such rules as are necessary to carry out its responsibility under this chapter. The department of social and health services is authorized to adopt such rules as are necessary to carry out its responsibilities under chapter 43.145 RCW.

NEW SECTION. Sec. 8. The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in consonance with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965. In order to finance perpetual surveillance and maintenance under the agreement, the department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter 34.04 RCW and shall be an amount determined by the state radiation control agency to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. All such fees, when received by the department of ecology, shall be transmitted to the state treasurer, who shall act as custodian. The treasurer shall place the money in a special account which may be designated the "perpetual maintenance account." Appropriations are required to

permit expenditures and payment of obligations from this account, and the condition of the account and its administration shall be reported biennially to the legislature by the director. Moneys in the perpetual maintenance account shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance account. Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the perpetual maintenance account. The perpetual maintenance account shall be used exclusively for surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations; and

(3) To assure 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 against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities.

Sec. 9. Section 3, chapter 207, Laws of 1961 as last amended by section 125, chapter 141, Laws of 1979 and RCW 70.98.030 are each amended to read as follows:

(1) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(2) "Ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other (~~nuclear~~) atomic or subatomic particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(3) (a) "General license" means a license effective pursuant to regulations promulgated by the state radiation control agency, without the filing of an application, to transfer, acquire, own, possess, or use quantities of, or devices or equipment utilizing, byproduct, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially.

(b) "Specific license" means a license, issued after application to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing byproduct, source, special nuclear materials, or other radioactive materials occurring naturally or produced artificially.

(4) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than federal government agencies licensed by the United States Atomic Energy Commission, or any successor thereto.

(5) (~~("Source material" means (a) uranium, thorium, or any other material which the governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such; or (b) ores containing one or more of the foregoing materials, in such concentration as the governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material in such concentration to be source material))~~ "Source material" means (a) uranium, thorium, or any other material which is determined by the United States Nuclear Regulatory Commission or its successor pursuant to the provisions of section 61 of the United States Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 209) to be source material; or (b) ores containing one or more of the foregoing materials, in such concentration as the commission may by regulation determine from time to time.

(6) (~~("Special nuclear material" means (a) plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the governor declares by order to be special nuclear material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (b) any material artificially enriched by any of the foregoing, but does not include source material))~~ "Special nuclear material" means (a) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the United States Nuclear Regulatory Commission or its successor, pursuant to the provisions of section 51 of the United States Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2071), determines to be special nuclear material, but does not include source material; or (b) any material artificially enriched by any of the foregoing, but does not include source material.

(7) "Registration" means registration with the state department of social and health services by any person possessing a source of ionizing radiation in accordance with rules, regulations and standards adopted by the department of social and health services.

(8) "Radiation source" means any type of device or substance which is capable of producing or emitting ionizing radiation.

NEW SECTION. Sec. 10. The rules of strict construction do not apply to this act 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 department of ecology the maximum possible freedom in carrying the provisions of this act into effect.

NEW SECTION. Sec. 11. If any part of this act shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict and

with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this act in its application to the agencies concerned. The rules and regulations under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 12. 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. 13. Section 12, chapter 295, Laws of 1981 and RCW 43.21F.075 are each repealed.

NEW SECTION. Sec. 14. The governor shall study whether the following powers, duties, and functions should be transferred to the department of ecology:

(1) All powers, duties, and functions authorized to be performed by the department of social and health services and its secretary by chapter 70.121 RCW;

(2) All powers, duties, and functions authorized to be performed by the department of social and health services and its secretary by chapter 70.98 RCW, including those relating to agreements now existing, or hereinafter entered into, with the United States operating under authority of the Atomic Energy Act of 1954, as amended. The functions included in this subsection include, but are not limited to, the licensing and regulation of radiation producing devices and radioactive materials now administered by the licensing program, materials compliance program, x-ray compliance program, and x-ray projects program of such department;

(3) Those of the board of health relating to programs transferred in subsections (1) and (2) of this section; and

(4) The designation as the state radiation control agency under RCW 70.98.050.

The study shall be conducted adhering to the provisions of the open public meetings act, chapter 42.30 RCW. The results shall be reported to the legislature by January 15, 1984.

NEW SECTION. Sec. 15. Sections 1 through 8 and 14 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 16. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 6, 1983.

Passed the House May 6, 1983.

Approved by the Governor May 13, 1983.

Filed in Office of Secretary of State May 13, 1983.

CHAPTER 20

[Second Substitute House Bill No. 226]

EXPORT ASSISTANCE CENTER—EXPORT TRANSACTION FINANCING ASSISTANCE—DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT DUTIES—APPROPRIATION

AN ACT Relating to exports; adding a new chapter to Title 43 RCW; creating a new section; and making an appropriation. 2

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

NEW SECTION. Sec. 1. The legislature finds:

(1) The exporting of goods and services from Washington to international markets is an important stimulus to the growth and stability of many businesses, and the economic activities associated with exporting make an important contribution to the economic well-being of the state.

(2) Impediments to the entry of many small and medium-sized businesses into export markets have restricted growth in exports from the state.

(3) Particularly significant impediments are the lack of easily accessible information about export opportunities and export financing alternatives, and the limited availability of export financing at reasonable costs from conventional financing sources for many small and medium-sized businesses.

(4) There is a need for an export assistance center which will specialize in providing assistance to small and medium-sized businesses throughout the state in the financing of export transactions and in acquiring information about export opportunities.

NEW SECTION. Sec. 2. A nonprofit corporation, to be known as the export assistance center, and branches subject to its authority, may be formed under chapter 24.03 RCW for the following public purposes:

(1) To assist small and medium-sized businesses in the financing of export transactions.

(2) To provide, singly or in conjunction with other organizations, information to these businesses about export opportunities and export financing alternatives.

(3) To provide information to and assist those businesses interested in exporting products, including the opportunities available to them in organizing export trading companies under the United States export trading company act of 1982, for the purpose of increasing their comparative sales volume and ability to export their products to foreign markets.

NEW SECTION. Sec. 3. The export assistance center and its branches shall be governed and managed by a board of eleven directors appointed by the governor and confirmed by the senate. The directors shall serve terms of six years except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. The directors

may provide for the payment of their expenses. The directors shall include a representative of a not-for-profit corporation formed for the purpose of facilitating economic development, a representative of a financial institution engaged in the financing of export transactions, a representative of a port district, a representative of the governor, and four representatives of businesses: (a) One representative from the area west of Puget Sound, (b) one representative from the area east of Puget Sound and west of the Cascade range, (c) one representative from the area east of the Cascade range and west of the Columbia river, and (d) one representative from the area east of the Columbia river. One of the directors shall be a representative of the public selected from the area in the state west of the Cascade mountain range and one director shall be a representative of the public selected from that area of the state east of the Cascade mountain range. One director shall be a representative of the public at large. The directors shall be broadly representative of geographic areas of the state, and the three representatives of businesses shall represent four different industries in different sized businesses as follows: (a) One representative of a company employing fewer than one hundred persons; (b) one representative of a company employing between one hundred and five hundred persons; and (c) two representatives of companies employing more than five hundred persons. Any vacancies on the board shall be filled by appointment by the governor for the unexpired term. Upon expiration of the terms of each of the original directors, the governor shall appoint directors for six-year terms.

NEW SECTION. Sec. 4. (1) The export assistance center formed under sections 2 and 3 of this act shall have the powers granted under chapter 24.03 RCW. In exercising such powers, the center may:

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other sources to carry out its purposes;

(b) Make loans to businesses with annual sales of twenty-five million dollars or less for the purpose of financing exports of goods or services by those businesses to buyers in foreign countries. Loans by an export assistance center under this chapter shall not compete with nor be a substitute for available loans by a bank or other financial institution and shall only be considered upon a financial institution's assurance that such loan is not available;

(c) Provide loan guarantees on loans made by financial institutions to businesses with annual sales of one hundred million dollars or less for the purpose of financing exports of goods or services by those businesses to buyers in foreign countries;

(d) Establish and regulate the terms and conditions of any such loans and loan guarantees and charges for interest and services connected therewith; and

(e) Take whatever action may be necessary to accomplish the purposes set forth in this chapter.

(2) The center may not use any Washington state funds or funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under section 5 of this act to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

NEW SECTION. Sec. 5. The export assistance center formed under sections 2 and 3 of this act is eligible to receive consideration for a contract under this chapter from the department of commerce and economic development or its statutory successor. The contract shall require the center to provide export assistance services and may not have a duration of longer than two years. The center, including its branch, for the biennium ending June 30, 1985, may not have more than one contract with the department of commerce and economic development or its statutory successor.

NEW SECTION. Sec. 6. The department of commerce and economic development or its statutory successor shall adopt rules under chapter 34.04 RCW as necessary to carry out the purposes of this chapter.

NEW SECTION. Sec. 7. The director of commerce and economic development or its statutory successor shall: (a) Report to the governor and the legislature before October 1, 1985, concerning the contract made with the export assistance center under this chapter during the 1983-85 biennium, and the operations and activities of the export assistance center during that period; and (b) make a report to the export assistance center by September 1, 1983, and at least annually thereafter as to products and services the department or its statutory successor has been able to identify and has targeted as those products and services which are sought by foreign markets. Upon request the department or its statutory successor shall furnish a copy of its report to the export assistance center to any interested party.

NEW SECTION. Sec. 8. There is appropriated from the general fund to the department of commerce and economic development or its statutory successor for the biennium ending June 30, 1985, the sum of two hundred six thousand dollars, or so much thereof as may be necessary, for the purpose of entering into a contract with the export assistance center and one branch. The department of commerce and economic development or its statutory successor may be eligible for future appropriations as the legislature may provide for the purpose of entering into a new contract with the export assistance center and any branches established by the center after the biennium ending June 30, 1985.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act constitute a new chapter in Title 43 RCW.

Passed the House May 5, 1983.

Passed the Senate May 4, 1983.

Approved by the Governor May 13, 1983.

Filed in Office of Secretary of State May 13, 1983.

CHAPTER 21

[Engrossed Second Substitute House Bill No. 231]

JOB SKILLS PROGRAM

AN ACT Relating to vocational education; amending section 4, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.040; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28C.04 RCW; and making an appropriation.

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

NEW SECTION. Sec. 1. The legislature declares that it is an important function of government to increase opportunities for gainful employment, to assist in promoting a productive and expanding economy, and to encourage the flow of business and industry support to educational institutions. Therefore, the legislature finds that it is in the public interest of the state to encourage and facilitate the formation of cooperative relationships between business and industry and educational institutions which provide for the development and significant expansion of programs of skills training and education consistent with employment needs and to make interested individuals aware of the employment opportunities presented thereby. It is the policy of the state of Washington to ensure that programs of skill training are available on a regional basis and are utilized by a variety of businesses and industries.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28C.04.040 and sections 4 through 10 of this act.

(1) "Applicant" means an educational institution which has made application for a job skills grant under sections 4 through 10 of this act.

(2) "Business and industry" means a private corporation, institution, firm, person, group, or association concerned with commerce, trades, manufacturing, or the provision of services within the state, or a public or non-profit hospital licensed by the department of social and health services.

(3) "Educational institution" means a public secondary or post secondary institution or an independent institution within the state authorized by law to provide a program of skills training or education beyond the secondary school level. Any educational institution receiving a job skills grant under sections 4 through 10 of this 1983 act shall be free of sectarian control or influence as set forth in Article IX, section 4 of the state Constitution.

(4) "Equipment" means tangible personal property which will further the objectives of the supported program and for which a definite value and evidence in support of the value have been provided by the donor.

(5) "Financial support" means any thing of value which is contributed by business and industry to an educational institution which is reasonably calculated to support directly the development and expansion of a particular program under sections 4 through 10 of this act and represents an addition to any financial support previously or customarily provided to such educational institutions by the donor. "Financial support" includes, but is not limited to, funds, equipment, facilities, faculty, and scholarships for matriculating students and trainees.

(6) "Job skills grant" means funding that is provided to an educational institution by the commission for the development or significant expansion of a program under sections 4 through 10 of this act.

(7) "Job skills program" means a program of skills training or education separate from and in addition to existing vocational education programs and which:

(a) Provides short-term training which has been designated for specific industries;

(b) Provides training for prospective employees before a new plant opens or when existing industry expands;

(c) Includes training and retraining for workers already employed by an existing industry or business where necessary to avoid dislocation or where upgrading of existing employees would create new vacancies for unemployed persons;

(d) Serves areas with high concentrations of economically disadvantaged persons and high unemployment;

(e) Serves areas with new and growing industries;

(f) Serves areas where there is a shortage of skilled labor to meet job demands; or

(g) Promotes the location of new industry in areas affected by economic dislocation.

(8) "Technical assistance" means professional and any other assistance provided by business and industry to an educational institution, which is reasonably calculated to support directly the development and expansion of a particular program and which represents an addition to any technical assistance previously or customarily provided to the educational institutions by the donor.

(9) "Commission" or "commission for vocational education" shall mean the commission for vocational education or any successor agency or organization.

Sec. 3. Section 4, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.040 are each amended to read as follows:

The commission for vocational education shall have the following functions:

(1) Plan development. The commission shall be responsible for complying with federal directives to insure the development and maintenance of a state plan for vocational education but initial planning shall be accomplished by the secondary and postsecondary education systems. Prior to the adoption of the state plan, the commission shall request comments from the council on higher education and the advisory council for vocational education.

(2) State plan modification adjudication. Decisions on new programs and/or facilities for vocational education shall be made internally within the respective secondary or postsecondary education system in accordance with the provisions of the state plan. The commission may review such decisions to insure compliance with the state plan and avoid unnecessary duplication of current or projected programs.

Any common school or community college district, or the superintendent of public instruction, or the state board for community college education, or other interested parties as authorized by the commission, shall be afforded the opportunity to comment upon any new programs or facilities proposed. The commission, subject to dispute resolution rules adopted by said commission, shall have the final determination on any disputes arising out of such program proposals.

In adjudicating disputes between the two secondary and postsecondary education systems regarding the state plan, the commission will use at least the following criteria: Recognition that secondary education is constitutionally the responsibility of the superintendent of public instruction and that by legislative action postsecondary education is the responsibility of institutions of higher education; adhere to the general policy set forth in the state plan; consider the particular vocational need of the community, region, or state and whether the common school or community college, or both, can best respond to those needs; encourage cooperation and coordination rather than competition and program conflict between secondary and postsecondary education systems; consider the desires and preferences of the residents of the immediate program service area and of the representatives of the fields of management, labor, and agriculture which benefit from possible program offerings; and avoid unnecessary duplication of vocational education programs and facilities.

(3) Vocational education administration. The commission shall be the sole agency for the receipt and allocation of federal funds in accordance with the state plan. The supervision of the state plan shall be carried out by the commission; however, daily administration of the state plan shall be primarily the responsibility of the superintendent of public instruction and the state board for community college education: PROVIDED, That the commission shall review and approve state plan development proposals or

special programs requiring personal service contracts, and activities beyond the program responsibilities of the superintendent of public instruction and the state board for community college education.

Under the state plan the commission shall make periodic compliance audits at least once a biennium of the vocational education programs individually and jointly conducted by the common schools and community colleges to insure compliance with the state plan.

The commission shall be the primary state liaison with the federal government for the state plan for vocational education.

(4) Fire service training program. The commission may accept any and all donations, grants, bequests, and devices, conditional or otherwise, or money, property, service, or other things of value which may be received from the United States or any agency thereof, any governmental agency, any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the fire service training program established in RCW 28C.04.140.

(5) Job skills program. The commission shall have the following powers and duties for the job skills program:

(a) To collect and disseminate to interested individuals, in cooperation with and through any agencies of federal, state, and municipal government, information concerning areas of present and projected employment need, programs of skills training and education consistent therewith, and any other relevant information;

(b) To apply for, utilize, and accept grants from other federal, state, and local agencies for the purposes of matching requirements and to facilitate the purposes of sections 4 through 10 of this 1983 act;

(c) To help identify, upon the request of business and industry, those educational institutions which could provide the training services sought by business and industry and to identify any existing programs which could serve the particular needs of business and industry;

(d) To provide job skills grants to educational institutions to facilitate the development of programs of job skills training and education consistent with employment needs;

(e) To work cooperatively with the employment security department to enhance and update the state's occupational information system and the state's career information system;

(f) To adopt rules to carry out its powers and duties for the job skills program.

NEW SECTION. Sec. 4. The commission may, subject to appropriation from the legislature or from funds made available from any other public or private source and pursuant to rules adopted by the commission, provide job skills grants to educational institutions. The job skills grants shall be used exclusively for programs which are consistent with the job skills program. A job skills grant may be awarded only after:

(1) Receipt of an application from an educational institution which contains a proposal for a program of skills training and education, including a description of the program, the type of skills training or education to be provided, a statement of the total cost of the program and a breakdown of the costs associated with equipment, personnel, facilities, and materials, a statement of the employment needs for the program and evidence in support thereof, demonstrates that the program does not unnecessarily duplicate existing programs in the area and is provided at a reasonable cost, a statement of the technical assistance and financial support for the program received or to be received from business and industry, and such other information as the commission requests; and

(2) The commission, based on the application submitted by the educational institution and such additional investigation as the staff of the commission shall make, finds that:

(a) The program is within the scope of the job skills program under this chapter and may reasonably be expected to succeed and thereby increase employment within the state;

(b) Provision has been made to use any available alternative funding from local, state, and federal sources;

(c) The job skills grant will only be used to cover the costs associated with the program;

(d) The program will not unnecessarily duplicate existing programs and could not be provided by another educational institution more effectively or efficiently;

(e) The program involves an area of skills training and education for which there is a demonstrable need;

(f) The applicant has made provisions for the use of existing federal and state resources for student financial assistance;

(g) The job skills grant is essential to the success of the program as the resources of the applicant are inadequate to attract the technical assistance and financial support necessary for the program from business and industry;

(h) The commitment of financial support from business and industry shall be equal to or greater than the amount of the requested job skills grant;

(i) Binding commitments have been made to the commission by the applicant for adequate reporting of information and data regarding the program to the commission, particularly information concerning the recruitment and employment of trainees and students, and including a requirement for an annual or other periodic audit of the books of the applicant directly related to the program, and for such control on the part of the commission as it considers prudent over the management of the program, so as to protect the use of public funds, including, in the discretion of the commission and without limitation, right of access to financial and other records of the applicant directly related to the programs;

(j) Provision has been made by the applicant to work, in cooperation with the employment security department, to identify and screen potential trainees and that provision has been made by the applicant of persons who are victims of economic dislocation and persons from minority and economically disadvantaged groups to participate in the program; and

(k) Binding commitments have been made to the commission by the applicant for compliance with the monitoring and evaluation rules of the commission.

NEW SECTION. Sec. 5. Upon approval of a job skills grant application by the commission, the commission shall immediately provide notification of its decision to the employment security department. The notification shall include the following information regarding the supported program: The trade, occupation, or profession with which the program is concerned; a description of the curriculum, the requirements for participation, and the procedures for making application; the duration of the program; a description of support services available to participants in the program; and any other information relevant to encouraging and facilitating the participation in the program of those in economic need.

NEW SECTION. Sec. 6. The department of commerce and economic development or its successor and the employment security department shall each enter into an interagency agreement with the commission on vocational education to establish cooperative working arrangements for the purposes of sections 2 and 4 through 10 of this act.

NEW SECTION. Sec. 7. The employment security department shall, for the purposes of sections 2 and 4 through 10 of this act:

- (1) Work cooperatively with educational institutions providing job skills training programs to identify and screen potential trainees and students;
- (2) Perform labor market analyses designed to assure the availability of suitable trainees and students; and
- (3) Identify areas with high concentrations of economically disadvantaged persons and high unemployment.

NEW SECTION. Sec. 8. The department of commerce and economic development or its successor shall for the purposes of sections 2 and 4 through 10 of this act:

- (1) Work cooperatively with the commission on vocational education to market the job skills program to business and economic development agencies and other firms;
- (2) Recruit industries from outside the state to participate in the job skills training program; and
- (3) Refer business and industry interested in developing a job skills training program to the commission on vocational education.

NEW SECTION. Sec. 9. The commission shall annually submit a complete and detailed report of the commission's activities within ninety

days after the end of the fiscal year to the chief clerk of the house of representatives, to the secretary of the senate, and to the governor. The annual report shall include, but not be limited to, descriptions of all programs funded, and evaluation of the performance of each program, a summary of the public moneys expended, and the demographic and economic characteristics of the individuals trained, educated, and employed, including, in particular, the number of minority and economically disadvantaged individuals.

NEW SECTION. Sec. 10. A person making satisfactory progress in a program under this section and sections 2 and 4 through 9 of this act and who in the determination of the commissioner has no reasonable expectation of securing work without training shall be deemed to be in training with the approval of the commissioner of employment security for the purposes of RCW 50.20.043.

NEW SECTION. Sec. 11. Sections 1, 2, and 4 through 10 of this act are each added to chapter 223, Laws of 1969 ex. sess. and to chapter 28C-.04 RCW.

NEW SECTION. Sec. 12. 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. 13. There is appropriated from the general fund to the commission on vocational education for the biennium ending June 30, 1985, the sum of three million five hundred thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act. However, of this appropriation, not more than two hundred fifty thousand dollars may be expended for the state's occupational information system, and not more than two hundred fifty thousand dollars may be expended for the state's career information system. The amount spent for administrative expenses incurred by the commission on vocational education for the jobs skills program shall not exceed five percent of all funds expended for the jobs skills program.

Passed the House May 5, 1983.

Passed the Senate May 2, 1983.

Approved by the Governor May 13, 1983.

Filed in Office of Secretary of State May 13, 1983.

CHAPTER 22

[Senate Bill No. 3188]

TIMESHARE REGULATION

AN ACT Relating to timeshares; adding a new chapter to Title 64 RCW; prescribing penalties; making an appropriation; providing for future repeal; and providing an effective date.

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

NEW SECTION. Sec. 1. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Advertisement" means any written, printed, audio, or visual communication which is published in whole or part to sell, offer to sell, or solicit an offer for a timeshare.

(2) "Affiliate of a promoter" means any person who controls, is controlled by, or is under the control of a promoter.

(3) "Director" means the director of licensing.

(4) "Interval" means that period of time when a timeshare owner is entitled to the possession and use of the timeshare unit.

(5) "Offer" means any inducement, solicitation, or attempt to encourage any person to acquire a timeshare. An offer is made in this state if the offer originates in this state or the principal timeshare property is located in this state.

(6) "Person" means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, or other legal or commercial entity.

(7) "Promoter" means any person directly or indirectly instrumental in organizing, wholly or in part, a timeshare offering.

(8) "Purchaser" means any person, other than a promoter, who by means of a voluntary transfer acquires a legal or equitable interest in a timeshare, other than as security for an obligation.

(9) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a timeshare for value.

(10) "Timeshare" means a right to occupy a unit or any of several units during five or more separate time periods over a period of at least five years, including renewal options, whether or not coupled with an estate in land.

(11) "Timeshare expenses" means expenditures, fees, charges, or liabilities: (a) Incurred with respect to the timeshares by or on behalf of all timeshare owners in one timeshare property; and (b) imposed on the timeshare units by the entity governing a project of which the timeshare property is a part, together with any allocations to reserves but excluding purchase money payable for timeshares.

(12) "Timeshare instrument" means one or more documents, by whatever name denominated, creating or regulating timeshares.

(13) "Timeshare owner" means a person who is an owner or co-owner of a timeshare. If title to a timeshare is held in trust, "timeshare owner" means the beneficiary of the trust.

(14) "Timeshare salesperson" means any natural person who offers a timeshare unit for sale.

(15) "Unit" means the real or personal property, or portion thereof, in which the timeshare exists and which is designated for separate use.

NEW SECTION. Sec. 2. (1) A timeshare offering registration must be effective before any advertisement, solicitation of an offer, or any offer or sale of a timeshare may be made in this state.

(2) An applicant shall apply for registration by filing with the director:

(a) A copy of the disclosure document prepared in accordance with section 3 of this act and signed by the applicant;

(b) An application for registration prepared in accordance with section 4 of this act;

(c) An irrevocable consent to service of process signed by the applicant;

(d) The prescribed registration fee; and

(e) Any other information the director may by rule require in the protection of the public interest.

(3) The registration requirements do not apply to:

(a) An offer, sale, or transfer of not more than one timeshare in any twelve-month period;

(b) A gratuitous transfer of a timeshare;

(c) A sale under court order;

(d) A sale by a government or governmental agency;

(e) A sale by forfeiture, foreclosure, or deed in lieu of foreclosure; or

(f) A sale of a timeshare property or all timeshare units therein to any one purchaser.

(4) The director may by rule or order exempt any potential registrant from the requirements of this chapter if the director finds registration is unnecessary for the protection of the public interest.

NEW SECTION. Sec. 3. Any person who offers or sells a timeshare shall provide the prospective purchaser a written disclosure document before the prospective purchaser signs an agreement for the purchase of a timeshare. The timeshare salesperson shall date and sign the disclosure document. The disclosure document shall include:

(1) The official name and address of the promoter, its parent or affiliates, and the names and addresses of the director and officers of each;

(2) The location of the timeshare property;

(3) A general description of the timeshare property and the timeshare units;

(4) A list of all units offered by the promoter in the same project including:

(a) The types, prices, and number of units;

(b) Identification and location of units;

(c) The types and durations of the timeshares;

(d) The maximum number of units that may become part of the timeshare property; and

(e) A statement of the maximum number of timeshares that may be created or a statement that there is no maximum.

(5) A description of any financing offered by the promoter;

(6) A statement of ownership of all properties included in the timeshare offering including any liens or encumbrances affecting the property;

(7) Copies of any agreements or leases to be signed by timeshare purchasers at closing and a copy of the timeshare instrument;

(8) The identity of the managing entity and the manner, if any, whereby the promoter may change the managing entity;

(9) A description of the selling costs both per unit and for the total project at the time the sale is made;

(10) A statement disclosing when and where the promoter or its affiliate has previously sold timeshares;

(11) A description of the nature and purpose of all charges, dues, maintenance fees, and other expenses that may be assessed, including:

(a) The current amounts assessed;

(b) The method and formula for changes; and

(c) The formula for payment of charges if all timeshares are not sold and a statement of who pays additional costs;

(12) Any services which the promoter provides or expenses the promoter pays which the promoter expects may become a timeshare expense at any subsequent time;

(13) A statement in bold face type on the cover page of the disclosure document and the cover page of the timeshare purchase agreement that within seven days after receipt of a disclosure document or the signing of the timeshare purchase agreement, whichever is later, a purchaser may cancel any agreement for the purchase of a timeshare from a promoter or a timeshare salesperson and that the cancellation must be in writing and be either hand delivered or mailed to the promoter or the promoter's agent;

(14) Any restraints on transfer of a timeshare or portion thereof;

(15) A description of the insurance coverage provided for the benefit of timeshare owners;

(16) A full and accurate disclosure of whether the timeshare owners are to be permitted or required to become members of or participate in any program for the exchange of property rights among themselves or with the timeshare owners of other timeshare units, or both, and a complete description of the program; and

(17) Any additional information the director finds necessary to fully inform prospective timeshare purchasers, including but not limited to information required by section 4 of this act.

NEW SECTION. Sec. 4. The application for registration signed by the promoter shall contain the following information on a form prescribed by the director:

(1) The following financial statements showing the financial condition of the promoter and any affiliate:

(a) A balance sheet as of a date within four months before the filing of the application for registration; and

(b) Statements of income, shareholders' equity, and material changes in financial position as of the end of the last fiscal year and for any period between the end of the last fiscal year and the date of the last balance sheet;

(2) A projected budget for the timeshare project for two years after the offering being made, including but not limited to source of revenues and expenses of construction, development, management, maintenance, advertisement, operating reserves, interest, and any other necessary reserves;

(3) A statement of the selling costs per unit and total sales costs for the project, including sales commissions, advertisement fees, and fees for promotional literature;

(4) A description of the background of the promoters for the previous ten years, including information about the business experience of the promoter and any relevant criminal convictions, civil law suits, or administrative actions related to such promotion during that period;

(5) A statement disclosing any fees in excess of the stated price per unit to be charged to the purchasers, a description of their purpose, and the method of calculation;

(6) A statement disclosing when and where the promoter or an affiliate has previously sold timeshares;

(7) A statement of any liens, defects, or encumbrances on or affecting the title to the timeshare units;

(8) Copies of all timeshare instruments; and

(9) Any additional information to describe the risks which the director considers appropriate.

NEW SECTION. Sec. 5. If no stop order is in effect and no proceeding is pending under section 10 of this act, a registration application becomes effective at 3:00 p.m. Pacific Standard Time on the afternoon of the thirtieth calendar day after the filing of the application or the last amendment or at such earlier time as the director determines.

NEW SECTION. Sec. 6. (1) A timeshare offering is registered for a period of one year from the effective date of registration unless the director specifies a different period.

(2) Registration of a timeshare offering may be renewed for additional periods of one year each, unless the director by rule specifies a different period, by filing a renewal application with the director no later than thirty days before the expiration of the period in subsection (1) of this section and paying the prescribed fee. A renewal application shall contain any information the director requires to indicate any substantial changes in the information contained in the original application.

(3) If a materially adverse change in the condition of the promoter or the promoter's affiliates occurs during any year, an amendment to the documents filed under section 4 of this act shall be filed, along with the prescribed fee, as soon as reasonably possible and before any further sales occur.

NEW SECTION. Sec. 7. (1) In lieu of the documents required to be filed under section 4 of this act, the director may by rule accept:

(a) Any disclosure document filed with agencies of the United States or any other state;

(b) Any disclosure document compiled in accordance with any rule of any agency of the United States or any other state; or

(c) Any documents submitted pursuant to registration of a timeshare offering under chapter 58.19 RCW before the effective date of this act.

(2) The director may by rule waive disclosure of information which the director considers unnecessary for the protection of timeshare purchasers.

(3) The director may by rule require the provision of any other information the director considers necessary to protect timeshare purchasers.

NEW SECTION. Sec. 8. Any individual offering timeshare units for the individual's own account or for the account of others shall be registered as a timeshare salesperson unless the timeshare offering is exempt from registration under section 2 of this act. Registration may be obtained by filing an application with the department of licensing on a form prescribed by the director. The director may require that the applicant demonstrate sufficient knowledge of the timeshare industry and this chapter. A timeshare salesperson who is licensed as a real estate broker or salesperson under chapter 18.85 RCW is exempt from the registration requirement of this section.

NEW SECTION. Sec. 9. The director may by order deny, suspend, or revoke a timeshare salesperson's registration or application for registration if the director finds that the order is in the public interest and the applicant or registrant:

(1) Has filed an application for registration as a timeshare salesperson which, as of its effective date, is incomplete in any material respect or contains any statement which is, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

(2) Has violated or failed to comply with any provision of this chapter or a predecessor act or any rule or order issued under this chapter or a predecessor act;

(3) Has been convicted within the past five years of any misdemeanor or felony involving theft, fraud, or any consumer protection statute, or any felony involving moral turpitude;

(4) Is permanently or temporarily enjoined by any court from engaging in or continuing any conduct or practice involving any aspect of the timeshare business;

(5) Has engaged in dishonest or unethical practices in the timeshare business;

(6) Is insolvent either in the sense that the individual's liabilities exceed his or her assets or in the sense that the individual cannot meet his or her obligations as they mature; or

(7) Has not complied with any condition imposed by the director or is not qualified on the basis of such factors as training, experience, or knowledge of the timeshare business or this chapter.

The director may by order summarily postpone or suspend registration of the salesperson pending final determination of any proceeding under section 17 of this act.

NEW SECTION. Sec. 10. (1) The director may issue an order denying, suspending, or revoking any timeshare application or registration if the director finds that the order is in the public interest and that:

(a) The application or registration is incomplete or contains any statement which is false or misleading with respect to any material fact;

(b) Any provision of this chapter or any rule or order lawfully issued under this chapter has been violated;

(c) The activities of the promoter include, or would include, activities which are illegal; or

(d) The timeshare offering has worked or tended to work a fraud on purchasers, or would so operate.

(2) The director shall promptly notify the applicant or registrant of any order denying, suspending, or revoking registration and of the applicant's or registrant's right to request a hearing within fifteen days of notification. If the applicant or registrant does not request a hearing, the order remains in effect until the director modifies or vacates it.

NEW SECTION. Sec. 11. A promoter shall not sell, lease, assign, or otherwise transfer the promoter's interest in the timeshare program unless the transferee agrees in writing to honor the timeshare purchaser's right to use and occupy the timeshare unit, honor the purchaser's right to cancel, and comply with this chapter. In the event of a transfer, each timeshare purchaser whose contract may be affected shall be given written notice of the transfer when the transfer is made.

NEW SECTION. Sec. 12. (1) The parties to a timeshare agreement shall deal with each other in good faith.

(2) A timeshare promoter shall not require any timeshare purchaser to agree to a release, assignment, novation, waiver, or any other provision which relieves any person from a duty imposed by this chapter.

(3) Any provision in a timeshare contract or agreement which designates jurisdiction or venue in a forum outside this state is void with respect to any cause of action which is enforceable in this state.

NEW SECTION. Sec. 13. (1) The director may by rule require as a condition of registration under this chapter that the proceeds from the sale of the timeshares be impounded until the promoter receives an amount established by the director. The director may by rule determine the conditions of any impoundment required under this section, including the release of moneys for promotional purposes.

(2) The director, in lieu of or in addition to requiring impoundment under subsection (1) of this section, may require that the registrant establish trusts, escrows, or any other similar arrangement that assures the timeshare purchaser quiet enjoyment of the timeshare unit.

(3) Impounding will not be required for those timeshare offerors who are able to convey fee simple title, along with title insurance: **PROVIDED**, That no other facilities are promised in the offering.

NEW SECTION. Sec. 14. The promoter or any person offering timeshare interest shall provide a prospective purchaser with a copy of the disclosure document described in section 3 of this act before the execution of any agreement for the purchase of a timeshare. A purchaser may, for seven days following execution of an agreement to purchase a timeshare, cancel the agreement and receive a refund of any consideration paid by providing written notice of the cancellation to the promoter or the promoter's agent either by mail or hand delivery. If the purchaser does not receive the disclosure document, the agreement is voidable by the purchaser until the purchaser receives the document and for seven days thereafter.

NEW SECTION. Sec. 15. No provision of this chapter imposing any liability applies to any act or omission in good faith in conformity with any rule, form, or order of the director, notwithstanding that the rule, form, or order may later be amended or rescinded or determined by judicial or other authority to be invalid for any reason.

NEW SECTION. Sec. 16. Any failure to comply with this chapter constitutes an unfair and deceptive trade practice under chapter 19.86 RCW.

NEW SECTION. Sec. 17. (1) Upon the entry of an order under section 9, 10, or 19 of this act, the director shall promptly notify the applicant or registrant that it has been entered and the reasons therefor, and that if requested in writing by the applicant or registrant within fifteen days after the receipt of the director's notification, the matter will be scheduled for hearing in accordance with subsections (2) and (3) of this section.

(2) Upon entry of a summary order, the following shall apply:

(a) If entry of the summary order results in the denial of an application under section 9 or 10 of this act, the hearing shall be held within a reasonable time and in accordance with chapter 34.04 RCW.

(b) If entry of the summary order results in the revocation or suspension of a registration under section 9 or 10 of this act, the registrant shall have an opportunity within ten days of receipt of such order to appear before the director or securities administrator to show cause why the summary order should not remain in effect. If the director or securities administrator finds that good cause is shown, he or she shall vacate the summary order. If he or she finds that good cause is not shown, the summary order shall remain in

effect and the director shall give notice of opportunity for hearing which shall be held within a reasonable time

(3) Upon entry of any nonsummary order under section 9 or 10 of this act, the hearing shall be held within a reasonable time and in accordance with chapter 34.04 RCW.

(4) If the applicant or registrant does not request a hearing within fifteen days after receipt of notice of opportunity for hearing, the order shall become final.

NEW SECTION. Sec. 18. (1) The director may:

(a) Make public or private investigations within or outside the state to determine whether any registration should be granted, denied, or revoked or whether any person has violated or is about to violate any provision of this chapter or any rule or order issued under this chapter, or to aid in the enforcement of this chapter and rules or orders issued under this chapter;

(b) Administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the director considers relevant to the inquiry;

(c) Publish information concerning any violation of this chapter or any rule or order issued under this chapter.

(2) If any person fails to comply with a lawful subpoena, refuses to testify under lawful interrogation, or refuses to produce documents and records, the director may apply to the superior court of any county for relief. After satisfactory evidence of wilful disobedience, the court may compel obedience by proceedings for contempt.

NEW SECTION. Sec. 19. (1) The director may order any person to cease and desist from an act or practice if it appears that the person is violating or is about to violate any provision of this chapter or any rule or order issued under this chapter.

(2) Upon the entry of the temporary order to cease and desist, the director shall promptly notify the recipient of the order that it has been entered and the reasons therefor and that if requested in writing by such person within fifteen days after receipt of the director's notification, the matter will be scheduled for hearing which shall be held within a reasonable time and in accordance with chapter 34.04 RCW. The temporary order shall remain in effect until ten days after the hearing is held.

(3) If a person does not request a hearing within fifteen days after receipt of notice of opportunity for hearing, the order shall become final.

NEW SECTION. Sec. 20. It is unlawful for any person in connection with the offer, sale, or lease of any timeshare in the state:

(1) To make any untrue or misleading statement of a material fact, or to omit a material fact;

(2) To employ any device, scheme, or artifice to defraud;

(3) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person;

(4) To file, or cause to be filed, with the director any document which contains any untrue or misleading information; or

(5) To violate any rule or order of the director.

NEW SECTION. Sec. 21. (1) The attorney general, in the name of the state or the director, may bring an action to enjoin any person from violating any provision of this chapter. Upon a proper showing, the superior court shall grant a permanent or temporary injunction, restraining order, or writ of mandamus. The court may make any additional orders or judgments which may be necessary to restore to any person any interest in any money or property, real or personal, which may have been acquired by means of any act prohibited or declared to be unlawful under this chapter. The prevailing party may recover costs of the action, including a reasonable attorney's fee.

(2) The superior court issuing an injunction shall retain jurisdiction. Any person who violates the terms of an injunction shall pay a civil penalty of not more than twenty-five thousand dollars.

(3) The attorney general, in the name of the state or the director, may apply to the superior court to appoint a receiver or conservator for any person, or the assets of any person, who is subject to a cease and desist order, permanent or temporary injunction, restraining order, or writ of mandamus.

(4) Any person who violates any provision of this chapter is subject to a civil penalty not to exceed two thousand dollars for each violation. Civil penalties authorized by this subsection shall be imposed in a civil action brought by the attorney general and shall be deposited in the general fund of the state treasury. Any action for recovery of a civil penalty shall be commenced within five years of the date of the alleged violation.

NEW SECTION. Sec. 22. (1) Any person who violates section 2 of this act is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW. Any person who knowingly violates section 2 or 20 of this act is guilty of a class C felony punishable under chapter 9A.20 RCW. No indictment or information for a felony may be returned under this chapter more than five years after the alleged violation.

(2) The director may refer evidence concerning violations of this chapter to the attorney general or the proper prosecuting attorney who may, with or without this reference, institute appropriate criminal proceedings.

NEW SECTION. Sec. 23. Any person who offers, sells, or materially aids in such offer or sale of a timeshare in violation of this chapter is liable to the person buying the timeshare who may sue either at law or in equity to recover the consideration paid for the timeshare, together with interest at ten percent per annum from date of payment and costs upon the tender of the timeshare, or for damages if the person no longer owns the timeshare.

NEW SECTION. Sec. 24. Every applicant for registration under this chapter shall file with the director, in a form the director prescribes by rule, an irrevocable consent appointing the director to be the attorney of the applicant to receive service of any lawful process in any civil suit, action, or proceeding against the applicant or the applicant's successor, executor, or administrator which arises under this chapter or any rule or order issued under this chapter after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. Service may be made by leaving a copy of the process in the office of the director, but it is not effective unless: (1) The plaintiff, who may be the director in a suit, action, or proceeding instituted by the director, forthwith sends notice of the service and a copy of the process by certified mail to the defendant or respondent at the last address of the respondent or defendant on file with the director; and (2) the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

NEW SECTION. Sec. 25. Neither the fact that an application for registration nor a disclosure document under section 3 of this act has been filed, nor the fact that a timeshare offering is effectively registered, constitutes a finding by the director that any document filed under this chapter is true, complete, and not misleading, nor does either fact mean that the director has determined in any way the merits of, qualifications of, or recommended or given approval to any person, timeshare, or transaction. It is unlawful to make, or cause to be made, to any prospective purchaser any representation inconsistent with this section.

NEW SECTION. Sec. 26. The director may make, amend, and repeal rules, forms, and orders when necessary to carry out this chapter. The director may honor requests for interpretive opinions.

NEW SECTION. Sec. 27. The director shall appoint a competent person within the department of licensing to administer this chapter. The director shall delegate to the administrator any powers, subject to the authority of the director, which may be necessary to carry out this chapter. The administrator shall hold office at the pleasure of the director.

NEW SECTION. Sec. 28. (1) All timeshares registered under this act are exempt from chapters 21.20, 58.19, and 19.105 RCW.

(2) This chapter shall not apply to any enterprise that has as its primary purpose camping and outdoor recreation and includes or will include spaces designed and promoted for the purpose of locating a trailer, tent, tent trailer, pick-up camper, or other similar device used for land-based portable housing.

NEW SECTION. Sec. 29. The director shall charge and collect fees fixed by this section. All fees collected under this chapter shall be deposited

in the state treasury and shall not be refundable except as provided in this chapter:

(1) The initial fee for filing an application for registration for sale of a timeshare under section 2 of this act is five hundred dollars. Any filing containing over four hundred intervals shall pay an additional fee of four dollars for each of those additional intervals.

(2) For an application for renewal of registration, the fee is one hundred fifty dollars.

(3) For an initial application or renewal of registration of a timeshare salesperson, the fee is twenty-five dollars.

(4) For an amendment of registration as required in section 6(3) of this act, the fee shall be one hundred fifty dollars.

NEW SECTION. Sec. 30. Chapter 34.04 RCW applies to any administrative procedures carried out by the director under this chapter unless otherwise provided in this chapter.

NEW SECTION. Sec. 31. (1) No person may publish any advertisement in this state offering a timeshare which is subject to the registration requirements of section 2 of this act unless a true copy of the advertisement has been filed in the office of the director at least seven days before publication or a shorter period which the director by rule may establish. The right to subsequently publish the advertisement is subject to the approval of the director within that seven day period.

(2) Nothing in this chapter applies to any radio or television station or any publisher, printer, or distributor of any newspaper, magazine, billboard, or other advertising medium which accepts advertising in good faith without knowledge of its violation of any provision of this chapter.

NEW SECTION. Sec. 32. This chapter may be known and cited as "The Timeshare Act."

NEW SECTION. Sec. 33. There is appropriated to the department of licensing from the general fund for the biennium ending June 30, 1985, the sum of one hundred thirty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 34. Sections 1 through 32 of this act shall constitute a new chapter in Title 64 RCW.

NEW SECTION. Sec. 35. 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. 36. This act shall take effect August 1, 1983 and shall terminate June 30, 1987 as provided in section 37 of this act.

NEW SECTION. Sec. 37. Sections 1 through 35 of this act as now existing or hereafter amended, and corresponding RCW sections are each repealed, effective June 30, 1987.

Passed the Senate May 7, 1983.

Passed the House May 6, 1983.

Approved by the Governor May 13, 1983.

Filed in Office of Secretary of State May 13, 1983.

CHAPTER 23

[Engrossed Substitute Senate Bill No. 3311]

UNEMPLOYMENT COMPENSATION REVISIONS

AN ACT Relating to unemployment compensation; amending section 4, chapter 3, Laws of 1971 and RCW 50.04.073; amending section 10, chapter 35, Laws of 1945 as last amended by section 1, chapter 73, Laws of 1977 ex. sess. and RCW 50.04.090; amending section 13, chapter 35, Laws of 1945 as amended by section 8, chapter 3, Laws of 1971 and RCW 50.04.115; amending section 13, chapter 18, Laws of 1982 1st ex. sess. and RCW 50.04.145; amending section 13, chapter 35, Laws of 1981 and RCW 50.04.165; amending section 22, chapter 35, Laws of 1945 and RCW 50.04.210; amending section 33, chapter 35, Laws of 1945 as last amended by section 1, chapter . . . (HB 787), Laws of 1983 and RCW 50.04.320; amending section 19, chapter 2, Laws of 1970 ex. sess. as last amended by section 1, chapter 35, Laws of 1981 and RCW 50.04.323; amending section 46, chapter 35, Laws of 1945 as last amended by section 3, chapter 33, Laws of 1977 ex. sess. and RCW 50.12.070; amending section 47, chapter 35, Laws of 1945 as amended by section 2, chapter 215, Laws of 1951 and RCW 50.12.080; amending section 61, chapter 35, Laws of 1945 as last amended by section 12, chapter 40, Laws of 1975 and RCW 50.16.020; amending section 80, chapter 35, Laws of 1945 as last amended by section 5, chapter 35, Laws of 1981 and RCW 50.20.120; amending section 81, chapter 35, Laws of 1945 as last amended by section 3, chapter 7, Laws of 1973 2nd ex. sess. and RCW 50.20.130; amending section 5, chapter 1, Laws of 1971 and RCW 50.22.040; amending section 90, chapter 35, Laws of 1945 as amended by section 5, chapter 286, Laws of 1955 and RCW 50.24.020; amending section 94, chapter 35, Laws of 1945 and RCW 50.24.060; amending section 15, chapter 228, Laws of 1975 1st ex. sess. as amended by section 8, chapter 190, Laws of 1979 ex. sess. and RCW 50.24.115; amending section 10, chapter 2, Laws of 1970 ex. sess. as last amended by section 11, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.010; amending section 15, chapter 2, Laws of 1970 ex. sess. as amended by section 13, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.060; amending section 16, chapter 2, Laws of 1970 ex. sess. as amended by section 14, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.070; amending section 119, chapter 35, Laws of 1945 as last amended by section 7, chapter 266, Laws of 1959 and RCW 50.32.030; amending section 121, chapter 35, Laws of 1945 as amended by section 24, chapter 214, Laws of 1949 and RCW 50.32.050; amending section 15, chapter 292, Laws of 1977 ex. sess. and RCW 50.44.035; amending section 22, chapter 3, Laws of 1971 as last amended by section 12, chapter 35, Laws of 1981 and RCW 50.44.050; amending section 23, chapter 3, Laws of 1971 as amended by section 19, chapter 292, Laws of 1977 ex. sess. and RCW 50.44.060; creating a new section; providing effective dates; and declaring an emergency.

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

Sec. 1. Section 4, chapter 3, Laws of 1971 and RCW 50.04.073 are each amended to read as follows:

The term "contributions" as used in this title shall be deemed to include "payments in lieu of contributions" to the extent that such usage is consistent with the purposes of this title. Such construction shall include but not

be limited to those portions of this title dealing with assessments, interest, penalties, liens, collection procedures and remedies, administrative and judicial review, and the imposition of administrative, civil and criminal sanctions.

Sec. 2. Section 10, chapter 35, Laws of 1945 as last amended by section 1, chapter 73, Laws of 1977 ex. sess. and RCW 50.04.090 are each amended to read as follows:

"Employing unit" means any individual or any type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1937, had in its employ or in its "employment" one or more individuals performing services within this state. The state and its political subdivisions shall be deemed employing units as to any transactions occurring on or after September 21, 1977 which would render an employing unit liable for contributions, interest, or penalties under RCW 50.24.130.

Sec. 3. Section 13, chapter 35, Laws of 1945 as amended by section 8, chapter 3, Laws of 1971 and RCW 50.04.115 are each amended to read as follows:

Services not covered under RCW 50.04.110 or 50.04.116 which are performed entirely without this state, with respect to no part of which contributions, interest, or penalties are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this title if the individual performing such services is a resident of this state and the commissioner approves the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this title.

Sec. 4. Section 13, chapter 35, Laws of 1981 and RCW 50.04.165 are each amended to read as follows:

~~((At the discretion of the employer,))~~ Services performed after ((September 30, 1981,)) the effective date of this 1983 section in the capacity of corporate officers ((may)) as defined in RCW 23A.08.470, other than those covered by chapter 50.44 RCW, shall not be considered services in employment. ((This exemption shall not apply to services performed by corporate officers that are covered by chapter 50.44 RCW)) However, a corporation may elect to cover not less than all of its corporate officers under RCW 50.24.160. If an employer does not elect to cover its corporate officers under RCW 50.24.160, the employer must notify its corporate officers that they are ineligible for unemployment benefits. If the employer fails to notify any corporate officer, then that person shall not be considered to be a corporate officer for the purposes of this section.

Sec. 5. Section 22, chapter 35, Laws of 1945 and RCW 50.04.210 are each amended to read as follows:

The term "employment" shall not include service performed in the employ of any other state or its political subdivisions, or of the United States government, or of any instrumentality of any other state or states or their political subdivisions, or the United States; except that if the congress of the United States shall permit states to require any instrumentality of the United States to make payments into an unemployment fund under a state unemployment compensation act, then, to the extent permitted by congress, and from and after the date when such permission becomes effective all the provisions of this title shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services: PROVIDED, That if this state should not be certified by the social security board under section 903 of the social security act, as amended, for any year, then the payment required of such instrumentalities with respect to such year shall be deemed to be erroneously collected and shall be refunded by the commissioner from the fund in accordance with the provisions of this title relating to adjustments and refunds of contributions ((or)), interest, or penalties which have been paid.

Sec. 6. Section 33, chapter 35, Laws of 1945 as last amended by section 1, chapter (HB 787), Laws of 1983 and RCW 50.04.320 are each amended to read as follows:

For the purpose of payment of contributions, "wages" means the remuneration paid by one employer during any calendar year to an individual in its employment under this title or the unemployment compensation law of any other state in the amount specified in RCW 50.24.010. If an employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the operating assets of another employer (hereinafter referred to as a predecessor employer) or assets used in a separate unit of a trade or business of a predecessor employer, and immediately after the acquisition employs in his trade or business an individual who immediately before the acquisition was employed in the trade or business of the predecessor employer, then, for the purposes of determining the amount of remuneration paid by the successor employer to the individual during the calendar year which is subject to contributions, any remuneration paid to the individual by the predecessor employer during that calendar year and before the acquisition shall be considered as having been paid by the successor employer.

For the purpose of payment of benefits, "wages" means the remuneration ((payable)) paid by one or more employers to an individual for employment under this title during his base year: PROVIDED, That at the request of a claimant, wages may be calculated on the basis of remuneration payable. The department shall notify each claimant that wages are

calculated on the basis of remuneration paid, but at the claimant's request a redetermination may be performed and based on remuneration payable.

"Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash. The reasonable cash value of compensation paid in any medium other than cash and the reasonable value of gratuities shall be estimated and determined in accordance with rules prescribed by the commissioner. Remuneration does not include payments to members of a reserve component of the armed forces of the United States, including the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time.

Sec. 7. Section 19, chapter 2, Laws of 1970 ex. sess. as last amended by section 1, chapter 35, Laws of 1981 and RCW 50.04.323 are each amended to read as follows:

(1) The amount of benefits payable to an individual for any week which begins after October 3, 1980, and which begins in a period with respect to which such individual is receiving a governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment which is based on the previous work of such individual shall be reduced (but not below zero) by an amount equal to the amount of such pension, retirement or retired pay, annuity, or other payment, which is reasonably attributable to such week: PROVIDED, That

(a) The requirements of this subsection shall apply to any pension, retirement or retired pay, annuity, or other similar periodic payment only if—

(i) Such pension, retirement or retired pay, annuity, or similar payment is under a plan maintained (or contributed to) by a base period employer; and

(ii) In the case of such a payment not made under the Social Security Act or the Railroad Retirement Act of 1974 (or corresponding provisions of prior law), services performed for such employer by the individual after the beginning of the base period (or remuneration for such services) affect eligibility for, or increase the amount of, such pension, retirement or retired pay, annuity, or similar payment; and

(b) The amount of any such a reduction shall take into account contributions made by the individual for the pension, retirement or retired pay, annuity, or other similar periodic payment, in accordance with regulations prescribed by the commissioner.

(2) In the event that a retroactive pension or retirement payment covers a period in which an individual received benefits under the provisions of this title, the amount in excess of the amount to which such individual would have been entitled had such retirement or pension payment been considered as provided in this section shall be recoverable under RCW 50.20.190.

(3) A lump sum payment accumulated in a plan described in this section paid to an individual eligible for such payment shall be prorated over

the life expectancy of the individual computed in accordance with the commissioner's regulation.

(4) The resulting weekly benefit amount payable after reduction under this section, if not a multiple of one dollar, shall be reduced to the next lower multiple of one dollar.

(5) Any ambiguity in subsection (1) of this section should be construed in a manner consistent with 26 U.S.C. Sec. 3304 (a)(15) as last amended by P.L. 96-364.

Sec. 8. Section 46, chapter 35, Laws of 1945 as last amended by section 3, chapter 33, Laws of 1977 ex. sess. and RCW 50.12.070 are each amended to read as follows:

Each employing unit shall keep true and accurate work records, containing such information as the commissioner may prescribe. Such records shall be open to inspection and be subject to being copied by the commissioner or his or her authorized representatives at any reasonable time and as often as may be necessary. The commissioner may require from any employing unit any sworn or unsworn reports with respect to persons employed by it, which he or she deems necessary for the effective administration of this title. Each employer shall make periodic reports at such intervals as the commissioner may by regulation prescribe, setting forth the remuneration paid for employment to workers in its employ, the names of all such workers, and until April 1, 1978, the number of weeks for which the worker earned the "qualifying weekly wage", and beginning July 1, 1977, the hours worked by each worker and such other information as the commissioner may by regulation prescribe.

In the event the employing unit fails or has failed to report the number of hours in a reporting period for which a worker worked such number will be computed by the commissioner and given the same force and effect as if it had been reported by the employing unit. In computing the number of such hours worked the total wages for the reporting period, as reported by the employing unit, shall be divided by the dollar amount of the state's minimum wage in effect for such reporting period and the quotient, disregarding any remainder, shall be credited to the worker: **PROVIDED**, That although the computation so made will not be subject to appeal by the employing unit, monetary entitlement may be redetermined upon request if the department is provided with credible evidence of the actual hours worked.

Sec. 9. Section 47, chapter 35, Laws of 1945 as amended by section 2, chapter 215, Laws of 1951 and RCW 50.12.080 are each amended to read as follows:

If any employing unit fails to make or file any report or return required by this title, or any regulation made pursuant hereto, the commissioner may, upon the basis of such knowledge as may be available to him, arbitrarily make a report on behalf of such employing unit and the report so

made shall be deemed to be prima facie correct. In any action or proceedings brought for the recovery of contributions (~~(and)~~, interest, or penalties due upon the payroll of an employer, the certificate of the department that an audit has been made of the payroll of such employer pursuant to the direction of the department, or a certificate that a return has been filed by or for an employer or estimated by reason of lack of a return, shall be prima facie evidence of the amount of such payroll for the period stated in the certificate.

Sec. 10. Section 61, chapter 35, Laws of 1945 as last amended by section 12, chapter 40, Laws of 1975 and RCW 50.16.020 are each amended to read as follows:

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

- (1) a clearing account,
- (2) an unemployment trust fund account, and
- (3) a benefit account.

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

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

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

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

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

Sec. 11. Section 80, chapter 35, Laws of 1945 as last amended by section 5, chapter 35, Laws of 1981 and RCW 50.20.120 are each amended to read as follows:

(1) Subject to the other provisions of this title, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of thirty times the weekly benefit amount (determined hereinafter) or one-third of the individual's base year wages under this title: PROVIDED, That as to any week beginning on and after March 31, 1981, which falls in an extended benefit period as defined in RCW 50.22.010(1), as now or hereafter amended, an individual's eligibility for maximum benefits in excess of twenty-six times his or her weekly benefit amount will be subject to the terms and conditions set forth in RCW 50.22.020, as now or hereafter amended.

(2) An individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest. The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th. The maximum amount payable weekly shall be fifty-five percent of the "average weekly wage" for the calendar year preceding such June 30th: PROVIDED, That if as of any June 30th the unemployment compensation trust fund balance has improved so that the employer contribution as determined pursuant to RCW 50.24.010 is less than three percent, the maximum amount payable weekly for benefit years beginning with the first full calendar week in July next following shall be sixty percent of the "average weekly wage" for the calendar year preceding such June 30. The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding June 30th. If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be ~~((adjusted to the nearest multiple of one~~

dollar, ~~except that if the computed amount ends in fifty cents, it shall be adjusted to the next higher~~) reduced to the next lower multiple of one dollar.

Sec. 12. Section 81, chapter 35, Laws of 1945 as last amended by section 3, chapter 7, Laws of 1973 2nd ex. sess. and RCW 50.20.130 are each amended to read as follows:

If an eligible individual is available for work for less than a full week, he shall be paid his weekly benefit amount reduced by one-seventh of such amount for each day that he is unavailable for work: PROVIDED, That if he is unavailable for work for three days or more of a week, he shall be considered unavailable for the entire week.

Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less seventy-five percent of that part of the remuneration (if any) payable to him with respect to such week which is in excess of five dollars. Such benefit, if not a multiple of one dollar, shall be ~~((computed))~~ reduced to the next ((higher)) lower multiple of one dollar.

Sec. 13. Section 5, chapter 1, Laws of 1971 and RCW 50.22.040 are each amended to read as follows:

The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year. However, for those individuals whose eligibility period for extended benefits commences with weeks beginning after October 1, 1983, the weekly benefit amount, as computed in RCW 50.20.120(2) and payable under this section, if not a multiple of one dollar, shall be reduced to the next lower multiple of one dollar.

Sec. 14. Section 90, chapter 35, Laws of 1945 as amended by section 5, chapter 286, Laws of 1955 and RCW 50.24.020 are each amended to read as follows:

The commissioner may compromise any claim for contributions, interest, or penalties, and any amount owed by an individual because of benefit overpayments, whether reduced to judgment or otherwise, existing or arising under this title in any case where collection of the full claim, in the case of contributions, interest, or penalties, would result in the insolvency of the employing unit or individual from whom such contributions, interest, or penalties are claimed, and any case where collection of the full amount of benefit overpayments made to an individual, whether reduced to judgment or otherwise, would be against equity and good conscience.

Whenever a compromise is made by the commissioner in the case of a claim for contributions, interest, or penalties, there shall be placed on file in the office of the unemployment compensation division a statement of the amount of contributions, interest, and penalties imposed by law and claimed

duc, a complete record of the compromise agreement and the amount actually paid in accordance with the terms of the compromise agreement. Whenever a compromise is made by the commissioner in the case of a claim of a benefit overpayment, whether reduced to judgment or otherwise, there shall be placed on file in the office of the unemployment compensation division a statement of the amount of the benefit overpayment, attorneys' fees and costs, if any, a complete record of the compromise agreement and the amount actually paid in accordance with the terms of the compromise agreement.

If any such compromise is accepted by the commissioner, within such time as may be stated in the compromise or agreed to, such compromise shall be final and conclusive and except upon showing of fraud or malfeasance or misrepresentation of a material fact the case shall not be reopened as to the matters agreed upon. In any suit, action, or proceeding, such agreement or any determination, collection, payment, adjustment, refund, or credit made in accordance therewith shall not be annulled, modified, set aside, or disregarded.

Sec. 15. Section 94, chapter 35, Laws of 1945 and RCW 50.24.060 are each amended to read as follows:

In the event of any distribution of an employer's assets pursuant to an order of any court, including any receivership, probate, legal dissolution, or similar proceeding, or in case of any assignment for the benefit of creditors, composition, or similar proceeding, contributions, interest, or penalties then or thereafter due shall be a lien upon all the assets of such employer. Said lien will be prior to all other liens or claims except prior tax liens, other liens provided by this title, and claims for remuneration for services of not more than two hundred and fifty dollars to each claimant earned within six months of the commencement of the proceeding. The mere existence of a condition of insolvency or the institution of any judicial proceeding for legal dissolution or of any proceeding for distribution of assets shall cause such a lien to attach without action on behalf of the commissioner or the state. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the federal bankruptcy act of 1898, as amended, contributions, interest, or penalties then or thereafter due shall be entitled to such priority as provided in that act, as amended.

Sec. 16. Section 15, chapter 228, Laws of 1975 1st ex. sess. as amended by section 8, chapter 190, Laws of 1979 ex. sess. and RCW 50.24.115 are each amended to read as follows:

Whenever any order and notice of assessment or jeopardy assessment shall have become final in accordance with the provisions of this title the commissioner may file with the clerk of any county within the state a warrant in the amount of the notice of assessment plus interest, penalties, and a filing fee of five dollars. The clerk of the county wherein the warrant is filed

shall immediately designate a superior court cause number for such warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the employer mentioned in the warrant, the amount of the tax, interest, penalties, and filing fee and the date when such warrant was filed. The aggregate amount of such warrant as docketed shall become a lien upon the title to, and interest in all real and personal property of the employer against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of such clerk. Such warrant so docketed shall be sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law in the case of civil judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee of five dollars, which shall be added to the amount of the warrant, and charged by the commissioner to the employer or employing unit. A copy of the warrant shall be mailed to the employer or employing unit by certified mail to his last known address within five days of filing with the clerk.

Sec. 17. Section 10, chapter 2, Laws of 1970 ex. sess. as last amended by section 11, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.010 are each amended to read as follows:

As used in this chapter:

"Computation date" means July 1st of any year;

"Cut-off date" means September 30th next following the computation date;

"Rate year" means the calendar year immediately following the computation date;

"Experience rating year" is the twelve-month period beginning with July 1st of one calendar year and ending on June 30th of the following calendar year;

"Payroll" means all wages (as defined for contribution purposes) paid by an employer to individuals in his employment;

"Acquire" means the right to occupy or use the operating assets formerly in the possession of a predecessor employer whether that acquisition be by purchase, lease, gift, or by any legal process;

"Qualified employer" means: (1) Any employer as of the computation date who had some employment in the twelve-month period immediately preceding April 1st of the first of the three consecutive calendar years immediately preceding the computation date and who had no period of four or more consecutive calendar quarters in such three years for which he reported no employment, except that no employer shall be deemed a qualified employer unless all contributions, interest, and penalties required under this title from ~~((him or his predecessors))~~ that employer for the thirty-six month period immediately preceding the computation date have been paid by the cut-off date ~~((or within twenty days of mailing of special delinquency notice~~

~~as provided in RCW 50.29.070~~); or (2) Any employer as of the computation date who has not been subject to this title for a period of time sufficient to be classified as a qualified employer under the provision of subdivision (1) of this paragraph but who had some employment in the twelve-month period immediately preceding April 1st of the first of the two consecutive calendar years immediately preceding the computation date and who had no period of four or more consecutive calendar quarters in such two years for which he reported no employment, except that no employer shall be deemed a qualified employer unless all contributions, interest, and penalties required under this title from ~~((him or his predecessors))~~ that employer for the twenty-four month period immediately preceding the computation date have been paid by the cut-off date ~~((or within twenty days of mailing of special delinquency notice as provided in RCW 50.29.070))~~: PROVIDED, That for the purpose of this section, unpaid contributions, interest, or penalties of twenty-five dollars or less or unpaid contributions, interest, or penalties of one-half of one percent of the employer's total tax reported for the twelve-month period immediately preceding the computation date may be disregarded if showing is made to the satisfaction of the commissioner that an otherwise qualified employer acted in good faith and that forfeiture of qualification for a reduced contribution rate because of such delinquency would be inequitable ~~((PROVIDED, FURTHER, That when an employer or prospective employer has acquired all or substantially all of the operating assets of an employer, or has acquired an operating department, section, division, or any substantial portion of the business or assets of any employer, which is clearly segregable and identifiable for experience rating purposes, the payroll record and benefit charges of the transferring employer shall be divided between the transferring and acquiring employers in proportion to the payrolls for the four preceding completed calendar quarters attributable to the operating assets retained and conveyed. The successor employer shall be liable for contributions on the acquired business from the date the transfer of the business occurred. The separate account of a predecessor or that part thereof which is transferred shall become the separate account or part of separate account as the case may be of the successor employer))~~.

"Surplus" is an amount of moneys in the unemployment compensation fund deemed in excess of the amount needed to insure the solvency of the fund. The "surplus" is determined in the following manner:

(1) For computations prior to January 1, 1974, the total remuneration paid during the calendar year preceding the computation date shall be multiplied by four percent and the product shall be subtracted from the amount in the fund as of the June 30th immediately preceding the computation date. If that balance is at least one-tenth of one percent of the total remuneration paid during the calendar year, that portion of the balance not exceeding forty one-hundredths of one percent of the total remuneration paid

during the preceding calendar year shall be deemed "surplus". Total remuneration paid in this computation is limited to remuneration paid during the calendar year preceding the computation date and reported to the department of employment security on or before the March 31st immediately preceding the computation date.

(2) For computations subsequent to January 1, 1974, the allowable "surplus" shall be computed by use of the following table. Column A represents the ratio of the unemployment compensation fund as of the June 30th preceding the computation date to total remuneration for the preceding calendar year. The percentage figures in Column B represent the maximum percentage of total remuneration during the preceding calendar year which may be deemed as "surplus" in view of the corresponding figures in Column A. No amount of the fund shall be declared surplus if the balance in the fund as of the June 30th immediately preceding the computation date is not at least one-tenth of one percent of total remuneration paid during the preceding calendar year in excess of four percent of total remuneration paid during the preceding calendar year. The percentage amount of total remuneration during the preceding calendar year, Column B, may be deemed surplus only to the extent that the balance remaining in the unemployment compensation fund exceeds four percent of the total remuneration paid during the preceding calendar year. Total remuneration paid in this computation is limited to remuneration paid during the calendar year preceding the computation date and reported to the department of employment security on or before the March 31st immediately preceding the computation date.

<u>Column A</u>	<u>Column B</u>
4.1% but less than 4.8%	0.40%
4.8% but less than 5.2%	0.55%
5.2% or more	0.70%

(3) In all computations of "surplus" moneys paid from the fund, based on services performed for employers who make payments in lieu of contributions, which have not been reimbursed to the fund as of any June 30 shall be deemed an asset of the unemployment compensation fund, to the extent that such moneys exceed the amount of payments in lieu of contributions which the commissioner has previously determined to be uncollectible: PROVIDED, FURTHER, That the amount attributable to employment with the state shall also include interest as provided for in RCW 50.44.020.

Sec. 18. Section 15, chapter 2, Laws of 1970 ex. sess. as amended by section 13, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.060 are each amended to read as follows:

Effective January 1, 1971, predecessor and successor employer contribution rates shall be computed in the following manner:

(1) If the successor is an employer at the time of the transfer, his contribution rate shall remain unchanged for the remainder of the rate year in which the transfer occurs.

(2) The contribution rate on any payroll retained by a predecessor employer shall remain unchanged for the remainder of the rate year in which the transfer occurs.

(3) If the successor is not an employer at the time of the transfer, he shall pay contributions for the remainder of the rate year in which the transfer occurs at the rate assigned ~~((to the predecessor employer))~~ under RCW 50.24.010.

~~(4) ((If the successor is not an employer at the time of the transfer and simultaneously acquires the business or a portion of the business of two or more employers in different rate classes, his rate from the date the transfer occurred until the end of the rate year in which such transfer occurred shall be a recomputed rate based on the combined experience of his predecessors as of the cut-off date for that rate year.~~

~~(5))~~ In all cases, from and after January 1 ~~((;))~~ following the transfer, the successor's contribution rate for each rate year shall be based on his experience with payrolls and benefits ~~((combined with))~~, including the experience of ((his predecessor or predecessors)) the acquired business or portion of a business from the date of transfer, as of the regular computation date for that rate year.

~~((6))~~ (5) In all cases, from and after January 1 following the transfer, the predecessor's contribution rate for each rate year shall be based on his experience with payrolls and benefits, as of the regular computation date for that rate year, ~~((excluding therefrom such))~~ including the experience ((as was credited to the successor or successors under other provisions of this title)) of the acquired business or portion of business up to the date of transfer; PROVIDED, That if all of the predecessor's ~~((experience with payrolls and benefits))~~ business is transferred to a successor or successors the predecessor shall not be a qualified employer within the meaning of RCW 50.29.010 until his account following the date of the transfer has been chargeable with benefits throughout not less than thirty-six consecutive months immediately preceding the computation date.

Sec. 19. Section 16, chapter 2, Laws of 1970 ex. sess. as amended by section 14, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.070 are each amended to read as follows:

Within a reasonable time after the computation date, each employer shall be notified of the total amount of benefits charged to his account during the twelve-month period immediately preceding the computation date and, upon request, the amount of such charges with respect to each individual receiving unemployment benefits charged to his account.

Within a reasonable time after the computation date each employer shall be notified of his rate of contribution as determined for the succeeding rate year.

~~((At the time of mailing rate notices any employer who, prior to the cut-off date has acquired all or substantially all of the operating assets, or has acquired an operating department, section, division, or any substantial portion of the business or assets, of any employer who was not a qualified employer as defined in RCW 50.29.010 because of having failed to pay all contributions required under this title by the cut-off date, shall be furnished a special delinquency statement showing the amount unpaid and the rate of contribution to which such successor employer will be entitled if the amount is paid within twenty days.))~~

Any employer dissatisfied with the benefit charges made to his account or with his determined rate may file a request for review and redetermination with the commissioner within thirty days of the mailing of the notice to the employer, showing the reason for such request. Should such request for review and redetermination be denied, the employer may, within ten days of the mailing of such notice of denial, file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this section.

Sec. 20. Section 119, chapter 35, Laws of 1945 as last amended by section 7, chapter 266, Laws of 1959 and RCW 50.32.030 are each amended to read as follows:

When an order and notice of assessment has been served upon or mailed to a delinquent employer, as heretofore provided, such employer may within ten days thereafter file a petition in writing with the appeal tribunal, stating that such assessment is unjust or incorrect and requesting a hearing thereon. Such petition shall set forth the reasons why the assessment is objected to and the amount of contributions, if any, which said employer admits to be due the employment security department. If no such petition be filed with the appeal tribunal within said ten days, said assessment shall be conclusively deemed to be just and correct: **PROVIDED**, That in such cases, and in cases where payment of contributions ~~((or)), interest, or penalties~~ has been made pursuant to a jeopardy assessment, the commissioner may properly entertain a subsequent application for refund. The filing of a petition on a disputed assessment with the appeal tribunal shall stay the distraint and sale proceeding provided for in this title until a final decision thereon shall have been made, but the filing of such petition shall not affect the right of the commissioner to perfect a lien, as provided by this title, upon the property of the employer. The filing of a petition on a disputed assessment shall stay the accrual of interest and penalties on the disputed contributions until a final decision shall have been made thereon.

Within ten days after notice of denial of refund or adjustment has been mailed or delivered (whichever is the earlier) to an employer, the employer may file a petition in writing with the appeal tribunal for a hearing thereon: **PROVIDED**, That this right shall not apply in those cases in which assessments have been appealed from and have become final. The petitioner shall set forth the reasons why such hearing should be granted and the amount which the petitioner believes should be adjusted or refunded. If no such petition be filed within said ten days, the determination of the commissioner as stated in said notice shall be final.

Sec. 21. Section 121, chapter 35, Laws of 1945 as amended by section 24, chapter 214, Laws of 1949 and RCW 50.32.050 are each amended to read as follows:

In any proceeding before an appeal tribunal involving an appeal from a disputed order and notice of assessment (for contributions ((σ)), interest, or penalties due) a disputed denial of refund or adjustment (of contributions ((σ)), interest, or penalties paid) or a disputed experience rating credit, the appeal tribunal, after affording the parties a reasonable opportunity for hearing, shall affirm, modify or set aside the notice of assessment, denial of refund or experience rating credit. The parties shall be duly notified of such appeal tribunal's decision together with its reasons therefor which shall be deemed to be the final decision on the order and notice of assessment, denial of refund or experience rating credit, as the case may be, unless within ten days after the date of notification or mailing, whichever is the earlier, of such decision, further appeal is perfected pursuant to the provisions of this title relating to review by the commissioner.

Sec. 22. Section 15, chapter 292, Laws of 1977 ex. sess. and RCW 50.44.035 are each amended to read as follows:

(1) Any county, city or town not electing to make payments in lieu of contributions shall pay a "local government tax." Taxes paid under this section shall be paid into an administratively identifiable account in the unemployment compensation fund. This account shall be self-sustaining. For calendar years 1978 and 1979 all such employers shall pay local government tax at the rate of one and one-quarter percent of all remuneration paid by the governmental unit for services in its employment. For each year after 1979 each such employer's rate of tax shall be determined in accordance with this section: **PROVIDED, HOWEVER**, That whenever it appears to the commissioner that the anticipated benefit payments from the account would jeopardize reasonable reserves in this identifiable account the commissioner may at the commencement of any calendar quarter, impose an emergency excess tax of not more than one percent of remuneration paid by the participating governmental units which "excess tax" shall be paid in addition to the applicable rate computed pursuant to this section until the calendar year following the next September 1.

(2) A reserve account shall be established for each such employer.

(a) The "reserve account" of each such employer shall be credited with tax amounts paid and shall be charged with benefit amounts charged in accordance with the formula set forth in RCW 50.44.060 as now or hereafter amended except that such employer's account shall be charged for the full amount of extended benefits so attributable for weeks of unemployment commencing after January 1, 1979. Such credits and charges shall be cumulative from January 1, 1978.

(b) After the cutoff date, the "reserve ratio" of each such employer shall be computed by dividing its reserve account balance as of the computation date by the total remuneration paid during the preceding calendar year for services in its employment. This division shall be carried to four decimal places, with the remaining fraction, if any, disregarded.

(3) A "benefit cost ratio" for each such employer shall be computed by dividing its total benefit charges during the thirty-six months ending on June 30 by its total remuneration during the three preceding calendar years: PROVIDED, That after August 31 in 1979 each employer's total benefit charges for the twelve months ending on June 30 shall be divided by its total remuneration paid in the last three quarters of calendar year 1978; and after August 31 in 1980 each employer's total benefit charges for the twenty-four months ending June 30 shall be divided by its total remuneration paid in the last three calendar quarters of 1978 and the four calendar quarters of 1979. Such computations shall be carried to four decimal places, with the remaining fraction, if any, disregarded.

(4) For each such employer its benefit cost ratio shall be subtracted from its reserve ratio. One-third of the resulting amount shall be subtracted from its benefit cost ratio. The resulting figure, expressed as a percentage and rounded to the nearest tenth of one percent, shall become its local government tax rate for the following rate year. For the rate year 1980 no tax rate shall be less than 0.6 percent nor more than 2.2 percent. For 1981 no tax rate shall be less than 0.4 percent nor more than 2.6 percent. For years after 1981 no tax rate shall be less than 0.2 percent or more than 3.0 percent. No individual rate shall be increased any more than 1.0 percent from one rate year to the next.

(5) Any county, city or town electing participation under this section at any time after December 15, 1977, shall be assigned a tax rate of one and one-quarter percent of total remuneration for the first eight quarters of the participation.

(6) Each year after 1980 the commissioner shall review the local government tax system and make recommendations to the legislature for changes in said system.

(7) "Local government tax" shall be deemed to be "contributions" to the extent that such usage is consistent with the purposes of this title. Such construction shall include but not be limited to those portions of this title

and the rules and regulations enacted pursuant thereto dealing with assessments, interest, penalties, liens, collection procedures and remedies, administrative and judicial review, and the imposition of administrative, civil and criminal sanctions.

Sec. 23. Section 22, chapter 3, Laws of 1971 as last amended by section 12, chapter 35, Laws of 1981 and RCW 50.44.050 are each amended to read as follows:

~~((1))~~ Except as otherwise provided in subsections (1), ~~((2) and (3))~~ through (5) of this section, benefits based on services in employment covered by or pursuant to this chapter shall be payable on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this title.

(1) Benefits based on service in an instructional, research or principal administrative capacity ~~((in))~~ for an educational institution shall not be paid to an individual for any week of unemployment which commences during the period between two successive academic years or terms (or, when an agreement provides instead for a similar period between two regular but not successive terms, during such period) ~~((to an individual))~~ if such individual performs such services in the first of such academic years or terms and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms. Any employee of a common school district who is presumed to be reemployed pursuant to RCW 28A.67.070 shall be deemed to have a contract for the ensuing term.

(2) With respect to weeks of unemployment beginning on or after the effective date of this 1983 section, benefits shall not be paid based on services in any other capacity for an educational institution ~~((other than an institution of higher education as defined in RCW 50.44.037))~~ for any week of unemployment which commences during the period between two successive academic years ~~((or during a period between two successive academic years))~~ or terms, if such individual performs such services in the first of such academic years or terms and there is an individual contract or an individual written notice to the employee that the individual will perform such services in the second of such academic years or terms: **PROVIDED, That with respect to weeks of unemployment beginning on or after the effective date of this 1983 section, if benefits are denied to any individual under this subsection and that individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, the individual is entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this subsection.**

The individual written notice to the employee from the employer must contain a statement that: (a) The notice will result in a denial of benefits;

(b) there is a possibility of retroactive benefits if the individual is not offered an opportunity to perform services in the second academic year or term; and (c) to be eligible for retroactive benefits the individual must file a timely claim for benefits in each week for which retroactive benefits would be sought.

(3) Benefits shall not be paid based on any services described in subsections (1) and (2) of this section for any week of unemployment which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(4) Benefits shall not be paid (as specified in subsections (1), (2), or (3) of this section) based on any services described in subsections (1) or (2) of this section to any individual who performed such services in an educational institution while in the employ of an educational service district which is established pursuant to chapter 28A.21 RCW and exists to provide services to local school districts.

(5) Subsections (2), (3), and (4) of this section, as they relate to services other than those in an instructional, research, or principal administrative capacity, shall not apply to an individual who has worked in a noninstructional, nonresearch, and nonprincipal administrative capacity for an educational institution during the same period one year earlier and who is not working in the current period due to a lack of work.

Sec. 24. Section 23, chapter 3, Laws of 1971 as amended by section 19, chapter 292, Laws of 1977 ex. sess. and RCW 50.44.060 are each amended to read as follows:

Benefits paid to employees of "nonprofit organizations" shall be financed in accordance with the provisions of this section. For the purpose of this section and RCW 50.44.070, the term "nonprofit organization" is limited to those organizations described in RCW 50.44.010, and joint accounts composed exclusively of such organizations.

(1) Any nonprofit organization which is, or becomes subject to this title on or after January 1, 1972 shall pay contributions under the provisions of RCW 50.24.010, unless it elects, in accordance with this subsection, to pay to the commissioner for the unemployment compensation fund an amount equal to the full amount of regular and additional benefits and one-half of the amount of extended benefits paid to individuals for weeks of unemployment which begin during the effective period of such election to the extent that such payments are attributable to service in the employ of such nonprofit organization.

(a) Any nonprofit organization which becomes subject to this title after January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than twelve months beginning with the date

on which such subjectivity begins by filing a written notice of its election with the commissioner not later than thirty days immediately following the date of the determination of such subjectivity.

(b) Any nonprofit organization which makes an election in accordance with paragraph (a) of this subsection will continue to be liable for payments in lieu of contributions until it files with the commissioner a written notice terminating its election not later than thirty days prior to the beginning of the taxable year for which such termination shall first be effective.

(c) Any nonprofit organization which has been paying contributions under this title for a period subsequent to January 1, 1972 may change to a reimbursable basis by filing with the commissioner not later than thirty days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

(d) The commissioner may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1969.

(e) The commissioner, in accordance with such regulations as he may prescribe, shall notify each nonprofit organization of any determination which he may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Any nonprofit organization subject to such determination and dissatisfied with such determination may file a request for review and redetermination with the commissioner within thirty days of the mailing of the determination to the organization. Should such request for review and redetermination be denied, the organization may, within ten days of the mailing of such notice of denial, file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this paragraph.

(2) Payments in lieu of contributions shall be made in accordance with the provisions of this section including either paragraph (a) or (b) of this subsection.

(a) At the end of each calendar quarter, the commissioner shall bill each nonprofit organization or group of such organizations which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular and additional benefits plus one-half of the amount of extended benefits paid during such quarter that is attributable to service in the employ of such organization.

(b) (i) Each nonprofit organization that has elected payments in lieu of contributions may request permission to make such payments as provided in this paragraph. Such method of payment shall become effective upon approval by the commissioner.

(ii) At the end of each calendar quarter, or at the end of such other period as determined by the commissioner, the commissioner shall bill each nonprofit organization for an amount representing one of the following:

(A) The percentage of its total payroll for the immediately preceding calendar year as the commissioner shall determine. Such determination shall be based each year on the average benefit costs attributable to service in the employ of nonprofit organizations during the preceding calendar year.

(B) For any organization which did not pay wages throughout the four calendar quarters of the preceding calendar year, such percentage of its payroll during such year as the commissioner shall determine.

(iii) At the end of each taxable year, the commissioner may modify the quarterly percentage of payroll thereafter payable by the nonprofit organization in order to minimize excess or insufficient payments.

(iv) At the end of each taxable year, the commissioner shall determine whether the total of payments for such year made by a nonprofit organization is less than, or in excess of, the total amount of regular and additional benefits plus one-half of the amount of extended benefits paid to individuals during such taxable year based on wages attributable to service in the employ of such organization. Each nonprofit organization whose total payments for such year are less than the amount so determined shall be liable for payment of the unpaid balance to the fund in accordance with paragraph (c). If the total payments exceed the amount so determined for the taxable year, all of the excess payments will be retained in the fund as part of the payments which may be required for the next taxable year, or a part of the excess may, at the discretion of the commissioner, be refunded from the fund or retained in the fund as part of the payments which may be required for the next taxable year.

(c) Payment of any bill rendered under paragraph (a) or (b) shall be made not later than thirty days after such bill was mailed to the last known address of the nonprofit organization or was otherwise delivered to it, and if not paid within such thirty days, the reimbursement payments itemized in the bill shall be deemed to be delinquent and the whole or part thereof remaining unpaid shall bear interest and penalties from and after the end of such thirty days at the rate and in the manner set forth in RCW 50.12.220 and 50.24.040.

(d) Payments made by any nonprofit organization under the provisions of this section shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization. Any deduction in violation of the provisions of this paragraph shall be unlawful.

(3) Each employer that is liable for payments in lieu of contributions shall pay to the commissioner for the fund the total amount of regular and additional benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer

and one or more of such employers are liable for payments in lieu of contributions, the amount payable to the fund by each employer that is liable for such payments shall be determined in accordance with the provisions of paragraphs (a) through (d) of this subsection.

(a) If benefits paid to an individual are based on wages paid by one or more employers that are liable for payments in lieu of contributions and on wages paid by one or more employers who are liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

(b) If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

Sec. 25. Section 13, chapter 18, Laws of 1982 1st ex. sess. and RCW 50.04.145 are each amended to read as follows:

The term "employment" shall not include services rendered by any person, firm, or corporation currently engaging in a business which is registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW when:

(1) Contracting to perform work for any contractor registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW;

~~(2) ((There is no other person, firm or corporation doing the same work at the same time on the same project except two or more persons, firms or corporations may contract and do the same work at the same time on the same project if each person, firm or corporation has employees;~~

~~(3))~~ (3) The person, firm, or corporation has a principal place of business which would be eligible for a business deduction for internal revenue service tax purposes other than that furnished by the contractor for which the business has contracted to furnish services;

~~((4))~~ (4) The person, firm, or corporation maintains a separate set of books or records that reflect all items of income and expenses of the business; ~~((and~~

~~(5))~~ (5) The work which the person, firm, or corporation has contracted to perform is:

(a) The work of a contractor as defined in RCW 18.27.010; or

(b) The work of installing wires or equipment to convey electric current or installing apparatus to be operated by such current as it pertains to the electrical industry as described in chapter 19.28 RCW; and

(5) A contractor registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW does not supervise or control the means by which the result is accomplished or the manner in which the work is performed.

NEW SECTION. Sec. 26. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 27. (1) Sections 6, 8, 17, 18, 19, and 25 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing institutions, and shall take effect as follows:

(a) Sections 17, 18, 19, and 25 of this act shall take effect on June 30, 1983;

(b) Sections 6 and 8 of this act shall take effect on July 3, 1983, and shall be effective for benefit years commencing on or after that date.

(2) Sections 4 and 13 of this act shall take effect on October 1, 1983. Sections 7, 11, and 12 of this act shall also take effect on October 1, 1983, and shall be effective for all weeks of benefits paid on or after that date.

Passed the Senate May 7, 1983.

Passed the House May 6, 1983.

Approved by the Governor May 13, 1983.

Filed in Office of Secretary of State May 13, 1983.

CHAPTER 24

[Engrossed Senate Bill No. 3390]

PERSONALIZED LICENSE PLATES—SEVEN SPACES ALLOWED—FUND USE DESCRIBED—APPROPRIATION

AN ACT Relating to personalized license plates; amending section 4, chapter 200, Laws of 1973 1st ex. sess. as amended by section 3, chapter 59, Laws of 1975 and RCW 46.16.570; amending section 11, chapter 200, Laws of 1973 1st ex. sess. as last amended by section 118, chapter 3, Laws of 1983 and RCW 46.16.605; making an appropriation; declaring an emergency; and providing an effective date.

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

Sec. 1. Section 4, chapter 200, Laws of 1973 1st ex. sess. as amended by section 3, chapter 59, Laws of 1975 and RCW 46.16.570 are each amended to read as follows:

The personalized license plates shall be the same design as regular license plates, and shall consist of numbers or letters, or any combination

thereof not exceeding ~~((six))~~ seven positions unless proposed by the department and approved by the Washington State Patrol and not less than two positions(~~(-PROVIDED))~~, to the extent that there are no conflicts with existing passenger, commercial, trailer, motorcycle, or special license plates series or with the provisions of RCW 46.16.230 or 46.16.235: PROVIDED ((FURTHER)), That the maximum number of positions on personalized license plates for motorcycles shall be designated by the department.

Sec. 2. Section 11, chapter 200, Laws of 1973 1st ex. sess as last amended by section 118, chapter 3, Laws of 1983 and RCW 46.16.605 are each amended to read as follows:

All revenue derived from the fees provided for in RCW 46.16.585 shall be forwarded to the state treasurer ~~((accompanied by a proper identifying detailed report and by him))~~ and be deposited to the credit of the state game fund to be used for the preservation, protection, perpetuation, and enhancement of nongame species of wildlife including but not limited to song birds, raptors, protected wildlife, rare and endangered wildlife, aquatic life, and specialized-habitat types, both terrestrial and aquatic, as well as all unclassified marine fish, shellfish, and marine invertebrates.

Administrative costs incurred by the department of licensing as a direct result of RCW 46.16.560 through 46.16.605 and 77.12.170 shall be appropriated by the legislature from the state game fund from those funds deposited therein resulting from the sale of personalized license plates. If the actual costs incurred by the department of licensing are less than that which has been appropriated by the legislature the remainder shall revert to the state game fund.

NEW SECTION. Sec. 3. There is appropriated from the game fund to the department of licensing for the biennium ending June 30, 1985, the sum of one hundred and twenty-one thousand dollars, or so much thereof as may be necessary to carry out the purposes of section 1 of this act.

NEW SECTION. Sec. 4. Section 2 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of state government and its existing public institutions, and shall take effect on July 1, 1983. Section 1 of this act takes effect on July 1, 1984.

Passed the Senate May 6, 1983.

Passed the House May 5, 1983.

Approved by the Governor May 13, 1983.

Filed in Office of Secretary of State May 13, 1983.

CHAPTER 25

[Engrossed Senate Bill No. 3162]

NONPROFIT ORGANIZATIONS—SALE OF DONATED MATERIAL NOT A
COMMERCIAL USE—CONDITIONS

AN ACT Relating to property taxation of nonprofit organizations; and amending section 2, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.030.

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

Sec. 1. Section 2, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.030 are each amended to read as follows:

The following real and personal property shall be exempt from taxation:

Property owned by nonprofit(~~(, nonsectarian))~~) organizations or associations, organized and conducted for nonsectarian purposes, which shall be solely used, or to the extent used, for character-building, benevolent, protective or rehabilitative social services directed at persons of all ages. The sale of donated merchandise shall not be considered a commercial use of the property under this section if the proceeds are devoted to the furtherance of the purposes of the selling organization or association as specified in this paragraph;

Property owned by any nonprofit church, denomination, group of churches, or an organization or association, the membership of which is comprised solely of churches or their qualified representatives, which is utilized as a camp facility if exclusively and/or jointly used for organized and supervised recreational activities and church purposes as related to such camp facilities. The rental of property otherwise exempt under this paragraph to another nonprofit church or a nonsectarian organization or association, nonprofit school or college exempt under this chapter for the use by the lessee for the purposes set forth in this paragraph shall not nullify the exemption provided for in this paragraph if the rental income is devoted solely to the operation and maintenance of the property. The exemption provided by this paragraph shall apply to a maximum of two hundred acres of any such camp as selected by the church, including buildings and other improvements thereon.

Property, including buildings and improvements required for the maintenance and safeguarding of such property, owned by nonprofit organizations or associations engaged in character building of boys and girls under eighteen years of age, and solely used, or to the extent used, for such purposes and uses, provided such purposes and uses are for the general public good: PROVIDED, That if existing charters provide that organizations or associations, which would otherwise qualify under the provisions of this paragraph, serve boys and girls up to the age of twenty-one years, then such

organizations or associations shall be deemed qualified pursuant to this section. The rental of property otherwise exempt under this paragraph to another nonprofit organization or association engaged in character building of boys and girls under eighteen years of age or to a nonprofit church organization, a nonsectarian organization or association, or school or college exempt under this chapter, or to a public school for the use by the lessee for the purposes set forth in this paragraph shall not nullify the exemption provided for in this paragraph if the rental income is devoted solely to the operation and maintenance of the property;

Property owned by all organizations and societies of veterans of any war of the United States, recognized as such by the department of defense, which shall have national charters, and which shall have for their general purposes and objects the preservation of the memories and associations incident to their war service and the consecration of the efforts of their members to mutual helpfulness and to patriotic and community service to state and nation. To be exempt such property must be primarily used in such manner as may be reasonably necessary to carry out the purposes and objects of such societies;

Property owned by all corporations, incorporated under any act of congress, 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.

NEW SECTION. Sec. 2. This act is effective for property taxes levied in calendar year 1983 and due and payable in calendar year 1984 and thereafter.

Passed the Senate April 28, 1983.

Passed the House May 5, 1983.

Approved by the Governor May 13, 1983.

Filed in Office of Secretary of State May 13, 1983.

CHAPTER 26

[Engrossed Substitute House Bill No. 740]

COST CONTROL TASK FORCE

AN ACT Relating to state government; creating new sections; providing an expiration date; and declaring an emergency.

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

NEW SECTION. Sec. 1. To improve the operational effectiveness of government and to minimize the undesirable alternatives of reducing necessary government services or unnecessarily increasing taxes, the legislature shall establish a cost control task force.

NEW SECTION. Sec. 2. The cost control task force members and chairman shall be appointed by the speaker of the house of representatives, the president of the senate and the governor of the state and shall consist of management, business and economic specialists from the private sector. The speaker of the house of representatives, the president of the senate and the governor of the state shall each select an equal number of task force members after soliciting interest in the task force from private sector specialists. It is the intent of the legislature that the task force be a nonpartisan body. Members of the legislative budget committee shall serve as a nonvoting, ex officio members of the task force. The task force members shall develop their own rules of operation and meetings and shall have authority to examine, question and review all state agencies.

NEW SECTION. Sec. 3. The cost control task force shall prepare a report to be delivered to the legislature and to the governor no later than December 5, 1983, which shall include recommendations which, if implemented, would accomplish any of the following objectives: (1) Simplify intradepartmental organizations so that administrative overhead is minimized and appropriate support activities are combined; (2) increase productivity through more efficient work methods, systems, and procedures; (3) improve the use of physical resources, including buildings, land, and equipment; (4) initiate new or improved information and control systems to improve management planning and control; and (5) any other innovations or changes which would result in better or more economic delivery of services.

It is not the intent of the legislature that the cost control task force review or make recommendations in the general policy area of which services are being provided, but rather the method by which they are being provided.

NEW SECTION. Sec. 4. The cost control task force shall cease to exist upon submitting its report as required by section 3 of this act.

NEW SECTION. Sec. 5. The legislative advisory committee on state government organization created by Engrossed Substitute Senate Concurrent Resolution No. 113 of 1983, beginning on June 30, 1984, shall audit the implementation of recommendations made by the cost control task force, and shall submit a report of its audit to the legislature prior to December 31, 1984.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 5, 1983.

Passed the Senate May 4, 1983.

Approved by the Governor May 13, 1983.

Filed in Office of Secretary of State May 13, 1983.

CHAPTER 27

[Substitute House Bill No. 39]

SUNSET REVIEW PROCEDURES REVISED—SELECT JOINT COMMITTEE ON
SUNSET REVIEW CREATED

AN ACT Relating to sunset review; amending section 1, chapter 153, Laws of 1965 as last amended by section 42, chapter 158, Laws of 1979 and RCW 18.44.010; amending section 29, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.215; amending section 2, chapter 212, Laws of 1971 ex. sess. and RCW 18.104.020; amending section 3, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.030; amending section 4, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.040; amending section 8, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.080; amending section 9, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.090; amending section 12, chapter 289, Laws of 1977 ex. sess. as amended by section 2, chapter 22, Laws of 1979 and RCW 43.131.120; amending section 1, chapter 99, Laws of 1979 and RCW 43.131.150; adding a new section to chapter 18.44 RCW; adding a new section to chapter 43.131 RCW; decodifying RCW 43.131.151, 43.131.152, 43.131.155, 43.131.156, 43.131.157, 43.131.158, 43.131.161, 43.131.163, 43.131.164, 43.131.165, 43.131.166, 43.131.167, 43.131.168, 43.131.171, 43.131.172, 43.131.175, 43.131.176, 43.131.183, 43.131.184, 43.131.191, 43.131.192, 43.131.193, 43.131.194, 43.131.233, and 43.131.234; repealing section 8, chapter 245, Laws of 1971 ex. sess., section 12, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.210; repealing section 9, chapter 212, Laws of 1971 ex. sess., section 55, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.104.090; repealing section 9, chapter 260, Laws of 1981 and RCW 43.131.140; repealing section 86, chapter 99, Laws of 1979 and RCW 43.131.145; and declaring an emergency.

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

Sec. 1. Section 3, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.030 are each amended to read as follows:

As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise.

(1) "Committees of reference" means the standing legislative committees designated by the (~~respective rules committees of the~~) senate and house of representatives to consider termination, modification, or reestablishment of state agencies pursuant to this chapter.

(2) "Person" includes every natural person, firm, partnership, corporation, association, or organization.

(3) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which licenses or regulates one or more professions, occupations, industries, businesses, or other endeavors in the state of Washington.

(4) "State agency" includes every state office, department, board, commission, regulatory entity and agency of the state, and where provided by law, programs and activities involving less than the full responsibility of a state agency.

Sec. 2. Section 4, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.040 are each amended to read as follows:

Any state agency scheduled for termination by the processes provided in this chapter may be reestablished by the legislature for a specified period of

time (~~((specified by law, but not to exceed six years. At the end of such period of time))~~) or indefinitely. The legislature (~~((shall))~~) may again review (~~((such))~~) the state agency in a manner consistent with the provisions of this chapter (~~((and RCW 43.06.010))~~) and reestablish, modify, or consolidate such state agency or allow it to be terminated.

Sec. 3. Section 8, chapter 289, Laws of 1977 ex. sess. and RCW 43-.131.080 are each amended to read as follows:

(1) Following receipt of the final report from the legislative budget committee, the appropriate committees of reference in the senate and the house of representatives shall (~~((jointly))~~) each hold a public hearing, unless a joint hearing is held, to consider the final report and any related data. The committees shall also receive testimony from representatives of the state agency or agencies involved, which shall have the burden of demonstrating a public need for its continued existence; and from the governor or the governor's designee, and other interested parties, including the general public.

(2) When requested (~~((jointly))~~) by either of the presiding members of the appropriate senate and house committees of reference, a regulatory entity under review shall mail an announcement of (~~((the joint))~~) any hearing to the persons it regulates who have requested notice of agency rule-making proceedings as provided in RCW 34.04.025(1)(a), as now existing or hereafter amended, or who have requested notice of hearings held pursuant to the provisions of this section. On request of either presiding member, such mailing shall include an explanatory statement not exceeding one page in length prepared and supplied by the member's committee.

(3) The presiding members of the senate committee on ways and means and the house committee on appropriations may designate one or more liaison members to each committee of reference in their respective chambers for purposes of participating in (~~((the joint))~~) any hearing and in subsequent committee of reference discussions and to seek a coordinated approach between the committee of reference and the committee they represent in a liaison capacity.

(4) Following (~~((the joint))~~) any hearing under subsection (1) of this section by the committees of reference, such committees may (~~((separately))~~) hold additional meetings or hearings to come to a final determination as to whether a state agency has demonstrated a public need for its continued existence or whether modifications in existing procedures are needed. In the event that a committee of reference concludes that a state agency shall be reestablished or modified or its functions transferred elsewhere, it shall make such determination as a bill. No more than one state agency shall be reestablished or modified in any one bill.

Sec. 4. Section 9, chapter 289, Laws of 1977 ex. sess. and RCW 43-.131.090 are each amended to read as follows:

~~((If terminated, a))~~ Unless the legislature specifies a shorter period of time, a terminated state agency shall continue in existence until June 30th

of the next succeeding year for the purpose of concluding its affairs: PROVIDED, That the powers and authority of the state agency shall not be reduced or otherwise limited during this period. Unless otherwise provided:

(1) All employees of terminated state agencies classified under chapter 41.06 RCW, the state civil service law, shall be transferred as appropriate or as otherwise provided in the procedures adopted by the personnel board pursuant to RCW 41.06.150;

(2) All documents and papers, equipment, or other tangible property in the possession of the terminated state agency shall be delivered to the custody of the agency assuming the responsibilities of the terminated agency or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of general administration;

(3) All funds held by, or other moneys due to, the terminated state agency shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund;

(4) Notwithstanding the provisions of RCW 34.04.940, all rules made by a terminated state agency shall be repealed, without further action by the state agency, at the end of the period provided in this section, unless assumed and reaffirmed by the agency assuming the related legal responsibilities of the terminated state agency;

(5) All contractual rights and duties of a state agency shall be assigned or delegated to the agency assuming the responsibilities of the terminated state agency, or if there is none to such agency as the governor shall direct.

NEW SECTION. Sec. 5. There is added to chapter 43.131 RCW a new section to read as follows:

(1) The select joint committee on sunset review is hereby created.

(2) The committee shall consist of five senators and five representatives who shall be selected prior to the close of the regular session of the legislature in 1983 and before the close of each regular session during odd-numbered years thereafter as follows:

(a) The president of the senate shall nominate five senators, three members from the majority party and two members from the minority party and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be installed as members.

(b) The speaker of the house of representatives shall nominate five representatives, three members from the majority party, and two members from the minority party and shall submit the list of nominees to the house of representatives for confirmation. Upon confirmation, the representatives shall be installed as members.

(3) The committee shall fill any vacancies occurring on the committee by appointment from the legislative chamber whose member departs. Members filling vacancies shall serve until their successors are installed under subsection (2) of this section or until they are no longer members of the

legislature, whichever is sooner. All vacancies shall be filled from the same political party as that of the member whose seat was vacated.

NEW SECTION. Sec. 6. There is added to chapter 43.131 RCW a new section to read as follows:

The committee by majority vote shall select a chairperson.

Sec. 7. Section 12, chapter 289, Laws of 1977 ex. sess. as amended by section 2, chapter 22, Laws of 1979 and RCW 43.131.120 are each amended to read as follows:

(1) ~~((The speaker of the house of representatives and the president of the senate shall appoint a select joint committee consisting of ten members of the legislature within thirty days of June 17, 1977. The speaker shall appoint three members of the majority party and two members of the minority party. The president shall appoint three members of the majority party and two members of the minority party))~~ The committee shall be responsible for monitoring the schedule of agencies to be reviewed under this chapter, modifying this schedule to insure the effective operation of this chapter, and performing other duties necessary for the implementation of this chapter. The committee shall continue to be responsible for the development of legislation which provides ~~((a schedule))~~ as needed in a manner consistent with the terms of this chapter and of RCW 43.06.010 as now or hereafter amended. ~~((The termination of such state agencies shall occur over a period of four years, beginning on June 30, 1981.))~~ In the development of such legislation, the select joint committee shall:

(a) Identify state agencies which might appropriately be scheduled for termination ~~((and arrange for automatic termination of state agencies, with a reasonable number of state agencies to be terminated on June 30, 1981, and a reasonable number of state agencies to be terminated on June 30, 1983;))~~ under subsection (2) of this section. No more than one state agency shall be so identified or scheduled for automatic termination in any one section of such legislation;

(b) Seek to schedule state agencies with like goals, objectives, or functions for termination on the same date so as to better assure identification of duplicative activities and provide for appropriate modification or consolidation of state agencies to avoid future duplication; and

(c) Seek to schedule state agencies for termination in a manner which assures that as many committees of reference as possible have sufficient opportunity to develop experience in conducting reviews as provided pursuant to the terms of this chapter, and which assures that no such committee is given responsibility for review of an unreasonable number of state agencies during any legislative session.

(2) In identifying those state agencies to be scheduled for termination, the select joint committee shall consider, but not be limited to, the following factors where applicable:

(a) The extent to which the burden of compliance on the executive and legislative branches with the terms of this chapter is reasonable;

(b) The extent to which a state agency may serve the interests of a particular profession, occupation, or industry as opposed to the interests of the public;

(c) The extent to which a state agency may have outlived its original statutory purpose; and

(d) The potential for fiscal savings.

(3) The select joint committee (~~shall also be responsible for assisting in the implementation of the terms and provisions of this chapter and shall establish proposed~~) may propose procedures which facilitate legislative review as required by this chapter for presentation to the legislature. (~~Such~~) The committee (shall) may recommend legislative rules which assure effective and appropriate consideration of all bills and reports regarding termination, modification, consolidation, or reauthorization of state agencies scheduled for termination.

~~((4) Proposed legislation, recommendations, and findings shall be submitted to the legislature as soon as is practicable, but no later than the first day the legislature is in session after January 1, 1978.))~~

Sec. 8. Section 1, chapter 99, Laws of 1979 and RCW 43.131.150 are each amended to read as follows:

The state agencies and programs scheduled for termination (~~in RCW 43.131.151 through 43.131.234~~) under this chapter shall be subject to all of the processes provided in (~~RCW 43.131.010 through 43.131.110 as now existing or hereafter amended~~) this chapter.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

- (1) Section 9, chapter 260, Laws of 1981 and RCW 43.131.140; and
- (2) Section 86, chapter 99, Laws of 1979 and RCW 43.131.145.

NEW SECTION. Sec. 10. RCW 43.131.151, 43.131.152, 43.131.155, 43.131.156, 43.131.157, 43.131.158, 43.131.161, 43.131.163, 43.131.164, 43.131.165, 43.131.166, 43.131.167, 43.131.168, 43.131.171, 43.131.172, 43.131.175, 43.131.176, 43.131.183, 43.131.184, 43.131.191, 43.131.192, 43.131.193, 43.131.194, 43.131.233, and 43.131.234 are each decodified.

*NEW SECTION. Sec. 11. *There is added to chapter 18.44 RCW a new section to read as follows:*

There is established an escrow commission of the state of Washington consisting of the limited practice board created by the supreme court of the state of Washington by its limited practice rule for closing officers. The commission shall be appointed by the supreme court of the state of Washington and shall have such duties and powers as shall be granted by the supreme court of the state of Washington. Any conflicts between orders, rules, and regulations promulgated by the limited practice board acting as

the state escrow commission and any provisions of this chapter shall be resolved in favor of orders or rules of the supreme court of the state of Washington or the limited practice board acting in behalf of the supreme court of the state of Washington and as the state escrow commission.

**Sec. 11. was vetoed, see message at end of chapter.*

**Sec. 12. Section 1, chapter 153, Laws of 1965 as last amended by section 42, chapter 158, Laws of 1979 and RCW 18.44.010 are each amended to read as follows:*

Unless the context otherwise requires terms used in this chapter shall have the following meanings:

- (1) "Department" means the department of licensing.*
- (2) "Director" means the director of licensing, or his duly authorized representative.*
- (3) "Escrow" means any transaction wherein any person or persons, for the purpose of effecting and closing the sale, purchase, exchange, transfer, encumbrance, or lease of real or personal property to another person or persons, delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person to be held by such third person until the happening of a specified event or the performance of a prescribed condition or conditions, when it is then to be delivered by such third person, in compliance with instructions under which he is to act, to a grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor, or any agent or employee thereof.*
- (4) "Escrow agent" means any sole proprietorship, firm, association, partnership, or corporation engaged in the business of performing for compensation the duties of the third person referred to in RCW 18.44.010(3) above.*
- (5) "Certificated escrow agent" means any sole proprietorship, firm, association, partnership, or corporation holding a certificate of registration as an escrow agent under the provisions of this chapter.*
- (6) "Person" unless a different meaning appears from the context, includes an individual, a firm, association, partnership or corporation, or the plural thereof, whether resident, nonresident, citizen or not.*
- (7) "Escrow officer" means any natural person handling escrow transactions and licensed as such by the director: PROVIDED, That such person is also certified by the supreme court to select, prepare, and complete documents in connection with a sale, exchange, or transfer of property.*
- (8) "Escrow commission" means the escrow commission of the state of Washington created by (~~RCW 18.44.210~~) section 11 of this 1983 act.*
- (9) "Controlling person" is any person who owns or controls ten percent or more of the beneficial ownership of any escrow agent, regardless of the form of business organization employed and regardless of whether such interest stands in such person's true name or in the name of a nominee.*

**Sec. 12. was vetoed, see message at end of chapter.*

***Sec. 13. Section 29, chapter 156, Laws of 1977 ex. sess. and RCW 18-44.215 are each amended to read as follows:**

The ((four)) escrow commission members shall each receive fifty dollars per day for each day engaged in official business of the commission, plus travel expenses as provided for state officials and employees in RCW 43.03-.050 and 43.03.060, when called into session by the ((director)) commission or when otherwise engaged in the business of the commission.

*Sec. 13. was vetoed, see message at end of chapter.

Sec. 14. Section 2, chapter 212, Laws of 1971 ex. sess. and RCW 18-104.020 are each amended to read as follows:

~~((As used in))~~ The definitions set forth in this section apply throughout this chapter, unless a different meaning is plainly required by the context((:)).

(1) "Constructing a well" or "construct a well" means and includes boring, digging, drilling, or excavating and installing casing, sheeting, lining, or well screens, whether in the installation of a new well or in the alteration of an existing well.

(2) "Department" means the department of ecology.

(3) "Director" means the director of the department of ecology.

(4) ~~((("Examining board" means the board established pursuant to RCW 18.104.090.~~

~~(5))~~ "Ground water" means and includes ground waters as defined in RCW 90.44.035, as now or hereafter amended.

(6) "Operator" means any person, other than a person exempted by RCW 18.104.180, who is employed by a water well contractor for the control and supervision of the construction of a water well or for the operation of water well construction equipment.

(7) "Water well" means and includes any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of the well is for the location, diversion, artificial recharge, or withdrawal of ground water. "Water well" does not mean an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.

(8) "Water well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity engaged in the business of constructing water wells.

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

(1) Section 8, chapter 245, Laws of 1971 ex. sess., section 12, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.210; and

(2) Section 9, chapter 212, Laws of 1971 ex. sess., section 55, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.104.090.

NEW SECTION. Sec. 16. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 6, 1983.

Passed the Senate May 6, 1983.

Approved by the Governor May 14, 1983, with the exception of sections 11, 12, and 13, which were vetoed.

Filed in Office of Secretary of State May 14, 1983.

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

"I am returning herewith, without my approval as to three sections, Substitute House Bill No. 39, entitled:

"AN ACT Relating to sunset review."

Sections 11, 12, and 13 of this bill were amended into the bill in an attempt to clarify state regulation of escrow agents. The current regulatory picture is unclear as a result of the Supreme Court's issuance of Admission to Practice Rule 12, which became effective January 21, 1983. I agree that a resolution to the many questions of escrow agent regulation must be reached, and have directed the Department of Licensing to work with the Supreme Court toward this end. Unfortunately, these three sections would merely raise additional separation of powers questions. In addition, their content is inconsistent with the bill's title.

With the exceptions of sections 11, 12, and 13, Substitute House Bill No. 39 is approved."

CHAPTER 28

[Second Substitute House Bill No. 295]

STATE EMPLOYEES PAY PERIOD—TWICE A MONTH—APPROPRIATION

AN ACT Relating to state officers and employees; amending section 2, chapter 208, Laws of 1957 as last amended by section 53, chapter 151, Laws of 1979 and RCW 41.04.036; amending section 5, chapter 59, Laws of 1969 as last amended by section 1, chapter 120, Laws of 1980 and RCW 41.04.230; amending section 1, chapter 130, Laws of 1891 as last amended by section 68, chapter 151, Laws of 1979 and RCW 42.16.010; amending section 8, chapter 25, Laws of 1967 ex. sess. as amended by section 72, chapter 151, Laws of 1979 and RCW 42.16.017; adding a new section to chapter 41.04 RCW; creating new sections; and making an appropriation.

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

Sec. 1. Section 1, chapter 130, Laws of 1891 as last amended by section 68, chapter 151, Laws of 1979 and RCW 42.16.010 are each amended to read as follows:

~~((The salaries of))~~ (1) Except as provided otherwise in subsection (2) of this section, all state officers and employees shall be paid ((monthly on the last day of each month unless the director of financial management shall establish different dates in accordance with RCW 42.16.017. PROVIDED; That the director of financial management may adopt or authorize adoption of semimonthly or more frequent payment schedules for state agencies, in

~~his discretion: AND PROVIDED FURTHER, That schedules for the payment of compensation more often than semimonthly may be adopted only upon the written requests of state agencies, and only for the purpose of conforming state payment schedules for classes of employees in specific trades or occupations to customary schedules prevailing in private industries)) for services rendered from the first day of the month through the fifteenth day of the month and for services rendered from the sixteenth day of the month through the last calendar day of the month. Paydates for these two pay periods shall be established by the director of financial management through the administrative hearing process and the official paydates shall be established six months prior to the beginning of each subsequent calendar year. Under no circumstance shall the paydate be established more than ten days after the pay period in which the wages are earned except when the designated paydate falls on Sunday, in which case the paydate shall not be later than the following Monday. Payment shall be deemed to have been made by the established paydates if: (a) The salary warrant is available at the geographic work location at which the warrant is normally available to the employee; or (b) the salary has been electronically transferred into the employee's account at the employee's designated financial institution; or (c) the salary warrants are mailed at least two days before the established paydate for those employees engaged in work in remote or varying locations from the geographic location at which the payroll is prepared, provided that the employee has requested payment by mail.~~

~~The office of financial management shall develop the necessary policies and operating procedures to assure that all remuneration for services rendered including basic salary, shift differential, standby pay, overtime, penalty pay, salary due based on contractual agreements, and special pay provisions, as provided for by law, personnel board rules, agency policy or rule, or contract, shall be available to the employee on the designated paydate. Overtime, penalty pay, and special pay provisions may be paid by the next following paydate if the postponement of payment is attributable to: The employee's not making a timely or accurate report of the facts which are the basis for the payment, or the employer's lack of reasonable opportunity to verify the claim.~~

~~Compensable benefits payable because of separation from state service shall be paid with the earnings for the final period worked unless the employee separating has not provided the agency with the proper notification of intent to terminate.~~

~~One-half of the employee's basic monthly salary shall be paid in each pay period. Employees paid on an hourly basis or employees who work less than a full pay period shall be paid for actual salary earned.~~

~~(2) Subsection (1) of this section shall not apply in instances where it would conflict with contractual rights or, with the approval of the office of~~

financial management, to short-term, intermittent, noncareer state employees, to student employees of institutions of higher education, and to liquor control agency managers who are paid a percentage of monthly liquor sales.

Sec. 2. Section 2, chapter 208, Laws of 1957 as last amended by section 53, chapter 151, Laws of 1979 and RCW 41.04.036 are each amended to read as follows:

Any official of the state or of any of its political subdivisions authorized to disburse funds in payment of salaries or wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct (~~each month~~) from the salary or wages of the officer or employee the amount of money designated by the officer or employee for payment to the United Fund.

The moneys so deducted shall be paid over promptly to the United Fund designated by the officer or employee. Subject to any regulations prescribed by the office of financial management, the official authorized to disburse the funds in payment of salaries or wages may prescribe any procedures necessary to carry out RCW 41.04.035 and 41.04.036.

*Sec. 3. Section 5, chapter 59, Laws of 1969 as last amended by section 1, chapter 120, Laws of 1980 and RCW 41.04.230 are each amended to read as follows:

Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct (~~each month~~) from the salaries or wages of the officers or employees, the amount or amounts of subscription payments, premiums, contributions, or continuation thereof, for payment of the following:

(1) Credit union deductions: PROVIDED, That the credit union is organized solely for public employees: AND PROVIDED FURTHER, That twenty-five or more employees of a single state agency or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same credit union.

(2) Parking fee deductions: PROVIDED, That payment is made for parking facilities furnished by the agency or by the department of general administration.

(3) U.S. savings bond deductions: PROVIDED, That a person within the particular agency shall be appointed to act as trustee. The trustee will receive all contributions; purchase and deliver all bond certificates; and keep such records and furnish such bond or security as will render full accountability for all bond contributions.

(4) Board, lodging or uniform deductions when such board, lodging and uniforms are furnished by the state, or deductions for academic tuitions or fees or scholarship contributions payable to the employing institution.

(5) Dues and other fees deductions: PROVIDED, That the deduction is for payment of membership dues to any professional organization formed

primarily for public employees or college and university professors: AND PROVIDED, FURTHER, That twenty-five or more employees of a single state agency, or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same professional organization.

~~(6) ((Labor or employee organization dues may be deducted in the event that a payroll deduction is not provided under a collective bargaining agreement under the provisions of RCW 41.06.150: PROVIDED, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same labor or employee organization: PROVIDED; FURTHER, That labor or employee organizations with five hundred or more members in state government may have payroll deduction for employee benefit programs:)) Contributions to labor or employee organizations may be deducted in the event that one hundred or more state officers or employees have authorized such a deduction for payment to the same labor or employee organization: PROVIDED, That payroll deductions provided under a collective bargaining agreement may be deducted without regard to the number of employees affected.~~

(7) Insurance contributions to the trustee of contracts for payment of premiums under contracts authorized by the state employees' insurance board.

Deductions from salaries and wages of public officers and employees other than those enumerated in this section or by other law, may be authorized by the director of financial management for purposes clearly related to state employment or goals and objectives of the agency and for plans authorized by the state employees' insurance board.

The authority to make deductions from the salaries and wages of public officers and employees as provided for in this section shall be in addition to such other authority as may be provided by law: PROVIDED, That the state or any department, division, or separate agency of the state shall not be liable to any insurance carrier or contractor for the failure to make or transmit any such deduction.

*Sec. 3 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 4. There is added to chapter 41.04 RCW a new section to read as follows:

In order to facilitate the transition from one payroll per month to two payrolls per month, the following guidelines concerning payroll deductions and deferrals are established:

(1) All mandatory and voluntary deductions which are based upon a percentage of salary shall be deducted, after the effective date of this act, from the salaries payable for each pay period. This subsection shall apply regardless of when the deductions were authorized or required.

(2) The office of financial management shall adopt reasonable procedures providing for deductions, including deferrals, which are not based on a percentage of salary.

(3) Amounts which are deducted in accordance with subsections (1) and (2) of this section shall be paid to the designated recipient no later than the established paydates except when other agreements are reached with the designated recipient.

(4) Payment of deductions and deferrals to the designated recipient shall be made by warrant or check except when the designated recipient requests payment by electronic funds transfer. If recipients request electronic funds transfers, sufficient time shall be made available to establish the process. The elapsed time to establish the process shall not exceed three months from the time the recipient has requested in writing to the appropriate data processing payroll systems manager to receive payment by electronic funds transfer.

Documentation and itemization of deductions or deferrals paid shall be in printed form unless the designated recipient requests computer tapes. If recipients request computer tapes, sufficient time shall be made available to establish the process. Computer tapes shall be made available to the requesting designated recipient if at least one hundred employees paid from an automated payroll system have such deductions. The elapsed time to establish the process for providing computer tapes shall not exceed three months from the time the recipient has requested in writing to the appropriate data processing payroll systems manager to receive computer tapes. With the approval of the office of financial management, more advanced technology may be utilized to provide payment, documentation, and itemization of deductions to designated recipients.

NEW SECTION. Sec. 5. State officers and employees covered under RCW 42.16.010 shall be paid on January 10, 1984, for services rendered for the month of December 1983. On January 25, 1984, they shall be paid for services rendered from the first day of January 1984 through the fifteenth day of January 1984.

Sec. 6. Section 8, chapter 25, Laws of 1967 ex. sess. as amended by section 72, chapter 151, Laws of 1979 and RCW 42.16.017 are each amended to read as follows:

~~((To facilitate payroll preparation and accounting, or to implement the provisions of RCW 42.16.010 through 42.16.017;))~~ The director of financial management ((may)) shall adopt ((customary)) the necessary policies and ((necessary)) procedures to implement RCW 42.16.010 through 42.16.017, including the establishment of ((pay dates at reasonable times following periods in which payment is earned)) paydates. Such paydates shall conform to RCW 42.16.010. The director of financial management shall have approval over all agency and state payroll systems and shall determine the payroll systems to be used by state agencies to insure the implementation of

RCW 42.16.010 and section 4 of this 1983 act: PROVIDED, That for purposes of the central personnel payroll system, the provisions of RCW 41-.07.020 shall apply. The director shall provide a comprehensive report to the legislature on December 31, 1984, on the implementation of and compliance with RCW 42.16.010 and section 4 of this 1983 act, including the timeliness of payments to state employees.

NEW SECTION. Sec. 7. For the Office of Financial Management—

Semimonthly Payroll

General Fund Appropriation—State	\$	1,121,000
General Fund Appropriation—Federal	\$	559,000
General Fund Appropriation—Local	\$	13,000
Special Fund Semimonthly Payroll		
Revolving Fund Appropriation	\$	807,000
Total Appropriation	\$	2,500,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment for the implementation of the semi-monthly payroll from special funds, the state treasurer is directed to transfer sufficient amounts from each special fund to the special fund semimonthly payroll revolving fund hereby created in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 8. This act applies to pay periods beginning January 1, 1984.

- Passed the House May 6, 1983.
- Passed the Senate May 4, 1983.
- Approved by the Governor May 14, 1983, with the exception of section 3(6), which was vetoed.
- Filed in Office of Secretary of State May 14, 1983.

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

"I am returning herewith, without my approval as to section 3(6), Second Substitute House Bill No. 295, entitled:

"AN ACT Relating to state officers and employees."

Section 3, subsection (6) of this bill would repeal the existing, specific payroll deduction for labor or employee organization dues and replace it with a payroll deduction for "contributions to labor or employee organizations." As used in the bill, the undefined word "contributions," might be interpreted to include deductions for political activities. If the legislature chooses to change public policy to allow payroll deductions for political contributions, it should do so in an open and specific way so that everyone is aware of the change being made. For that reason, I have vetoed section 3, subsection (6).

With the exception of section 3(6), which I have vetoed, Second Substitute House Bill No. 295 is approved."

CHAPTER 29

[Engrossed Substitute House Bill No. 127]

TRAVEL REIMBURSEMENT—MILEAGE RATES—STATE EMPLOYEES

AN ACT Relating to travel reimbursement; amending section 43.03.050, chapter 8, Laws of 1965 as last amended by section 83, chapter 151, Laws of 1979 and RCW 43.03.050; amending section 43.03.060, chapter 8, Laws of 1965 as last amended by section 84, chapter 151, Laws of 1979 and RCW 43.03.060; amending section 43.03.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 255, Laws of 1979 ex. sess. and RCW 43.03.010; and repealing section 3, chapter 312, Laws of 1977 ex. sess. and RCW 43.03.063.

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

Sec. 1. Section 43.03.050, chapter 8, Laws of 1965 as last amended by section 83, chapter 151, Laws of 1979 and RCW 43.03.050 are each amended to read as follows:

(1) The director of financial management shall prescribe reasonable allowances to cover reasonable and necessary subsistence and lodging expenses for elective and appointive officials and state employees while engaged on official business away from their designated posts of duty. The director of financial management may prescribe and regulate the allowances provided in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed. The schedule of allowances adopted by the office of financial management may include special allowances for foreign travel and other travel involving higher than usual costs for subsistence and lodging. The allowances established by the director shall not exceed the rates set by the federal government for federal employees.

(2) Those persons appointed to serve without compensation on any state board, commission, or committee, if entitled to payment of travel expenses, shall be paid pursuant to special per diem rates prescribed in accordance with subsection (1) of this section by the office of financial management.

(3) The initial schedule of allowances prescribed by the director under the terms of this section and any subsequent increases in any maximum allowance or special allowances for areas of higher than usual costs shall be ((subject to legislative approval)) reported to the ways and means committees of the house of representatives and the senate at each regular session of the legislature.

Sec. 2. Section 43.03.060, chapter 8, Laws of 1965 as last amended by section 84, chapter 151, Laws of 1979 and RCW 43.03.060 are each amended to read as follows:

(1) 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 travel be by a privately-owned vehicle

rather than a common carrier or a state-owned or operated vehicle, a mileage rate not to exceed the rate established by the director of financial management shall be allowed. ~~((The maximum rate established by the director shall be based on the estimated cost of using a privately-owned vehicle on state business.))~~ The mileage rate established by the director shall not exceed the rates set by the federal government for federal employees.

(2) The director of financial management may 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.

(3) The initial maximum mileage rate established by the director of financial management pursuant to this section and any subsequent changes thereto shall be ~~((subject to legislative approval))~~ reported to the ways and means committees of the house of representatives and the senate at each regular session of the legislature.

Sec. 3. Section 43.03.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 255, Laws of 1979 ex. sess. and RCW 43.03.010 are each amended to read as follows:

(1) Effective July 1, 1979, the annual salaries of the following named state elected officials shall be: Governor, fifty-eight thousand nine hundred dollars; lieutenant governor, twenty-six 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-eight thousand nine hundred dollars; state treasurer, thirty-four thousand eight hundred dollars; state auditor, thirty-four thousand eight hundred dollars; attorney general, forty-four thousand dollars; superintendent of public instruction, forty thousand dollars; commissioner of public lands, forty thousand dollars; state insurance commissioner, thirty-four thousand eight hundred dollars. Members of the legislature shall receive for their service nine thousand eight hundred dollars per annum, effective January 8, 1979; and in addition, ten cents per mile for travel to and from legislative sessions.

(2) Effective July 1, 1980, the annual salaries of the following named state elected officials shall be: Governor, sixty-three thousand dollars; lieutenant governor, twenty-eight thousand six 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, thirty-one thousand dollars; state treasurer, thirty-seven thousand two hundred dollars; state auditor, thirty-seven thousand two hundred dollars; attorney general, forty-seven thousand one hundred dollars; superintendent of public instruction, forty-two thousand eight hundred dollars; commissioner of public lands, forty-two thousand eight hundred dollars; state insurance commissioner, thirty-seven thousand two hundred dollars. Members of the legislature shall receive for their service eleven thousand two hundred dollars per annum, effective January 12, 1981, twelve thousand dollars per annum effective January 1, 1982, twelve thousand eight hundred fifty dollars effective January 10, 1983, and thirteen thousand seven hundred fifty dollars effective January 1, 1984; and in addition, (~~ten cents per mile~~) reimbursement for mileage for travel to and from legislative sessions as provided in RCW 43.03.060.

NEW SECTION. Sec. 4. Section 3, chapter 312, Laws of 1977 ex. sess. and RCW 43.03.063 are each repealed.

Passed the House May 6, 1983.

Passed the Senate May 4, 1983.

Approved by the Governor May 14, 1983.

Filed in Office of Secretary of State May 14, 1983.

CHAPTER 30

[Substitute Senate Bill No. 3520]

VOTER REGISTRATION—CHALLENGES

AN ACT Relating to elections; amending section 2, chapter 156, Laws of 1965 ex. sess. as amended by section 2, chapter 225, Laws of 1967 and RCW 29.10.130; amending section 3, chapter 156, Laws of 1965 ex. sess. as last amended by section 34, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.140; amending section 29.65.010, chapter 9, Laws of 1965 as amended by section 101, chapter 361, Laws of 1977 ex. sess. and RCW 29.65.010; adding new sections to chapter 29.10 RCW; repealing section 29.59.010, chapter 9, Laws of 1965, section 1, chapter 225, Laws of 1967 and RCW 29.59.010; repealing section 29.59.020, chapter 9, Laws of 1965 and RCW 29.59.020; repealing section 29.59.030, chapter 9, Laws of 1965 and RCW 29.59.030; repealing section 29.59.040, chapter 9, Laws of 1965, section 29, chapter 109, Laws of 1967 ex. sess. and RCW 29.59.040; and repealing section 29.59.060, chapter 9, Laws of 1965 and RCW 29.59.060.

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

NEW SECTION. Sec. 1. There is added to chapter 29.10 RCW a new section to read as follows:

Challenges of voter registration filed within thirty days of any primary or election, general or special, shall be administered wholly under sections 2 and 3 of this act.

NEW SECTION. Sec. 2. There is added to chapter 29.10 RCW a new section to read as follows:

Registration of a person as a voter is presumptive evidence of his or her right to vote at any primary or election, general or special, but a person's right to vote may be challenged at the polls by a precinct election officer and he or she may be required then and there to establish his or her right to vote. Each precinct election officer shall challenge a person offering to vote when the officer knows or suspects the person to be unqualified as a voter.

Challenges may be initiated by a registered voter subject to the following conditions:

(1) Challenges on grounds other than residence may be made at the polls and the person challenged may be required then and there to establish his or her right to vote to the precinct election officers;

(2) Challenges on the grounds of residence alone must be filed not later than seven days before any primary or election, general or special, at the office of the appropriate county auditor. A challenged voter may properly transfer or reregister until three days before the primary or election, general or special, by applying personally to the county auditor.

NEW SECTION. Sec. 3. There is added to chapter 29.10 RCW a new section to read as follows:

When the right of a person has been challenged under section 2 of this act, the officers conducting the election at the polling place shall require the challenged person to vote a ballot which shall be placed in a sealed envelope separate from other voted ballots. In precincts where voting machines are used, any person whose right to vote is challenged under section 2 of this act shall be furnished with a paper ballot, which shall be placed in a sealed envelope after being marked. The sealed ballots of challenged voters shall be transmitted at the close of the election to the canvassing board or other authority charged by law with canvassing the returns of the particular primary or election. The challenging party must prove to the canvassing board by clear and convincing evidence that the challenged voter's registration is improper. If the challenging party fails to meet this burden, the challenged ballot shall be accepted as valid and counted. The canvassing board shall give the challenged voter the opportunity to present testimony and evidence to the canvassing board before making their determination. All challenged ballots must be determined no later than the time of canvassing for the particular primary or election. The decision of the canvassing board or other authority charged by law with canvassing the returns shall be final. Challenges of absentee ballots shall be determined according to RCW 29.36.100.

Sec. 4. Section 2, chapter 156, Laws of 1965 ex. sess. as amended by section 2, chapter 225, Laws of 1967 and RCW 29.10.130 are each amended to read as follows:

Any (~~precinct committeeman, precinct election officer or registration officer~~) registered voter may (~~sign a preliminary~~) request that the registration of another voter be canceled if that voter no longer maintains a legal voting residence at the address shown on his or her registration record. The

challenger shall sign a form, subject to the penalties of perjury, to the effect that to his or her personal knowledge and belief another registered voter does not actually reside ~~((and maintain his abode))~~ at the address as given on his or her registration record and that the voter in question is not protected by the provisions of Article VI, section 4, of the Constitution of the state of Washington ~~((:PROVIDED, That (1) a precinct committeeman or precinct election officer may only challenge the residence of a voter registered in the precinct wherein such precinct committeeman or precinct election officer serves and (2)))~~. The person filing ((such)) the challenge must furnish the address at which the challenged voter actually resides in order to assure that proper notice will be received by the challenged voter.

Sec. 5. Section 3, chapter 156, Laws of 1965 ex. sess. as last amended by section 34, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.140 are each amended to read as follows:

All ~~((such signed forms))~~ challenges of voter registration under RCW 29.10.130 shall be delivered to the appropriate county auditor who shall ((cancel the registration records of the voters concerned on the thirtieth day following date of mailing or as soon thereafter as is practicable. PROVIDE-ED, That)) send, by certified mail, a notice of intent to cancel the registration on account of a ((claimed change)) challenge of residence ((shall be mailed by certified mail)) to that address at which the challenged voter ((actually resides in order to assure that proper notice will be received by the challenged voter)) is alleged to reside.

Any voter ~~((:))~~ whose registration has been so ~~((questioned;))~~ challenged and who believes that the allegation is not true ~~((:))~~ shall, within twenty days of such mailing ~~((or publication))~~, file a written ~~((protest))~~ response with the county auditor. The county auditor shall immediately ~~((notify))~~ request, by certified mail, the challenger and the challenged voter to appear at a meeting to be held within ten days of the mailing of the request at a place, day, and hour ~~((certain))~~ to be stated in the ~~((notice))~~ request, for determination of the validity of such registration ~~((:PROVIDED, That should))~~. If the challenged voter ((be)) is unable to appear in person, he or she may file a reply by means of an affidavit stating ((therein)) under oath the reasons he or she believes ((his)) the registration to be valid, and ((should)) if the challenger ((be)) is unable to appear in person he or she may file a statement by means of affidavit stating the reasons he or she believes the registration to be invalid.

~~((The hearing shall take place at the time and place designated by the county auditor. In the event))~~. If both the challenger and the challenged voter file affidavits instead of appearing in person, an evaluation of ((such)) the affidavits by the county auditor ((shall)) constitutes a hearing for the purposes of this section.

The county auditor shall hold a hearing at which time both parties shall present their facts and arguments. After reviewing the facts and arguments,

the county auditor shall rule as to the validity or invalidity of the challenge. His or her ruling (~~shall be~~) is final subject only to a petition for judicial review by the superior court under (~~the provisions of~~) chapter 34.04 RCW (~~as it is now or hereafter amended~~). If the challenger fails to appear at the meeting or fails to file an affidavit, the registration in question may remain in full effect as determined by the county auditor. If the challenged voter fails to appear at the meeting or fails to file an affidavit, then the registration shall be canceled and the voter so notified.

Sec. 6. Section 29.65.010, chapter 9, Laws of 1965 as amended by section 101, chapter 361, Laws of 1977 ex. sess. and RCW 29.65.010 are each amended to read as follows:

Any registered voter may contest the right of any person declared elected to an office to be issued a certificate of election for any of the following causes:

(1) For (~~malconduct~~) misconduct on the part of any member of any precinct election board involved therein;

(2) Because the person whose right is being contested was not at the time he was declared elected eligible to that office;

(3) Because the person whose right is being contested was previous to the election convicted of a felony by a court of competent jurisdiction, his conviction not having been reversed nor his civil rights restored after the conviction;

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

(5) On account of illegal votes.

(a) Illegal votes include but are not limited to the following:

(i) More than one vote cast by a single voter;

(ii) A vote cast by a person disqualified under Article VI, section 3 of the state Constitution.

(b) Illegal votes do not include votes cast by improperly registered voters who were not properly challenged pursuant to sections 2 and 3 of this act.

All election contests shall proceed under RCW 29.04.030 (~~as now or hereafter amended~~).

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

(1) Section 29.59.010, chapter 9, Laws of 1965, section 1, chapter 225, Laws of 1967 and RCW 29.59.010;

(2) Section 29.59.020, chapter 9, Laws of 1965 and RCW 29.59.020;

(3) Section 29.59.030, chapter 9, Laws of 1965 and RCW 29.59.030;

(4) Section 29.59.040, chapter 9, Laws of 1965, section 29, chapter 109, Laws of 1967 ex. sess. and RCW 29.59.040; and

(5) Section 29.59.060, chapter 9, Laws of 1965 and RCW 29.59.060.

Passed the Senate April 25, 1983.

Passed the House May 7, 1983.

Approved by the Governor May 14, 1983.

Filed in Office of Secretary of State May 14, 1983.

CHAPTER 31

[Engrossed Substitute Senate Bill No. 3628]

HOOD CANAL SHRIMP LICENSE—COMMERCIAL CLAM DIGGER'S LICENSE

AN ACT Relating to shellfish; amending section 75.28.285, chapter 12, Laws of 1955 as amended by section 1, chapter 27, Laws of 1965 ex. sess. and RCW 75.28.285; adding a new section to chapter 75.25 RCW; adding a new section to chapter 75.28 RCW; prescribing penalties; and providing an effective date.

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

NEW SECTION. Sec. 1. There is added to chapter 75.25 RCW a new section to read as follows:

(1) A Hood Canal shrimp license is required to take or possess shrimp taken for personal use from that portion of Hood Canal lying south of the Hood Canal floating bridge.

(2) The annual fees for Hood Canal shrimp licenses are:

(a) For a resident license, five dollars, except that a person seventy years of age or older may pay a one-time fee of five dollars;

(b) For a nonresident license, fifteen dollars.

(3) Hood Canal shrimp licenses shall be issued only under authority of the director. The director may authorize license dealers to issue the licenses and collect the license fees. In addition to the license fee, license dealers may charge a dealer's fee of fifty cents. The dealer's fee may be retained by the license dealer.

(4) The director shall adopt rules for the issuance of Hood Canal shrimp licenses and for the collection, payment, and handling of license fees and dealer's fees.

(5) Notwithstanding RCW 75.04.090, for the purposes of this section, "resident" means a person who for at least ninety days immediately preceding application for a license has maintained a permanent place of abode within this state and has established by formal evidence an intent to continue residence within this state. All other persons are nonresidents.

(6) Hood Canal shrimp licenses are not transferable.

(7) Upon request of a fisheries patrol officer or ex officio fisheries patrol officer, a person taking or possessing shrimp for personal use in that portion of Hood Canal south of the Hood Canal floating bridge shall exhibit the

required license and write his or her signature for comparison with the signature on the license. Failure to comply with the request is prima facie evidence that the person does not have a license or is not the person named on the license.

(8) A person who violates a provision of this section or who knowingly falsifies information required for the issuance of a Hood Canal shrimp license is guilty of a misdemeanor and is subject to the penalties provided in chapter 9A.20 RCW.

NEW SECTION. Sec. 2. There is added to chapter 75.28 RCW a new section to read as follows:

(1) In addition to a shellfish pot license, a Hood Canal shrimp endorsement is required to take shrimp commercially in that portion of Hood Canal lying south of the Hood Canal floating bridge. The annual endorsement fee is one hundred sixty-five dollars for a resident and three hundred forty dollars for a nonresident.

(2) Not more than fifty shrimp pots may be used while commercially fishing for shrimp in that portion of Hood Canal lying south of the Hood Canal floating bridge.

Sec. 3. Section 75.28.285, chapter 12, Laws of 1955 as amended by section 1, chapter 27, Laws of 1965 ex. sess. and RCW 75.28.285 are each amended to read as follows:

A clam digger's license shall be required of any person digging clams for commercial purposes from the waters or beaches of this state, and the annual fee for such license shall be ((five)) fifty dollars ((per season, as defined by the director of fisheries)) for residents and one hundred dollars for nonresidents, for razor clams: PROVIDED, That such license shall not be required for licensed clam farmers or their agents or employees who dig only on licensed clam farms.

It shall be unlawful for any person to dig hard shell clams for commercial purposes from the waters or beaches of this state: PROVIDED, That it shall be lawful to dig hard shell clams for commercial purposes on licensed clam farms.

NEW SECTION. Sec. 4. This act shall take effect January 1, 1984.

Passed the Senate May 9, 1983.

Passed the House May 6, 1983.

Approved by the Governor May 14, 1983.

Filed in Office of Secretary of State May 14, 1983.

CHAPTER 32

[Substitute House Bill No. 139]

INSURANCE REVISIONS—REORGANIZATION—UNAUTHORIZED
INSURERS—PENALTIES

AN ACT Relating to insurance; amending section .09.35, chapter 79, Laws of 1947 and RCW 48.09.350; amending section .13.02, chapter 79, Laws of 1947 as last amended by section 2, chapter 218, Laws of 1982 and RCW 48.13.020; amending section .15.02, chapter 79, Laws of 1947 as amended by section 2, chapter 102, Laws of 1980 and RCW 48.15.020; amending section .15.04, chapter 79, Laws of 1947 and RCW 48.15.040; amending section .15.07, chapter 79, Laws of 1947 as last amended by section 5, chapter 181, Laws of 1982 and RCW 48.15.070; amending section .15.13, chapter 79, Laws of 1947 as amended by section 5, chapter 102, Laws of 1980 and RCW 48.15.130; amending section 23, chapter 241, Laws of 1969 ex. sess. and RCW 48.18.296; amending section 15, chapter 181, Laws of 1982 and RCW 48.18A.035; amending section .19.41, chapter 79, Laws of 1947 and RCW 48.19.410; amending section 26, chapter 150, Laws of 1967 and RCW 48.20.013; amending section 1, chapter 60, Laws of 1977 and RCW 48.23.380; amending section 4, chapter 65, Laws of 1973 1st ex. sess. and RCW 48.44.230; amending section 12, chapter 153, Laws of 1981 as amended by section 3, chapter 200, Laws of 1982 and RCW 48.66.120; amending section .19.02, chapter 79, Laws of 1947 and RCW 48.19.020; amending section .19.04, chapter 79, Laws of 1947 and RCW 48.19.040; amending section .19.12, chapter 79, Laws of 1947 and RCW 48.19.120; amending section 6, chapter 229, Laws of 1951 as last amended by section 12, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.20.052; amending section 1, chapter 139, Laws of 1974 ex. sess. and RCW 48.20.430; amending section 1, chapter 117, Laws of 1975 1st ex. sess. and RCW 48.21.075; amending section 2, chapter 139, Laws of 1974 ex. sess. and RCW 48.21.155; amending section .23.30, chapter 79, Laws of 1947 and RCW 48.23.300; amending section .24.15, chapter 79, Laws of 1947 and RCW 48.24.150; amending section 6, chapter 219, Laws of 1961 as last amended by section 2, chapter 61, Laws of 1977 and RCW 48.34.060; adding a new section to chapter 48.20 RCW to be designated RCW 48.20.050; and repealing section 19, chapter 229, Laws of 1951, section 11, chapter 181, Laws of 1982 and RCW 48.20.182.

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

Sec. 1. Section .09.35, chapter 79, Laws of 1947 and RCW 48.09.350 are each amended to read as follows:

(1) ~~((No))~~ Upon satisfaction of the requirements applicable to the formation of a domestic stock insurer, a domestic mutual insurer (~~shall hereafter be converted, changed, or~~) may be reorganized as a stock corporation, pursuant to a plan of reorganization as approved by the commissioner.

(2) ~~((Such an))~~ A domestic mutual insurer may be wholly reinsured in and its assets transferred to and its liabilities assumed by another mutual or stock insurer under such terms and conditions as are approved by the commissioner in advance of such reinsurance.

(3) The commissioner shall not approve any such reinsurance agreement which does not determine the amount of and make adequate provision for paying to policy holders of such mutual insurer, reasonable compensation for their equities as owners of such insurer, such compensation to be apportioned to policyholders as identified and in the manner prescribed in RCW 48.09.360.

Sec. 2. Section .13.02, chapter 79, Laws of 1947 as last amended by section 2, chapter 218, Laws of 1982 and RCW 48.13.020 are each amended to read as follows:

(1) No security or other investment shall be eligible for purchase or acquisition under this chapter unless it is interest bearing or interest accruing or dividend or income paying, is not then in default in any respect, and the insurer is entitled to receive for its exclusive account and benefit, the interest or income accruing thereon; except,

(a) that an insurer may acquire real property as provided in RCW 48.13.160, and

(b) that this section shall not prevent participation by an insurer in a mortgage loan if the insurer, either individually or jointly with other lenders, holds a senior participation in such mortgage or deed of trust giving it substantially the rights of a first mortgagee as to its interest in that loan.

(2) No security shall be eligible for purchase at a price above its market value except voting stock of a corporation being acquired as a subsidiary.

(3) No provision of this chapter shall prohibit the acquisition by an insurer of other or additional securities or property if received as a dividend or as a lawful distribution of assets, or if acquired pursuant to a lawful and bona fide agreement of bulk reinsurance or consolidation. Any investments so acquired through bulk reinsurance or consolidation, which are not otherwise eligible under this chapter, shall be disposed of pursuant to RCW 48.13.290 if personal property or securities, or pursuant to RCW 48.13.170 if real property.

Sec. 3. Section .15.02, chapter 79, Laws of 1947 as amended by section 2, chapter 102, Laws of 1980 and RCW 48.15.020 are each amended to read as follows:

(1) An insurer not thereunto authorized by the commissioner shall not solicit insurance business in this state, nor transact insurance business in this state except as provided in this chapter.

(2) No person shall, in this state, represent an unauthorized insurer except as provided in this chapter. This provision shall not apply to any adjuster or attorney at law representing such an insurer from time to time in this state in his professional capacity.

(3) Each violation of this section shall constitute a separate offense punishable by a fine of not ~~((less than two hundred fifty dollars nor))~~ more than ~~((ten))~~ twenty-five thousand dollars, and the commissioner, at the commissioner's discretion, may order replacement of policies improperly placed with an unauthorized insurer with policies issued by an authorized insurer. Violations may result in suspension or revocation of a license.

Sec. 4. Section .15.04, chapter 79, Laws of 1947 and RCW 48.15.040 are each amended to read as follows:

If certain insurance coverages cannot be procured from authorized insurers, such coverages, hereinafter designated as "surplus lines," may be procured from unauthorized insurers subject to the following conditions:

(1) The insurance must be procured through a licensed surplus line broker.

(2) The insurance must not be procurable, after diligent effort has been made to do so from among a majority of the insurers authorized to transact that kind of insurance in this state (~~and placing the insurance in an unauthorized insurer must not be for the purpose of securing a lower premium rate than would be accepted by any authorized insurer~~).

(3) Coverage shall not be procured from an unauthorized insurer for the purpose of securing a lower premium rate than would be accepted by any authorized insurer nor to secure any other competitive advantage.

(4) The commissioner may by regulation establish the degree of effort required to comply with subsections (2) and (3) of this section.

(5) At the time of the procuring of any such insurance an affidavit setting forth the facts referred to in ((subdivision)) subsections (2) and (3) of this section must be executed by the surplus line broker. Such affidavit shall be filed with the commissioner within thirty days after the insurance is procured.

Sec. 5. Section .15.13, chapter 79, Laws of 1947 as amended by section 5, chapter 102, Laws of 1980 and RCW 48.15.130 are each amended to read as follows:

If any surplus line broker fails to file his annual statement, or fails to remit the tax provided by RCW 48.15.120, (~~prior to the first day of April after the tax is due, he shall be liable for a fine of one hundred dollars for each day of delinquency commencing with the first day of April~~) by the last day of the month in which the tax becomes due, the surplus line broker shall pay the penalties provided in RCW 48.14.060. The tax may be collected by distraint, or the tax and fine may be recovered by an action instituted by the commissioner in any court of competent jurisdiction. Any fine collected by the commissioner shall be paid to the state treasurer and credited to the general fund.

Sec. 6. Section 23, chapter 241, Laws of 1969 ex. sess. and RCW 48.18.296 are each amended to read as follows:

(1) The provisions of RCW 48.18.291 through 48.18.297 shall not apply to:

(a) Contracts of insurance issued under the assigned risk plan; and
(b) Contracts of insurance, other than combination homeowners and vehicle insurance policies, providing principally general casualty or property insurance ((in addition to)) with only incidental additional vehicle insurance; and

(c) Contracts of insurance insuring more than four motor vehicles; and

(d) Any policy covering garage, automobile sales agency, repair shop, service station, or public parking place operation hazards.

Sec. 7. Section 15, chapter 181, Laws of 1982 and RCW 48.18A.035 are each amended to read as follows:

Every individual variable contract issued (~~after May 1, 1982;~~) shall have printed on its face or attached thereto a notice stating in substance that the policy owner shall be permitted to return the policy within ten days after it is received by the policy owner and to have the market value of the assets purchased by its premium, less taxes and investment brokerage commissions, if any, refunded, if, after examination of the policy, the policy owner is not satisfied with it for any reason. An additional ten percent penalty shall be added to any premium refund due which is not paid within thirty days of return of the policy to the insurer or agent. If a policy owner pursuant to such notice returns the policy to the insurer at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued.

Sec. 8. Section .19.41, chapter 79, Laws of 1947 and RCW 48.19.410 are each amended to read as follows:

(1) The commissioner may permit the organization and operation of examining bureaus for the examination of policies, daily reports, binders, renewal certificates, endorsements, and other evidences of insurance or of the cancellation thereof, for the purpose of ascertaining that lawful rates are being charged.

(2) A bureau shall examine documents with regard to such kinds of insurance as the commissioner may, after hearing, reasonably require to be submitted for examination. A bureau may examine documents as to such other kinds of insurance as the issuing insurers may voluntarily submit for examination. Upon request of the commissioner, a bureau shall also examine affidavits filed pursuant to RCW 48.15.040, surplus lines contracts and related documents, and shall make recommendations to the commissioner to assist the commissioner in determining whether surplus lines have been procured in accordance with chapter 48.15 RCW and rules issued thereunder.

(3) No bureau shall operate unless licensed by the commissioner as to the kinds of insurance as to which it is permitted so to examine. To qualify for a license a bureau shall:

(a) Be owned in trust for the benefit of all the insurers regularly using its services, under a trust agreement approved by the commissioner.

(b) Make its services available without discrimination to all authorized insurers applying therefor, subject to such reasonable rules and regulations as to the obligations of insurers using its services, as to the conduct of its affairs, and as to the correction of errors and omissions in documents examined by it as are approved by the commissioner.

(c) Have no manager or other employee (~~who is connected with any rating organization, or~~) who is an employee of an insurer other than to the extent that he is an employee of the bureau owned by insurers through such trust agreement.

(d) Pay to the commissioner a fee of ten dollars for issuance of its license.

(4) Such license shall be of indefinite duration and shall remain in force until revoked by the commissioner or terminated at the request of the bureau. The commissioner may revoke the license, after hearing,

(a) if the bureau is no longer qualified therefor;

(b) if the bureau fails to comply with a proper order of the commissioner;

(c) if the bureau violates or knowingly participates in the violation of any provision of this code.

(5) Any person aggrieved by any rule, regulation, act or omission of a bureau may appeal to the commissioner therefrom. The commissioner shall hold a hearing upon such appeal, and shall make such order upon the hearing as he deems to be proper.

(6) Every such bureau operating in this state shall be subject to the supervision of the commissioner, and the commissioner shall examine it as provided in chapter 48.03 RCW of this code.

(7) Every examining bureau shall keep adequate records of the outstanding errors and omissions found in coverages examined by it and of its receipts and disbursements, and shall hold as confidential all information contained in documents submitted to it for examination.

(8) The commissioner shall not license an additional bureau for the examination of documents relative to a kind of insurance if such documents are being examined by a then existing licensed bureau. Any examining bureau operating in this state immediately prior to the effective date of this code under any law of this state repealed as of such date, shall have prior right to apply for and secure a license under this section.

Sec. 9. Section 26, chapter 150, Laws of 1967 and RCW 48.20.013 are each amended to read as follows:

Every individual disability insurance policy issued after January 1, 1968, except single premium nonrenewable policies, shall have printed on its face or attached thereto a notice stating in substance that the person to whom the policy is issued shall be permitted to return the policy within ten days of its delivery to the purchaser and to have the premium paid refunded if, after examination of the policy, the purchaser is not satisfied with it for any reason. An additional ten percent penalty shall be added to any premium refund due which is not paid within thirty days of return of the policy to the insurer or agent. If a policy holder or purchaser pursuant to such notice, returns the policy to the insurer at its home or branch office or to the agent

through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued.

Sec. 10. Section 1, chapter 60, Laws of 1977 and RCW 48.23.380 are each amended to read as follows:

Every individual life insurance policy issued after September 1, 1977, shall have printed on its face or attached thereto a notice stating in substance that the policy owner shall be permitted to return the policy within ten days after it is received by the policy owner and to have the premium paid refunded if, after examination of the policy, the policy owner is not satisfied with it for any reason. An additional ten percent penalty shall be added to any premium refund due which is not paid within thirty days of return of the policy to the insurer or agent. If a policy owner pursuant to such notice, returns the policy to the insurer at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued.

This section shall not apply to individual life insurance policies issued in connection with a credit transaction or issued under a contractual policy change or conversion privilege provision contained in a policy.

Sec. 11. Section 4, chapter 65, Laws of 1973 1st ex. sess. and RCW 48.44.230 are each amended to read as follows:

Every subscriber of an individual health care service plan contract issued after September 1, 1973, may return the contract to the health care service contractor or the agent through whom it was purchased within ten days of its delivery to the subscriber if, after examination of the contract, he is not satisfied with it for any reason, and the health care service contractor shall refund promptly any fee paid for such contract. Upon such return of the contract it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued. Notice of the substance of this section shall be printed on the face of each such contract or be attached thereto. An additional ten percent penalty shall be added to any premium refund due which is not paid within thirty days of return of the policy to the insurer or agent.

Sec. 12. Section 12, chapter 153, Laws of 1981 as amended by section 3, chapter 200, Laws of 1982 and RCW 48.66.120 are each amended to read as follows:

Every individual medicare supplement insurance policy issued after January 1, 1982, and every certificate issued pursuant to a group medicare supplement policy after January 1, 1982, shall have prominently displayed on the first page of the policy form or certificate a notice stating in substance that the person to whom the policy or certificate is issued shall be permitted to return the policy or certificate within thirty days of its delivery to the purchaser and to have the premium refunded if, after examination of

the policy or certificate, the purchaser is not satisfied with it for any reason. An additional ten percent penalty shall be added to any premium refund due which is not paid within thirty days of return of the policy to the insurer or agent. If a policyholder or purchaser, pursuant to such notice, returns the policy or certificate to the insurer at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy or certificate had been issued.

Sec. 13. Section .19.02, chapter 79, Laws of 1947 and RCW 48.19.020 are each amended to read as follows:

Premium rates for insurance shall not be excessive, inadequate, or unfairly discriminatory. ~~((This section does not apply to casualty insurance.))~~

Sec. 14. Section .19.04, chapter 79, Laws of 1947 and RCW 48.19.040 are each amended to read as follows:

(1) Every insurer shall, before using, file with the commissioner every manual of classifications, manual of rules and rates, and every rating plan as to surety insurances, and every rating schedule, minimum rate, class rate, and rating rule as to other insurances, and every modification of any of the foregoing which it proposes. The insurer need not so file any rate on individually rated risks as described in subdivision (1) of RCW 48.19.030; except that any such specific rate made by a rating organization shall be filed. ~~((This section does not apply to casualty insurance.))~~

(2) Every such filing shall state its proposed effective date and shall indicate the character and extent of the coverage contemplated. When a filing is not accompanied by the information upon which the insurer supports such filing, and the commissioner does not have sufficient information to determine whether the filing meets the requirements of this chapter, he may require the insurer to furnish the information upon which it supports the filing. An insurer may offer in support of any filing

(a) the experience or judgment of the insurer or rating organization making the filing,

(b) the experience of other insurers or rating organizations, or

(c) any other factors which the insurer or rating organization deems relevant. A filing and any supporting information shall be open to public inspection only after the filing becomes effective.

(3) Where a filing is required no insurer shall make or issue an insurance contract or policy except in accordance with its filing then in effect, except as is provided by RCW 48.19.090.

Sec. 15. Section .19.12, chapter 79, Laws of 1947 and RCW 48.19.120 are each amended to read as follows:

(1) If at any time subsequent to the applicable review period provided in RCW 48.19.060 ~~((or)),~~ 48.19.110, or 48.19.440, the commissioner finds that a filing does not meet the requirements of this chapter, he shall, after a

hearing, notice of which was given to every insurer and rating organization which made such filing, issue his order specifying in what respect he finds that such filing fails to meet the requirements of this chapter, and stating when, within a reasonable period thereafter, the filings shall be deemed no longer effective. ((This subsection does not apply to casualty insurance.))

(2) Such order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

(3) Any person aggrieved with respect to any filing then in effect, other than the insurer or rating organization which made the filing, may make written application to the commissioner for a hearing thereon. The application shall specify the grounds to be relied upon by the applicant. If the commissioner finds that the application is made in good faith, that the applicant would be so aggrieved if his grounds are established, and that such grounds otherwise justify holding the hearing, he shall, within thirty days after receipt of the application, hold a hearing as required in subsection (1) of this section.

NEW SECTION. Sec. 16. There is added to chapter 48.20 RCW a new section, to be designated RCW 48.20.050, to read as follows:

There shall be a provision as follows:

"MISSTATEMENT OF AGE OR SEX: If the age or sex of the insured has been misstated, all amounts payable under this policy shall be such as the premium paid would have purchased at the correct age or sex."

The amount of any underpayments which may have been made on account of any such misstatement under a disability income policy shall be paid the insured along with the current payment and the amount of any overpayment may be charged against the current or succeeding payments to be made by the insurer. Interest may be applied to such underpayments or overpayments as specified in the insurance policy form but not exceeding six percent per annum.

Sec. 17. Section 6, chapter 229, Laws of 1951 as last amended by section 12, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.20.052 are each amended to read as follows:

There shall be a provision as follows:

"TIME LIMIT ON CERTAIN DEFENSES: (a) After two years from the date of issue of this policy no misstatements except fraudulent misstatements, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such two year period."

(The foregoing policy provision shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during such initial two year period, nor to limit the application of section 16 of this 1983 act, RCW 48.20.172, ((48.20.182;)) 48.20.192, 48.20.202, and 48.20.212 in

the event of misstatement with respect to age or occupation or other insurance.)

(A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (1) until at least age 50 or, (2) in the case of a policy issued after age 44, for at least five years from its date of issue, may contain in lieu of the foregoing the following provision (from which the clause in parentheses may be omitted at the insurer's option) under the caption "INCONTESTABLE":

"After this policy has been in force for a period of two years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become incontestable as to the statements contained in the application."

"(b) No claim for loss incurred or disability (as defined in the policy) commencing after two years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy."

(More stringent provisions may be required by the commissioner in connection with individual disability policies sold without any application or with minimal applications.)

Sec. 18. Section 1, chapter 139, Laws of 1974 ex. sess. and RCW 48-.20.430 are each amended to read as follows:

(1) Any disability insurance contract providing hospital and medical expenses and health care services, delivered or issued for delivery in this state more than one hundred twenty days after February 16, 1974, which provides coverage for dependent children of the insured, shall provide coverage for newborn infants of the insured from and after the moment of birth. Coverage provided in accord with this section shall include, but not be limited to, coverage for congenital anomalies of such infant children from the moment of birth.

(2) If payment of an additional premium is required to provide coverage for a child, the contract may require that notification of birth of a newly born child and payment of the required premium must be furnished to the insurer. The notification period shall be no less than sixty days from the date of birth. This subsection applies to policies issued or renewed on or after January 1, 1984.

***Sec. 19. Section 1, chapter 117, Laws of 1975 1st ex. sess. and RCW 48.21.075 are each amended to read as follows:**

Any employee whose compensation includes group disability or blanket disability insurance providing health care services, the premiums for which are paid in full or in part by an employer including the state of Washington,

its political subdivisions, or municipal corporations, or paid by payroll deduction, may pay the premiums as they become due directly to the policyholder whenever the employee's compensation is suspended or terminated directly or indirectly as the result of a strike, lockout, or other labor dispute, for a period not exceeding six months and at the rate and coverages as the policy provides. During that period of time the policy may not be altered or changed. Nothing in this section shall be deemed to impair the right of the insurer to make normal decreases or increases of the premium rate upon expiration and renewal of the policy, in accordance with the provisions of the policy. Thereafter, if such insurance coverage is no longer available, then the employee shall be given the opportunity to ~~((purchase an individual policy at a rate consistent with rates filed by the insurer with the commissioner))~~ convert as specified in RCW 48.21.210. When the employee's compensation is so suspended or terminated, the employee shall be notified immediately by the policyholder in writing, by mail addressed to the address last on record with the policyholder, that the employee may pay the premiums to the policyholder as they become due as provided in this section.

Payment of the premiums must be made when due or the insurance coverage may be terminated by the insurer.

The provisions of any insurance policy contrary to provisions of this section are void and unenforceable after May 29, 1975.

*Sec. 19. was vetoed, see message at end of chapter.

Sec. 20. Section 2, chapter 139, Laws of 1974 ex. sess. and RCW 48.21.155 are each amended to read as follows:

(1) Any group disability insurance contract except blanket disability insurance contract, providing hospital and medical expenses and health care services, renewed, delivered or issued for delivery in this state more than one hundred twenty days after February 16, 1974, which provides coverage for the dependent children of persons in the insured group, shall provide coverage for newborn infant children of persons in the insured group from and after the moment of birth. Coverage provided in accord with this section shall include, but not be limited to, coverage for congenital anomalies of such infant children from the moment of birth.

(2) If payment of an additional premium is required to provide coverage for a child, the contract may require that notification of birth of a newly born child and payment of the required premium must be furnished to the insurer. The notification period shall be no less than sixty days from the date of birth. This subsection applies to policies issued or renewed on or after January 1, 1984.

Sec. 21. Section .23.30, chapter 79, Laws of 1947 and RCW 48.23.300 are each amended to read as follows:

Any life insurer shall have the power to hold under agreement the proceeds of any policy issued by it, upon such terms and restrictions as to revocation by the policyholder and control by beneficiaries, and with such

exemptions from the claims of creditors of beneficiaries other than the policyholder as set forth in the policy or as agreed to in writing by the insurer and the policyholder. Upon maturity of a policy in the event the policyholder has made no such agreement, the insurer shall have the power to hold the proceeds of the policy under an agreement with the beneficiaries. The insurer shall not be required to segregate funds so held but may hold them as part of its general assets.

An insurer holding proceeds while awaiting determination of the final settlement option shall accrue interest on the proceeds from the date of death or maturity at a rate not less than the lower of the average over a period of thirty-six months and the average over a period of twelve months, ending on June 30 of the calendar year next preceding the year of death or maturity, of Moody's Corporate Bond Yield Average-Monthly Average Corporates, as published by Moody's Investors Service, Inc. This interest shall become payable as part of the settlement. If Moody's Corporate Bond Yield Average-Monthly Average Corporates is no longer published by Moody's Investor Service, Inc., or if the National Association of Insurance Commissioners determines that Moody's Corporate Bond Yield Average-Monthly Average Corporates as published by Moody's Investors Service, Inc. is no longer appropriate for the determination of this interest rate, then an alternative interest rate shall be defined by rule adopted by the commissioner.

Sec. 22. Section .24.15, chapter 79, Laws of 1947 and RCW 48.24.150 are each amended to read as follows:

There shall be a provision specifying an equitable adjustment of premiums or of benefits or of both to be made in the event the age or sex of a person insured has been misstated, such provision to contain a clear statement of the method of adjustment to be used.

Sec. 23. Section 6, chapter 219, Laws of 1961 as last amended by section 2, chapter 61, Laws of 1977 and RCW 48.34.060 are each amended to read as follows:

The initial amount of credit life insurance under a group policy shall at no time exceed the amount owed by the debtor which is repayable in installments to the creditor (~~(, or twenty-five thousand dollars, whichever is less. Nor shall the amount repayable under the contract of indebtedness extend over a period in excess of ten years, except that in case of long term agricultural real estate mortgages or agricultural short term crop production loans, the amount of insurance on the life of the debtor shall at no time exceed the amount owed by him to the creditor or fifty thousand dollars, whichever is less))~~ nor shall the amount repayable under the contract of indebtedness extend over a period in excess of ten years.

Sec. 24. Section .15.07, chapter 79, Laws of 1947 as last amended by section 5, chapter 181, Laws of 1982 and RCW 48.15.070 are each amended to read as follows:

Any individual while a resident of this state, or any firm or any corporation that has in its employ a qualified individual who is a resident of this state and who is authorized to exercise the powers of the firm or corporation, deemed by the commissioner to be competent and trustworthy, and while maintaining an office at a designated location in this state, may be licensed as a surplus line broker in accordance with this section.

(1) Application to the commissioner for the license shall be made on forms furnished by the commissioner.

(2) The license fee shall be one hundred dollars for each license year during any part of which the license is in force. The annual renewal date shall be determined by the commissioner. The commissioner shall adopt a rule providing for the proration, on a quarterly basis, of the license fee. The proration shall be applicable only: (a) To applicants who apply for a license after the expiration of the first quarter of any license year, or (b) to licensees whose licenses would exist for less than nine months as a result of the adoption of the annual renewal date.

(3) Prior to issuance of license the applicant shall file with the commissioner a bond in favor of the state of Washington in the penal sum of twenty thousand dollars, with authorized corporate sureties approved by the commissioner, conditioned that he will conduct business under the license in accordance with the provisions of this chapter and that he will promptly remit the taxes provided by RCW 48.15.120. The licensee shall maintain such bond in force for as long as the license remains in effect.

(4) Every applicant for a surplus line broker's license or for the renewal of a surplus line broker's license shall file with the application or request for renewal a bond in favor of the people of the state of Washington, executed by an authorized corporate surety approved by the commissioner, in the amount of ~~((fifty))~~ one hundred thousand dollars and shall be the bonding requirement for new licensees. The licensee shall maintain such bond in force while so licensed. The bond may be continuous in form, and total aggregate liability on the bond may be limited to the amount stated in the bond. The bond shall be contingent on the accounting by the surplus line broker to any person requesting such broker to obtain insurance, for moneys or premiums collected in connection therewith. A bond issued in accordance with RCW 48.17.250 or with this subsection will satisfy the requirements of both RCW 48.17.250 and this subsection if the limit of liability is not less than the greater of the requirement of RCW 48.17.250 or the requirement of this subsection.

(5) Any bond issued pursuant to subsection (3) or (4) of this section shall remain in force until the surety is released from liability by the commissioner, or until the bond is canceled by the surety. Without prejudice to

any liability accrued prior to such cancellation, the surety may cancel the bond upon thirty days' advance notice in writing filed with the commissioner.

(6) For the purposes of this section, a "qualified individual" is a natural person who has met all the requirements that must be met by an individual surplus line broker.

NEW SECTION. Sec. 25. Section 19, chapter 229, Laws of 1951, section 11, chapter 181, Laws of 1982 and RCW 48.20.182 are each repealed.

Passed the House May 9, 1983.

Passed the Senate May 6, 1983.

Approved by the Governor May 17, 1983, with the exception of section 19, which was vetoed.

Filed in Office of Secretary of State May 17, 1983.

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

"I am returning herewith, without my approval section 19, Substitute House Bill No. 139, entitled:

"AN ACT Relating to insurance."

Section 19 of this bill would alter the health insurance conversion rights of people who lose their group coverage because of labor disputes. Because of the technical operation of the law referenced in this amendment, such individuals could lose their conversion rights entirely. I do not believe that represents the legislature's intent.

With the exception of section 19, which is vetoed, Substitute House Bill No. 139 is approved."

CHAPTER 33

[Engrossed House Bill No. 239]

POLLING PLACES AND PROXIMITY—PROHIBITED ACTS

AN ACT Relating to election offenses; amending section 29.51.020, chapter 9, Laws of 1965 and RCW 29.51.020; defining crimes; and prescribing penalties.

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

Sec. 1. Section 29.51.020, chapter 9, Laws of 1965 and RCW 29.51.020 are each amended to read as follows:

(1) On the day of any primary, general or special election, no person ((shall)) may, within a polling place, or in any public area within three hundred feet of *[any entrance to] such polling place:

(a) Do any electioneering((-or));

(b) Circulate cards or handbills of any kind((-or));

(c) Solicit signatures to any kind of petition ((on primary or election day within any polling place, or any building in which an election is being held, or within one hundred feet thereof, nor));

(d) Engage in any practice which interferes with the freedom of voters to exercise their franchise or disrupts the administration of the polling place; or

(c) Conduct any exit poll or public opinion poll with voters.

(2) No person may obstruct the doors or entries ((thereto;)) to a building in which a polling place is located or prevent free ((ingress)) access to and ((egress)) from ((said building)) any polling place. Any ((election officer;)) sheriff, ((constable)) deputy sheriff, or ((other peace)) municipal law enforcement officer shall ((have power to and shall clear the passageway and)) prevent such obstruction, and may arrest any person creating such obstruction.

(3) No person ((shall)) may:

(a) Except as provided in RCW 29.34.157, remove any ballot from the polling place before the closing of the polls; ((nor shall any person)) or

(b) Solicit ((the elector)) any voter to show his or her ballot ((; nor shall any person except a)).

(4) No person other than an inspector or judge of election may receive from any ((elector)) voter a voted ballot ((prepared for voting; nor shall any person other than such inspector or judges of election)) or deliver a blank ballot to such elector.

((Whoever violates any provision of this section shall be guilty of)) (5) Any violation of this section is a misdemeanor under RCW 9A.20.010, and ((upon conviction)) shall be ((fined in any sum not exceeding one hundred dollars)) punished under RCW 9A.20.020(3), and ((adjudged)) the person convicted may be ordered to pay the costs of prosecution.

*Code Reviser's note: The bracketed language, "any entrance to", was in fact passed by the legislature as part of a free conference report relating to EHB 239 adopted by the Senate May 6 and the House of Representatives May 7, but was omitted from the certified enrolled bill through clerical oversight.

Passed the House May 7, 1983.

Passed the Senate May 6, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 34

[Engrossed House Bill No. 570]

VOCATIONAL AGRICULTURAL EDUCATION SERVICE AREA ESTABLISHED WITHIN SUPERINTENDENT OF PUBLIC INSTRUCTION

AN ACT Relating to education; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW.

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

NEW SECTION. Sec. 1. The legislature recognizes that agriculture is the most basic and singularly important industry in the state, that agriculture is of central importance to the welfare and economic stability of the state, and that the maintenance of this vital industry requires a continued source of trained and qualified individuals who qualify for employment in agriculture and agribusiness. The legislature declares that it is within the

best interests of the people and state of Washington that a comprehensive vocational education program in agriculture be maintained in the state's secondary school system.

NEW SECTION. Sec. 2. (1) A vocational agriculture education service area within the office of the superintendent of public instruction shall be established. Adequate staffing of individuals trained or experienced in the field of vocational agriculture shall be provided for the vocational agriculture education service area for coordination of the state program and to provide assistance to local school districts for the coordination of the activities of student agricultural organizations and associations.

(2) The vocational agriculture education service area shall:

(a) Assess needs in vocational agriculture education, assist local school districts in establishing vocational agriculture programs, review local school district applications for approval of vocational agriculture programs, evaluate existing programs, plan research and studies for the improvement of curriculum materials for specialty areas of vocational agriculture. Standards and criteria developed under this subsection shall satisfy the mandates of federally-assisted vocational education;

(b) Develop in-service programs for teachers and administrators of vocational agriculture, review application for vocational agriculture teacher certification, and assist in teacher recruitment and placement in vocational agriculture programs;

(c) Serve as a liaison with the Future Farmers of America, representatives of business, industry, and appropriate public agencies, and institutions of higher education in order to disseminate information, promote improvement of vocational agriculture programs, and assist in the development of adult and continuing education programs in vocational agriculture; and

(d) Establish an advisory task force committee of agriculturists, who represent the diverse areas of the agricultural industry in Washington, which shall make annual recommendations including, but not limited to, the development of curriculum, staffing, strategies for the purpose of establishing a source of trained and qualified individuals in agriculture, and strategies for articulating the state program in vocational agriculture education, including youth leadership throughout the state school system.

NEW SECTION. Sec. 3. The superintendent of public instruction, pursuant to chapter 34.04 RCW, shall adopt such rules as are necessary to carry out the provisions of section 2 of this act.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act are each added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW.

Passed the House May 9, 1983.

Passed the Senate May 6, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 35

[Substitute Senate Bill No. 3067]

SPECIAL FUEL USED OUTSIDE OF STATE IN INTERSTATE COMMERCE—
SALES AND USE TAX—CREDITS AND REFUNDS

AN ACT Relating to motor vehicle and special fuels; amending section 23, chapter 37, Laws of 1980 as amended by section 1, chapter 147, Laws of 1980 and RCW 82.08.0255; amending section 56, chapter 37, Laws of 1980 as amended by section 2, chapter 147, Laws of 1980 and RCW 82.12.0256; creating a new section; and declaring an emergency.

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

NEW SECTION. Sec. 1. It is the intent of the legislature that special fuel purchased in Washington upon which the special fuel tax has been paid, regardless of whether or not the tax is subsequently refunded or credited in whole or in part, should not be subject to the sales and use tax if the special fuel is transported and used outside the state by persons engaged in interstate commerce.

Sec. 2. Section 23, chapter 37, Laws of 1980 as amended by section 1, chapter 147, Laws of 1980 and RCW 82.08.0255 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of:

~~((+))~~ (a) Motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes; and

~~((2))~~ (b) Motor vehicle and special fuel if:

~~((+))~~ (i) The fuel is purchased for the purpose of public transportation and the purchaser is entitled to a refund or an exemption under RCW 82.36.275 or 82.38.080(8); or

~~((b))~~ (ii) The fuel is taxable under chapter 82.36 or 82.38 RCW.

(2) Any person who has paid the tax imposed by RCW 82.08.020 on the sale of special fuel delivered in this state shall be entitled to a credit or refund of such tax with respect to fuel subsequently established to have been actually transported and used outside this state by persons engaged in interstate commerce. The tax shall be claimed as a credit or refunded through the tax reports required under RCW 82.38.150.

Sec. 3. Section 56, chapter 37, Laws of 1980 as amended by section 2, chapter 147, Laws of 1980 and RCW 82.12.0256 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of:

(1) Motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes; and

(2) Special fuel purchased in this state upon which a refund is obtained as provided in RCW 82.38.180(2); and

(3) Motor vehicle and special fuel if:

(a) The fuel is used for the purpose of public transportation and the purchaser is entitled to a refund or an exemption under RCW 82.36.275 or 82.38.080(8); or

(b) The fuel is taxable under chapter 82.36 or 82.38 RCW: PROVIDED, That the use of motor vehicle and special fuel upon which a refund of the applicable fuel tax is obtained shall not be exempt under this subsection (~~((2)(b))~~) (3)(b), and the director of licensing shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 28, 1983.

Passed the House May 9, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 36

[Engrossed House Bill No. 1082]

OUTSTANDING STATE DEBT—PRINCIPAL AND INTEREST ANNUAL COMPUTATION—CERTAIN DEBTS EXCLUDED

AN ACT Relating to fiscal matters; amending section 6, chapter 184, Laws of 1971 ex. sess. as amended by section 1, chapter 204, Laws of 1979 ex. sess. and RCW 39.42.060; and declaring an emergency.

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

Sec. 1. Section 6, chapter 184, Laws of 1971 ex. sess. as amended by section 1, chapter 204, Laws of 1979 ex. sess. and RCW 39.42.060 are each amended to read as follows:

No bonds, notes, or other evidences of indebtedness for borrowed money shall be issued by the state which will cause the aggregate debt contracted by the state to exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than seven percent of the arithmetic mean of its general state revenue, as defined in section 1 of Article VIII of the Washington state Constitution for the three immediately preceding fiscal years as certified by the treasurer in accordance with RCW 39.42.070. It shall be the duty of the state finance committee to compute annually the amount required to pay principal of and interest on outstanding debt. In making such computation, the state finance committee shall include all borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be paid, directly or indirectly, from general state revenues and which are incurred by the state, any department,

authority, public corporation or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, and shall include debt incurred pursuant to section 3 of Article VIII of the Washington state Constitution, but shall ~~((not include))~~ exclude the following:

(1) Obligations for the payment of current expenses of state government(~~(, nor shall it include)~~);

(2) Indebtedness incurred pursuant to RCW 39.42.080 or 39.42.090;

(3) Principal of and interest on bond anticipation notes (~~(or)~~);

(4) Any indebtedness which has been refunded; and

(5) Indebtedness incurred pursuant to statute heretofore or hereafter enacted which requires that the state treasury be reimbursed, in the amount of the principal of and the interest on such indebtedness, from money other than general state revenues or from the special excise tax imposed pursuant to chapter 67.40 RCW.

To the extent necessary because of the constitutional or statutory debt limitation, priorities with respect to the issuance or guaranteeing of bonds, notes, or other evidences of indebtedness by the state shall be determined by the state finance committee.

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

Passed the House May 5, 1983.

Passed the Senate May 9, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 37

[Engrossed Substitute Senate Bill No. 3079]

LOCAL GOVERNMENT INSURANCE—NOT TO BE DEEMED ADDITIONAL COMPENSATION—LEGISLATIVE STUDY

AN ACT Relating to local government insurance; amending section 2, chapter 75, Laws of 1963 as amended by section 2, chapter 57, Laws of 1965 and RCW 41.04.190; and creating a new section.

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

Sec. 1. Section 2, chapter 75, Laws of 1963 as amended by section 2, chapter 57, Laws of 1965 and RCW 41.04.190 are each amended to read as follows:

The cost of any such group policy or plan to any such public agency or body shall not be deemed additional compensation to the employees or elected county officials covered thereby (~~(for services rendered)~~), and any

officer authorized to disburse such funds may pay in whole or in part to any such insurance carrier or health care service contractor the amount of the premiums due pursuant to any such contract.

NEW SECTION. Sec. 2. The local government committees of the senate and house of representatives shall study compensation and other benefits provided to officials of special purpose districts and report their findings and any recommendations to the senate and house of representatives on or before January 1, 1984.

Passed the Senate May 10, 1983.

Passed the House May 9, 1983.

Approved by the Governor May 19, 1983.

Filed in Office of Secretary of State May 19, 1983.

CHAPTER 38

[Senate Bill No. 3413]

NONRESIDENT CAMPING FEE SURCHARGES—EXPIRATION DATE REPEALED

AN ACT Relating to nonresident camping fees surcharge; repealing section 2, chapter 153, Laws of 1979 (uncodified); and declaring an emergency.

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

NEW SECTION. Sec. 1. Section 2, chapter 153, Laws of 1979 (uncodified) is hereby repealed.

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

Passed the Senate April 28, 1983.

Passed the House May 10, 1983.

Approved by the Governor May 19, 1983.

Filed in Office of Secretary of State May 19, 1983.

CHAPTER 39

[Engrossed Substitute Senate Bill No. 3490]

LOCAL BOARD OF HEALTH—HEALTH OFFICER APPOINTMENT—HOME RULE CHARTER COUNTIES—CITY REIMBURSEMENT FOR COUNTY HEALTH DEPARTMENT SERVICES

AN ACT Relating to local boards of health; amending section 4, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.040; amending section 9, chapter 51, Laws of 1967 ex. sess. as amended by section 1, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.050; amending section 3, chapter 114, Laws of 1969 ex. sess. as amended by section 76, chapter 141, Laws of 1979 and RCW 70.05.053; amending section 13, chapter 51, Laws of 1967 ex. sess. as amended by section 81, chapter 141, Laws of 1979 and RCW 70.05.080; and adding new sections to chapter 70.05 RCW.

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

Sec. 1. Section 4, chapter 51, Laws of 1967 ex. sess. and RCW 70.05-.040 are each amended to read as follows:

The local board of health shall elect a chairman and may appoint a clerk (~~(, and shall appoint)~~). A local health officer shall be appointed pursuant to RCW 70.05.050. Vacancies on the local board of health shall be filled by appointment within thirty days and made in the same manner as was the original appointment. At the first meeting of the local board of health, the members shall elect a chairman to serve for a period of one year.

Sec. 2. Section 9, chapter 51, Laws of 1967 ex. sess. as amended by section 1, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.050 are each amended to read as follows:

Each local board of health, other than boards which are established under RCW 70.05.030 and which are located in counties having home rule charters, shall appoint a local health officer ((who)). In home rule charter counties which have a local board of health established under RCW 70.05-.030, the local health officer shall be appointed by the official designated under the provisions of the county's charter.

The local health officer shall be an experienced physician licensed to practice medicine and surgery or osteopathy and surgery in this state and who is qualified or provisionally qualified in accordance with the standards prescribed in RCW 70.05.051 through 70.05.055 to hold the office of local health officer. No term of office shall be established for the local health officer but he shall not be removed until after notice is given him, and an opportunity for a hearing before the board or official responsible for his appointment under this section as to the reason for his removal. He shall act as executive secretary to, and administrative officer for the local board of health. He shall also be empowered to employ such technical and other personnel as approved by the local board of health. The local health officer shall be paid such salary and allowed such expenses as shall be determined by the local board of health.

Sec. 3. Section 3, chapter 114, Laws of 1969 ex. sess. as amended by section 76, chapter 141, Laws of 1979 and RCW 70.05.053 are each amended to read as follows:

A person((s)) holding a license((s)) required by RCW 70.05.050 but not meeting any of the requirements for qualification prescribed by RCW 70-.05.051 may be appointed by ((local health boards)) the board or official responsible for appointing the local health officer under RCW 70.05.050 as a provisionally qualified local health officer((s)) for a maximum period of three years upon the following conditions and in accordance with the following procedures:

(1) He shall participate in an in-service orientation to the field of public health as provided in RCW 70.05.054, and

(2) He shall satisfy the secretary of social and health services pursuant to the periodic interviews prescribed by RCW 70.05.055 that he has successfully completed such in-service orientation and is conducting such program of good health practices as may be required by the jurisdictional area concerned.

Sec. 4. Section 13, chapter 51, Laws of 1967 ex. sess. as amended by section 81, chapter 141, Laws of 1979 and RCW 70.05.080 are each amended to read as follows:

~~((In case of the refusal or neglect of any local board of health))~~ If the local board of health or other official responsible for appointing a local health officer under RCW 70.05.050 refuses or neglects to appoint a local health officer after a vacancy exists, the secretary of social and health services may appoint a local health officer and fix the compensation ((and)). The local health officer so appointed shall have the same duties, powers and authority as though appointed ((by the local boards of health)) under RCW 70.05.050. Such local health officer shall serve until ((such time as the local board of health appoints)) a qualified individual ((in his place)) is appointed according to the procedures set forth in RCW 70.05.050. The board or official responsible for appointing the local health officer under RCW 70.05.050 shall also be authorized to appoint an acting health officer to serve whenever the health officer is absent or incapacitated and unable to fulfill his responsibilities under the provisions of chapter 70.05 RCW and RCW 70.46.020 through 70.46.090.

NEW SECTION. Sec. 5. There is added to chapter 70.05 RCW a new section to read as follows:

Each city or town which is part of a county health department established under chapter 70.05 RCW or a combined city-county health department established under chapter 70.08 RCW, or is purchasing health services from a health department under a contract authorized by RCW 70.05.150 or 70.08.090, shall pay such sums to support the operations of such department as are agreed upon by the city or town and the jurisdiction operating the department, in accordance with guidelines established by the state board of health which specify those services or types of services that cities, towns, and counties must provide, and those services which are optional. If no agreement can be reached between the jurisdiction operating the health department and such city or town following a reasonable period of good faith negotiations, including mediation where appropriate, the matter shall be resolved by a board of arbitrators which shall be convened at the request of either party. The board of arbitrators shall consist of a representative of the jurisdiction operating the health department, a representative from the city or town involved, and a third representative appointed by the other two representatives. If no agreement can be reached regarding the third representative, the third representative shall be appointed by a judge of the superior court of the county of the jurisdiction operating the

department. The determination by the board of arbitrators of the amount to be paid by the city or town shall be binding on all parties. The cost, if any, of the representative appointed by each party shall be borne by that party. The cost, if any, of the third representative shall be shared equally by both parties.

NEW SECTION. Sec. 6. There is added to chapter 70.05 RCW a new section to read as follows:

All expenses incurred by the state or county in carrying out the provisions of chapters 70.05 and 70.08 RCW, any other public health law, or the rules enacted under such laws by the state board of health shall be paid by the city or town by which or on whose behalf such expenses were incurred. The local health officer shall certify the amount agreed upon or determined by arbitration under section 5 of this act which remains unpaid by each city or town to the fiscal or warrant issuing officer of such city or town.

If the certified expense is not paid by the city or town within thirty days after the end of the fiscal year, the local health officer shall certify the amount due to the auditor of the county in which the city or town is situated, who shall promptly issue a warrant on the county treasurer payable out of the current expense fund of the county, or in accordance with the procedures of the fiscal agent of the combined city-county health department. Any sums paid in this manner shall be reimbursed by the county auditor out of the money due the city or town at the next monthly settlement or settlements of the collection of taxes and until the certified amount is satisfied and shall be transferred to the county's current expense fund or to the fiscal agent of the combined city-county health department.

Passed the Senate May 10, 1983.

Passed the House May 9, 1983.

Approved by the Governor May 19, 1983.

Filed in Office of Secretary of State May 19, 1983.

CHAPTER 40

[Engrossed Second Substitute Senate Bill No. 3624]
WASHINGTON CONSERVATION CORPS

AN ACT Relating to conservation; adding a new chapter to Title 43 RCW; creating a new section; and providing an expiration date.

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

NEW SECTION. Sec. 1. The Washington conservation corps is hereby created, to be implemented by the following state departments: The employment security department, the department of ecology, the department of game, the department of natural resources, the department of fisheries, the department of agriculture, and the state parks and recreation commission.

NEW SECTION. Sec. 2. The legislature declares that:

(1) A central element in the development of the state's young is the provision of meaningful work experience to teach the value of labor and membership in a productive society;

(2) It is important to provide an opportunity for group-oriented public service experiences for the state's young persons;

(3) The state is still benefiting from the wide range of public works accomplished by the conservation corps many years ago and that a similar program will likewise benefit future generations; and

(4) Values of hard work, public spiritedness, group achievement and co-operation, resource conservation, and environmental appreciation can and should be transmitted to society's youth through a conservation corps program.

NEW SECTION. Sec. 3. Program goals of the Washington conservation corps include:

(1) Conservation, rehabilitation, and enhancement of the state's natural, historic, environmental, and recreational resources;

(2) Development of the state's youth resources through meaningful work experiences;

(3) Making outdoor and historic resources of the state available for public enjoyment;

(4) Teaching of the workings of natural, environmental, and biological systems, as well as basic employment skills;

(5) Assisting agencies in carrying out statutory assignments with limited funding resources; and

(6) Providing needed public services in both urban and rural settings.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Public lands" means any lands or waters, or interests therein, owned or administered by any agency or instrumentality of the state, federal, or local government.

(2) "Corps" means the Washington conservation corps.

(3) "Corps member" means an individual enrolled in the Washington conservation corps.

(4) "Corps member leaders" or "specialists" means members of the corps who serve in leadership or training capacities or who provide specialized services other than or in addition to the types of work and services that are performed by the corps members in general.

NEW SECTION. Sec. 5. (1) The youth employment exchange as established in section 3, chapter ... (2SHB 251), Laws of 1983 shall be the overall coordinator of the Washington conservation corps and have such powers as are provided by this chapter for the purposes of recruitment. The youth employment exchange shall develop guidelines for work performance

standards for the conservation corps programs of the agencies listed in section 1 of this act.

(2) The youth employment exchange shall be the sole recipient of federal funds for youth employment and conservation corps programs.

NEW SECTION. Sec. 6. (1) Each state department identified in section 1 of this act shall have the following powers and duties to carry out its functions relative to the Washington conservation corps:

(a) Recruiting and employing staff and corps member leaders and specialists;

(b) Adopting criteria for the selection of applicants to the program from among the enrollees of the youth employment exchange program;

(c) Executing agreements for furnishing the services of the employment conservation program to carry out conservation corps programs to any federal, state, or local public agency, any local organization as specified in this chapter in concern with the overall objectives of the conservation corps;

(d) Applying for and accepting grants or contributions of funds from any private source;

(e) Determining a preference for those projects which will provide long-term benefits to the public, will provide productive training and work experiences to the members involved, will be labor-intensive, may result in payments to the state for services performed, and can be promptly completed;

(f) Entering into agreements with community colleges within the state's community college system and other educational institutions or independent nonprofit agencies to provide special education in basic skills, including reading, writing, and mathematics for those conservation corps members who may benefit by participation in such classes. Classes shall be scheduled after corps working hours. Participation by members is not mandatory but shall be strongly encouraged. The participation shall be a primary factor in determining whether the opportunity for corps membership beyond one year shall be offered. Instruction related to the specific role of the department in resource conservation shall also be offered, either in a classroom setting or as is otherwise appropriate; and

(g) Reporting annually to the governor and the legislature on the activities undertaken by the employment and conservation program in the preceding fiscal year, including a cost-effectiveness analysis of all completed, ongoing, and proposed projects.

(2) The assignment of corps members shall not result in the displacement of currently employed workers, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits. Supervising agencies that participate in the program may not terminate, lay-off, or reduce the working hours of any employee for the purpose of using a corps member with available funds. In circumstances where substantial efficiencies or a public purpose may result, supervising agencies may

use corps members to carry out essential agency work or contractual functions without displacing current employees.

(3) Facilities, supplies, instruments, and tools of the supervising agency shall be made available for use by the conservation corps to the extent that such use does not conflict with the normal duties of the agency. The agency may purchase, rent, or otherwise acquire other necessary tools, facilities, supplies, and instruments.

NEW SECTION. Sec. 7. (1) Conservation corps members shall be unemployed residents of the state between eighteen and twenty-five years of age at the time of enrollment who are citizens or lawful permanent residents of the United States. The age requirements may be waived for corps leaders and specialists with special leadership or occupational skills; such members shall be given special responsibility for providing leadership, character development, and sense of community responsibility to the corps members, groups, and work crews to which they are assigned. Special effort shall be made to recruit minority and disadvantaged youth who meet selection criteria of the conservation corps. Preference shall be given to youths residing in areas, both urban and rural, in which there exists substantial unemployment exceeding the state average unemployment rate.

(2) Corps members shall not be considered state employees. Other provisions of law relating to civil service, hours of work, rate of compensation, sick leave, unemployment compensation, state retirement plans, and vacation leave do not apply to the Washington conservation corps except for the crew leaders, who shall be project employees, and the administrative and supervisory personnel.

(3) Enrollment shall be for a period of six months which may be extended by mutual agreement of the corps and the corps member. Corps members shall be reimbursed at the minimum wage rate established by federal law: PROVIDED, That the conservation corps shall be operated, to the maximum extent possible, as a residential program and corps members being provided housing shall receive a stipend.

(4) Corps members are to be available at all times for emergency response services coordinated through the department of emergency services or other public agency. Duties may include sandbagging and flood cleanup, search and rescue, and other functions in response to emergencies.

NEW SECTION. Sec. 8. Conservation corps members shall be selected based on their orientation towards public service, development of job skills and productive work habits, and character development. Special effort shall be made at the time of initial screening to explain rigorous productivity standards and special expectations and obligations of corps membership. An employment agreement shall be entered into by the corps member, indicating the member's understanding of, and willingness to abide by, such standards.

In the development of the corps program, consideration shall be given to providing corps members with a beneficial and meaningful work experience. Standards of productivity, behavior, and punctuality shall be developed and observed. Consideration shall be given to the development of a program that deserves the respect of the public, both in terms of service provided and personal development of corps members.

NEW SECTION. Sec. 9. (1) There is established a conservation corps within the department of ecology.

(2) Specific work project areas of the ecology conservation corps may include the following:

(a) Litter pickup as a supplement to the role of the litter patrol established by the model litter control and recycling act, chapter 70.93 RCW;

(b) Stream rehabilitation, including trash removal, in-stream debris removal, and clearance of log jams and silt accumulation, to the extent that such projects do not conflict with similar tasks undertaken by the department of fisheries;

(c) Minimum flow field work and stream gauging;

(d) Identification of indiscriminate solid waste dump sites;

(e) Laboratory and office assistance;

(f) General maintenance and custodial work at sewage treatment plants;

(g) Irrigation district assistance, including ditch cleaning and supervised work in surveying and engineering;

(h) Streambank erosion control; and

(i) Other projects as the director may determine. If a project requires certain levels of academic training, the director may assign corps members to categories of work projects according to educational background. If appropriate facilities are available, the director may authorize carrying out projects which involve overnight stays.

NEW SECTION. Sec. 10. The director of ecology shall undertake a study to identify facilities which may lend themselves to providing residential accommodations for civilian conservation corps members in appropriate locations throughout the state. The study shall include an assessment of any needed costs for rehabilitation or renovation of such facilities, facility ownership, and potential for utilization agreements; any required lease or rental costs; and other appropriate matters. As a function of this study, the director shall seek an agreement with the Cispus educational center to establish a pilot residential conservation corps program. Such program shall utilize the dormitory facilities at the educational center and shall provide for meals and supervision at the center. The director may deduct appropriate amounts from wages of participating corps members to reflect costs of providing residential camp services. Results of this study shall be reported to the legislature by January 1, 1984.

NEW SECTION. Sec. 11. The director of ecology shall develop a community recycling pilot project. This recycling project shall utilize ecology conservation corps members to establish recycling collection routes. As a function of this program, the department shall develop and produce, or contract to have developed and produced, a compartmentalized source separation container which may be used within the homes of a community for source separation of recyclable materials such as bottles, cans, paper, and other such materials. A public information process shall be undertaken to inform the residents of a selected community, town, or city, as identified by the director, of the nature of the project. Conservation corps members shall then contact community residents on a home-by-home basis, requesting participation in a recycling collection route and distributing the compartmentalized source separation containers to those homes participating. Thereafter, on a regular basis, the corps members shall collect recyclable materials from the participating homes for recycling. Materials may then be delivered for reimbursement to the appropriate entity as determined by the director. All funds shall be returned, with receipt, to the recycling program supervisor. The director shall establish an advisory committee made up of representatives of the recycling community, a major state-wide industry group interested in recycling, the department of ecology, public interest groups, and such other persons as the director determines. This advisory committee shall monitor the development of the project and advise on various policy matters. These may include the appropriate use of collected funds and the feasibility of involvement of the conservation corps in other elements of the recycling system, such as providing labor to recycling centers for the various tasks associated with recycling, the appropriate disbursement of recycled materials generated through the recycling collection routes, and other matters as they develop. Consistent with its monitoring function, the committee shall assist the director in the development of a report to the legislature discussing the feasibility of the program and any problems encountered, the appropriateness of utilization of conservation corps members in such a community recycling project, generation of funds and costs, and the possibility of expansion of the program on a broader scale. The director shall present such a report to the legislature within two years after the effective date of this act.

NEW SECTION. Sec. 12. (1) There is established a conservation corps within the department of game.

(2) Specific work project areas of the game conservation corps may include the following:

- (a) Habitat development;
- (b) Land clearing;
- (c) Construction projects;
- (d) Noxious weed control;
- (e) Brush cutting;

- (f) Reader board construction;
- (g) Painting;
- (h) Cleaning and repair of rearing ponds;
- (i) Fishtrap construction;
- (j) Brush clearance;
- (k) Spawning channel restoration;
- (l) Log removal;
- (m) Nest box maintenance and cleaning;
- (n) Fence building;
- (o) Winter game feeding and herding; and
- (p) Such other projects as the director of game may determine. If appropriate facilities are available, the director of game may authorize carrying out projects which involve overnight stays.

NEW SECTION. Sec. 13. (1) There is established a conservation corps within the department of natural resources.

(2) Specific work project areas of the natural resources conservation corps may include the following:

- (a) Research assistance;
- (b) Recreation projects;
- (c) Slash disposal;
- (d) Pit site reclamation;
- (e) Road deactivation;
- (f) Animal damage control;
- (g) Reforestation;
- (h) Wood cutting;
- (i) Firewood systems development;
- (j) Noxious weed control;
- (k) Fence construction and maintenance;
- (l) Wood products manufacturing;
- (m) Riparian area cleaning;
- (n) Spring development for grazing;
- (o) Erosion control;
- (p) Control of fires; and
- (q) Such other projects as the commissioner of public lands may determine. If appropriate facilities are available, the commissioner of public lands may authorize carrying out projects which involve overnight stays.

NEW SECTION. Sec. 14. (1) There is established a conservation corps within the department of fisheries.

(2) Specific work project areas of the fisheries conservation corps may include the following:

- (a) Stream rehabilitation;
- (b) Fish hatchery operation and maintenance;
- (c) Fish tagging; and

(d) Such other projects as the director of fisheries may determine. If appropriate facilities are available, the director of fisheries may authorize carrying out projects which involve overnight stays.

NEW SECTION. Sec. 15. (1) There is established a conservation corps within the department of agriculture.

(2) Specific work project areas of the agriculture conservation corps may include the following:

- (a) Insect detection and control;
- (b) Noxious weed removal;
- (c) Irrigation district canal maintenance; and

(d) Such other projects as the director of agriculture may determine. If appropriate facilities are available, the director of agriculture may authorize carrying out projects which involve overnight stays.

NEW SECTION. Sec. 16. (1) There is established a conservation corps within the state parks and recreation commission.

(2) Specific work project areas of the state parks and recreation conservation corps may include the following:

- (a) Restoration or development of park facilities;
- (b) Trail construction and maintenance;
- (c) Litter control;
- (d) Park and land rehabilitation;
- (e) Fire suppression;
- (f) Road repair; and

(g) Other projects as the state parks and recreation commission may determine. If appropriation facilities are available, the state parks and recreation commission may authorize carrying out projects which involve overnight stays.

NEW SECTION. Sec. 17. The services of corps members placed with agencies listed in section 1 of this act are exempt from unemployment compensation coverage under RCW 50.44.040(5) and the enrollees shall be so advised by the department.

NEW SECTION. Sec. 18. The state historic preservation officer shall review the state and national registers of historic places to identify publicly owned historic properties and sites within the state which are in need of rehabilitation or renovation and which could utilize parks and recreation conservation corps members in such rehabilitation or renovation. Any such tasks shall be performed in such a way as not to conflict with the historic character of the structure as determined by the state historic preservation officer.

Conservation corps members shall be made available for tasks identified by the state historic preservation officer in the rehabilitation and renovation of historic sites within the state.

NEW SECTION. Sec. 19. (1) The employment security department shall be the overall coordinator of the Washington conservation corps and have such powers as are provided by this chapter for the purposes of recruitment. The employment security department shall develop guidelines for work performance standards for the conservation corps programs of the agencies listed in section 1 of this act. The agencies may, at their option, utilize such standards in the development of their respective conservation corps programs.

(2) The employment security department shall be the sole recipient of federal funds for youth employment and conservation corps programs.

NEW SECTION. Sec. 20. The agencies listed in section 1 of this act shall convene a conservation corps coordinating council to meet as needed on the call of the employment security department to establish consistent work standards and placement and evaluation procedures of corps programs. The coordinating council shall be composed of administrative personnel of the implementing agencies. The coordinating council shall serve to reconcile problems that arise in the implementation of the corps programs and develop coordination procedures for emergency responses of corps members.

NEW SECTION. Sec. 21. The governor shall appoint an eight-member legislative oversight committee to recommend to the governor a plan for the distribution and use of new federal funds for youth employment and conservation corps programs. The senate majority leader and the speaker of the house of representatives shall each submit to the governor a list of eight legislators from which the governor shall appoint the members of the legislative oversight committee. The membership of the committee shall include equal representation of the two houses of the legislature and the two largest caucuses in each house.

NEW SECTION. Sec. 22. The Washington conservation corps shall cease to exist and sections 1 through 21 of this act shall expire on July 1, 1987, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 23. (1) If Second Substitute House Bill No. 251 is enacted into law in the 1983 first extraordinary session of the legislature, section 5 of this act shall take effect and section 19 of this act shall be null and void.

(2) If Second Substitute House Bill No. 251 is not enacted into law, section 19 of this act shall take effect and section 5 of this act shall be null and void.

NEW SECTION. Sec. 24. 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. 25. Sections 1 through 21 of this act shall constitute a new chapter in Title 43 RCW.

Passed the Senate May 11, 1983.

Passed the House May 10, 1983.

Approved by the Governor May 19, 1983.

Filed in Office of Secretary of State May 19, 1983.

CHAPTER 41

[Reengrossed Substitute Senate Bill No. 3660]

DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILD SUPPORT PROCEDURES—PARENTAGE—CORRECTIONAL INSTITUTION FOR JUVENILES

AN ACT Relating to social and health services; amending section 6, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 10, chapter ... (SSB 3782), Laws of 1983 and RCW 26.09.060; amending section 10, page 452, Laws of 1873 as last amended by section 1, chapter 121, Laws of 1969 ex. sess. and RCW 26.16.200; amending section 2, chapter 161, Laws of 1979 ex. sess. as last amended by section 2, chapter (SB 4204), Laws of 1983 and RCW 70.38.025; amending section 12, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.120; amending section 25, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.250; amending section 7, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.060; amending section 10, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.090; amending section 11, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.100; amending section 14, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.130; amending section 19, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.180; amending section 21, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.200; amending section 21, chapter 5, Laws of 1961 ex. sess. as amended by section 38, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 70.58.095; amending section 13, chapter 206, Laws of 1963 as amended by section 370, chapter 141, Laws of 1979 and RCW 74.20.280; amending section 28A.10.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 11, chapter 151, Laws of 1979 and RCW 28A.10.080; amending section 6, chapter 224, Laws of 1982 and RCW 71.20.016; amending section 2, chapter 102, Laws of 1967 ex. sess. as amended by section 47, chapter 141, Laws of 1979 and RCW 43.20A.605; amending section 74.04.290, chapter 26, Laws of 1959 as last amended by section 2, chapter 171, Laws of 1979 ex. sess. and RCW 74.04.290; amending section 10, chapter 152, Laws of 1979 ex. sess. and RCW 74.09.290; amending section 5, chapter 228, Laws of 1979 ex. sess. and RCW 70.124.050; amending section 72.01.060, chapter 28, Laws of 1959 as amended by section 146, chapter 141, Laws of 1979 and RCW 72.01.060; amending section 3, chapter 165, Laws of 1963 as amended by section 224, chapter 141, Laws of 1979 and RCW 72.19.030; amending section 72.23.030, chapter 28, Laws of 1959 as amended by section 2, chapter 56, Laws of 1969 and RCW 72.23.030; amending section 3, chapter 18, Laws of 1967 ex. sess. as amended by section 55, chapter 80, Laws of 1977 ex. sess. and RCW 72.30.030; amending section 72.33.040, chapter 28, Laws of 1959 as last amended by section 12, chapter 217, Laws of 1979 ex. sess. and RCW 72.33.040; amending section 74.04.060, chapter 26, Laws of 1959 as amended by section 1, chapter 152, Laws of 1973 and RCW 74.04.060; amending section 1, chapter 6, Laws of 1981 1st ex. sess. as amended by section 5, chapter 10, Laws of 1981 2nd ex. sess. and RCW 74.04.005; amending section 3, chapter 10, Laws of 1973 2nd ex. sess. as last amended by section 7, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.04.620; amending section 4, chapter 10, Laws of 1981 2nd ex. sess. and RCW 74.04.770; amending section 17, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.08.541; amending section 74.12.010, chapter 26, Laws of 1959 as last amended by section 23, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.12.010; adding new sections to chapter 26.26 RCW; adding a new section to chapter 4.16 RCW; adding new sections to chapter 43.20A RCW; adding new sections to chapter 74.04 RCW; adding a new section to chapter 74.20 RCW; creating a new section; repealing section 45, chapter 42, Laws of 1975-'76 2nd ex. sess.

and RCW 26.26.902; repealing section 1, chapter 277, Laws of 1959, section 216, chapter 141, Laws of 1979 and RCW 72.18.010; repealing section 4, chapter 277, Laws of 1959, section 217, chapter 141, Laws of 1979 and RCW 72.18.040; repealing section 5, chapter 277, Laws of 1959, section 218, chapter 141, Laws of 1979 and RCW 72.18.050; repealing section 6, chapter 277, Laws of 1959, section 219, chapter 141, Laws of 1979 and RCW 72.18.060; repealing section 7, chapter 277, Laws of 1959, section 220, chapter 141, Laws of 1979 and RCW 72.18.070; and repealing section 8, chapter 277, Laws of 1959, section 221, chapter 141, Laws of 1979 and RCW 72.18.080.

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

Sec. 1. Section 6, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 10, chapter ... (SSB 3782), Laws of 1983 and RCW 26.09.060 are each amended to read as follows:

(1) In a proceeding for:

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

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

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

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

(b) Molesting or disturbing the peace of the other party or of any child and, upon a showing by clear and convincing evidence that the party so restrained or enjoined has used or displayed or threatened to use a deadly weapon as defined in RCW 9A.04.110 in an act of violence or has previously committed acts of domestic violence and is likely to use or display or threaten to use a deadly weapon in an act of domestic violence, requiring the party to surrender any deadly weapon in his immediate possession or control or subject to his immediate possession or control to the sheriff of the county having jurisdiction of the proceeding or to the restrained or enjoined party's counsel or to any person designated by the court. The court may order temporary surrender of deadly weapons without notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for response has elapsed;

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

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

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

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

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

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

(b) May be revoked or modified;

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

(d) May be entered in a proceeding for the modification of an existing decree.

(6) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 2. Section 10, page 452, Laws of 1873 as last amended by section 1, chapter 121, Laws of 1969 ex. sess. and RCW 26.16.200 are each amended to read as follows:

Neither husband or wife is liable for the debts or liabilities of the other incurred before marriage, nor for the separate debts of each other, nor is the rent or income of the separate property of either liable for the separate debts of the other: PROVIDED, That the earnings and accumulations of the husband shall be available to the legal process of creditors for the satisfaction of debts incurred by him prior to marriage, and the earnings and accumulations of the wife shall be available to the legal process of creditors

for the satisfaction of debts incurred by her prior to marriage. For the purpose of this section, neither the husband nor the wife shall be construed to have any interest in the earnings of the other: **PROVIDED FURTHER,** That no separate debt, except a child support or maintenance obligation, may be the basis of a claim against the earnings and accumulations of either a husband or wife unless the same is reduced to judgment within three years of the marriage of the parties. The obligation of a parent or stepparent to support a child may be collected out of the parent's or stepparent's separate property, the parent's or stepparent's earnings and accumulations, and the parent's or stepparent's share of community personal and real property. Funds in a community bank account which can be identified as the earnings of the nonobligated spouse are exempt from satisfaction of the child support obligation of the debtor spouse.

Sec. 3. Section 12, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.120 are each amended to read as follows:

In the case of a bank, bank association, mutual savings bank, or savings and loan association maintaining branch offices, service of a lien or order to withhold and deliver or any other notice or document authorized by this chapter shall only be effective as to the accounts, credits, or other personal property of the debtor in the particular branch upon which service is made.

If the department initiates collection action under this chapter against a community bank account, the debtor or the debtor's spouse, upon service on the department of a timely request, shall have a right to a contested hearing under chapter 34.04 RCW to establish that the funds in the account, or a portion of those funds, were the earnings of the nonobligated spouse, and are exempt from the satisfaction of the child support obligation of the debtor pursuant to RCW 26.16.200.

Sec. 4. Section 25, chapter 264, Laws of 1969 ex. sess. and RCW 7.33-.250 are each amended to read as follows:

The defendant may also in like manner controvert the answer of the garnishee and claim the exemption provided by RCW 26.16.200.

Sec. 5. Section 7, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.060 are each amended to read as follows:

(1) (a) A child, ((his)) a child's natural mother, ((or a man presumed to be his father under RCW 26.26.040)) a man alleged or alleging himself to be the father, a child's guardian, a child's personal representative, the state of Washington, or any interested party may bring an action ((~~at~~)) at any time for the purpose of declaring the existence or nonexistence of the father and child relationship ((~~presumed under RCW 26.26.040; or~~)).

(b) A man presumed to be a child's father under RCW 26.26.040 may bring an action for the purpose of declaring the nonexistence of the father and child relationship ((~~presumed under RCW 26.26.040 (1), (2), (3) or (4)~~)) 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))~~ (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 RCW 26.26.040 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 RCW 26.26.040 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)) (3) 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))~~ (4) 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 RCW 26.26.040 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.))~~

(5) Actions under this chapter may be maintained as to any child, whether born before or after the enactment of this chapter.

Sec. 6. Section 10, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.090 are each amended to read as follows:

The child shall be made a party to the action. If ~~((he))~~ the child is a minor ~~((he))~~, the child shall be represented by ~~((his))~~ the child's general guardian or a guardian ad litem appointed by the court subject to RCW 74.20.310. 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 RCW 26.26.040, 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.

Sec. 7. Section 11, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.100 are each amended to read as follows:

(1) The court may, and upon request of a party shall, require the child, mother, and a presumed or alleged father to submit to blood tests. The tests shall be performed by an expert ~~((qualified as an examiner of blood types,))~~ in paternity blood testing appointed by the court.

(2) The court, upon reasonable request by a party, shall order that ~~((independent))~~ additional blood tests be performed by other experts qualified ~~((as examiner of blood types))~~ in paternity blood testing.

(3) In all cases, the court shall determine the number and qualifications of the experts.

Sec. 8. Section 14, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.130 are each amended to read as follows:

(1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship ~~((is))~~ shall be 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))~~ shall contain ~~((any))~~ other appropriate provisions directed ~~((against))~~ to the appropriate ~~((party))~~ parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is before the court, 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))~~ the child's custody and as to visitation;
- (b) The wishes of the child as to ~~((his))~~ the child's custodian and as to visitation privileges;
- (c) The interaction and interrelationship of the child with ~~((his))~~ the child's parent or parents, ~~((his))~~ the child's 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.

Sec. 9. Section 19, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.180 are each amended to read as follows:

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 RCW 26.26.060~~((5))~~(3).

Sec. 10. Section 21, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.200 are each amended to read as follows:

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 or for the orderly administration of justice. All papers and records, other than the final judgment and matters related to the enforcement of 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 by a non-party 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.

NEW SECTION. Sec. 11. There is added to chapter 26.26 RCW a new section to read as follows:

A court may not order payment for support provided or expenses incurred more than five years prior to the commencement of the action. Any period of time in which the responsible party has concealed himself or avoided the jurisdiction of the court under this chapter shall not be included within the five-year period.

NEW SECTION. Sec. 12. There is added to chapter 26.26 RCW a new section to read as follows:

(1) If the court has made a finding as to the paternity of a child, or if a party's acknowledgment of paternity has been filed with the court, or a party alleges he is the father of the child, any party may move for temporary support for the child prior to the date of entry of the final order. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) Any party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any party from:

- (a) Molesting or disturbing the peace of another party;
- (b) Entering the home of another party; or
- (c) Removing a child from the jurisdiction of the court.

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

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

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

- (a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;
- (b) May be revoked or modified;
- (c) Terminates when the final order is entered or when the petition is dismissed; and

(d) May be entered in a proceeding for the modification of an existing order.

(6) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

NEW SECTION. Sec. 13. There is added to chapter 4.16 RCW a new section to read as follows:

This chapter does not limit the time in which an action for determination of paternity may be brought under chapter 26.26 RCW.

Sec. 14. Section 21, chapter 5, Laws of 1961 ex. sess. as amended by section 38, chapter 42, Laws of 1975-'76 2nd 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 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 acknowledgment shall not be subject to inspection except upon order of a court of competent jurisdiction, or upon written request of the department of social and health services, the attorney general, or a prosecuting attorney, stating that the documents are being sought in furtherance of an action to enforce a duty of support. 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. 15. Section 13, chapter 206, Laws of 1963 as amended by section 370, chapter 141, Laws of 1979 and RCW 74.20.280 are each amended to read as follows:

The department is authorized and directed to establish a central unit to serve as a registry for the receipt of information, for answering interstate inquiries concerning ~~((deserting))~~ the parents of dependent children, to coordinate and supervise departmental activities in relation to ~~((deserting))~~ such parents ~~((and))~~, to assure effective cooperation with law enforcement agencies, and to perform other functions authorized by state and federal support enforcement and child custody statutes and regulations.

To effectuate the purposes of this section, the secretary may request from state, county and local agencies all information and assistance as authorized by this chapter. Upon the request of the department of social and health services, all state, county and city agencies, officers and employees shall cooperate in the location of the parents ~~((who have abandoned or deserted, or are failing to support, children receiving public assistance))~~ of a dependent child and shall ~~((on request))~~ supply the ~~((state))~~ department ~~((of social and health services))~~ with all information ~~((on hand))~~ relative to the location, income and property of such parents, notwithstanding any provision of law making such information confidential.

Any records established pursuant to the provisions of this section shall be available only to the attorney general, prosecuting attorneys, ~~((and))~~ courts having jurisdiction in support and/or abandonment proceedings or actions, or other authorized agencies ~~((in other states engaged in the enforcement of support of minor children as authorized by the rules and regulations of the department and by the provisions of the federal social security act))~~ or persons for use consistent with the intent of state and federal support enforcement and child custody statutes and regulations.

Sec. 16. Section 28A.10.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 11, chapter 151, Laws of 1979 and RCW 28A.10.080 are each amended to read as follows:

(1) The state agency may purchase, from any source, by contract, vocational rehabilitation services for handicapped persons, payments for such services to be made subject to procedures and fiscal controls approved by the director of financial management. The performance of and payment for such services shall be subject to post audit review by the state auditor.

(2) Notwithstanding any other provision of RCW 28A.10.080, 28A.10.100, 28A.10.105 and 28A.10.110, when the state agency determines that a mentally retarded, severely handicapped, or disadvantaged person can reasonably be expected to benefit from, or in his best interests reasonably requires extended sheltered employment or supervised work furnished by an approved nonprofit organization, the state agency is authorized to contract with such organization for the furnishing of such sheltered employment or supervised work to such mentally retarded, severely handicapped, or disadvantaged person. ~~((The state agency is authorized to expend for or toward the cost of providing such sheltered employment or supervised work a sum or sums not to exceed one thousand five hundred dollars per annum for each~~

~~such mentally retarded, severely handicapped, or disadvantaged person in order to maintain him as a contributing and self-supporting member of society as an alternative to dependency: PROVIDED, That the state agency is authorized to expend in excess of one thousand five hundred dollars per annum for each such mentally retarded, severely handicapped, or disadvantaged person when federal or other funding becomes available to the state agency for such purpose and such additional expenditures may continue as long as the additional federal or other funding is or becomes available.))~~

(3) The determination of eligibility for such service shall be made for each individual by the state agency. The mentally retarded, severely handicapped and disadvantaged individuals served under this law shall be construed to be poor or infirm within the meaning of the term as used in the state Constitution.

(4) The state agency shall maintain a register of nonprofit organizations which it has inspected and certified as meeting required standards and as qualifying to serve the needs of such mentally retarded, severely handicapped, or disadvantaged persons. Eligibility of such organizations to receive the funds hereinbefore specified shall be based upon standards and criteria promulgated by the state agency.

(5) The state agency is authorized to promulgate such rules and regulations as it may deem necessary or proper to carry out the provisions of this section.

NEW SECTION. Sec. 17. There is added to chapter 43.20A RCW a new section to read as follows:

(1) "Vendor", for the purposes of this section, means any public or private agency providing services under contract to or for clientele of the department.

(2) Except as provided in subsection (5) of this section, vendors of services to the department of social and health services shall pay interest on overpayments or erroneous payments made by the department on billings from the vendor at the rate of one percent per month, but of at least one dollar per month.

(3) The department may recover interest accrued under this section by setoff or recoupment against subsequent contract payments due to the vendor.

(4) The interest shall begin accruing thirty days after notice to the vendor of overpayment or erroneous payment or the date of the final decision on any administrative or judicial remedy sought by the vendor, whichever is the later date.

(5) This section does not apply to:

(a) Interagency or intergovernmental transactions;

(b) Contracts for public works, goods and services procured for the exclusive use of the department, equipment, or travel;

(c) Claims subject to a good faith dispute. A good faith dispute exists when:

(i) The exact amount of the overpayment has not been established by agreement of the parties or by operation of law; or

(ii) All administrative or judicial remedies available have not been exhausted;

(d) Nursing homes licensed under chapter 18.51 RCW or portions of hospitals licensed under chapter 70.41 RCW and operating as a nursing home, if those facilities are subject to chapter 74.46 RCW;

(e) Contracts entered into before the effective date of this section.

NEW SECTION. Sec. 18. The enactment of section 17 of this act shall not have the effect of terminating or in any way modifying any liability, civil or criminal, which is already in existence on the effective date of section 17 of this act.

Sec. 19. Section 6, chapter 224, Laws of 1982 and RCW 71.20.016 are each amended to read as follows:

~~((Prior to the development of a new statutory definition by the department of social and health services))~~ The term "developmental disability" ~~((shall))~~ means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary ~~((of Health and Human Services))~~ of the department of social and health services to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

NEW SECTION. Sec. 20. There is added to chapter 43.20A RCW a new section to read as follows:

The department may establish and operate workshops for the training, habilitation, and rehabilitation of residents of institutions of the department. Products, goods, wares, articles, or merchandise manufactured or produced by the workshops may be sold to governmental agencies or on the open market at fair value. Prior to establishment of new state-operated workshops at institutions, the department shall consider the availability, appropriateness, and relative cost of contracting with and giving first preference to private nonprofit sheltered workshops, as defined in RCW 82.04.385, to provide workshop activities for residents of the institution.

The secretary shall credit the moneys derived from the sale of items from workshops under this section to a revolving fund under the control of the superintendent of the institution or facility where the items were manufactured. These moneys shall be expended for the purchase of supplies and materials for use in the workshop, to provide pay and training incentives for residents, and for other costs of the operation of the workshop. Payment of

residents for work performed on workshop projects shall take into account resident productivity in comparison to the productivity of a nondisabled person earning the minimum wage as well as other factors consistent with goals of rehabilitation and treatment. Institutional work training programs shall be operated in accordance with standards required by the department for private vendors for the same or similar service.

Workshop materials and supplies may be purchased through state purchasing or from private vendors. Each institution or facility shall maintain records to demonstrate that purchases are made at the fair market value or best available price.

Sec. 21. Section 2, chapter 102, Laws of 1967 ex. sess. as amended by section 47, chapter 141, Laws of 1979 and RCW 43.20A.605 are each amended to read as follows:

(1) The secretary shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before him together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation. ((The provisions of RCW 34.04.105 shall apply to subpoenas issued hereunder.))

(2) Subpoenas issued in agency hearings and contested cases shall be governed by the provisions of RCW 34.04.105.

(3) Subpoenas issued in the conduct of investigations required or authorized by other statutory provisions or necessary in the enforcement of other statutory provisions shall be governed by the following:

(a) The secretary shall not compel the production of any papers, books, records, or documents which are in the custody of another public official or agency and within the public official's or agency's power to provide voluntarily on request.

(b) If an individual fails to obey the subpoena or obeys the subpoena but refuses to testify when required concerning any matter under examination or investigation, the secretary may petition the superior court of the county where the examination or investigation is being conducted for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the agency. The court, upon such petition, shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and at that time and place show cause why the witness has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant, the court shall enter an order that the witness appear at the time

and place fixed in the order and testify or produce the required papers. On failing to obey the order, the witness shall be dealt with as for contempt of court.

(c) Subpoenas issued under this subsection shall be served in the manner prescribed for service of a summons in a civil action or by certified mail, return receipt requested. The return receipt is prima facie evidence of service.

Sec. 22. Section 74.04.290, chapter 26, Laws of 1959 as last amended by section 2, chapter 171, Laws of 1979 ex. sess. and RCW 74.04.290 are each amended to read as follows:

In carrying out any of the provisions of this title, the secretary, county administrators, hearing examiners, or other duly authorized officers of the department shall have power to subpoena witnesses, administer oaths, take testimony and compel the production of such papers, books, records and documents as they may deem relevant to the performance of their duties(~~); but no officer or agency mentioned in this section shall have power to compel the production of any papers, books, records or documents which are in the custody of any other such officer or agency and within his or its power to provide voluntarily on request.~~

~~If an individual fails to obey the subpoena or obeys the subpoena but refuses to testify when required concerning any matter under examination or investigation or the subject of a hearing, the officer or agency issuing the subpoena may petition the superior court of the county where the examination or investigation is being conducted for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the agency. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey said order the witness shall be dealt with as for contempt of court.~~

~~The subpoena shall be served in the same manner prescribed for the service of a summons in a civil action or by certified mail, return receipt requested. The receipt shall be prima facie evidence of service)).~~ Subpoenas issued under this power shall be under RCW 43.20A.605.

Sec. 23. Section 10, chapter 152, Laws of 1979 ex. sess. and RCW 74.09.290 are each amended to read as follows:

The secretary of the department of social and health services or his authorized representative shall have the authority to:

(1) Conduct audits and investigations of providers of medical and other services furnished pursuant to this chapter, except that the Washington state medical disciplinary board shall generally serve in an advisory capacity to the secretary in the conduct of audits or investigations of physicians. In the conduct of such audits or investigations, the secretary may examine only those records or portions thereof, including patient records, for which services were rendered by a health care provider and reimbursed by the department, notwithstanding the provisions of RCW 5.60.060, 18.53.200, 18.83.110, or any other statute which may make or purport to make such records privileged or confidential: PROVIDED, That no original patient records shall be removed from the premises of the health care provider, and that the disclosure of any records or information by the department of social and health services is prohibited and constitutes a violation of RCW 42.22.040, unless such disclosure is directly connected to the official purpose for which the records or information were obtained: PROVIDED FURTHER, That the disclosure of patient information as required under this section shall not subject any physician or other health services provider to any liability for breach of any confidential relationship between the provider and the patient, but no evidence resulting from such disclosure may be used in any civil, administrative, or criminal proceeding against the patient unless a waiver of the applicable evidentiary privilege is obtained: PROVIDED FURTHER, That the secretary shall destroy all copies of patient medical records in their possession upon completion of the audit, investigation or proceedings;

(2) ~~((Issue subpoenas, compel the attendance of witnesses, administer oaths, certify to official acts, take depositions within and without the state of Washington as now provided by law, and compel the production of pertinent books, payrolls, accounts, papers, records, documents, and testimony relevant to such investigation. If a person in attendance before such secretary or his authorized representative refuses, without reasonable cause, to be examined or to answer a legal and pertinent question, or to produce a book or paper or other evidence when ordered to do so by the secretary or his authorized representative, said secretary or his authorized representative may apply to the judge of the superior court of the county where such person is in attendance, upon affidavit, for an order returnable in not less than two nor more than five days, directing such person to show cause before such judge, or any other judge of such county, why he should not produce such records. Upon the hearing of such order, if the judge shall determine that such person has refused, without reasonable cause or legal excuse, to be examined or to answer a legal or pertinent question, or to produce a book or paper which he was ordered to bring or produce, he may forthwith punish the offender for contempt of court. Subpoenas shall be served and witness~~

~~fees and mileage paid as allowed in civil cases in the superior courts of this state;~~

~~(3))~~ Approve or deny applications to participate as a provider of services furnished pursuant to this chapter;

~~((4))~~ (3) Terminate or suspend eligibility to participate as a provider of services furnished pursuant to this chapter; and

~~((5))~~ (4) Adopt, promulgate, amend, and rescind administrative rules and regulations, in accordance with the administrative procedure act, chapter 34.04 RCW, to carry out the policies and purposes of RCW 74.09.200 through 74.09.290.

Sec. 24. Section 5, chapter 228, Laws of 1979 ex. sess. and RCW 70.124.050 are each amended to read as follows:

Upon the receipt of a report concerning the possible occurrence of abuse or neglect, it is the duty of the law enforcement agency and the department to commence an investigation within twenty-four hours of such receipt and, where appropriate, submit a report to the appropriate prosecuting attorney. The local prosecutor may seek a restraining order to prohibit continued patient abuse. In all cases investigated by the department a report to the complainant shall be made by the department.

NEW SECTION. Sec. 25. There is added to chapter 43.20A RCW a new section to read as follows:

The secretary may appoint one individual to serve as chief executive officer, administrator, or superintendent for more than one facility or institution of the department where one or both facilities or institutions are required by law to have a chief executive officer, administrator, or superintendent. This section, however, shall not apply to RCW 72.40.020.

Sec. 26. Section 72.01.060, chapter 28, Laws of 1959 as amended by section 146, chapter 141, Laws of 1979 and RCW 72.01.060 are each amended to read as follows:

~~((It shall be the duty of the secretary to appoint a chief executive officer for each public institution under his control, who shall devote his entire time to the duties of his office and whose title shall be "superintendent". Said appointment shall be for a term of four years, but the appointee may be removed by the secretary in his discretion:~~

~~No person shall be eligible for appointment as superintendent of a hospital for the mentally ill unless he has had three or more years experience as a practicing physician after receiving his diploma or license:))~~ The secretary shall appoint the chief executive officers necessary to manage one or more of the public facilities operated by the department. This section, however, shall not apply to RCW 72.40.020.

Except as otherwise provided in this title, the ~~((superintendent))~~ chief executive officer of each institution may appoint all assistants and employees required for the management of the institution placed in his charge, the

number of such assistants and employees to be determined and fixed by the secretary. The ~~((superintendent))~~ chief executive officer of any institution may, at his pleasure, discharge any person therein employed. The secretary shall investigate all complaints made against the ~~((superintendent))~~ chief executive officer of any institution and also any complaint against any other officer or employee thereof, if it has not been investigated and reported upon by the ~~((superintendent))~~ chief executive officer.

The secretary may, after investigation, for good and sufficient reasons, order the discharge of any subordinate officer or employee of an institution.

Each ~~((superintendent))~~ chief executive officer shall receive such salary as is fixed by the secretary, who shall also fix the compensation of other officers and the employees of each institution. Such latter compensation shall be fixed on or before the first day of April of each year and no change shall be made in the compensation, so fixed, during the twelve month~~(s)~~ period commencing April 1st.

Sec. 27. Section 3, chapter 165, Laws of 1963 as amended by section 224, chapter 141, Laws of 1979 and RCW 72.19.030 are each amended to read as follows:

The superintendent of the correctional institution established by this chapter shall be appointed by the secretary. ~~((The superintendent shall have such administrative and correctional experience and possess such qualifications as shall be determined by the state personnel board subject to the advice and approval of the secretary.))~~

Sec. 28. Section 72.23.030, chapter 28, Laws of 1959 as amended by section 2, chapter 56, Laws of 1969 and RCW 72.23.030 are each amended to read as follows:

The superintendent of a state hospital ~~((shall be a skillful practicing physician; he shall have control of the medical, therapeutic, and dietetic treatment of the patients, which shall include authority to cause the performance of all necessary surgery. The superintendent,))~~ subject to rules ~~((and regulations))~~ of the department, shall have control of the internal government and economy of a state hospital and shall appoint and direct all subordinate officers and employees. If the superintendent is not a psychiatrist, clinical care shall be under the direction of a qualified psychiatrist.

Sec. 29. Section 3, chapter 18, Laws of 1967 ex. sess. as amended by section 55, chapter 80, Laws of 1977 ex. sess. and RCW 72.30.030 are each amended to read as follows:

The superintendent of a state school shall have a demonstrated history of knowledge, understanding, and compassion for the needs, treatment, and training of developmentally disabled persons.

The superintendent of the Interlake School (~~for handicapped persons~~) shall be appointed by the secretary (~~and shall have such administrative experience and possess such qualifications as shall be determined by the state personnel board subject to the advice and approval of the secretary~~).

Sec. 30. Section 72.33.040, chapter 28, Laws of 1959 as last amended by section 12, chapter 217, Laws of 1979 ex. sess. and RCW 72.33.040 are each amended to read as follows:

~~((The superintendent of a state school appointed after June 12, 1957 shall be a person of good character, and either a physician licensed to practice in the state of Washington or has attained a minimum of a master's degree from an accredited college or university in psychology, social science, or education, and in addition shall have had suitable experience in an administrative or professional capacity in the residential care, treatment and training of handicapped persons:))~~

The superintendent of a state school shall have a demonstrated history of knowledge, understanding, and compassion for the needs, treatment, and training of developmentally disabled persons.

The superintendent shall have custody of all residents and control of the medical, educational, therapeutic and dietetic treatment of all persons resident in such state school, except for the program of education provided pursuant to RCW 28A.58.772 through 28A.58.776, as now or hereafter amended, which the school district conducting the program shall have control of and joint custody of such residents in connection therewith: PROVIDED, That the superintendent shall cause surgery to be performed on any resident only upon gaining the consent of a parent, guardian, or limited guardian as authorized, except, if after reasonable effort to locate the parents, guardian, or limited guardian as authorized, and the health of such resident is certified by the attending physician to be jeopardized unless such surgery is performed, the required consent shall not be necessary.

The superintendent shall have control of the internal government and economy of the state school and shall appoint and direct all subordinate officers and employees: PROVIDED, That the powers and duties conferred upon the superintendent shall be subject to the rules and regulations of the department and the state personnel board.

The superintendent shall have authority to engage the residents of the state school in beneficial work programs but shall not abuse such therapy by excessive hours or for purposes of discipline or punishment.

NEW SECTION. Sec. 31. There is added to chapter 74.20 RCW a new section to read as follows:

If the legal custodian has been wrongfully deprived of physical custody, the department is authorized to excuse the custodian from support payments for a child or children receiving or on whose behalf public assistance was provided under chapter 74.12 RCW.

Sec. 32. Section 74.04.060, chapter 26, Laws of 1959 as amended by section 1, chapter 152, Laws of 1973 and RCW 74.04.060 are each amended to read as follows:

For the protection of applicants and recipients, the department and the county offices and their respective officers and employees are prohibited, except as hereinafter provided, from disclosing the contents of any records, files, papers and communications, except for purposes directly connected with the administration of the programs of this title. In any judicial proceeding, except such proceeding as is directly concerned with the administration of these programs, such records, files, papers and communications, and their contents, shall be deemed privileged communications and except for the right of any individual to inquire of the office whether a named individual is a recipient of welfare assistance and such person shall be entitled to an affirmative or negative answer. However, upon written request of a parent who has been awarded visitation rights in an action for divorce or separation or any parent with legal custody of the child, the department shall disclose to him or her the current address and location of his or her natural or adopted children. Information supplied to a parent by the department shall be used only for purposes directly related to the enforcement of the visitation and custody provisions of the court order of separation or decree of divorce. No parent shall disclose such information to any other person except for the purpose of enforcing visitation provisions of the said order or decree.

The county offices shall maintain monthly at their offices a report showing the names and addresses of all recipients in the county receiving public assistance under this title, together with the amount paid to each during the preceding month.

The provisions of this section shall not apply to duly designated representatives of approved private welfare agencies, public officials, members of legislative interim committees and advisory committees when performing duties directly connected with the administration of this title, such as regulation and investigation directly connected therewith: PROVIDED, HOWEVER, That any information so obtained by such persons or groups shall be treated with such degree of confidentiality as is required by the federal social security law.

It shall be unlawful, except as provided in this section, for any person, body, association, firm, corporation or other agency to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists or names for commercial or political purposes of any nature. The violation of this section shall be a gross misdemeanor.

NEW SECTION. Sec. 33. There is added to chapter 74.04 RCW a new section to read as follows:

(1) The department and the office of administrative hearings shall insure that bilingual services are provided to non-English speaking applicants and recipients. The services shall be provided to the extent necessary to assure that non-English speaking persons are not denied, or unable to obtain or maintain, services or benefits because of their inability to speak English.

(2) If the number of non-English speaking applicants or recipients sharing the same language served by any community service office client contact job classification equals or exceeds fifty percent of the average caseload of a full-time position in such classification, the department shall, through attrition, employ bilingual personnel to serve such applicants or recipients.

(3) Regardless of the applicant or recipient caseload of any community service office, each community service office shall ensure that bilingual services required to supplement the community service office staff are provided through contracts with interpreters, local agencies, or other community resources.

(4) Initial client contact materials shall inform clients in all primary languages of the availability of interpretation services for non-English speaking persons. Basic informational pamphlets shall be translated into all primary languages.

(5) To the extent all written communications directed to applicants or recipients are not in the primary language of the applicant or recipient, the department and the office of administrative hearings shall include with the written communication a notice in all primary languages of applicants or recipients describing the significance of the communication and specifically how the applicants or recipients may receive assistance in understanding, and responding to if necessary, the written communication. The department shall assure that sufficient resources are available to assist applicants and recipients in a timely fashion with understanding, responding to, and complying with the requirements of all such written communications.

(6) As used in this section, "primary languages" includes but is not limited to Spanish, Vietnamese, Cambodian, Laotian, and Chinese.

(7) The department shall report to the legislature by July 1, 1984, on the cost-effectiveness of translating all written forms, notices, and other documents provided to non-English speaking applicants or recipients into primary languages.

NEW SECTION. Sec. 34. There is added to chapter 74.04 RCW a new section to read as follows:

No payment may be collected by the department for residential care if the collection will reduce the income as defined in RCW 74.04.005 of the head of household and remaining dependents below one hundred percent of the need standard for aid to families with dependent children.

NEW SECTION. Sec. 35. There is added to chapter 74.04 RCW a new section to read as follows:

(1) The secretary is authorized to expend state funds in amounts necessary to continue federal aid assistance to clients who are eligible for such assistance except for temporary interruption in availability of federal funds when:

(a) Nonavailability of federal funds is the result of temporary expiration of appropriations or other factors and not the result of legislative changes in program structure, existence, or eligibility conditions;

(b) The secretary finds that federal funding may reasonably be expected to resume promptly and that federal repayment to the state for such funds advanced will cover what would otherwise have been the federal contribution to the cost of the assistance; and

(c) Expenditures are in accordance with RCW 43.88.070.

(2) The provisions of this section shall terminate on June 30, 1985.

Sec. 36. Section 1, chapter 6, Laws of 1981 1st ex. sess. as amended by section 5, chapter 10, Laws of 1981 2nd ex. sess. and RCW 74.04.005 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"—The department of social and health services.

(3) "County or local office"—The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6) (a) "General assistance"—Aid to ((unemployable)) persons in need who:

((~~(a)~~)) (i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance, by reason other than resource and income eligibility; and

((~~(b)~~)) (ii) Are either:

(A) Pregnant: PROVIDED, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; or

(B) Incapacitated from gainful employment by reason of((:

(i)) bodily or mental infirmity(;

(ii) ~~Participation in an approved drug or alcoholism treatment program;~~

or

~~(iii) Being sixty-five years of age, or over: PROVIDED, That such incapacity in (b) (i) through (iii) of this subsection, as determined by the department, will last at least sixty days from the date of application, except that persons in approved alcoholism and/or drug programs may be eligible for less than a sixty-day period in accordance with the terms of their treatment plan))~~ that will likely continue for a minimum of sixty days as determined by the department: PROVIDED, That persons in approved alcoholism or drug programs may be eligible for less than a sixty-day period in accordance with their plans; or

(C) Eligible for supplemental security income and whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse.

(b) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (C) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(7) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) "Recipient"—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) "Standards of assistance"—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such

property for residential purposes, either for himself or his dependents, the property shall be considered as income which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: **PROVIDED**, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as income which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance may retain the following described resources in addition to exemption for a motor vehicle or home and not be ineligible for public assistance because of such resources:

(i) Household furnishings, personal effects, and other personal property having great sentimental value to the applicant or recipient;

(ii) Term and burial insurance for use of the applicant or recipient;

(iii) Life insurance having a cash surrender value not exceeding one thousand five hundred dollars; and

(iv) Cash, marketable securities, and any excess of values above one thousand five hundred dollars equity in a vehicle and above one thousand five hundred dollars in cash surrender value of life insurance, not exceeding one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more. The one thousand dollar limit in subsection (10)(d) of this section does not apply to recipients of or applicants for general assistance.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, but the department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient.

(11) "Income"—All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for

use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance: PROVIDED, That the department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance: PROVIDED FURTHER, That in determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements: PROVIDED FURTHER, The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(12) "Need"—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

Sec. 37. Section 3, chapter 10, Laws of 1973 2nd ex. sess. as last amended by section 7, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.04.620 are each amended to read as follows:

(1) The department is authorized to establish a program of state supplementation to the national program of supplemental security income consistent with Public Law 92-603 and Public Law 93-66 to those persons who are in need thereof in accordance with eligibility requirements established by the department.

(2) The department is authorized to establish reasonable standards of assistance and resource and income exemptions specifically for such program of state supplementation which shall be consistent with the provisions of the Social Security Act.

(3) The department is authorized to make payments to applicants for supplemental security income, pursuant to agreements as provided in Public Law 93-368, who are otherwise eligible for general assistance.

(4) Any agreement between the department and a supplemental security income applicant providing for the reimbursement of interim assistance to the department shall provide, if the applicant has been represented by an attorney, that twenty-five percent of the reimbursement received shall be withheld by the department and all or such portion thereof as has been approved as a fee by the United States department of health and human services shall be released directly to the applicant's attorney. The secretary may maintain such records as are deemed appropriate to measure the cost and effectiveness of such agreements and may make recommendations concerning the continued use of such agreements to the legislature.

Sec. 38. Section 4, chapter 10, Laws of 1981 2nd ex. sess. and RCW 74.04.770 are each amended to read as follows:

The department shall establish consolidated standards of need each ((biennium)) fiscal year which may vary by geographical areas, program, and family size, for aid to families with dependent children, refugee assistance, supplemental security income, and general assistance ((to unemployable persons)). Standards for aid to families with dependent children, refugee assistance, and general assistance ((to unemployable persons)) shall be based on studies of actual living costs and generally recognized inflation indices and shall include reasonable allowances for shelter, fuel, food, transportation, clothing, household maintenance and operations, personal maintenance, and necessary incidentals. The standard of need ((staff)) may take into account the economies of joint living arrangements, but unless explicitly required by federal statute, there shall not be proration of any portion of assistance grants unless the amount of the grant standard is equal to the standard of need.

The department is authorized to establish rateable reductions and grant maximums consistent with federal law.

Payment level will be equal to need or a lesser amount if rateable reductions or grant maximums are imposed. In no case shall a recipient of supplemental security income receive a state supplement less than the minimum required by federal law.

The department may establish a separate standard for shelter provided at no cost.

Sec. 39. Section 17, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.08.54] are each amended to read as follows:

"Chore services," as used in this chapter, means services in performing light work and household and other personal tasks which eligible persons are unable to do for themselves because of frailty or handicapping conditions.

Persons eligible for services ~~((at no cost))~~ are adult ~~((recipients of supplemental security income and/or state supplementation and other))~~ individuals having ~~((income equal to or less than thirty percent of the state median income and))~~ resources less than a level determined by the department, and whose level of need for chore services and risk of being placed in a residential care facility have been determined by the department. Adult recipients of supplemental security income, state supplementation, or limited casualty program medical care as defined by RCW 74.09.010, are eligible for services at no cost. Other individuals are eligible for needed chore services at a reduced level based on their ability to purchase the services. The department shall develop a scale of reduced services in comparison to determined need so that recipient participation does not reduce income below thirty percent of the state median income. Subject to the availability of funds, the department shall develop a sliding scale of participation considering a portion of income between thirty percent and fifty percent of the state median income and all income above fifty percent of the state median income. Any scale of reduced service developed by the department shall maintain services as in effect on the effective date of this 1983 act to those persons below thirty percent of the state median income. However, the department is authorized to continue, without reduction, benefits provided to persons receiving chore services on the effective date of this 1983 act. Effort shall be made to obtain chore services from volunteer chore service providers for those individuals at risk of being placed in a residential care facility but eligible for five hours of chore services per month or less, rather than have those services provided by paid providers. Any individual at risk of being placed in a residential care facility but not eligible for chore services or eligible for a reduced level of service shall be referred to the volunteer chore service program where such program exists for needed hours or services not provided by the department. Individuals determined by the department to be eligible for adult protective services are eligible to receive emergency chore services without regard to income if the services are essential to, and a subordinate part of, the adult protective services plan. Emergency chore services under adult protective services shall be provided only until the emergent situation has stabilized, not to exceed ninety days.

~~((Those persons whose income is between thirty and forty percent of the state median income and whose level of need for chore services and risk of being placed in a residential care facility has been determined by the department are eligible for a reduced level of service based on their ability to purchase the services. The department shall develop a scale of reduced hours of service based on need and income level to be applied in these cases.~~

~~Persons whose resources exceed the level determined by the department are not eligible for any reduced level service.~~

~~The department is authorized to provide chore services on a case-by-case basis to severely handicapped persons in need of attendant care whose income exceeds the criteria established in this section. Services may be provided for this purpose only to the extent necessary to allow the individual to remain in his or her own home, and no services may be authorized for more than ninety days at any one time. PROVIDED, That the department may not extend authorization for chore services to more than thirty persons at any one time whose income exceeds fifty-seven percent of the state median income.))~~

For clients whose chore services are authorized on an hourly basis, the department shall establish a monthly lid on chore service hours, which shall be allocated to the department's community service offices. This lid shall be established at a level set by the department. The department shall also establish a monthly rate lid to apply to clients whose chore services are authorized on a monthly rate basis.

Sec. 40. Section 74.12.010, chapter 26, Laws of 1959 as last amended by section 23, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.12.010 are each amended to read as follows:

For the purposes of the administration of aid to families with dependent children assistance, the term "dependent child" means any child in need under the age of eighteen years who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of the parent, and who is with his father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his or their homes. The term a "dependent child" shall, notwithstanding the foregoing, also include a child who would meet such requirements except for his removal from the home of a relative specified above as a result of a judicial determination that continuation therein would be contrary to the welfare of such child, for whose placement and care the state department of social and health services or the county office is responsible, and who has been placed in a licensed or approved child care institution or foster home as a result of such determination and who: (1) Was receiving an aid to families with dependent children grant for the month in which court proceedings leading to such determination were initiated; or (2) would have received aid to families with dependent children for such month if application had been made therefor; or (3) in the case of a child who had been living with a specified relative within six months prior to the month in which such proceedings were initiated, would have received aid to families with dependent children for such month if in such month he had been living with such a relative and application had been made therefor, as authorized by the Social Security

Act: PROVIDED, That to the extent authorized by the legislature in the biennial appropriations act and to the extent that matching funds are available from the federal government, aid to families with dependent children assistance shall be available to any child in need who has been deprived of parental support or care by reason of the unemployment of a parent or step-parent liable under this chapter for support of the child.

"Aid to families with dependent children" means money payments, services, and remedial care with respect to a dependent child or dependent children and the needy parent or relative with whom the child lives and may include the spouse of such relative if living with him and if such relative is the child's parent and the child is a dependent child by reason of the physical or mental incapacity or unemployment of a parent or stepparent liable under this chapter for the support of such child.

NEW SECTION. Sec. 41. There is added to chapter 74.04 RCW a new section to read as follows:

(1) The department shall provide a community work and training program for recipients of aid for dependent children in accordance with RCW 74.04.390 through 74.04.470 beginning no later than January 1, 1984. The program shall be designed to:

- (a) Provide community work and training services to a minimum of two hundred recipients in each biennium;
- (b) Provide community work and training experience which will enhance the recipient's ability to obtain employment;
- (c) Provide useful assistance to public and private nonprofit agencies which would otherwise not be provided by paid employees;
- (d) Coordinate with other public or private employment programs to assure maximum employment opportunities for program participants;
- (e) Utilize the effective components of the community work experience pilot program.

NEW SECTION. Sec. 42. There is added to chapter 74.04 RCW a new section to read as follows:

(1) The department of social and health services shall apply for a waiver from the federal government to implement a community work and training program for recipients of food stamps in accordance with RCW 74.04.390 through 74.04.470. The program shall be established in two counties, one east and one west of the Cascade Mountains, and shall serve a minimum of one hundred recipients in each fiscal year.

(2) Any member of a household participating in the food stamp program who is not exempt under subsection (3) of this section may be required to participate in the community work and training program required in subsection (1) of this section in order to continue to be eligible for food stamps.

(3) No household member shall be required to participate in the community work and training program who is:

(a) Determined to have good cause to refuse employment under chapter 74.23 RCW;

(b) Under eighteen or over sixty years of age;

(c) A parent or other member of the household responsible for the care of a child under six or of an incapacitated person;

(d) Employed at least twenty hours a week or participating in another work and training program under this title; or

(e) A regular participant in a drug addiction or alcohol training program.

(4) The department shall adopt any rules necessary to administer the community work and training program for food stamp recipients consistent with this title and with federal statutes and regulations.

Sec. 43. Section 2, chapter 161, Laws of 1979 ex. sess. as last amended by section 2, chapter ___ (SB 4204), Laws of 1983 and RCW 70.38.025 are each amended to read as follows:

When used in this chapter, the terms defined in this section shall have the meanings indicated.

(1) "Board of health" means the state board of health created pursuant to chapter 43.20 RCW.

(2) "Capital expenditure" is an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a facility as its own contractor) which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required review if the acquisition had been made by purchase, such expenditure shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to certificate of need review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which such expenditure is made shall be included in determining the amount of the expenditure.

(3) "Council" means the state health coordinating council created in RCW 70.38.055 and described in Public Law 93-641.

(4) "Department" means the state department of social and health services.

(5) "Expenditure minimum" means, for the purposes of the certificate of need program, one million dollars adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule.

(6) "Federal law" means Public Law 93-641, as amended, or its successor.

(7) "Health care facility" means hospices, hospitals, psychiatric hospitals, tuberculosis hospitals, (~~alcoholism hospitals,~~) nursing homes, kidney disease treatment centers, ambulatory surgical facilities, rehabilitation facilities, and home health agencies, and includes such facilities when owned and operated by the state or by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts. In addition, the term does not include any nonprofit hospital: (a) Which is operated exclusively to provide health care services for children; (b) which does not charge fees for such services; (c) whose rate reviews are waived by the state hospital commission; and (d) if not contrary to federal law as necessary to the receipt of federal funds by the state.

(8) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

(a) Is a qualified health maintenance organization under Title XIII, section 1310(d) of the Public Health Services Act; or

(b) (i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency, and preventive services, and out-of-area coverage; (ii) is compensated (except for copayments) for the provision of the basic health care services listed in (b)(i) to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and (iii) provides physicians' services primarily (A) directly through physicians who are either employees or partners of such organization, or (B) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(9) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services and as defined in federal law.

(10) "Health service area" means a geographic region appropriate for effective health planning which includes a broad range of health services and a population of at least four hundred fifty thousand persons.

(11) "Institutional health services" means health services provided in or through health care facilities and entailing annual operating costs of at least five hundred thousand dollars adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule: PROVIDED, That no new health care facility may be initiated as an institutional health service.

(12) "Major medical equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of one million dollars, adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule; except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of section 1861(s) of such act;

(13) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

(14) "Provider" generally means a health care professional or an organization, institution, or other entity providing health care but the precise definition for this term shall be established by rule of the department, consistent with federal law.

(15) "Public health" means the level of well-being of the general population; those actions in a community necessary to preserve, protect, and promote the health of the people for which government is responsible; and the governmental system developed to guarantee the preservation of the health of the people.

(16) "Regional health council" means a public regional planning body or a private nonprofit corporation which is organized and operated in a manner that is consistent with the laws of the state and which is capable of performing each of the functions described in RCW 70.38.085. A regional health council shall have a governing body for health planning which is composed of a majority (but not more than sixty percent of the members) of persons who are residents of the health service area served by the entity; who are consumers of health care; who are broadly representative of the social, economic, linguistic, and racial populations, and geographic areas of the health service area, and major purchasers of health care; and who are not, nor within the twelve months preceding appointment have been, providers of health care. The remainder of the members shall be residents of

the health service area served by the agency who are providers of health care.

(17) "Regional health plan" means a document which provides at least a statement of health goals and priorities for the health service area. In addition, it sets forth the number, type, and distribution of health facilities, services, and manpower needed within the health service area to meet the goals of the plan.

(18) "State health plan" means a document developed in accordance with RCW 70.38.065.

NEW SECTION, Sec. 44. Section 45, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.902 are each repealed.

NEW SECTION, Sec. 45. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 277, Laws of 1959, section 216, chapter 141, Laws of 1979 and RCW 72.18.010;

(2) Section 4, chapter 277, Laws of 1959, section 217, chapter 141, Laws of 1979 and RCW 72.18.040;

(3) Section 5, chapter 277, Laws of 1959, section 218, chapter 141, Laws of 1979 and RCW 72.18.050;

(4) Section 6, chapter 277, Laws of 1959, section 219, chapter 141, Laws of 1979 and RCW 72.18.060;

(5) Section 7, chapter 277, Laws of 1959, section 220, chapter 141, Laws of 1979 and RCW 72.18.070; and

(6) Section 8, chapter 277, Laws of 1959, section 221, chapter 141, Laws of 1979 and RCW 72.18.080.

NEW SECTION, Sec. 46. 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 May 10, 1983.

Passed the House May 6, 1983.

Approved by the Governor May 19, 1983.

Filed in Office of Secretary of State May 19, 1983.

CHAPTER 42

[Reengrossed Substitute Senate Bill No. 3817]

STRIP SEARCHES—BODY CAVITY SEARCHES

AN ACT Relating to search and seizure; adding new sections to chapter 10.79 RCW; creating a new section; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. It is the intent of the legislature to establish policies regarding the practice of strip searching persons booked into holding, detention, or local correctional facilities. It is the intent of the legislature to restrict the practice of strip searching and body cavity searching persons booked into holding, detention, or local correctional facilities to those situations where such searches are necessary.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 6 of this act.

(1) "Strip search" means having a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, buttocks, anus, or undergarments of the person or breasts of a female person.

(2) "Body cavity search" means the touching or probing of a person's body cavity, whether or not there is actual penetration of the body cavity.

(3) "Body cavity" means the stomach or rectum of a person and the vagina of a female person.

(4) "Law enforcement agency" and "law enforcement officer" include local departments of corrections created pursuant to RCW 70.48.090(3) and employees thereof.

NEW SECTION. Sec. 3. (1) No person may be subjected to a body cavity search by or at the direction of a law enforcement agency unless a search warrant is issued pursuant to superior court criminal rules.

(2) No law enforcement officer may seek a warrant for a body cavity search without first obtaining specific authorization for the body cavity search from the ranking shift supervisor of the law enforcement authority. Authorization for the body cavity search may be obtained electronically: PROVIDED, That such electronic authorization shall be reduced to writing by the law enforcement officer seeking the authorization and signed by the ranking supervisor as soon as possible thereafter.

(3) Before any body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, where appropriate, must be used to search for and seize any evidence of a crime, contraband, fruits of crime, things otherwise criminally possessed, weapons, or other things by means of which a crime has been committed or reasonably appears about to be committed. No body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security, or evidentiary concerns of the law enforcement agency.

(4) A law enforcement officer requesting a body cavity search shall prepare and sign a report regarding the body cavity search. The report shall include:

(a) A copy of the written authorization required under subsection (2) of this section;

(b) A copy of the warrant and any supporting documents required under subsection (1) of this section;

(c) The name and sex of all persons conducting or observing the search;

(d) The time, date, place, and description of the search; and

(e) A statement of the results of the search and a list of any items removed from the person as a result of the search.

The report shall be retained as part of the law enforcement agency's records.

NEW SECTION. Sec. 4. Nothing in section 3 of this act or this section may be construed as precluding or preventing the administration of medical care to persons requiring immediate medical care or requesting medical care.

NEW SECTION. Sec. 5. (1) Persons conducting a strip search shall not touch the person being searched except as reasonably necessary to effectuate the strip search of the person.

(2) Any body cavity search must be performed under sanitary conditions and conducted by a physician, registered nurse, or physician's assistant, licensed to practice in this state, who is trained in the proper medical process and the potential health problems associated with a body cavity search. No health professional authorized by this subsection to conduct a body cavity search shall be held liable in any civil action if the search is conducted in a manner that meets the standards and requirements of RCW 4.24.290 and 7.70.040.

(3) Except as provided in subsection (7) of this section, a strip search or body cavity search, as well as presearch undressing or postsearch dressing, shall occur at a location made private from the observation of persons not physically conducting the search. A strip search or body cavity search shall be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals as required by subsection (2) of this section.

(4) Except as provided in subsection (5) of this section, no person may be present or observe during the search unless the person is necessary to conduct the search or to ensure the safety of those persons conducting the search.

(5) Nothing in this section prohibits a person upon whom a body cavity search is to be performed from having a readily available person of his or her choosing present at the time the search is conducted. However, the person chosen shall not be a person being held in custody by a law enforcement agency.

(6) Section 3 of this act and this section shall not be interpreted as expanding or diminishing the authority of a law enforcement officer with respect to searches incident to arrest or investigatory stop in public.

(7) A strip search of a person housed in a holding, detention, or local correctional facility to search for and seize a weapon may be conducted at

other than a private location if there arises a specific threat to institutional security that reasonably requires such a search or if all persons in the facility are being searched for the discovery of weapons or contraband.

NEW SECTION. Sec. 6. (1) A person who suffers damage or harm as a result of a violation of section 3, 4, or 5 of this act may bring a civil action to recover actual damages sustained by him or her. The court may, in its discretion, award injunctive and declaratory relief as it deems necessary.

(2) Sections 3, 4, and 5 of this act shall not be construed as limiting any constitutional, common law, or statutory right of any person regarding any action for damages or injunctive relief, or as precluding the prosecution under another provision of law of any law enforcement officer or other person who has violated section 3, 4, or 5 of this act.

NEW SECTION. Sec. 7. The corrections standards board shall study the use of strip searches of persons booked into holding, detention, and local correctional facilities. The corrections standards board shall identify those categories of persons booked into holding, detention, and local correctional facilities which the board deems inappropriate to strip search or body cavity search. Minimum criteria to be employed by the board in identifying such categories shall be federal and state constitutional requirements. The board shall submit its findings and recommendations, together with proposed legislation, to the judiciary committees of the senate and house of representatives before January 1, 1984.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act are each added to chapter 10.79 RCW.

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.

NEW SECTION. Sec. 10. 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, 1983.

Passed the Senate May 11, 1983.

Passed the House May 11, 1983.

Approved by the Governor May 19, 1983.

Filed in Office of Secretary of State May 19, 1983.

CHAPTER 43

[Substitute House Bill No. 43]

MEDICAL CARE ELIGIBILITY

AN ACT Relating to social and health services; amending section 22, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 1, chapter 19, Laws of 1982 1st ex. sess. and RCW

74.09.700; amending section 19, chapter 6, Laws of 1981 1st ex. sess. as amended by section 3, chapter 19, Laws of 1982 1st ex. sess. and RCW 74.09.035; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 22, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 1, chapter 19, Laws of 1982 1st ex. sess. and RCW 74.09.700 are each amended to read as follows:

(1) To the extent of available funds, medical care may be provided under the limited casualty program to persons not otherwise eligible for medical assistance or medical care services who are medically needy as defined in the social security Title XIX state plan and medical indigents in accordance with medical eligibility requirements established by the department. This includes residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded who are aged, blind, or disabled as defined in Title XVI of the federal social security act and whose income exceeds three hundred percent of the federal supplement security income benefit level.

(2) Determination of the amount, scope, and duration of medical coverage under the limited casualty program shall be the responsibility of the department, subject to the following:

(a) Only inpatient hospital services; outpatient hospital and rural health clinic services; physicians' and clinic services; prescribed drugs, dentures, prosthetic devices, and eyeglasses; skilled nursing home services, intermediate care facility services, and intermediate care facility services for the mentally retarded; home health services; other laboratory and x-ray services; and medically necessary transportation shall be covered;

(b) A patient deductible not to exceed one-half the payment the department makes for the first day's stay for inpatient hospital care, shall be included for the medically needy component of the program;

(c) Persons who are medically indigent and are not eligible for a federal aid program shall satisfy a deductible of not less than one hundred dollars nor more than five hundred dollars in any twelve-month period;

(d) Medical care services provided to the medically indigent and received no more than seven days prior to the date of application shall be retroactively certified and approved for payment on behalf of a person who was otherwise eligible at the time the medical services were furnished: PROVIDED, That eligible persons who fail to apply within the seven-day time period for medical reasons or other good cause may be retroactively certified and approved for payment.

(3) The department shall establish standards of assistance and resource and income exemptions. All nonexempt income and resources of limited casualty program recipients shall be applied against the cost of their medical care services. In addition, the department shall include a prohibition against

the knowing and wilful assignment of property or cash for the purpose of qualifying for assistance under RCW 74.09.532 through 74.09.536.

Sec. 2. Section 19, chapter 6, Laws of 1981 1st ex. sess. as amended by section 3, chapter 19, Laws of 1982 1st ex. sess. and RCW 74.09.035 are each amended to read as follows:

(1) To the extent of available funds, medical care services may be provided to recipients of general assistance in accordance with medical eligibility requirements established by the department.

(2) Determination of the amount, scope, and duration of medical care services shall be limited to coverage as defined by the department, except that adult dental, and routine foot care shall not be included.

(3) The department shall establish standards of assistance and resource and income exemptions, which may include deductibles and co-insurance provisions. In addition, the department may include a prohibition against the voluntary assignment of property or cash for the purpose of qualifying for assistance.

(4) Residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded who are eligible for medical care services shall be provided medical services to the same extent as provided to those persons eligible under the medical assistance program.

(5) Payments made by the department under this program shall be the limit of expenditures for medical care services solely from state funds.

(6) (~~Medical care services received no more than seven days prior to the date of application shall be retroactively certified and approved for payment on behalf of a person who was otherwise eligible at the time the medical services were furnished. PROVIDED, That eligible persons who fail to apply within the seven-day time period for medical reasons or other good cause may be retroactively certified and approved for payment~~) Eligibility for medical care services shall commence with the date of certification for general assistance.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1983.

Passed the House April 26, 1983.

Passed the Senate May 9, 1983.

Approved by the Governor May 20, 1983.

Filed in Office of Secretary of State May 20, 1983.

CHAPTER 44

[Engrossed House Bill No. 74]

MUNICIPAL PURCHASING

AN ACT Relating to municipal purchasing; and amending and reenacting section 4, chapter 268, Laws of 1961 as last amended by section 1, chapter 4, Laws of 1979 ex. sess. and by section 1, chapter 39, Laws of 1980 and RCW 42.23.030.

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

Sec. 1. Section 4, chapter 268, Laws of 1961 as last amended by section 1, chapter 4, Laws of 1979 ex. sess. and by section 1, chapter 39, Laws of 1980 and RCW 42.23.030 are each amended and reenacted to read as follows:

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

(1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositaries for municipal funds;

(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;

(4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;

(5) The employment of any person by a municipality, other than a county of the first class or higher, a city of the first or second class, an irrigation district encompassing in excess of fifty thousand acres, or a first class school district, for unskilled day labor at wages not exceeding one hundred dollars in any calendar month;

(6) The letting of any other contract (except a sale or lease as seller or lessor) by a municipality, other than a county of the first class or higher, a city of the first or second class, an irrigation district encompassing in excess of fifty thousand acres, or a first class school district: PROVIDED, That the total volume of business represented by such contract or contracts in which a particular officer is interested, singly or in the aggregate, as measured by the dollar amount of the municipality's liability thereunder, shall not exceed ~~((two))~~ seven hundred fifty dollars in any calendar month: PROVIDED FURTHER, That in the case of a particular officer of a city or town of the third, or fourth class, or a noncharter optional code city, or a member of

any county fair board in a county which has not established a county purchasing department pursuant to RCW 36.32.240, the total volume of such contract or contracts authorized in this subsection may exceed ((two)) seven hundred fifty dollars in any calendar month but shall not exceed ((~~thirty-six hundred~~)) nine thousand dollars in any calendar year: PROVIDED FURTHER, That there shall be public disclosure by having an available list of such purchases or contracts, and if the supplier or contractor is an official of the municipality, he or she shall not vote on the authorization;

(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers, who shall be appointed from members of the American institute of real estate appraisers by the presiding judge of the superior court in the county where the property is situated, shall find and the court finds that all terms and conditions of such lease are fair to the port district and are in the public interest;

(8) The letting of any contract for the driving of a school bus in a second class school district: PROVIDED, That the terms of such contract shall be commensurate with the pay plan or collective bargaining agreement operating in the district;

(9) The letting of any contract to the spouse of an officer of a second class school district in which less than two hundred full time equivalent students are enrolled at the start of the school year as defined in RCW 28A.01.020, when such contract is solely for employment as a certificated or classified employee of the school district.

Passed the House May 11, 1983.

Passed the Senate May 10, 1983.

Approved by the Governor May 20, 1983.

Filed in Office of Secretary of State May 20, 1983.

CHAPTER 45

[Engrossed House Bill No. 428]

COURT PROCEDURES—REVISIONS—WRIT OF EXECUTION— DISSOLUTION—HOMESTEAD EXEMPTION INCREASED—REAL ESTATE CONTRACTS

AN ACT Relating to courts; amending section 5, chapter 25, Laws of 1929 and RCW 6.04-.050; amending section 2, chapter 157, Laws of 1973 1st ex. sess. as amended by section 1, chapter 23, Laws of 1973 2nd ex. sess. and RCW 26.09.020; amending section 12, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.120; amending section 24, chapter 64, Laws of 1895 as last amended by section 10, chapter 329, Laws of 1981 and RCW 6.12-.050; amending section 1, chapter 60, Laws of 1929 as last amended by section 3, chapter 105, Laws of 1980 and RCW 4.56.190; amending section 1, chapter 133, Laws of 1893 as last amended by section 5, chapter 105, Laws of 1980 and RCW 6.32.010; amending section 367, page 201, Laws of 1854 as last amended by section 505, Code of 1881 and RCW 4.84.010; amending section 253, page 178, Laws of 1854 as last amended by section

1, chapter 65, Laws of 1979 ex. sess. and RCW 6.16.020; and repealing section 4, chapter 38, Laws of 1891 and RCW 4.64.050.

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

Sec. 1. Section 5, chapter 25, Laws of 1929 and RCW 6.04.050 are each amended to read as follows:

The sheriff or other officer shall indorse upon the writ of execution the time when he received the same, and the execution shall be returnable within sixty days after its date to the clerk who issued it. No sheriff or other officer shall retain any moneys collected on execution, more than twenty days before paying the same to the clerk of the court who issued the writ, under penalty of twenty percent on the amount collected, to be paid by the sheriff or other officer, one half to the party to whom the judgment is payable, and the other half to the county treasurer of the county wherein the action was brought, for the use of the school fund of said county. The clerk shall(~~(, immediately after the receipt of any money collected on any judgment,)~~) notify the party to whom the same is payable, and pay over the amount to the ((said)) party ((on demand. On failure to so notify and pay over, without any reasonable cause shown for the delay, the clerk shall forfeit and pay the same penalty to the same parties as is above prescribed for the sheriff)) as provided for by court order.

Sec. 2. Section 2, chapter 157, Laws of 1973 1st ex. sess. as amended by section 1, chapter 23, Laws of 1973 2nd ex. sess. and RCW 26.09.020 are each amended to read as follows:

(1) A petition in a proceeding for dissolution of marriage, legal separation, or for a declaration concerning the validity of a marriage, shall allege the following:

- (a) The last known residence of each party;
- (b) The date and place of the marriage;
- (c) If the parties are separated the date on which the separation occurred;
- (d) The names, ages, and addresses of any child dependent upon either or both spouses and whether the wife is pregnant;
- (e) Any arrangements as to the custody, visitation and support of the children and the maintenance of a spouse;
- (f) A statement specifying whether there is community or separate property owned by the parties to be disposed of;
- (g) The relief sought.

(2) Either or both parties to the marriage may initiate the proceeding.

(3) The petitioner shall complete and file with the petition a certificate under RCW 70.58.200 on the form provided by the department of social and health services.

Sec. 3. Section 12, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.120 are each amended to read as follows:

(1) The court may, upon its own motion or upon motion of either party, order support or maintenance payments to be made to:

(a) The person entitled to receive the payments; or

(b) The department of social and health services pursuant to chapters 74.20 and 74.20A RCW; or

(c) The clerk of court as trustee for remittance to the person entitled to receive the payments.

(2) If payments are made to the clerk of court:

(a) The clerk shall maintain records listing the amount of payments, the date when payments are required to be made, and the names and addresses of the parties affected by the order; and

(b) The parties affected by the order shall inform the clerk of the court of any change of address or of other conditions that may affect the administration of the order(, and

~~(c) The clerk of the court shall, if the party fails to make required payment, send by first class mail notice of the arrearage to the obligor. If payment of the sum due is not made to the clerk of the court within ten days after sending notice, the clerk of the court shall certify the amount due to the prosecuting attorney)).~~

Sec. 4. Section 24, chapter 64, Laws of 1895 as last amended by section 10, chapter 329, Laws of 1981 and RCW 6.12.050 are each amended to read as follows:

Homesteads may consist of lands and tenements with the improvements thereon, as defined in RCW 6.12.010, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of ~~((twenty))~~ twenty-five thousand dollars. The premises thus included in the homestead must be actually intended or used as a home for the owner, and shall not be devoted exclusively to any other purpose.

Sec. 5. Section 1, chapter 60, Laws of 1929 as last amended by section 3, chapter 105, Laws of 1980 and RCW 4.56.190 are each amended to read as follows:

The real estate of any judgment debtor, and such as he may acquire, not exempt by law, shall be held and bound to satisfy any judgment of the district court of the United States rendered in this state, any judgment of the supreme court, court of appeals, or superior court of this state, and any judgment of any justice of the peace rendered in this state, and every such judgment shall be a lien thereupon to commence as hereinafter provided and to run for a period of not to exceed ten years from the day on which such judgment was rendered. As used in this chapter, real estate shall not include the vendor's interest under a real estate contract for judgments rendered after the effective date of this 1983 act. Personal property of the judgment debtor shall be held only from the time it is actually levied upon.

Sec. 6. Section 1, chapter 133, Laws of 1893 as last amended by section 5, chapter 105, Laws of 1980 and RCW 6.32.010 are each amended to read as follows:

At any time within ten years after entry of a judgment for the sum of twenty-five dollars or over upon application by the judgment creditor, such court or judge may, by an order, require the judgment debtor to appear at a specified time and place before the judge granting the order, or a referee appointed by him, to answer concerning the same; and the judge to whom application is made under this chapter may, if it is made to appear to him by the affidavit of the judgment creditor, his agent or attorney that there is danger of the debtor absconding, order the sheriff to arrest the debtor and bring him before the judge granting the order. Upon being brought before the judge he may be ordered to enter into a bond, with sufficient sureties, that he will attend from time to time before the judge or referee, as shall be directed, during the pendency of the proceedings and until the final termination thereof. If the judgment debtor or other persons against whom the special proceedings are instituted has been served with these proceedings and fails to answer or appear, the plaintiff shall be entitled to costs of service, notary fees, and reasonable attorney fees.

Sec. 7. Section 367, page 201, Laws of 1854 as last amended by section 505, Code of 1881 and RCW 4.84.010 are each amended to read as follows:

The measure and mode of compensation of attorneys and counselors, shall be left to the agreement, expressed or implied, of the parties, but there shall be allowed to the prevailing party upon the judgment certain sums by way of indemnity for ~~((his))~~ the prevailing party's expenses in the action, which allowances are termed costs, including, in addition to costs otherwise authorized by law, the following expenses:

- (1) Filing fees;
- (2) Fees for the service of process;
- (3) Fees for service by publication;
- (4) Notary fees;
- (5) Reasonable expenses, exclusive of attorneys' fees, incurred in obtaining reports and records, which are admitted into evidence at trial in superior or district court, including but not limited to medical records, tax records, personnel records, insurance reports, employment and wage records, police reports, school records, bank records, and legal files;
- (6) Statutory attorney and witness fees; and
- (7) To the extent that the court finds that it was necessary to achieve the successful result, the reasonable expense of the transcription of depositions used at trial: PROVIDED, That the expenses of depositions shall be allowed on a pro rata basis for those portions of the depositions introduced into evidence or used for purposes of impeachment.

Sec. 8. Section 253, page 178, Laws of 1854 as last amended by section 1, chapter 65, Laws of 1979 ex. sess. and RCW 6.16.020 are each amended to read as follows:

The following personal property shall be exempt from execution and attachment, except as hereinafter specially provided:

(1) All wearing apparel of every person and family, but not to exceed ~~((five hundred))~~ seven hundred fifty dollars in value in furs, jewelry, and personal ornaments for any person.

(2) All private libraries not to exceed ~~((five hundred))~~ one thousand dollars in value, and all family pictures and keepsakes.

(3) To each person or family~~((;))~~:

(a) The person's or family's household goods, appliances, furniture and home and yard equipment, not to exceed one thousand five hundred dollars in value;

(b) Provisions and fuel for the comfortable maintenance of such person or family for three months; and

(c) Other property not to exceed ~~((four))~~ five hundred dollars in value, of which not more than one hundred dollars in value may consist of cash, bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(4) To any person or family, one motor vehicle which is used for personal transportation, not to exceed ~~((seven hundred and fifty))~~ one thousand two hundred dollars in value.

(5) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed ~~((one))~~ three thousand ~~((five hundred))~~ dollars in value.

(6) To a physician, surgeon, attorney, clergyman, or other professional person, the person's library, office furniture, office equipment and supplies, not to exceed ~~((one))~~ three thousand ~~((five hundred))~~ dollars in value.

(7) To any other person, the tools and instruments and materials used to carry on his or her trade for the support of himself or herself or family, not to exceed ~~((one))~~ three thousand ~~((five hundred))~~ dollars in value.

The property referred to in the foregoing subsection (3) shall be selected by any adult member of the family on behalf of the family or the person, if present, and in case no adult member of the family or person is present to make the selection, then the sheriff or the director of public safety shall make a selection equal in value to the applicable exemptions above described and he shall return the same as exempt by inventory. Any selection made as above provided shall be prima facie evidence (a) that the property so selected is exempt from execution and attachment, and (b) that the property so selected is not in excess of the values specified for the exemptions. Except as above provided, the exempt property shall be selected by the person claiming the exemption. No person shall be entitled to more than one exemption under the provisions of the foregoing subsections (5), (6) and (7).

For purposes of this section "value" shall mean the reasonable market value of the article or item at the time of its selection, and shall be of the debtor's interest therein, exclusive of all liens and encumbrances thereon.

Wages, salary, or other compensation regularly paid for personal services rendered by the person claiming the exemption may not be claimed as exempt under the foregoing provisions, but the same may be claimed as exempt in any bankruptcy or insolvency proceeding to the same extent as allowed under the statutes relating to garnishments.

No property shall be exempt under this section from an execution issued upon a judgment for all or any part of the purchase price thereof, or for any tax levied upon such property.

NEW SECTION. Sec. 9. Section 4, chapter 38, Laws of 1891 and RCW 4.64.050 are each repealed.

Passed the House May 11, 1983.

Passed the Senate May 9, 1983.

Approved by the Governor May 20, 1983.

Filed in Office of Secretary of State May 20, 1983.

CHAPTER 46

[Engrossed Substitute House Bill No. 278]

FISHERIES CODE REVISIONS—REORGANIZATION

AN ACT Relating to the reorganization and revision of the fisheries code; amending section 75.08.010, chapter 12, Laws of 1955 and RCW 75.08.010; amending section 75.04.010, chapter 12, Laws of 1955 as amended by section 2, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.04.010; amending section 3, chapter 112, Laws of 1949 as amended by section 1, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.08.012; amending section 10, chapter 207, Laws of 1953 and RCW 75.08.014; amending section 75.08.020, chapter 12, Laws of 1955 as amended by section 87, chapter 75, Laws of 1977 and RCW 75.08.020; amending section 75.08.025, chapter 12, Laws of 1955 and RCW 75.08.025; amending section 75.08.040, chapter 12, Laws of 1955 as amended by section 1, chapter 212, Laws of 1955 and RCW 75.08.040; amending section 75.16.050, chapter 12, Laws of 1955 and RCW 75.16.050; amending section 75.16.060, chapter 12, Laws of 1955 and RCW 75.16.060; amending section 75.16.070, chapter 12, Laws of 1955 and RCW 75.16.070; amending section 75.08.070, chapter 12, Laws of 1955 and RCW 75.08.070; amending section 75.08.080, chapter 12, Laws of 1955 as amended by section 1, chapter 55, Laws of 1980 and RCW 75.08.080; amending section 75.08.090, chapter 12, Laws of 1955 as amended by section 1, chapter 93, Laws of 1973 and RCW 75.08.090; amending section 75.08.110, chapter 12, Laws of 1955 and RCW 75.08.110; amending section 75.08.120, chapter 12, Laws of 1955 and RCW 75.08.120; amending section 75.08.160, chapter 12, Laws of 1955 and RCW 75.08.160; amending section 14, chapter 207, Laws of 1953 as amended by section 73, chapter 289, Laws of 1971 ex. sess. and RCW 75.08.206; amending section 1, chapter 216, Laws of 1957 and RCW 75.08.024; amending section 75.08.230, chapter 12, Laws of 1955 as last amended by section 175, chapter 151, Laws of 1979 and RCW 75.08.230; amending section 4, chapter 35, Laws of 1971 as amended by section 1, chapter 23, Laws of 1974 ex. sess. and RCW 75.16.120; amending section 75.12.130, chapter 12, Laws of 1955 as last amended by section 382, chapter 141, Laws of 1979 and RCW 75.12.130; amending section 2, chapter 251, Laws of 1981 and RCW 75.12.310; amending section 75.16.010, chapter 12, Laws of 1955 as amended by section 1, chapter 35, Laws of 1971 and RCW 75.16.010; amending section 75.16.030, chapter 12, Laws of 1955 and RCW 75.16.030; amending section 75.16.020, chapter 12,

Laws of 1955 and RCW 75.16.020; amending section 75.08.150, chapter 12, Laws of 1955 as amended by section 133, chapter 78, Laws of 1980 and RCW 75.08.150; amending section 75.08.170, chapter 12, Laws of 1955 and RCW 75.08.170; amending section 75.36.010, chapter 12, Laws of 1955 and RCW 75.36.010; amending section 75.08.200, chapter 12, Laws of 1955 as amended by section 134, chapter 78, Laws of 1980 and RCW 75.08.200; amending section 75.08.280, chapter 12, Laws of 1955 and RCW 75.08.280; amending section 75.36.040, chapter 12, Laws of 1955 and RCW 75.36.040; amending section 75.36.030, chapter 12, Laws of 1955 and RCW 75.36.030; amending section 75.36.050, chapter 12, Laws of 1955 and RCW 75.36.050; amending section 75.08.180, chapter 12, Laws of 1955 and RCW 75.08.180; amending section 24, chapter 112, Laws of 1949 and RCW 75.08.275; amending section 75.08.260, chapter 12, Laws of 1955 as amended by section 1, chapter 99, Laws of 1979 ex. sess. and RCW 75.08.260; amending section 75.28.380, chapter 12, Laws of 1955 as last amended by section 2, chapter 99, Laws of 1979 ex. sess. and RCW 75.28.380; amending section 3, chapter 99, Laws of 1979 ex. sess. and RCW 75.28.384; amending section 7, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.288; amending section 75.12.010, chapter 12, Laws of 1955 as last amended by section 2, chapter 220, Laws of 1973 1st ex. sess. and RCW 75.12.010; amending section 75.18.020, chapter 12, Laws of 1955 and RCW 75.18.020; amending section 75.12.020, chapter 12, Laws of 1955 and RCW 75.12.020; amending section 75.20.070, chapter 12, Laws of 1955 and RCW 75.20.070; amending section 75.12.040, chapter 12, Laws of 1955 and RCW 75.12.040; amending section 75.12.070, chapter 12, Laws of 1955 and RCW 75.12.070; amending section 75.12.090, chapter 12, Laws of 1955 as amended by section 1, chapter 14, Laws of 1982 and RCW 75.12.090; amending section 75.12.100, chapter 12, Laws of 1955 and RCW 75.12.100; amending section 1, chapter 106, Laws of 1971 ex. sess. and RCW 75.12.115; amending section 75.12.120, chapter 12, Laws of 1955 and RCW 75.12.120; amending section 2, chapter 276, Laws of 1955 as last amended by section 1, chapter 64, Laws of 1965 and RCW 75.12.140; amending section 3, chapter 108, Laws of 1957 and RCW 75.12.210; amending section 5, chapter 108, Laws of 1957 as amended by section 2, chapter 234, Laws of 1963 and RCW 75.12.230; amending section 1, chapter 251, Laws of 1981 and RCW 75.12.300; amending section 1, chapter 197, Laws of 1982 and RCW 75.12.320; amending section 2, chapter 14, Laws of 1982 and RCW 75.12.400; amending section 75.08.130, chapter 12, Laws of 1955 and RCW 75.08.130; amending section 75.08.210, chapter 12, Laws of 1955 and RCW 75.08.210; amending section 75.08.220, chapter 12, Laws of 1955 and RCW 75.08.220; amending section 1, chapter 23, Laws of 1969 ex. sess. and RCW 75.12.650; amending section 75.20.040, chapter 12, Laws of 1955 and RCW 75.20.040; amending section 75.20.050, chapter 12, Laws of 1955 and RCW 75.20.050; amending section 75.20.060, chapter 12, Laws of 1955 and RCW 75.20.060; amending section 1, chapter 153, Laws of 1963 and RCW 75.20.061; amending section 75.20.090, chapter 12, Laws of 1955 and RCW 75.20.090; amending section 75.20.100, chapter 12, Laws of 1955 as last amended by section 1, chapter 29, Laws of 1975 1st ex. sess. and RCW 75.20.100; amending section 1, chapter 4, Laws of 1961 and RCW 75.20.110; amending section 8, chapter 7, Laws of 1982 and RCW 75.20.300; amending section 75.24.010, chapter 12, Laws of 1955 and RCW 75.24.010; amending section 75.24.030, chapter 12, Laws of 1955 and RCW 75.24.030; amending section 75.24.050, chapter 12, Laws of 1955 and RCW 75.24.050; amending section 75.24.060, chapter 12, Laws of 1955 as amended by section 1, chapter 91, Laws of 1969 ex. sess. and RCW 75.24.060; amending section 75.24.070, chapter 12, Laws of 1955 and RCW 75.24.070; amending section 75.24.080, chapter 12, Laws of 1955 and RCW 75.24.080; amending section 75.24.090, chapter 12, Laws of 1955 as amended by section 7, chapter 212, Laws of 1955 and RCW 75.24.090; amending section 1, chapter 253, Laws of 1969 ex. sess. as amended by section 1, chapter 141, Laws of 1979 ex. sess. and RCW 75.24.100; amending section 75.08.054, chapter 12, Laws of 1955 and RCW 75.08.054; amending section 75.08.056, chapter 12, Laws of 1955 as amended by section 1, chapter 38, Laws of 1967 ex. sess. and RCW 75.08.056; amending section 75.08.060, chapter 12, Laws of 1955 and RCW 75.08.060; amending section 2, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.020; amending section 4, chapter 243, Laws of 1979 ex. sess. as amended by section 1, chapter 81, Laws of 1980 and RCW 75.25.040; amending section 2, chapter 81, Laws of 1980 and RCW 75.25.080; amending section 11, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.610; amending section 13, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.630; amending section 17, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.670; amending

section 12, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.620; amending section 15, chapter 327, Laws of 1977 ex. sess. as amended by section 135, chapter 78, Laws of 1980 and RCW 75.28.650; amending section 16, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.660; amending section 75.28.010, chapter 12, Laws of 1955 as amended by section 2, chapter 309, Laws of 1959 and RCW 75.28.010; amending section 1, chapter 171, Laws of 1957 as amended by section 2, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.012; amending section 3, chapter 171, Laws of 1957 as last amended by section 1, chapter 201, Laws of 1981 and RCW 75.28.014; amending section 75.28.020, chapter 12, Laws of 1955 as amended by section 1, chapter 171, Laws of 1963 and RCW 75.28.020; amending section 75.28.030, chapter 12, Laws of 1955 as amended by section 7, chapter 309, Laws of 1959 and RCW 75.28.030; amending section 75.28.100, chapter 12, Laws of 1955 as amended by section 9, chapter 309, Laws of 1959 and RCW 75.28.100; amending section 75.28.040, chapter 12, Laws of 1955 as amended by section 2, chapter 212, Laws of 1955 and RCW 75.28.040; amending section 75.28.060, chapter 12, Laws of 1955 as last amended by section 4, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.060; amending section 75.28.070, chapter 12, Laws of 1955 and RCW 75.28.070; amending section 14, chapter 283, Laws of 1971 ex. sess. as amended by section 2, chapter 40, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.081; amending section 1, chapter 90, Laws of 1969 as last amended by section 1, chapter 60, Laws of 1979 and RCW 75.28.095; amending section 75.28.110, chapter 12, Laws of 1955 as last amended by section 2, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.110; amending section 75.18.080, chapter 12, Laws of 1955 as last amended by section 3, chapter 327, Laws of 1977 ex. sess. and RCW 75.18.080; amending section 3, chapter 184, Laws of 1974 ex. sess. as amended by section 4, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.460; amending section 75.28.120, chapter 12, Laws of 1955 as last amended by section 3, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.120; amending section 5, chapter 309, Laws of 1959 as last amended by section 5, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.085; amending section 75.28.130, chapter 12, Laws of 1955 as last amended by section 6, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.130; amending section 75.28.140, chapter 12, Laws of 1955 as last amended by section 7, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.140; amending section 5, chapter 212, Laws of 1955 and RCW 75.28.255; amending section 2, chapter 35, Laws of 1971 and RCW 75.16.100; amending section 75.28.280, chapter 12, Laws of 1955 as last amended by section 3, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.280; amending section 10, chapter 212, Laws of 1955 and RCW 75.28.282; amending section 75.28.285, chapter 12, Laws of 1955 as amended by section 1, chapter 27, Laws of 1965 ex. sess. and RCW 75.28.285; amending section 5, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.286; amending section 4, chapter 253, Laws of 1969 ex. sess. as amended by section 4, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.287; amending section 75.28.290, chapter 12, Laws of 1955 as amended by section 2, chapter 91, Laws of 1969 ex. sess. and RCW 75.28.290; amending section 75.28.300, chapter 12, Laws of 1955 as last amended by section 1, chapter 66, Laws of 1979 and RCW 75.28.300; amending section 75.28.350, chapter 12, Laws of 1955 as amended by section 1, chapter 29, Laws of 1965 ex. sess. and RCW 75.28.350; amending section 75.28.370, chapter 12, Laws of 1955 as amended by section 2, chapter 66, Laws of 1979 and RCW 75.28.370; amending section 2, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.400; amending section 1, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.450; amending section 2, chapter 227, Laws of 1981 and RCW 75.28.690; amending section 5, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.050; amending section 6, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.060; amending section 2, chapter 106, Laws of 1977 ex. sess. as last amended by section 1, chapter 202, Laws of 1981 and RCW 75.30.020; amending section 2, chapter 101, Laws of 1979 and RCW 75.30.070; amending section 4, chapter 101, Laws of 1979 and RCW 75.30.090; amending section 5, chapter 101, Laws of 1979 and RCW 75.30.100; amending section 2, chapter 184, Laws of 1974 ex. sess. as last amended by section 1, chapter 135, Laws of 1979 and RCW 75.28.455; amending section 4, chapter 133, Laws of 1980 as amended by section 1, chapter 157, Laws of 1982 and RCW 75.28.275; amending section 4, chapter 173, Laws of 1973 1st ex. sess. as amended by section 1, chapter 104, Laws of 1974 ex. sess. and RCW 75.28.420; amending section 75.40.010, chapter 12, Laws of 1955 and RCW 75.40.010; amending section 75.40.020, chapter 12, Laws of 1955 and RCW 75.40.020; amending section 75.40.030, chapter 12, Laws of 1955 as last amended by section 2, chapter 101, Laws of 1969 ex. sess. and RCW 75.40.030; amending section 75.40.040,

chapter 12, Laws of 1955 as amended by section 2, chapter 171, Laws of 1963 and RCW 75.40.040; amending section 75.40.060, chapter 12, Laws of 1955 and RCW 75.40.060; amending section 3, chapter 183, Laws of 1975 1st ex. sess. as amended by section 3, chapter 230, Laws of 1977 ex. sess. and RCW 75.28.505; amending section 4, chapter 183, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 43, Laws of 1979 ex. sess. and RCW 75.28.510; amending section 5, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.515; amending section 6, chapter 183, Laws of 1975 1st ex. sess. as amended by section 2, chapter 43, Laws of 1979 ex. sess. and RCW 75.28.520; amending section 8, chapter 183, Laws of 1975 1st ex. sess. as last amended by section 4, chapter 43, Laws of 1979 ex. sess. and RCW 75.28.530; amending section 9, chapter 183, Laws of 1975 1st ex. sess. as amended by section 5, chapter 230, Laws of 1977 ex. sess. and RCW 75.28.535; amending section 10, chapter 183, Laws of 1975 1st ex. sess. as last amended by section 3, chapter 43, Laws of 1979 ex. sess. and RCW 75.28.540; amending section 2, chapter 308, Laws of 1977 ex. sess. as last amended by section 1, chapter 261, Laws of 1981 and RCW 75.48.020; amending section 3, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.030; amending section 4, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.040; amending section 5, chapter 308, Laws of 1977 ex. sess. as amended by section 2, chapter 261, Laws of 1981 and RCW 75.48.050; amending section 6, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.060; amending section 7, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.070; amending section 8, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.080; amending section 9, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.090; amending section 10, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.100; amending section 11, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.110; amending section 2, chapter 327, Laws of 1977 ex. sess. as last amended by section 1, chapter 66, Laws of 1980 and RCW 75.18.110; amending section 75.98.030, chapter 12, Laws of 1955 and RCW 75.98.030; amending section 171, page 279, Laws of 1860 as last amended by section 1, chapter 98, Laws of 1909 and RCW 3.20.040; amending section 117, chapter 299, Laws of 1961 as amended by section 1, chapter 150, Laws of 1982 and RCW 3.66.060; amending section 35A.69.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.69.010; amending section 43.52.440, chapter 8, Laws of 1965 and RCW 43.52.440; amending section 1, chapter 39, Laws of 1975 and RCW 69.04.930; amending section 1, chapter 98, Laws of 1980 and RCW 82.27.010; amending section 124, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.94.390; adding a new section to chapter 75.12 RCW; adding a new section to chapter 75.25 RCW; adding a new chapter to Title 75 RCW; adding a new section to chapter 79.96 RCW; creating new sections; decodifying RCW 75.12.200, 75.12.300, 75.18.100, 75.25.010, 75.25.900, 75.25.910, 75.28.400, 75.28.450, 75.28.500, 75.28.600, 75.30.010, 75.48.010, 75.98.010, 75.98.020, 75.98.040, 75.98.050, and 75.98.060; repealing section 75.04.020, chapter 12, Laws of 1955 and RCW 75.04.020; repealing section 75.04.030, chapter 12, Laws of 1955 and RCW 75.04.030; repealing section 75.04.040, chapter 12, Laws of 1955 and RCW 75.04.040; repealing section 75.04.050, chapter 12, Laws of 1955 and RCW 75.04.050; repealing section 75.04.060, chapter 12, Laws of 1955 and RCW 75.04.060; repealing section 75.04.070, chapter 12, Laws of 1955, section 3, chapter 227, Laws of 1981 and RCW 75.04.070; repealing section 75.04.080, chapter 12, Laws of 1955 and RCW 75.04.080; repealing section 75.04.090, chapter 12, Laws of 1955 and RCW 75.04.090; repealing section 75.04.100, chapter 12, Laws of 1955 and RCW 75.04.100; repealing section 75.04.110, chapter 12, Laws of 1955 and RCW 75.04.110; repealing section 9, chapter 112, Laws of 1949 and RCW 75.08.021; repealing section 4, chapter 112, Laws of 1949 and RCW 75.08.022; repealing section 1, chapter 315, Laws of 1959 and RCW 75.08.027; repealing section 75.08.030, chapter 12, Laws of 1955 and RCW 75.08.030; repealing section 75.08.050, chapter 12, Laws of 1955 and RCW 75.08.050; repealing section 18, chapter 327, Laws of 1977 ex. sess. and RCW 75.08.085; repealing section 75.08.100, chapter 12, Laws of 1955 and RCW 75.08.100; repealing section 75.08.140, chapter 12, Laws of 1955 and RCW 75.08.140; repealing section 75.08.190, chapter 12, Laws of 1955 and RCW 75.08.190; repealing section 13, chapter 207, Laws of 1953 and RCW 75.08.203; repealing section 75.08.240, chapter 12, Laws of 1955 and RCW 75.08.240; repealing section 75.08.250, chapter 12, Laws of 1955, section 34, chapter 106, Laws of 1973 and RCW 75.08.250; repealing section 75.08.270, chapter 12, Laws of 1955 and RCW 75.08.270; repealing section 1, chapter 230, Laws of 1961 and RCW 75.08.290; repealing section 75.12.050, chapter 12, Laws of 1955 and RCW 75.12.050; repealing section 75.12.060, chapter 12, Laws of 1955 and RCW 75.12.060; repealing section 75.12.080, chapter 12,

Laws of 1955 and RCW 75.12.080; repealing section 75.12.110, chapter 12, Laws of 1955 and RCW 75.12.110; repealing section 3, chapter 276, Laws of 1955 and RCW 75.12.150; repealing section 4, chapter 276, Laws of 1955 and RCW 75.12.160; repealing section 4, chapter 108, Laws of 1957, section 1, chapter 234, Laws of 1963 and RCW 75.12.220; repealing section 3, chapter 234, Laws of 1963 and RCW 75.12.232; repealing section 6, chapter 108, Laws of 1957 and RCW 75.12.240; repealing section 7, chapter 108, Laws of 1957 and RCW 75.12.250; repealing section 8, chapter 108, Laws of 1957 and RCW 75.12.260; repealing section 9, chapter 108, Laws of 1957 and RCW 75.12.270; repealing section 26, chapter 309, Laws of 1959 and RCW 75.12.280; repealing section 1, chapter 227, Laws of 1981 and RCW 75.12.290; repealing section 75.16.040, chapter 12, Laws of 1955 and RCW 75.16.040; repealing section 3, chapter 35, Laws of 1971 and RCW 75.16.110; repealing section 75.18.005, chapter 12, Laws of 1955 and RCW 75.18.005; repealing section 75.18.010, chapter 12, Laws of 1955 and RCW 75.18.010; repealing section 75.18.030, chapter 12, Laws of 1955 and RCW 75.18.030; repealing section 75.18.040, chapter 12, Laws of 1955 and RCW 75.18.040; repealing section 75.18.050, chapter 12, Laws of 1955 and RCW 75.18.050; repealing section 75.18.060, chapter 12, Laws of 1955 and RCW 75.18.060; repealing section 75.18.070, chapter 12, Laws of 1955 and RCW 75.18.070; repealing section 75.18.090, chapter 12, Laws of 1955 and RCW 75.18.090; repealing section 75.20.010, chapter 12, Laws of 1955 and RCW 75.20.010; repealing section 75.20.020, chapter 12, Laws of 1955 and RCW 75.20.020; repealing section 75.20.030, chapter 12, Laws of 1955 and RCW 75.20.030; repealing section 75.20.080, chapter 12, Laws of 1955 and RCW 75.20.080; repealing section 2, chapter 4, Laws of 1961 and RCW 75.20.120; repealing section 75.24.020, chapter 12, Laws of 1955 and RCW 75.24.020; repealing section 75.24.040, chapter 12, Laws of 1955 and RCW 75.24.040; repealing section 3, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.030; repealing section 5, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.050; repealing section 6, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.060; repealing section 7, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.070; repealing section 2, chapter 171, Laws of 1957, section 3, chapter 309, Laws of 1959, section 3, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.013; repealing section 75.28.050, chapter 12, Laws of 1955 and RCW 75.28.050; repealing section 1, chapter 40, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.083; repealing section 6, chapter 309, Laws of 1959, section 6, chapter 283, Laws of 1971 ex. sess., section 2, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.087; repealing section 2, chapter 60, Laws of 1979 and RCW 75.28.097; repealing section 75.28.150, chapter 12, Laws of 1955, section 14, chapter 309, Laws of 1959, section 6, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.150; repealing section 75.28.160, chapter 12, Laws of 1955, section 15, chapter 309, Laws of 1959, section 7, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.160; repealing section 75.28.170, chapter 12, Laws of 1955, section 16, chapter 309, Laws of 1959, section 8, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.170; repealing section 75.28.180, chapter 12, Laws of 1955, section 17, chapter 309, Laws of 1959, section 9, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.180; repealing section 75.28.190, chapter 12, Laws of 1955, section 18, chapter 309, Laws of 1959, section 10, chapter 73, Laws of 1965 ex. sess., section 9, chapter 283, Laws of 1971 ex. sess., section 8, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.190; repealing section 75.28.210, chapter 12, Laws of 1955, section 19, chapter 309, Laws of 1959, section 11, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.210; repealing section 75.28.220, chapter 12, Laws of 1955, section 20, chapter 309, Laws of 1959, section 12, chapter 73, Laws of 1965 ex. sess., section 10, chapter 283, Laws of 1971 ex. sess., section 9, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.220; repealing section 75.28.230, chapter 12, Laws of 1955, section 21, chapter 309, Laws of 1959, section 13, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.230; repealing section 75.28.240, chapter 12, Laws of 1955, section 22, chapter 309, Laws of 1959, section 14, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.240; repealing section 75.28.250, chapter 12, Laws of 1955, section 23, chapter 309, Laws of 1959, section 15, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.250; repealing section 75.28.260, chapter 12, Laws of 1955, section 24, chapter 309, Laws of 1959, section 16, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.260; repealing section 75.28.270, chapter 12, Laws of 1955, section 25, chapter 309, Laws of 1959, section 17, chapter 73, Laws of 1965 ex. sess., section 2, chapter 133, Laws of 1980 and RCW 75.28.270; repealing section 3, chapter 133, Laws of 1980 and RCW 75.28.274; repealing section 5, chapter 133, Laws of 1980 and RCW 75.28.276; repealing section 6, chapter 133, Laws of 1980 and RCW 75.28.277; repealing

section 9, chapter 212, Laws of 1955, section 2, chapter 253, Laws of 1969 ex. sess. and RCW 75.28.281; repealing section 6, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.283; repealing section 12, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.375; repealing section 3, chapter 40, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.377; repealing section 1, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.390; repealing section 3, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.410; repealing section 5, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.430; repealing section 2, chapter 104, Laws of 1974 ex. sess. and RCW 75.28.440; repealing section 4, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.465; repealing section 6, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.470; repealing section 7, chapter 184, Laws of 1974 ex. sess., section 171, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.475; repealing section 9, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.480; repealing section 7, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.525; repealing section 14, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.640; repealing section 1, chapter 113, Laws of 1980 and RCW 75.28.800; repealing section 3, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.030; repealing section 4, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.040; repealing section 3, chapter 101, Laws of 1979 and RCW 75.30.080; repealing section 75.36.020, chapter 12, Laws of 1955 and RCW 75.36.020; repealing section 75.40.050, chapter 12, Laws of 1955, section 1, chapter 100, Laws of 1977 ex. sess. and RCW 75.40.050; repealing section 75.40.070, chapter 12, Laws of 1955 and RCW 75.40.070; repealing section 1, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.010; repealing section 3, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.020; repealing section 4, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.030; repealing section 5, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.040; repealing section 6, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.050; repealing section 7, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.060; repealing section 8, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.070; repealing section 9, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.080; prescribing penalties; and providing an effective date.

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

NEW SECTION. Sec. 1. In enacting this 1983 act, it is the intent of the legislature to revise and reorganize the fisheries code of this state to clarify and improve the administration of the state's fisheries laws. Unless the context clearly requires otherwise, the revisions made to the fisheries code by this act are not to be construed as substantive.

Sec. 2. Section 75.08.010, chapter 12, Laws of 1955 and RCW 75.08.010 are each amended to read as follows:

This title (~~shall be~~) is known and may be cited as the "Fisheries Code of the State of Washington."

NEW SECTION. Sec. 3. RCW 75.04.010, as amended by this 1983 act, is hereby decodified and recodified as RCW 75.08.011.

Sec. 4. Section 75.04.010, chapter 12, Laws of 1955 as amended by section 2, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.04.010 are each amended to read as follows:

(~~Ferms~~) As used in this title or (~~in any~~) rule (~~or regulation~~) of the director (~~of fisheries shall have the meaning given to them in this chapter~~), unless the context clearly (~~indicates~~) requires otherwise:

- (1) "Director" means the director of fisheries.
- (2) "Department" means the department of fisheries.

(3) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations.

(4) "Fisheries patrol officer" means a person appointed and commissioned by the director, with authority to enforce this title, rules of the director, and other statutes as prescribed by the legislature. Fisheries patrol officers are peace officers.

(5) "Ex officio fisheries patrol officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fisheries patrol officer" also includes wildlife agents, special agents of the national marine fisheries service, United States fish and wildlife special agents, state parks commissioned officers, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(6) "To fish" and "to take" and their derivatives mean an effort to kill, injure, harass, or catch food fish or shellfish.

(7) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(8) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(9) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(10) "Resident" means a person who has for the preceding ninety days maintained a permanent abode within the state, has established by formal evidence an intent to continue residing within the state, and is not licensed to fish as a resident in another state.

(11) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(12) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that shall not be fished for except as authorized by rule of the director. The term "food fish" includes all stages of development and the bodily parts of food fish species.

(13) "Shellfish" means those species of marine and freshwater invertebrates that shall not be taken except as authorized by rule of the director. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(14) "Salmon" means species of the genus Oncorhynchus and includes:

<u>Scientific Name</u>	<u>Common Name</u>
<u>Oncorhynchus tshawytscha</u>	<u>Chinook salmon</u>
<u>Oncorhynchus kisutch</u>	<u>Coho salmon</u>

<u>Oncorhynchus keta</u>	<u>Chum salmon</u>
<u>Oncorhynchus gorbusha</u>	<u>Pink salmon</u>
<u>Oncorhynchus nerka</u>	<u>Sockeye salmon</u>

(15) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

(16) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

(17) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

(18) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel to which are attached no more than two single hooks or one artificial bait with no more than four multiple hooks.

Sec. 5. Section 3, chapter 112, Laws of 1949 as amended by section 1, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.08.012 are each amended to read as follows:

~~((It shall be the duty and purpose of))~~ The department ((of fisheries to)) shall preserve, protect, perpetuate and manage the food fish and shellfish in ((the waters of the)) state waters and ((the)) offshore waters ((thereof to the end that such food fish and shellfish shall not be taken, possessed, sold or disposed of at such times and in such manner as will impair the supply thereof. For the purpose of conservation, and)),

The department shall conserve the food fish and shellfish resources in a manner that does not impair the resource. In a manner consistent ((there-with;)) with this goal, the department shall seek to maintain the economic well-being and stability of the ((commercial)) fishing industry in the state ((of Washington)). The department shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state.

Sec. 6. Section 10, chapter 207, Laws of 1953 and RCW 75.08.014 are each amended to read as follows:

The director of fisheries shall ((have charge and general supervision)) supervise the administration and operation of the department of fisheries((; and shall exercise all the powers)) and perform ((all)) the duties prescribed by law ((with respect to food fish and shellfish)). The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

((No person shall be eligible to appointment as, or to hold the office of, director of fisheries, unless he has)) Only persons having general knowledge of the fisheries resources and commercial and recreational fishing ((conditions and of the fishing)) industry in this state((, and has no)) are eligible

for appointment as director. The director shall not have a financial interest in the fishing industry or ~~((any))~~ a directly related industry ~~((directly connected therewith))~~.

Sec. 7. Section 75.08.020, chapter 12, Laws of 1955 as amended by section 87, chapter 75, Laws of 1977 and RCW 75.08.020 are each amended to read as follows:

~~((The director shall devote his time to the duties of his office and enforce the laws and regulations of the director relating to propagation, protection, conservation, preservation, and management of food fish and shellfish.~~

~~The director shall purchase, construct, charter, and operate vehicles, boats, and aircraft necessary to properly patrol the shores and waters of the state and the offshore waters in the enforcement of this title and the regulations of the director.))~~

(1) The director shall investigate the habits, supply, and economic use of food fish and shellfish in state and offshore waters.

(2) The director shall make an annual report ~~((each year))~~ to the governor ~~((, containing a statement of his official actions, of))~~ on the operation ~~((and result of the laws pertaining to the fish and shellfish industry,))~~ of the department and the statistics of the fishing ~~((business, and suggestions as to needed legislation whenever he deems it necessary))~~ industry.

Sec. 8. Section 75.08.025, chapter 12, Laws of 1955 and RCW 75.08.025 are each amended to read as follows:

The ~~((authority of the))~~ director ~~((under the provisions of this title shall extend to negotiating))~~ may negotiate agreements with the United States department of defense ~~((of the United States, or representatives thereof, for the purpose of coordinating and correlating the control of))~~ to coordinate fishing in ~~((the))~~ state waters ~~((of the state))~~ over which the department of defense ~~((, for national defense purposes,))~~ has assumed control ~~((, to the end that such waters may be utilized for fishing consistent with the safety of fishermen, personnel of the department of defense, and the public, to promulgate and enforce regulations for restricted fishing in said areas and to provide for such patrol of said areas as may be necessary)).~~

Sec. 9. Section 75.08.040, chapter 12, Laws of 1955 as amended by section 1, chapter 212, Laws of 1955 and RCW 75.08.040 are each amended to read as follows:

The director ~~((shall select and))~~ may acquire by gift, easement, purchase, lease, or condemnation ~~((brought in the name of the state, and by any other lawful means at his disposal, such))~~ lands, water rights, and rights of way, and construct ~~((at))~~ and maintain necessary facilities ~~((thereon, as may be necessary for the exercise of the powers and discharge of the duties of the department))~~ for purposes consistent with this title.

The director (~~((shall have authority to))~~) may sell, lease, convey, or grant concessions upon (~~((any property;))~~) real or personal (~~((heretofore or hereafter acquired for the state and))~~) property under the control of the department.

NEW SECTION. Sec. 10. RCW 75.16.050, 75.16.060, and 75.16.070, each as amended by this 1983 act, are each decodified and recodified as RCW 75.08.045, 75.08.055, and 75.08.065, respectively.

Sec. 11. Section 75.16.050, chapter 12, Laws of 1955 and RCW 75.16.050 are each amended to read as follows:

The director may accept money or real property from (~~((the United States, counties, municipalities, or other governmental units, or from any person;))~~) persons under conditions requiring the use of (~~((such))~~) the property or money for (~~((specific purposes in furtherance of))~~) the protection, rehabilitation, preservation, or conservation of the state food fish and shellfish resources, or (~~((with the advice of the attorney general;))~~) in settlement of (~~((any))~~) claims for damages to (~~((such))~~) food fish and shellfish resources. (~~((Any))~~) The director shall only accept real property (~~((so accepted must be))~~) useful for the protection, rehabilitation, preservation, or conservation of (~~((such))~~) these fisheries resources.

~~((The director is hereby designated the agent of the state to accept and receive all such funds and deposit them with the state treasurer who shall credit them to the contingent receipts fund created by RCW 43.79.250.~~

~~Whenever any money has been received and is to be spent for a specific purpose, the director shall submit to the governor duplicate copies of a statement setting forth the facts regarding such funds and the need for such expenditure and the estimated amount to be expended:~~

~~If the governor approves such estimate in whole or in part, he shall endorse on each copy of such statement his approval, with the amount approved, and transmit one copy of the same to the director authorizing him to make the expenditure. No expenditure shall be authorized in excess of the actual amount received, nor shall funds be expended for any purpose except the specific purpose for which they were received, unless the same were received in settlement of a claim for damages to the food fish or shellfish resources of the state, and in that event such funds so received may be expended for the protection, rehabilitation, preservation, or conservation of such resources:))~~

Sec. 12. Section 75.16.060, chapter 12, Laws of 1955 and RCW 75.16.060 are each amended to read as follows:

(1) (~~((Consent of the state is hereby given to the United States for the continuance of present established fish cultural stations and laboratories located in this state as of April 1, 1949; for the establishment of one or more additional fish cultural stations, substations or laboratories to be constructed, maintained, and operated by the United States or the state, under the~~

~~terms of agreements to be entered into between the United States and the director and the state game commission: PROVIDED, That this consent shall be effective as to additional establishments only when the location of such additional establishments has been approved in advance by the director and the state game commission. The Secretary of the Interior, and his duly authorized agents are hereby accorded the right to conduct scientific investigations, fish hatching and fish cultural stations and all operations connected therewith at any and all times and in any manner that may by the Secretary be considered necessary and proper, in accordance with the provisions of certain acts of congress entitled: "An Act to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries," approved May 21, 1930, and the provisions of the act of May 11, 1938 (Ch. 193, 52 Stat. 354, 16 U.S.C. 755-757), as amended by "An Act to amend the Act of May 11, 1938, for the conservation of the Fishery Resources of the Columbia River, and for other purposes," approved August 8, 1946, or acts amendatory thereof, at presently established stations and laboratories and at additional establishments when approval of the location of any such additional establishment has been given as provided in this section.~~

~~((2))~~ The director and the state game commission ~~((are hereby authorized to))~~ may enter into agreements with and receive funds from the United States for the construction ((and installation)), maintenance, and operation of fish cultural stations, laboratories, and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions((, in accordance with the act of congress of May 11, 1938 (Ch. 193, 52 Stat. 354, 16 U.S.C. 755-757), as amended by "An Act to amend the Act of May 11, 1938, for the conservation of the Fishery Resources of the Columbia River, and for other purposes," approved August 8, 1946, or acts amendatory thereof)).

~~((3))~~ (2) The director and the state game commission may acquire by gift, purchase, lease, easement, or condemnation ~~((the necessary title to, interest therein, rights of way over or licenses covering))~~ the use of lands where ~~((such))~~ the construction or improvement is to be carried on by the United States.

~~((4))~~ The director and the state game commission are hereby authorized to receive funds from the federal government for the construction, maintenance and operation of fish cultural stations, substations, laboratory or fish conservation devices or for any other purpose deemed necessary by the director or the state game commission for the rehabilitation and conservation of the fisheries resources of the Columbia River basin:

~~(5)~~ After the construction and installation of any such fish cultural station, substation, laboratory or fish conservation devices, the department or

~~the state game commission may maintain and operate the same in accordance with the terms of the agreement entered into with the United States in regard thereto:))~~

Sec. 13. Section 75.16.070, chapter 12, Laws of 1955 and RCW 75.16.070 are each amended to read as follows:

The director ~~((shall have the power to))~~ may enter into contracts and agreements with ~~((the United States, or any state or territory thereof, or with any foreign government, or with any))~~ a person~~((, for the purpose of securing))~~ to secure food fish or shellfish ~~((or eggs of the same, and))~~ or for the ~~((erection))~~ construction, operation, and maintenance of ~~((eyeing stations, fish or shellfish hatcheries, rearing ponds, and other appliances or installations))~~ facilities for the propagation of food fish or shellfish ~~((within or without the territorial limits of the state; and the director shall execute and carry out any such contracts or agreements))~~.

Sec. 14. Section 75.08.070, chapter 12, Laws of 1955 and RCW 75.08.070 are each amended to read as follows:

Consistent with federal law, the director's authority ~~((of the director under the provisions of this title shall))~~ extends to all areas and waters within the territorial ~~((limits))~~ boundaries of the state ~~((and)), to the offshore waters((; and the director is authorized under the provisions of this title to promulgate and publish regulations corresponding to the recommendations and regulations of the Pacific Marine Fisheries Commission, the International Fisheries Commission, and the International Pacific Salmon Fisheries Commission)),~~ and to the concurrent waters of the Columbia river.

Consistent with federal law, the director's authority extends to fishing in offshore waters by residents of this state.

The director may adopt rules consistent with the regulations adopted by the United States department of commerce for the offshore waters. The director may adopt rules consistent with the recommendations or regulations of the pacific marine fisheries commission, Columbia river compact, or international pacific salmon fisheries commission as provided in chapter 75.40 RCW.

Sec. 15. Section 75.08.080, chapter 12, Laws of 1955 as amended by section 1, chapter 55, Laws of 1980 and RCW 75.08.080 are each amended to read as follows:

(1) The director ~~((shall investigate the habits, supply and economic use of, and classify, the food fish and shellfish in the waters of the state and the offshore waters, and from time to time, make,))~~ may adopt, amend, ~~((and promulgate))~~ or repeal rules ~~((and regulations))~~ as follows:

(a) Specifying the times when the taking of ~~((any or all the various classes of))~~ food fish ~~((and))~~ or shellfish is lawful or ~~((prohibited))~~ unlawful.

(b) Specifying ~~((and defining))~~ the areas ~~((, places,))~~ and waters in which the taking and possession of ~~((the various classes of))~~ food fish ~~((and))~~ or shellfish is lawful or ~~((prohibited))~~ unlawful.

(c) Specifying and defining the ~~((types and sizes of))~~ gear, appliances, or other ~~((means))~~ equipment and methods that may be ~~((lawfully))~~ used ~~((in taking the various classes of))~~ to take food fish ~~((and))~~ or shellfish, and specifying the times, places, and manner in which ~~((it shall be lawful to possess or use the same))~~ the equipment may be used or possessed.

(d) Regulating the possession, disposal, landing, and sale of food fish ~~((and))~~ or shellfish within the state, whether acquired within or without the state ~~((; and specifying the times when the possession, disposal, or sale of the various species of food fish or shellfish is prohibited))~~.

(e) Regulating the prevention and suppression of ~~((all infectious, contagious, dangerous, and communicable))~~ diseases and pests affecting food fish ~~((and))~~ or shellfish.

(f) ~~((The fixing of))~~ Regulating the size, sex, ~~((numbers, and amounts of the various classes of))~~ species, and quantities of food fish ~~((and))~~ or shellfish that may be taken, possessed, sold, or disposed of.

(g) ~~((Regulating the landing of the various classes of food fish and shellfish or parts thereof within the state.~~

~~((h) Regulating the destruction of predatory seals and sea lions and other predators destructive of food fish or shellfish, and specifying the proof of the destruction of the same that shall be required.~~

~~((i))~~ Specifying the statistical and biological reports ~~((that shall be))~~ required from ~~((licensed or nonlicensed))~~ fishermen, dealers, boathouses, ~~((handlers,))~~ or processors of food fish ~~((and))~~ or shellfish.

~~((j) Specifying which))~~ (h) Classifying species of marine and freshwater life ~~((are))~~ as food fish ~~((and))~~ or shellfish.

~~((k))~~ (i) Classifying the species of food fish and shellfish ~~((or parts thereof))~~ that may be used for purposes other than human consumption.

~~((l) Promulgating such))~~ (j) Other rules ~~((and regulations as may be))~~ necessary to carry out ~~((the provisions of))~~ this title and the purposes and duties of the department.

(2) Subsections (1)(a), (b), (c), (d), and (f) ~~((; and (g)))~~ of this section do not apply to:

(a) Licensed oyster farms or oysters produced thereon; or

(b) Private tideland owners and lessees of state tidelands, when ~~((taking))~~ they take or ~~((possessing))~~ possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.

Sec. 16. Section 75.08.090, chapter 12, Laws of 1955 as amended by section 1, chapter 93, Laws of 1973 and RCW 75.08.090 are each amended to read as follows:

~~((A#)) (1) Rules (and regulations) of the director (acting director or such person designated by the director, and all amendments to, or modifications or revocations of existing rules and regulations) shall be (made and) adopted by the director (and shall be promulgated) or a designee in accordance with (the provisions of) chapter 34.04 RCW.~~

(2) Rules of the director shall be admitted as evidence in the courts of the state when accompanied by an affidavit from the director or a designee certifying that the rule has been lawfully adopted and the affidavit is prima facie evidence of the adoption of the rule.

(3) The director may designate department employees to act on the director's behalf in the adoption and certification of rules.

Sec. 17. Section 75.08.110, chapter 12, Laws of 1955 and RCW 75.08-.110 are each amended to read as follows:

~~((No person shall print or cause to be printed a booklet or pamphlet of the fisheries laws or regulations))~~ Provisions of this title or rules of the director ((or portions thereof without the approval of)) shall not be printed in a pamphlet unless the pamphlet is clearly marked as an unofficial version. This section does not apply to printings approved by the director.

Sec. 18. Section 75.08.120, chapter 12, Laws of 1955 and RCW 75.08-.120 are each amended to read as follows:

The director ~~((is authorized to))~~ may designate the ((mouths and fishing limits of all rivers and streams, or other)) boundaries of fishing areas by driving piling or by establishing monuments or by description of landmarks or section lines((, and his designation shall be final)) and directional headings.

Sec. 19. Section 75.08.160, chapter 12, Laws of 1955 and RCW 75.08-.160 are each amended to read as follows:

The director ~~((and his duly authorized and acting assistants)), fisheries ((inspectors, deputy fisheries inspectors,))~~ patrol officers, ex officio fisheries patrol officers, and department employees may((, in the course of their duties,)) enter upon any land or waters ((in this state)) and remain ((thereon with any necessary equipment)) there while performing ((such)) their duties((, and such action by such persons shall not constitute)) without liability for trespass.

It ~~((shall be))~~ is lawful for ~~((any))~~ any aircraft operated by the department to land and take off from ~~((any of))~~ the beaches or waters of the state ~~((and)).~~ It ((shall be)) is unlawful for ~~((any))~~ any a person to interfere with the operation of ~~((such))~~ these aircraft.

Sec. 20. Section 14, chapter 207, Laws of 1953 as amended by section 73, chapter 289, Laws of 1971 ex. sess. and RCW 75.08.206 are each amended to read as follows:

The director ~~((of fisheries))~~ shall ((procure)) provide compensation insurance for ~~((all employees of the department of fisheries engaged as~~

peace)) fisheries patrol officers, insuring ((such)) these employees against injury or death ((incurred)) in the ((course of their employment as such peace officers when such employment involves the)) performance of enforcement duties not covered under the ((workmen's)) workers' compensation act of the state ((of Washington)). The beneficiaries and the compensation and benefits under ((such)) the compensation insurance shall be the same as provided in chapter 51.32 RCW ((as amended by this 1971 amendatory act)), and ((said)) the compensation insurance also shall provide for medical aid and hospitalization to the extent and amount as provided in RCW 51.36.010 and 51.36.020 ((as now or hereafter amended)).

NEW SECTION, Sec. 21. RCW 75.06.024, as amended by this 1983 act, is hereby decodified and recodified as RCW 75.08.208.

Sec. 22. Section 1, chapter 216, Laws of 1957 and RCW 75.08.024 are each amended to read as follows:

The director shall((, ~~and he is hereby authorized to,~~)) relieve from active duty fisheries patrol officers who((, ~~while~~)) are injured in the performance of their official duties((, ~~have been injured or may hereafter be injured~~)) to such an extent as to be incapable of active service. ((Such)) While relieved from active duty, the employees shall receive one-half of their ((compensation at the existing wage, during the time such disability continues in effect,)) salary less any compensation received through the provisions of RCW 41.40.200, ((RCW)) 41.40.220, and ((RCW)) 75.08.206.

Sec. 23. Section 75.08.230, chapter 12, Laws of 1955 as last amended by section 175, chapter 151, Laws of 1979 and RCW 75.08.230 are each amended to read as follows:

((~~All license fees, taxes, fines, and moneys realized from the sale of property seized or confiscated under the provisions of this title, and all bail moneys forfeited under prosecutions instituted under the provisions of this title, and all moneys realized from the sale of any of the property, real or personal, heretofore or hereafter acquired for the state and under the control of the department, such moneys as are realized from the sale of food fish or shellfish caught or taken during test fishing operations conducted by the department for the purpose of food fish or shellfish resource evaluation studies, all moneys collected for damages and injuries to any such property, and all moneys collected for rental or concessions from such property, shall be paid into the state treasury general fund unless otherwise provided by law. PROVIDED, That salmon taken in test fishing operations shall not be sold except during a season open to commercial fishing in the district wherein test fishing is being conducted. PROVIDED FURTHER, That fifty percent of all money received as fines together with all of the costs shall be retained by the county in which the fine was collected.~~))

~~All fines collected shall be remitted monthly by the justice of the peace or by the clerk of the court collecting the same to the county treasurer of the county in which the same shall be collected, and the county treasurer shall at least once a month remit fifty percent of the same to the state treasurer and at the same time shall furnish a statement to the director showing the amount of fines so remitted and from whom collected. PROVIDED, That in instances wherein any))~~ (1) Except as provided in this section, state and county officers receiving the following moneys shall deposit them in the state general fund:

- (a) The sale of licenses required under this title;
 - (b) The sale of property seized or confiscated under this title;
 - (c) Fines and forfeitures collected under this title;
 - (d) The sale of real or personal property held for department purposes;
 - (e) Rentals or concessions of the department;
 - (f) Moneys received for damages to food fish, shellfish or department property; and
 - (g) Gifts.
- (2) The director shall make weekly remittances to the state treasurer of moneys collected by the department.

(3) The courts may retain fifty percent of fines, forfeitures, and all costs collected under this title. The courts shall remit the remainder of the fines and forfeitures to the state treasurer monthly. Where a portion of a fine assessed by a court is suspended, deferred, or otherwise not collected, the entire amount collected shall be remitted ((by the county treasurer)) to the state treasurer ((and shall be credited to the general fund. PROVIDED FURTHER, That)). All ((fees,)) fines((;)) and forfeitures ((and penalties)) collected or assessed by a justice court ((because of the)) for a violation of ((a state law)) this title or rule of the director shall be remitted as provided in chapter 3.62 RCW ((as now exists or is later amended)).

(4) Proceeds from the sale of food fish or shellfish taken in test fishing conducted by the department, to the extent that these proceeds ((may)) exceed the estimates ((thereof)) in the budget approved by the legislature, may be allocated ((by the office of financial management)) as unanticipated receipts under ((such procedures as are adopted by the legislature for the allocation of such receipts)) RCW 43.79.270 to reimburse the department for ((any)) unanticipated costs for test fishing operations in excess of ((any)) the allowance ((therefor)) in the budget ((as)) approved by the legislature.

(5) Proceeds ((of all sales)) from the sale of salmon and ((all sales of)) salmon eggs by the department, to the extent these proceeds ((may)) exceed estimates in the budget ((as)) approved by the legislature, may be allocated ((by the office of financial management)) as unanticipated receipts under ((such procedures as the legislature may adopt for the allocation of such

~~receipts)) RCW 43.79.270. ((Such)) Allocations ((shall)) under this subsection shall be made only for ((the purpose of meeting department obligations in regards to)) hatchery operations partially or wholly financed by sources other than state general revenues or for purposes of processing human consumable salmon for disposal ((as may be provided by law)).~~

(6) Moneys received by the director under RCW 75.08.045, to the extent these moneys exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for the specific purpose for which the moneys were received, unless the moneys were received in settlement of a claim for damages to food fish or shellfish, in which case the moneys may be expended for the conservation of these resources.

NEW SECTION. Sec. 24. RCW 75.16.120, 75.12.130, 75.12.310, 75.16.010, 75.16.030, and 75.16.020, each as amended by this 1983 act, are hereby decodified and recodified as RCW 75.08.245, 75.08.255, 75.08.265, 75.08.274, 75.08.285, and 75.08.295, respectively.

Sec. 25. Section 4, chapter 35, Laws of 1971 as amended by section 1, chapter 23, Laws of 1974 ex. sess. and RCW 75.16.120 are each amended to read as follows:

The department may supply, at a reasonable charge, surplus salmon eggs to a person(~~, corporation or other entity~~) for use in ~~((fish farming or aquaculture: PROVIDED, That))~~ the cultivation of salmon. The department ~~((of fisheries))~~ shall not intentionally create a surplus of salmon to provide eggs for sale.

Sec. 26. Section 75.12.130, chapter 12, Laws of 1955 as last amended by section 382, chapter 141, Laws of 1979 and RCW 75.12.130 are each amended to read as follows:

(1) The director may((, for the purpose of carrying out his duties,)) take or remove ((or cause to be taken or removed in any manner, at any time,)) any species of fish or shellfish ((of any kind, character, or description)) from ((any)) the waters or beaches of the state.

(2) The director ((is authorized to)) may sell food fish or shellfish caught or taken during department test fishing operations ((conducted by the department for the purpose of food fish or shellfish resource evaluation studies)). Salmon taken in test fishing operations shall only be sold during a season open to commercial fishing in the district in which the test fishing is conducted.

(3) The director ((is prohibited from selling)) shall not sell spawned-out salmon carcasses or salmon in spawning condition for human consumption((: PROVIDED, That such)). The salmon and carcasses may be given to state institutions or schools or to economically depressed people, unless ((such)) the salmon are ((found to be)) unfit for human consumption ((by the department of social and health services. That which is)). Salmon not fit

for human consumption may be sold by the director for animal food, fish food, or for industrial purposes.

(4) In the sale of surplus salmon from state hatcheries, the division of purchasing shall require that a portion of the surplus salmon be processed and returned to the state by the purchaser. The processed salmon shall be fit for human consumption and in a form suitable for distribution to individuals. The division of purchasing shall establish the required percentage at a level that does not discourage competitive bidding for the surplus salmon. The measure of the percentage is the combined value of all of the surplus salmon sold. The department of social and health services shall distribute the processed salmon to economically depressed individuals and state institutions pursuant to rules adopted by the department of social and health services.

Sec. 27. Section 2, chapter 251, Laws of 1981 and RCW 75.12.310 are each amended to read as follows:

The ~~((department is authorized to))~~ director may issue permits to members of the Wanapum band of Indians to take salmon for ceremonial and subsistence purposes. The department shall establish the areas in which the permits are valid and shall regulate the times for and manner of taking the salmon ~~((:PROVIDED, That nothing in RCW 75.12.300 and 75.12.310 shall be construed to create a right to fish for commercial purposes))~~. This section does not create a right to fish commercially.

Sec. 28. Section 75.16.010, chapter 12, Laws of 1955 as amended by section 1, chapter 35, Laws of 1971 and RCW 75.16.010 are each amended to read as follows:

Except by permit of the director, it ((shall be)) is unlawful ((for any person or government agency whatsoever, save the director and those authorized by him;)) to take food fish or shellfish for propagation((;)) or scientific((, or other)) purposes within ((the)) state waters ((of this state. The director or those authorized by him may take salmon or other food fish or shellfish for public propagation, scientific, or other purposes under such regulations as the director may prescribe to safeguard the interest of the fisheries of this state.

~~The director, in conjunction with the issuance of a permit and license for fish farming, may authorize taking of food fish or shellfish for propagation, under such regulations as he may prescribe to safeguard the interest of the fisheries of this state).~~

Sec. 29. Section 75.16.030, chapter 12, Laws of 1955 and RCW 75.16.030 are each amended to read as follows:

The director ~~((shall have general supervision of the prevention of the spread and suppression of infectious, contagious, and communicable diseases and pests affecting food fish or shellfish, and shall have the power to))~~ may prohibit the introduction, transportation or transplanting ((within the

~~state from without, or from one area to another within the state, or the transportation from points in this state to points outside the state)) of ((any)) food fish ((or)), shellfish, ((or any material,)) organisms, ((boats, scows, gear)) material, or other equipment ((whatsoever)) which in ((his)) the director's judgment may transmit any ((infectious or contagious)) disease or pests ((communicable to any)) affecting food fish or shellfish.~~

~~((The director shall have the power to make and enforce rules and regulations to prevent the spread, and effect the suppression of all infectious, contagious, dangerous, and communicable diseases and pests affecting food fish or shellfish:))~~

Sec. 30. Section 75.16.020, chapter 12, Laws of 1955 and RCW 75.16.020 are each amended to read as follows:

Except by permit of the director, it ((shall be)) is unlawful to ((liberate,)) release, ((implant, transplant)) plant, or place food fish ((of any kind or description in any stream, river, pond, lake, or other)) or shellfish in state waters ((of the state, either fresh or salt, without first obtaining the written consent of the director)).

NEW SECTION. Sec. 31. RCW 75.08.150, 75.08.170, 75.36.010, 75.08.200, 75.08.280, 75.36.040, 75.36.030, 75.36.050, 75.08.180, 75.08.275, 75.08.260, 75.28.380, 75.28.384, and 75.28.288, each as amended by this 1983 act, are each decodified and recodified as a new chapter in Title 75 RCW, to be codified as RCW 75.10.010, 75.10.020, 75.10.030, 75.10.040, 75.10.050, 75.10.060, 75.10.070, 75.10.080, 75.10.090, 75.10.100, 75.10.110, 75.10.120, 75.10.130, and 75.10.140, respectively.

Sec. 32. Section 75.08.150, chapter 12, Laws of 1955 as amended by section 133, chapter 78, Laws of 1980 and RCW 75.08.150 are each amended to read as follows:

((Every)) Fisheries ((inspector, deputy fisheries inspector, wildlife agent, sheriff, constable, marshal, and police officer)) patrol officers and ex officio fisheries patrol officers within ((his)) their respective jurisdictions, shall enforce ((all laws and all)) this title, rules ((and regulations adopted by)) of the director ((for the protection of food fish and shellfish, and the police officers specified, and United States game wardens, any forest officer appointed by the United States government, state forest wardens and rangers, and each of them, by virtue of their election or appointment, are constituted ex officio deputy fisheries inspectors within their respective jurisdictions)), and other statutes as prescribed by the legislature.

Sec. 33. Section 75.08.170, chapter 12, Laws of 1955 and RCW 75.08.170 are each amended to read as follows:

((The director and any)) (1) Fisheries ((inspector or deputy inspector shall have the power to)) patrol officers may inspect and search without warrant((, any)) a person, boat, fishing ((appliance, cannery, and any)) equipment, vehicle, conveyance, container, or property used in catching,

~~((packing, curing, preparing, or)) processing, storing ((of)), or marketing food fish or shellfish((, or any vehicle, conveyance, container, receptacle, cold storage plant, warehouse, market, tavern, restaurant, club, hotel, or other place, except any private domicile used exclusively as such, or any quarters in any boat, building or other property used exclusively as a private domicile, where he has reason to believe that food fish or shellfish are kept for sale, barter, or other purpose, and)) which ((he has)) they have reason to believe contain evidence of violations of ~~((the fisheries code))~~ this title or ~~((of any))~~ rules((, regulation, or order made by)) of the director. This authority does not extend to quarters in a boat, building, or other property used exclusively as a private domicile.~~

~~((Any hindrance or interference with any such officer while engaged in making such search shall be prima facie evidence that the person interfering with or hindering such officer is guilty of a violation of this title.~~

~~Any of the officers above named may at any time seize and take possession of any food fish or shellfish which has been unlawfully caught, taken, or killed or which is unlawfully possessed in violation of the provisions of the fisheries code or of any order, rule, or regulation made by the director and the same shall be confiscated to the state.))~~

(2) Fisheries patrol officers and ex officio fisheries patrol officers may arrest without warrant a person they have reason to believe is in violation of this title or rules of the director.

Sec. 34. Section 75.36.010, chapter 12, Laws of 1955 and RCW 75.36.010 are each amended to read as follows:

~~((The director, fisheries inspectors, deputy fisheries inspectors, and ex officio fisheries inspectors)) Fisheries patrol officers and ex officio fisheries patrol officers may seize without warrant ((a)) food fish((;)) or shellfish((; or parts thereof)) they have reason to believe have been taken, killed, transported, or possessed ((contrary to law)) in violation of this title or rule ((or regulation)) of the director and may seize ((in a similar manner any)) without warrant a boat, vehicle, gear, appliance, or other ((device)) article they have reason to believe is held with intent to violate or has been used in violation of ((the fisheries code or the regulations)) this title or rule of the director((, or held with intent to violate the fisheries code or the regulations of the director, and)). The articles seized shall be ((forfeited)) subject to forfeiture to the state, regardless of ((the)) ownership ((of the articles seized: PROVIDED, That the owner of the boat, vehicle, gear, appliance, or other device so)). Articles seized may ((recover the same)) be recovered by their owner by depositing into court a cash bond equal to the value of the seized articles ~~((if the value of the same be less))~~ but not more than five thousand dollars((, or a cash bond in the amount of five thousand dollars, if the value of the seized boat, vehicle, gear, appliance, or other device be in excess of five thousand dollars, and)). The cash bond ((shall thereafter be))~~

is subject to forfeiture to the state in lieu of the seized ~~((boat, vehicle, gear, appliance, or other device))~~ article.

Sec. 35. Section 75.08.200, chapter 12, Laws of 1955 as amended by section 134, chapter 78, Laws of 1980 and RCW 75.08.200 are each amended to read as follows:

~~((The director, all fisheries inspectors, and all deputy))~~ (1) Fisheries ((inspectors)) patrol officers and ex officio fisheries patrol officers may serve and execute ~~((all))~~ warrants and processes issued by the courts ~~((in enforcing the provisions of law))~~ to enforce this title and ((all)) rules ((and regulations)) of the director ~~((pertaining to food fish and shellfish)).~~

~~((For the purpose of enforcing any such law))~~ (2) To enforce this title or rules ((or regulations, they)) of the director, fisheries patrol officers may call to their aid any ~~((necessary))~~ equipment, boat, vehicle, or airplane, or ~~((any sheriff, deputy sheriff, wildlife agent, constable, police officer, or citizen, and any such person shall render such aid))~~ ex officio fisheries patrol officer.

(3) It is unlawful to knowingly or wilfully resist or obstruct a fisheries patrol officer in the discharge of the officer's duties.

Sec. 36. Section 75.08.280, chapter 12, Laws of 1955 and RCW 75.08.280 are each amended to read as follows:

Violations of ~~((the fisheries code))~~ this title or ~~((the regulations))~~ rules of the director occurring in the offshore waters may be prosecuted in ~~((the superior court or justice courts of any))~~ a county bordering on the Pacific Ocean, or ((in any)) a county in which the food fish or shellfish are landed.

Sec. 37. Section 75.36.040, chapter 12, Laws of 1955 and RCW 75.36.040 are each amended to read as follows:

~~((Justice))~~ Courts of limited jurisdiction, as defined in RCW 3.02.010, and superior courts ((shall)) have concurrent jurisdiction to impose penalties and order ((the)) forfeitures provided for in this ((chapter)) title.

Sec. 38. Section 75.36.030, chapter 12, Laws of 1955 and RCW 75.36.030 are each amended to read as follows:

~~((In event it appears upon affidavit that the identity of the person responsible for the violation for which the seizure was made, is unknown or that for any reason))~~ If the state is unable to prosecute the person responsible for the violation for which the seizure was made, the court ((nevertheless shall have the power and jurisdiction to)) may forfeit ((such)) the articles ((so seized)) upon a hearing ((duty)) held after service of summons as provided in RCW 4.28.100 describing the articles seized ((and giving notice of pending forfeiture by publication in the manner provided by law for the service of summons in civil actions)).

Sec. 39. Section 75.36.050, chapter 12, Laws of 1955 and RCW 75.36.050 are each amended to read as follows:

~~((In the event of seizure and forfeiture of any articles as provided in this chapter,))~~ The director may sell at public auction or destroy ~~((all or any of such))~~ articles ~~((at public auction))~~ forfeited under this chapter. The time, place, and manner of ~~((holding such))~~ sale shall be ~~((within the discretion of))~~ determined by the director. Notice of the time and place of ~~((any such))~~ sale shall be published once a week for at least two consecutive weeks ~~((in advance of such))~~ prior to the sale ~~((;))~~ in at least one newspaper of general circulation in the county ~~((wherein))~~ in which the sale is to be held.

~~((The proceeds from all such sales shall be deposited with the state treasurer to credit of the general fund:))~~

Sec. 40. Section 75.08.180, chapter 12, Laws of 1955 and RCW 75.08-.180 are each amended to read as follows:

~~((Any court having jurisdiction,))~~ Upon complaint showing probable cause ~~((for believing))~~ to believe that ~~((any))~~ food fish or shellfish ~~((; or any parts thereof,))~~ unlawfully caught, taken, killed, ~~((or had in possession or under control by any person, or shipped))~~ controlled, possessed, or transported ~~((contrary to law or rule or regulation of the director, are))~~ is concealed or kept in ~~((any))~~ a place or container, the court shall issue a search warrant and ~~((cause a search to be made in any such))~~ have the place or container searched for ~~((any))~~ food fish or shellfish ~~((or any parts thereof and may cause any place or container to be entered and searched))~~ and records pertaining to the food fish or shellfish.

Sec. 41. Section 24, chapter 112, Laws of 1949 and RCW 75.08.275 are each amended to read as follows:

If ~~((any person violates any of the provisions of the fisheries law or any regulation of the director, and))~~ the prosecuting attorney of the county ~~((wherein such))~~ in which a violation of this title or rule of the director occurs ~~((shall, after information has been given him by the director,))~~ fails ~~((within thirty days thereafter))~~ to file an information against ~~((such))~~ the alleged violator, the attorney general ~~((; when requested by))~~ upon request of the director ~~((;))~~ may file an information in the superior court of ~~((such))~~ the county and prosecute the case in ~~((the))~~ place ~~((and stand))~~ of the prosecuting attorney ~~((and prosecute the case)).~~ The director may request prosecution by the attorney general if thirty days have passed since the director informed the county prosecuting attorney of the alleged violation.

Sec. 42. Section 75.08.260, chapter 12, Laws of 1955 as amended by section 1, chapter 99, Laws of 1979 ex. sess. and RCW 75.08.260 are each amended to read as follows:

(1) Unless otherwise provided for in ~~((the fisheries code any))~~ this title, a person who violates ~~((any of the provisions of the fisheries code,))~~ this title or ~~((any of the))~~ rules ~~((or regulations))~~ of the director ~~((made pursuant thereto,))~~ or who aids or abets ~~((or assists))~~ in the violation ~~((thereof, shall~~

be)) is guilty of a gross misdemeanor, and upon a conviction thereof shall be punished by imprisonment in the county jail of the county in which the offense is committed for not less than thirty days or more than one year, or by a fine of not less than twenty-five dollars or more than one thousand dollars, or by both such fine and imprisonment. Food fish or shellfish involved in the violation shall be forfeited to the state. The court may forfeit seized articles involved in the violation.

~~((Any)) (2) A person taking or possessing salmon in violation of ((any of the provisions of the fisheries code;)) this title or ((any of the)) rules ((or regulations)) of the director ((made pursuant thereto, shall, in the event such salmon have a market value greater than two hundred and fifty dollars;)) shall be punished by a fine in an amount not more than five thousand dollars if the salmon involved in the violation have a market value greater than two hundred fifty dollars. ((Such)) This fine ((shall be)) is in addition to ((any other)) the punishment ((prescribed for such conduct and shall be imposed along with such punishment in the same proceedings. In addition; the food fish involved in the violation shall be forfeited to the state)) resulting under subsection (1) of this section.~~

Sec. 43. Section 75.28.380, chapter 12, Laws of 1955 as last amended by section 2, chapter 99, Laws of 1979 ex. sess. and RCW 75.28.380 are each amended to read as follows:

(1) Upon conviction of ((any)) a person ((of)) for a violation of ((any provision of)) this title(;) or rule ((or regulation)) of the director, ((the judge or justice of the peace may;)) in addition to the penalty imposed by law, the court may forfeit the person's license ((of such person: PROVID- ED; That)).

(2) The court shall forfeit the license: (a) Upon conviction ((of any person)) for a violation of ((any statute or regulation)) this title or rule of the director prescribing the length, depth, or construction of fishing gear, or (b) upon ((subsequent)) two or more convictions in ((any)) a five-year period ((of any person)) of any violation of ((any other provisions of)) this title or rule ((or regulation)) of the director((; the forfeiture of such license shall be mandatory, and)). The license shall remain forfeited pending ((any)) appeal. The director may prohibit the issuance of a license to ((any)) a person convicted of two or more ((times of any such)) violations of this title or rule of the director in ((any)) a five-year period or prescribe the conditions under which the license may be issued.

Sec. 44. Section 3, chapter 99, Laws of 1979 ex. sess. and RCW 75.28.384 are each amended to read as follows:

Upon two or more convictions of a person in a five-year period for violating salmon fishing rules of the director which restrict fishing times or areas, the director((; subject to the provisions of chapter 34.04 RCW as now or hereafter amended;)) shall deny all salmon fishing privileges and ((shall)) suspend all salmon fishing licenses of that person for ((a period of)) one

year (~~held by any person who is convicted of two or more violations of salmon fishing regulations or rules promulgated under this title which restrict fishing times or areas, in any five-year period beginning after the effective date of this 1979 act~~). A person may not avoid ~~(the provisions of)~~ this ~~(section)~~ penalty by transferring a commercial salmon fishing license.

For the purposes of this section, the term "conviction" means a final conviction in ~~(either)~~ a state or municipal court. An unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a violation of this title is equivalent to a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

Sec. 45. Section 7, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.288 are each amended to read as follows:

(1) In addition to the penalties prescribed in RCW ~~(75.08.260)~~ 75.10.110 and ~~(75.28.380)~~ 75.10.120, the director ~~(of fisheries)~~ may revoke ~~(all)~~ geoduck ~~(personal-commercial-fishing)~~ diver licenses or geoduck tract licenses ~~(or both)~~ held by a person if:

(a) Within (any) a five-year period (after May 8, 1979; (a)) that person is convicted or has an unvacated bail forfeiture for two or more violations of (the geoduck licensing or harvesting provisions of) this title or rules of the director relating to geoduck licensing or harvesting; or

(b) (The department of fisheries receives a report from the department of natural resources of two or more violations by the person of the lease or harvesting agreement under chapters 79.01 or 79.20 RCW where) The department of natural resources suspended or canceled the lease or harvesting agreement under RCW 79.01.570.

~~(The director of fisheries shall not issue any geoduck personal-commercial-fishing license or geoduck tract license for a period of one year after the revocation to a person who has had a license revoked under this section except as provided under subsection (3) of this section.)~~

(2) (If, within any five-year period after May 8, 1979, any holder of) When a geoduck tract ((license)) licensee permits ((any)) a person to harvest geoducks on that tract, each violation by that person of ((the geoduck licensing or harvesting provisions of)) this title or rules of the director relating to geoduck licensing or harvesting resulting in: (a) ((Either)) Conviction or unvacated forfeiture of bail; or (b) ((a)) suspension or cancellation of the lease or harvesting agreement by the department of natural resources under RCW 79.01.570; shall be imputed to the ((holder of a)) tract ((license)) licensee for the purpose of computing the number of ((the tract holder's)) violations by the tract licensee under subsection (1) of this section.

(3) Except as provided in subsection (4) of this section, the director shall not issue a geoduck diver license or geoduck tract license to a person

who has had a license revoked. This prohibition is effective for one year after the revocation.

(4) Appeals ~~((from))~~ of revocations under this section ~~((shall))~~ may be taken ~~((pursuant to))~~ under the judicial review provisions of chapter 34.04 RCW. If the license revocation ~~((of a license))~~ is determined to be invalid, the ~~((department of fisheries))~~ director shall reissue ~~((a))~~ the license ~~((or licenses))~~ to that person.

Sec. 46. Section 75.12.010, chapter 12, Laws of 1955 as last amended by section 2, chapter 220, Laws of 1973 1st ex. sess. and RCW 75.12.010 are each amended to read as follows:

(1) Except as provided in this section, it ~~((shall be))~~ is unlawful to fish commercially ~~((, catch or take any species of))~~ salmon ~~((for commercial purposes, except as hereinafter provided;))~~ within the waters ~~((of the Straits of Juan de Fuca, Puget Sound and waters connected therewith within the state of Washington))~~ described ~~((as lying to the southerly, easterly and southeasterly of a line described as follows;))~~ in subsection (2) of this section.

(2) All waters east and south of a line commencing at a concrete monument on Angeles Point in Clallam county ~~((, state of Washington;))~~ near the mouth of the Elwha River on which is inscribed "Angeles Point Monument" ~~((in the))~~ (latitude 48° 9'3" ~~((f))~~) north, longitude 123° 33'01" west of Greenwich Meridian; thence running east on a line 81° ~~((f))~~ 30' true ~~((from said point))~~ across the flashlight and bell buoy off Partridge Point and thence continued to ~~((where said line intersects))~~ longitude 122° 40' west; thence north ~~((on said line))~~ to ~~((where said line intersects))~~ the southerly shore of Sinclair Island ~~((at high tide))~~; thence along the southerly shore of ~~((said))~~ the island to the most easterly point ~~((thereof))~~ of the island; thence ~~((north))~~ 46° ~~((east))~~ true to ~~((the line of high tide at))~~ Carter Point, the most southerly point of Lummi Island; thence northwesterly along the westerly shore line ~~((at high tide))~~ of ~~((said))~~ Lummi Island to where ~~((said))~~ the shore line ~~((at high tide))~~ intersects line of longitude 122° 40' west; thence north ~~((on said line))~~ to ~~((where said line intersects))~~ the mainland ~~((at the line of high tide;))~~, including ~~((within said area;))~~; The southerly portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and ~~((at))~~ their inlets, passages, waters, waterways, and ~~((the))~~ tributaries ~~((thereof. PROVIDED, That, subject to such seasons and regulations as may be established from time to time by)).~~

(3) The director ~~((, it shall be lawful to fish for))~~ may authorize commercial ~~((purposes))~~ fishing for sockeye salmon within the ~~((above described))~~ waters ~~((with any lawful gear for sockeye salmon))~~ described in subsection (2) of this section during the period ~~((extending from the tenth day of))~~ June 10 to ~~((the twenty-fifth day of the following))~~ July 25 and for

other (~~(legal)~~) salmon from the second Monday of September (~~(to and including the thirtieth day of the following)~~) through November 30, except during the hours (~~(beginning)~~) between 4:00 (~~(o'clock)~~) p.m. of Friday and (~~(ending at)~~) 4:00 (~~(o'clock)~~) p.m. of the following Sunday (~~(following: AND PROVIDED, That)~~).

~~((It shall be lawful to fish))~~ (4) The director may authorize commercial fishing for salmon (~~(for commercial purposes)~~) with gill net gear (~~(subject to such regulations and to such shorter seasons as the director may establish from time to time)~~) prior to the second Monday in September within the waters of Hale Passage, Bellingham Bay, Samish Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, and Similk Bay, to wit: Those waters northerly and easterly of a line commencing at Stanwood, thence along the south shore of Skagit Bay to Rocky Point on Camano Island; thence northerly to Polnell Point on Whidbey Island.

~~((AND PROVIDED, That))~~ (5) Whenever the director determines that a stock or run of salmon cannot be (~~(feasibly and properly)~~) harvested in the usual manner, and that (~~(such)~~) the stock or run of salmon may be in danger of being wasted and surplus to natural or artificial spawning requirements, the director may (~~(maneuver)~~) authorize units of (~~(lawful)~~) gill net and purse seine gear in any number or equivalents (~~(at his discretion)~~), by time and area, to fully utilize (~~(such)~~) the harvestable portions of these salmon runs for the economic well being of the citizens of this state (~~(; except that)~~). Gill net and purse seine gear other than emergency and test gear authorized by the (~~(fisheries department)~~) director shall not be used in Lake Washington.

~~((AND PROVIDED, That subject to such regulations and to such shorter seasons as))~~ (6) The director may (~~(establish from time to time, it shall be lawful to fish)~~) authorize commercial fishing for pink salmon (~~(for commercial purposes with any lawful gear)~~) in each odd-numbered year (~~(during the period running)~~) from (~~(the first day of)~~) August (~~(to the first day of)~~) 1 through September (~~(; both dates inclusive,)~~) 1 in the waters lying inside of (~~(the following described line:)~~) a line commencing at (~~(a red wooden monument located on)~~) the most easterly point of Dungeness Spit and thence projected to (~~(a similar monument located at)~~) Point Partridge on Whidbey Island and a line commencing at (~~(a red wooden monument located on)~~) Olele Point and thence projected easterly to (~~(a similar monument located at)~~) Bush Point on Whidbey Island.

NEW SECTION. Sec. 47. RCW 75.18.020, as amended by this 1983 act, is hereby decodified and recodified as RCW 75.12.015.

Sec. 48. Section 75.18.020, chapter 12, Laws of 1955 and RCW 75.18.020 are each amended to read as follows:

~~((It shall be unlawful for commercial purposes to fish for or take in the waters of district No. 1, as herein defined, silver salmon (Oncorhynchus kisutch) between the first day of November and the fifteenth day of June of~~

~~the year following, both dates inclusive.)~~ Except as provided in this section, it is unlawful to fish commercially for chinook or coho salmon in the Pacific Ocean and the Straits of Juan de Fuca.

(1) The director may authorize commercial fishing for coho salmon from June 16 through October 31.

(2) The director may authorize commercial fishing for chinook salmon from March 15 through October 31.

Sec. 49. Section 75.12.020, chapter 12, Laws of 1955 and RCW 75.12-.020 are each amended to read as follows:

It ~~((shall be))~~ is unlawful to ~~((catch, kill, or in any manner menace, maim or destroy, any))~~ fish for or take food fish at ~~((any))~~ a rack, dam, or other obstruction or in the waters and on the beaches within one mile below ~~((any))~~ a rack, dam, or other obstruction ~~((when the same are within the territorial limits of the state of Washington or in waters of the Columbia River over which this state has concurrent jurisdiction, unless otherwise specified in the orders of the director))~~ except as provided by rule of the director.

NEW SECTION. Sec. 50. RCW 75.20.070, as amended by this 1983 act, is hereby decodified and recodified as RCW 75.12.031.

Sec. 51. Section 75.20.070, chapter 12, Laws of 1955 and RCW 75.20-.070 are each amended to read as follows:

It ~~((shall be))~~ is unlawful ~~((for any person))~~ to fish for ~~((; take, injure, kill, or molest any))~~ food fish in ~~((any))~~ a fishway ~~((or fish ladder)), fish ((screens))~~ guard, or other protective device~~((s))~~, or to break open, damage, or interfere ~~((in any manner whatsoever))~~ with the proper operation of ~~((any))~~ a fishway~~((; fish ladder)), fish ((screens, or))~~ guard, other protective device~~((s))~~ or fish collection device.

Sec. 52. Section 75.12.040, chapter 12, Laws of 1955 and RCW 75.12-.040 are each amended to read as follows:

(1) It ((shall be)) is unlawful to ~~((construct, install,))~~ use, operate, or maintain a gill net~~((s))~~ which ~~((shall))~~ exceeds 250 fathoms in length or a drag seine in the waters of the Columbia River ~~((in this state))~~ for ~~((the purpose of))~~ catching salmon.

(2) It is unlawful to construct, install, use, operate, or maintain within state waters a pound net, round haul net, lampara net, fish trap, fish wheel, scow fish wheel, set net, weir, or fixed appliance for catching salmon. The director may authorize the use of this gear for scientific investigations.

(3) It is unlawful to fish for or take salmon within state waters with monofilament gill net webbing.

Sec. 53. Section 75.12.070, chapter 12, Laws of 1955 and RCW 75.12-.070 are each amended to read as follows:

~~((Unless otherwise))~~ (1) Except as provided ((for in the regulations)) by rule of the director, it ((shall be)) is unlawful to shoot, gaff, snag, snare,

spear, stone, or otherwise molest ~~((any))~~ food fish or shellfish in ~~((any of the))~~ state waters ~~((of the state))~~.

(2) It is unlawful to use or discharge an explosive substance in state waters, except by permit of the director.

Sec. 54. Section 75.12.090, chapter 12, Laws of 1955 as amended by section 1, chapter 14, Laws of 1982 and RCW 75.12.090 are each amended to read as follows:

(1) It is unlawful to take food fish or shellfish from a building, vehicle, vessel, ~~((live box;))~~ container, ~~((trap, seine, line;))~~ or ~~((net))~~ fishing gear thereby depriving the rightful owner of the food fish or shellfish.

(2) It is unlawful to steal or molest gear used to take food fish or shellfish for either commercial purposes or personal use.

~~((3) Any person violating this section is guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred and fifty dollars.))~~

Sec. 55. Section 75.12.100, chapter 12, Laws of 1955 and RCW 75.12.100 are each amended to read as follows:

It ~~((shall be))~~ is unlawful ~~((for any person))~~ to purchase, handle, deal in, sell, or ~~((have in his possession any))~~ possess food fish or shellfish ~~((which were taken from any of the waters of this state))~~ contrary to ~~((the provisions of the fisheries code))~~ this title or the ~~((regulations))~~ rules of the director.

Sec. 56. Section 1, chapter 106, Laws of 1971 ex. sess. and RCW 75.12.115 are each amended to read as follows:

It ~~((shall be))~~ is unlawful to ~~((take or))~~ fish commercially for ~~((crawfish for commercial purposes in any of the rivers, streams or lakes of the))~~ crayfish in state waters except ~~((under conditions))~~ where ~~((crawfish))~~ crayfish have been commercially cultured ~~((for commercial purposes))~~ or ~~((where otherwise))~~ as permitted ~~((under department of fisheries))~~ by rules ~~((or regulation))~~ of the director.

Sec. 57. Section 75.12.120, chapter 12, Laws of 1955 and RCW 75.12.120 are each amended to read as follows:

It ~~((shall be))~~ is unlawful ~~((for any person))~~ to ~~((wantonly))~~ waste or destroy food fish or shellfish ~~((taken or caught in any of the waters of the state, or the offshore waters, and no person engaged in the canning, preserving, or curing of food fish and shellfish))~~ wantonly.

A processor shall not purchase or engage a ~~((greater))~~ quantity ~~((than he is able to can, preserve, or cure))~~ of food fish or shellfish that cannot be processed within sixty hours after the ~~((same))~~ food fish or shellfish are taken from the water, unless ~~((such))~~ the food fish or shellfish ~~((have been kept artificially chilled and))~~ are preserved in good marketable condition.

NEW SECTION. Sec. 58. There is added to chapter 75.12 RCW a new section, to be codified as RCW 75.12.125, to read as follows:

It is unlawful to commingle food fish or shellfish taken for personal use with food fish or shellfish taken for commercial purposes prior to or during canning or processing. The words "personal use only, not for sale" shall be embossed in a legible manner on the lid or cover of each container used in canning or preserving food fish or shellfish taken for personal use.

Sec. 59. Section 2, chapter 276, Laws of 1955 as last amended by section 1, chapter 64, Laws of 1965 and RCW 75.12.140 are each amended to read as follows:

~~(The following reef net fishing areas are hereby created: PROVIDED, That nothing in this section and RCW 75.12.150 and 75.12.160 shall be interpreted as prohibiting other types of legal gear from fishing within the areas created:)~~ It is unlawful to fish for salmon with reef net fishing gear in state waters, except in the reef net areas described in this section.

(1) Point Roberts reef net fishing area includes those waters within 250 feet on each side of a line projected 129° true from a point at longitude $123^{\circ} 01' 15''$ W. latitude $48^{\circ} 58' 38''$ N. to a point one mile distant, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6300, published September, 1941, in Washington, D.C., eleventh edition.

(2) Cherry Point reef net fishing area includes those waters inland and inside the 10-fathom line between lines projected 205° true from points on the mainland at longitude $122^{\circ} 44' 54''$ latitude $48^{\circ} 51' 48''$ and longitude $122^{\circ} 44' 18''$ latitude $48^{\circ} 51' 33''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(3) Lummi Island reef net fishing area includes those waters inland and inside a line projected from Village Point 208° true to a point 900 yards distant, thence 129° true to the point of intersection with a line projected 259° true from the shore of Lummi Island $122^{\circ} 40' 42''$ latitude $48^{\circ} 41' 32''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition, revised 11-25-57, save and except that there shall be excluded therefrom all waters lying inside of a line projected 259° true from a point at $122^{\circ} 40' 42''$ latitude $48^{\circ} 41' 32''$ to a point 300 yards distant from high tide, thence in a northerly direction to the United States Coast and Geodetic Survey reference mark number 2, 1941-1950, located on that point on Lummi Island known as Lovers Point, as such descriptions are shown upon the United States Coast and Geodetic Survey map number 6380 as aforesaid. The term "Village Point" as used herein shall be construed to mean a point of location on Village Point, Lummi Island, at the mean high tide line on a true bearing of $43^{\circ} 53'$ a distance of 457 feet to the center of the chimney of a wood frame house on the east side of the county road. Said chimney and house being described as Village Point

Chimney on page 612 of the United States Coast and Geodetic Survey list of geographic positions No. G-5455, Rosario Strait.

(4) Sinclair Island reef net fishing area includes those waters inland and inside a line projected from the northern point of Sinclair Island to Boulder reef, thence 200° true to the northwesterly point of Sinclair Island, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(5) Flat Point reef net fishing area includes those waters within a radius of 175 feet of a point off Lopez Island located at longitude $122^{\circ} 55' 24''$ latitude $48^{\circ} 32' 33''$, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(6) Lopez Island reef net fishing area includes those waters within 400 yards of shore between lines projected true west from points on the shore of Lopez Island at longitude $122^{\circ} 55' 04''$ latitude $48^{\circ} 31' 59''$ and longitude $122^{\circ} 55' 54''$ latitude $48^{\circ} 30' 55''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(7) Iceberg Point reef net fishing area includes those waters inland and inside a line projected from Davis Point on Lopez Island to the west point of Long Island, thence to the southern point of Hall Island, thence to the eastern point at the entrance to Jones Bay, and thence to the southern point at the entrance to Mackaye Harbor on Lopez Island; and those waters inland and inside a line projected 320° from Iceberg Point light on Lopez Island, a distance of 400 feet, thence easterly to the point on Lopez Island at longitude $122^{\circ} 53' 00''$ latitude $48^{\circ} 25' 39''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(8) Aleck Bay reef net fishing area includes those waters inland and inside a line projected from the southwestern point at the entrance to Aleck Bay on Lopez Island at longitude $122^{\circ} 51' 11''$ latitude $48^{\circ} 25' 14''$ southeasterly 800 yards to the submerged rock shown on U.S.G.S. map number 6380, thence northerly to the cove on Lopez Island at longitude $122^{\circ} 50' 49''$ latitude $48^{\circ} 25' 42''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(9) Shaw Island reef net fishing area number 1 includes those waters within 300 yards of shore between lines projected true south from points on Shaw Island at longitude $122^{\circ} 56' 14''$ latitude $48^{\circ} 33' 28''$ and longitude $122^{\circ} 57' 29''$ latitude $48^{\circ} 32' 58''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(10) Shaw Island reef net fishing area number 2 includes those waters inland and inside a line projected from Point George on Shaw Island to the westerly point of Neck Point on Shaw Island, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(11) Stuart Island reef net fishing area number 1 includes those waters within 600 feet of the shore of Stuart Island between lines projected true east from points at longitude $123^{\circ} 10' 47''$ latitude $48^{\circ} 39' 47''$ and longitude $123^{\circ} 10' 47''$ latitude $48^{\circ} 39' 33''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(12) Stuart Island reef net fishing area number 2 includes those waters within 250 feet of Gossip Island, also known as Happy Island, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(13) Johns Island reef net fishing area includes those waters inland and inside a line projected from the eastern point of Johns Island to the northwestern point of Little Cactus Island, thence northwesterly to a point on Johns Island at longitude $123^{\circ} 09' 24''$ latitude $48^{\circ} 39' 59''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(14) Battleship Island reef net fishing area includes those waters lying within 350 feet of Battleship Island, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(15) Open Bay reef net fishing area includes those waters lying within 150 feet of shore between lines projected true east from a point on Henry Island at longitude $123^{\circ} 11' 34 \frac{1}{2}''$ latitude $48^{\circ} 35' 27 \frac{1}{2}''$ at a point 250 feet south, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(16) Mitchell Reef net fishing area includes those waters within a line beginning at the rock shown on U.S.G.S. map number 6380 at longitude $123^{\circ} 10' 56''$ latitude $48^{\circ} 34' 49 \frac{1}{2}''$, and projected 50 feet northwesterly, thence southwesterly 250 feet, thence southeasterly 300 feet, thence northeasterly 250 feet, thence to the point of beginning, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(17) Smugglers Cove reef fishing area includes those waters within 200 feet of shore between lines projected true west from points on the shore of San Juan Island at longitude $123^{\circ} 10' 29''$ latitude $48^{\circ} 33' 50''$ and longitude $123^{\circ} 10' 31''$ latitude $48^{\circ} 33' 45''$, as such descriptions are shown upon

the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(18) Andrews Bay reef net fishing area includes those waters lying within 300 feet of the shore of San Juan Island between a line projected true south from a point at the northern entrance of Andrews Bay at longitude 123° 09' 53 1/2" latitude 48° 33' 00" and the cable crossing sign in Andrews Bay, at longitude 123° 09' 45" latitude 48° 33' 04", as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(19) Orcas Island reef net fishing area includes those waters inland and inside a line projected true west a distance of 1,000 yards from the shore of Orcas Island at longitude 122° 57' 40" latitude 48° 41' 06" thence northeasterly to a point 500 feet true west of Point Doughty, then true east to Point Doughty, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

Sec. 60. Section 3, chapter 108, Laws of 1957 and RCW 75.12.210 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it ~~((shall be))~~ is unlawful ~~((for any person))~~ to fish for or take ~~((, by the use of any type of net, any))~~ salmon with gear other than troll gear or angling gear within the offshore waters or the waters of the Pacific Ocean ~~((;))~~ over which the state has jurisdiction ~~((;))~~ lying ~~((westerly))~~ west of the following ~~((described))~~ line: Commencing at the point of intersection of the international boundary line in the Strait of Juan de Fuca and a line drawn between the lighthouse on Tatoosh Island in Clallam County ~~((, Washington;))~~ and Bonilla Point on Vancouver Island; thence southerly ~~((along a line projected therefrom))~~ to the lighthouse on Tatoosh Island; thence southerly ~~((along a line projected therefrom))~~ to the most westerly point of Cape Flattery; thence southerly along the state shoreline of the Pacific Ocean, crossing any river mouths at their most westerly points of land, to Point Brown at the entrance to Grays Harbor; thence southerly ~~((along a line projected therefrom))~~ to Point Chehalis Light on Point Chehalis; thence southerly from Point Chehalis along the state shoreline of the Pacific Ocean to Cape Shoalwater Light at the entrance to Willapa Bay; thence southerly ~~((along a line projected therefrom))~~ to Leadbetter Point; thence southerly along the state shoreline of the Pacific Ocean to the inshore end of the North jetty at the entrance to the Columbia River; thence southerly ~~((along a line projected therefrom))~~ to the knuckle of the South jetty at the entrance to said river.

(2) The director may authorize the use of nets for taking salmon in the waters described in subsection (1) of this section for scientific investigations.

Sec. 61. Section 5, chapter 108, Laws of 1957 as amended by section 2, chapter 234, Laws of 1963 and RCW 75.12.230 are each amended to read as follows:

~~((It shall be unlawful for any person to transport through the waters of the state wherein salmon net fishing is prohibited, or to have in his possession anywhere within the state, any salmon which were taken by any type of net within the international waters of the Pacific Ocean or within the territorial waters of this state or of another state, territory or country where such fishing is unlawful: It shall further be unlawful for any person, within the territorial waters of the Pacific Ocean where salmon net fishing is prohibited, to possess any salmon on board any vessel carrying a net of a type named in chapter 75.28 RCW, unless accompanied by a certificate issued under the authority of this state or of another state, territory, or country showing that such salmon have been lawfully taken therein: PROVIDED; That it shall be unlawful for any person to transport through the waters of the state wherein salmon fishing by the use of any type of fishing gear other than troll lines or angling gear is prohibited, or to have in his possession anywhere within the state, any salmon which were taken by any type of fishing gear other than troll lines or angling gear within the international waters of the Pacific Ocean or within the territorial waters of this state or of another state or country where such fishing is unlawful:)) Within the waters described in RCW 75.12.210, it ~~((shall further be))~~ is ~~unlawful~~ ~~((for any person, within the territorial waters of the Pacific Ocean where salmon fishing by any type of fishing gear other than troll lines or angling gear is prohibited;))~~ to transport or possess ~~((any))~~ salmon on board ~~((any))~~ a vessel carrying ~~((any))~~ fishing gear of a type other than troll lines or angling gear, unless accompanied by a certificate issued ~~((under authority of this state or of another))~~ by a state ~~((; territory;))~~ or country showing that ~~((such))~~ the salmon have been lawfully taken ~~((therein if California, Alaska and Oregon pass laws or regulations similarly prohibiting possession and transportation within their respective states within one year from the date of passage of this act. Such laws or regulations shall be considered to be in effect upon receipt by the secretary of state of this state a certificate from each of the respective secretaries of state of Oregon, California and Alaska setting forth copies of such laws or regulations and the date of their enactment. In any prosecution under this section, proof of the existence of such laws or regulations shall be made by filing copies of such certificates, certified by the director to be true copies, with the court. In any such prosecution, if written demand for proof of the existence of such laws or regulations is not made by the defendant prior to commencement of trial, he shall be deemed to have waived his right to make such demand, and thereafter such laws or regulations shall be presumed to exist))~~ within the territorial waters of the state or country.~~

Sec. 62. Section 1, chapter 251, Laws of 1981 and RCW 75.12.300 are each amended to read as follows:

The legislature finds that the Sokulk Indians, otherwise known as the Wanapum band of Indians, have made a significant effort to maintain their traditional tribal culture, including the activity of taking salmon for ceremonial and subsistence purposes. The legislature further finds that previously the state has encouraged ceremonial and subsistence fishing by the Wanapums by chapter 210, Laws of 1939 and other permission. Therefore, the intent of the legislature in enacting RCW (~~(75.12.310)~~) 75.08.265 is to recognize the cultural importance of salmon fishing to only the Wanapum Indians by authorizing these people a ceremonial and subsistence fishery, while also preserving the state's ability to conserve and manage the salmon resource.

Sec. 63. Section 1, chapter 197, Laws of 1982 and RCW 75.12.320 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it is unlawful for a person who is not a treaty Indian fisherman to participate in the taking of food fish or shellfish in a treaty Indian fishery, or to be on board a vessel, or associated equipment, operating in a treaty Indian fishery.

(2) (a) The spouse, forebears, siblings, children, and grandchildren of a treaty Indian fisherman may assist the fisherman in exercising treaty Indian fishing rights when the treaty Indian fisherman is present at the fishing site.

(b) Other treaty Indian fishermen with off-reservation treaty fishing rights in the same usual and accustomed places, whether or not the fishermen are members of the same tribe or another treaty tribe, may assist a treaty Indian fisherman in exercising treaty Indian fishing rights when the treaty Indian fisherman is present at the fishing site.

(c) Biologists approved by the department may be on board a vessel operating in a treaty Indian fishery.

(3) For the purposes of this section:

(a) "Treaty Indian fisherman" means a person who may exercise treaty Indian fishing rights as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and post-trial orders of those courts;

(b) "Treaty Indian fishery" means a fishery open to only treaty Indian fishermen by tribal or federal regulation;

(c) "To participate" and its derivatives mean an effort to operate a vessel or fishing equipment, provide immediate supervision in the operation of a vessel or fishing equipment, or otherwise assist in the fishing operation, or to claim possession of a share of the catch.

(4) A violation of this section involving salmon constitutes illegal fishing and is subject to the sanctions provided under RCW (~~(75.28.384)~~) 75.10.130.

Sec. 64. Section 2, chapter 14, Laws of 1982 and RCW 75.12.400 are each amended to read as follows:

It is unlawful to lift or set shellfish pots from the waters of Hood Canal south of a line between the abutments of the Hood Canal bridge from one hour after sunset until one hour before sunrise. ~~((This section does not apply to the harvesting of clams:))~~

NEW SECTION. Sec. 65. RCW 75.08.130, 75.08.210, and 75.08.220, each as amended by this 1983 act, are each decodified and recodified as RCW 75.12.410, 75.12.420, and 75.12.430, respectively.

Sec. 66. Section 75.08.130, chapter 12, Laws of 1955 and RCW 75.08.130 are each amended to read as follows:

~~((No person shall destroy, tear down, shoot at, deface, or erase any printed matter or))~~ It is unlawful to remove, possess, alter, or damage signs ((placed or)) posted by ((or under the instructions)) authority of the director.

Sec. 67. Section 75.08.210, chapter 12, Laws of 1955 and RCW 75.08.210 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for ~~((any person engaged in the fishing industry or licensed under this title))~~ a fisherman, dealer, or processor of food fish or shellfish to fail to make ~~((any))~~ a report or return as required ~~((of him))~~ by ~~((the fisheries code))~~ this title or ((by)) rule of the director.

Sec. 68. Section 75.08.220, chapter 12, Laws of 1955 and RCW 75.08.220 are each amended to read as follows:

~~((Every person who intentionally gives))~~ It is unlawful to give intentionally false or misleading information to the department as to the time, area, or waters in which ((any)) food fish or shellfish were taken ((or who shall intentionally prepare and submit a false or misleading report to the department shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred and fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment)).

Sec. 69. Section 1, chapter 23, Laws of 1969 ex. sess. and RCW 75.12.650 are each amended to read as follows:

~~(("Angling" or "personal use" gear, in accordance with the provisions of RCW 75.04.070, RCW 75.04.080, RCW 75.04.100 and under the authority set forth in RCW 75.08.080, is prohibited for commercial salmon fishing.))~~ It is unlawful to fish commercially for salmon using fishing gear not authorized for commercial salmon fishing by rule of the director. The director shall not authorize angling gear or other personal use gear for commercial salmon fishing.

Sec. 70. Section 75.20.040, chapter 12, Laws of 1955 and RCW 75.20.040 are each amended to read as follows:

~~((Every ditch, channel, canal or waterpipe))~~ A diversion device used for conducting water from ~~((any))~~ a lake, river, or stream ~~((; for irrigation, manufacturing, domestic or other purposes;))~~ for any purpose shall be ~~((provided at its entrance or intake))~~ equipped with a fish guard ~~((so as))~~ approved by the director to prevent the passage of fish into ~~((such ditch, channel or waterpipe and subject to the approval of the director, which))~~ the diversion device. The fish guard shall be ~~((constantly))~~ maintained at all times when water is taken ~~((or admitted))~~ into ~~((such ditch, channel, canal, or waterpipe. PROVIDED, That such))~~ the diversion device. The fish guards ~~((and screens))~~ shall be installed at ~~((such))~~ places and times ~~((as shall be))~~ prescribed by the director upon thirty days' notice to the owner ~~((or owners))~~ of ~~((any such water conduit))~~ the diversion device. ~~((Every owner, manager, agent or person in charge of such ditch, channel, canal, or waterpipe who shall))~~ It is unlawful for the owner of a diversion device to fail to comply with ~~((the provisions of))~~ this section ~~((is guilty of a gross misdemeanor))~~.

Each day the ~~((end of the ditch, channel, canal or waterpipe))~~ diversion device is not equipped with ~~((this covering as provided shall constitute))~~ an approved fish guard is a separate offense. If within thirty days after notice to equip ~~((any such ditch, channel, canal, or waterpipe such person shall fail))~~ a diversion device the owner fails to do so, the director ~~((is hereby authorized to))~~ may take possession of the ~~((same in the name of the state of Washington;))~~ diversion device and ~~((to))~~ close the ~~((same to the entrance of any water))~~ device until ~~((such time as the ditch shall be))~~ it is properly equipped ~~((; and the))~~. Expenses ~~((incident thereto))~~ incurred by the department ~~((shall))~~ constitute the value of a lien upon the ~~((ditch, channel, canal, or waterpipe))~~ diversion device and upon the real and personal property of the ~~((person owning the same))~~ owner. Notice of ~~((such))~~ the lien shall be filed and recorded in the office of the county auditor ~~((in))~~ of the county in which ~~((such))~~ the action is taken.

Sec. 71. Section 75.20.050, chapter 12, Laws of 1955 and RCW 75.20.050 are each amended to read as follows:

It is ~~((hereby declared to be))~~ the policy of this state that a flow of water sufficient to support game fish and food fish populations be maintained at all times in the streams of this state.

The ~~((supervisor of hydraulics))~~ director of ecology shall give the director of fisheries and the director of game notice of each application for a permit to divert water, or other hydraulic permit ~~((of any nature, and))~~. The director of fisheries and director of game ~~((shall))~~ have thirty days after receiving ~~((such))~~ the notice ~~((in which))~~ to state their objections to the application ~~((; and))~~. The permit shall not be issued until ~~((such))~~ the thirty-day ~~((s))~~ period has elapsed.

The ~~((supervisor of hydraulics))~~ director of ecology may refuse to issue ~~((any))~~ a permit ~~((to divert water, or any hydraulic permit of any nature;))~~

if, in the opinion of the director of fisheries or director of game, ~~((such))~~ issuing the permit might result in lowering the flow of water in ~~((any))~~ a stream below the flow necessary to adequately support food fish and game fish populations in the stream.

The provisions of this section shall in no way affect existing water rights.

Sec. 72. Section 75.20.060, chapter 12, Laws of 1955 and RCW 75.20.060 are each amended to read as follows:

~~((Every))~~ A dam or other obstruction across or in ~~((any))~~ a stream shall be provided with a durable and efficient fishway~~((, which))~~ approved by the director. Plans and specifications shall be provided to the department prior to the director's approval. The fishway shall be maintained in ~~((a practical and))~~ an effective condition ~~((in such place, form and capacity as the director may approve, for which plans and specification shall be furnished by the director upon application to him,))~~ and ~~((which shall be kept open, unobstructed and))~~ continuously supplied with ~~((a))~~ sufficient ~~((quantity of))~~ water to freely ~~((admit the passage of))~~ pass fish ~~((through the same. Every))~~. It is unlawful for the owner, manager, agent, or person in charge of ~~((such))~~ the dam or obstruction ~~((who shall))~~ to fail to comply with ~~((the provisions of))~~ this section ~~((is guilty of a gross misdemeanor)).~~

If ~~((any))~~ a person ~~((or government agency))~~ fails to construct and maintain ~~((such fish ladder or))~~ a fishway or to remove ~~((such))~~ the dam or obstruction in a manner satisfactory to the director, then within thirty days after written notice ~~((thereof))~~ to comply has been served upon the owner, his agent, or the person in charge ~~((thereof))~~, the director may construct a ~~((suitable fish ladder or))~~ fishway~~((;))~~ or remove ~~((such))~~ the dam or obstruction~~((, and the actual cost in case of construction of fishway thereof shall)).~~ Expenses incurred by the department constitute the value of a lien upon the dam and upon ~~((all))~~ the personal property of the person ~~((or government agency))~~ owning the ~~((same))~~ dam. Notice of ~~((such))~~ the lien shall be filed and recorded in the office of the county auditor of the county in which ~~((such))~~ the dam or obstruction is situated. ~~((Such))~~ The lien may be foreclosed in ~~((any))~~ an action brought in the name of the state.

If ~~((any person or government agency fails to make any such)),~~ within thirty days after notice to construct a fishway or remove ~~((such))~~ a dam or obstruction ~~((in a manner satisfactory to the director, then within thirty days after written notice thereof has been served on)),~~ the owner, his agent, or the person in charge~~((, such))~~ fails to do so, the dam or obstruction ~~((shall thereby become))~~ is a public nuisance and the director may take possession ~~((thereof in his own name or in the name of the state))~~ of the dam or obstruction and destroy it ~~((, and)).~~ No liability shall attach for ~~((such))~~ the destruction.

Sec. 73. Section 1, chapter 153, Laws of 1963 and RCW 75.20.061 are each amended to read as follows:

~~((In the event any fish passage facility))~~ If the director determines that a fishway or fish ~~((protective device as set forth))~~ guard described in RCW 75.20.040 and 75.20.060 ~~((which have been))~~ and in existence ~~((or are existing at the time of enactment of this act;))~~ on September 1, 1963, is ~~((determined by the director to be))~~ inadequate ~~((for the purposes for which it was intended; the director)),~~ in addition to other authority granted in this chapter, the director may ~~((in his discretion;))~~ remove, relocate, reconstruct, or modify ~~((said))~~ the device, without cost ~~((for materials and labor))~~ to the owner ~~((or owners thereof; PROVIDED, That)).~~ The director ~~((may))~~ shall not materially modify the amount of flow of water through the ~~((facility or))~~ device. ~~((Thereafter such fish passage facility or fish protective device))~~ After the department has completed the improvements, the fishways and fish guards shall be operated and maintained at the expense of the ~~((person or governmental agency owning said obstruction or water diversion))~~ owner in accordance with RCW 75.20.040 and 75.20.060.

Sec. 74. Section 75.20.090, chapter 12, Laws of 1955 and RCW 75.20.090 are each amended to read as follows:

~~((In the event that any person or government agency desires to construct or maintain a dam or other hydraulic work in any of the streams of this state of a type making a fish ladder or fishway thereover impracticable, in the opinion of the director, then such person or government agency, before any construction work shall commence on such dam or other hydraulic work))~~ Before a person commences construction on a dam or other hydraulic project for which the director determines that a fishway is impractical, the person shall at the option of the director:

(1) Convey to the state ~~((a site or sites of a size and dimensions satisfactory to the director, at such place as may be selected by the director, and erect thereon))~~ a fish ~~((hatchery or fish hatcheries, rearing ponds))~~ cultural facility on a site satisfactory to the director and ~~((other buildings))~~ constructed according to plans and specifications ~~((to be furnished by said person or government agency subject to the approval of))~~ approved by the director, and enter into an agreement with the director secured by ~~((good and))~~ sufficient bond, to furnish ~~((all))~~ water and ~~((lights))~~ electricity, without expense, and funds necessary ~~((sums of money))~~ to operate and maintain ~~((said hatchery or hatcheries and rearing ponds))~~ the facilities; or

(2) Enter into an agreement with the director secured by ~~((good and))~~ sufficient bond to ~~((pay to the state such initial money and))~~ make ~~((such annual))~~ payments ~~((of additional money))~~ to the state as the director ~~((may))~~ determines are necessary to expand, maintain, and operate additional facilities at existing hatcheries within a reasonable distance of ~~((such))~~ the dam or other hydraulic work to compensate for the damages ~~((sustained))~~ caused by the ~~((erection of any such))~~ dam or other hydraulic work.

~~((Any)) (3) A decision of the director ((hereunder shall be)) under this section is subject to review in the superior court of the state for Thurston county. ((Any person or government agency who fails to comply with the provisions of this section is guilty of a gross misdemeanor and)) Each day that ((such)) a person ((or government agency)) carries on construction work ((on such dam or hydraulic work)) or operates ((any such)) a dam or hydraulic ((work)) project without complying with ((the provisions of)) this section ((constitutes)) is a separate offense.~~

Sec. 75. Section 75.20.100, chapter 12, Laws of 1955 as last amended by section 1, chapter 29, Laws of 1975 1st ex. sess. and RCW 75.20.100 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or other work that will use, divert, obstruct, or change the natural flow or bed of any river or stream or that will utilize any of the salt or fresh waters of the state or materials from the stream beds, such person or government agency shall ((submit to the department of fisheries and the department of game full plans and specifications of the proposed construction or work, complete plans and specifications for the proper protection of fish life in connection therewith, the approximate date when such construction or work is to commence, and shall)), before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the ((director of fisheries and the director of game)) department having jurisdiction of the site as to the adequacy of the means ((outlined)) proposed for the protection of fish life ((in connection therewith and as to the propriety of the proposed construction or work and time thereof in relation to fish life, before commencing construction or work thereon. The director of fisheries and the director of game shall designate and authorize certain employees of their respective departments to act in place of themselves by signing written approvals for such designations and authorizations)). This approval shall not be unreasonably withheld. The appropriate department shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay. Immediately upon determination that

the forty-five day period is suspended, the appropriate department shall notify the applicant in writing of the reasons for the delay. Approval is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the hydraulic permit within two years of the date of issuance. If approval is denied, the appropriate department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.04 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent. If any person or government agency commences construction on any ((such)) hydraulic works or projects subject to this section without ((first providing plans and specifications subject to the approval of the director of fisheries and the director of game for the proper protection of fish life in connection therewith and without)) first having obtained written approval of the ((director of fisheries and the director of game)) appropriate department as to the adequacy of ((such plans and specifications submitted)) the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, ((he)) the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency ((be)) is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such. For the purposes of this section, "bed" shall mean that portion of a river or stream and the shorelands within ((the)) ordinary high water lines.

For each application, the departments shall mutually agree on which one department shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If a department receives an application concerning a site not in its jurisdiction, it shall transmit the application to the appropriate department within three days and notify the applicant.

((PROVIDED, That)) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department of fisheries or department of game, through their authorized representatives, shall issue immediately upon request oral permits to a riparian owner or lessee for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream without the necessity of ((submitting prepared plans and specifications or)) obtaining a written permit prior to commencing work. Conditions of an oral permit

shall be reduced to writing within thirty days and complied with as provided for in this section.

Sec. 76. Section 1, chapter 4, Laws of 1961 and RCW 75.20.110 are each amended to read as follows:

~~((For the purpose of conserving the state's fishery resources the powers of any person authorized to construct or operate dams or to appropriate water in the state are hereby limited in that no such person shall construct, complete or operate, either for himself or as an agent or independent contractor for another, any dam or other obstruction over twenty-five feet high on any tributary stream of the Columbia River downstream from McNary Dam, including the Cowlitz River and its tributaries, within the migration range of anadromous fish as jointly determined by the directors of fisheries and game, except the north fork of the Lewis River and the White Salmon River (Big White Salmon River), nor shall any such person obtain or use a federal license for such purpose; nor shall any such person divert any water from any such stream in such quantities that will reduce the respective stream flows below the annual average low flow as set forth in existing or future United States Geological reports: PROVIDED, That when the flow is below such annual average low flow, then such person may divert water, subject to legal appropriation, only upon the concurrent order of the directors of fisheries and game:))~~

(1) Except for the north fork of the Lewis river and the White Salmon river, all streams and rivers tributary to the Columbia river downstream from McNary dam are established as an anadromous fish sanctuary. This sanctuary is created to preserve and develop the food fish and game fish resources in these streams and rivers and to protect them against undue industrial encroachment.

(2) Within the sanctuary area:

(a) It is unlawful to construct a dam greater than twenty-five feet high within the migration range of anadromous fish as jointly determined by the director of fisheries and the director of game.

(b) Except by concurrent order of the director of fisheries and director of game, it is unlawful to divert water from rivers and streams in quantities that will reduce the respective stream flow below the annual average low flow, based upon data published in United States geological survey reports.

(3) The director of fisheries and the director of game may acquire and abate a dam or other obstruction, or acquire any water right vested on a sanctuary stream or river, which is in conflict with the provisions of subsection (2) of this section.

Sec. 77. Section 8, chapter 7, Laws of 1982 and RCW 75.20.300 are each amended to read as follows:

(1) The legislature intends to expedite flood-control dredging operations in those rivers affected by the May 1980 eruption of Mt. St. Helens, while continuing to protect the fish resources of these rivers.

(2) The director of fisheries and director of game shall process hydraulic project applications submitted under RCW 75.20.100 within five working days of receipt of the application. This requirement is only applicable to flood control and dredging projects located in the Toutle river, ~~((at))~~ in the Cowlitz river from River Mile 22 to the confluence with the Columbia, and the volcano~~((and))~~-affected tributaries ~~((to))~~ of the Cowlitz and Toutle river and volcano-affected areas of the Columbia river.

(3) ~~((The mandatory emergency provisions of RCW 75.20.100 for the purposes of this act may be initiated by the county legislative authority: PROVIDED, That the project is necessary to provide protection from flood hazards to human life and/or to reduce or prevent flood damages or destruction of property))~~ For the purposes of this section, the emergency provisions of RCW 75.20.100(2) may be initiated by the county legislative authority if the project is necessary to protect human life or property from flood hazards, including:

(a) Flood fight measures necessary to provide protection during a flood event; or

(b) Measures necessary to reduce or eliminate a potential flood threat when other alternative measures are not available or cannot be completed prior to the expected flood threat season; or

(c) Measures which must be initiated and completed within an immediate period of time and for which processing of the request through normal methods would cause a delay to the project and such delay would significantly increase the potential for damages from a flood event.

This section expires on June 30, 1984.

Sec. 78. Section 75.24.010, chapter 12, Laws of 1955 and RCW 75.24.010 are each amended to read as follows:

The following ~~((named))~~ areas ~~((constitute))~~ are the ~~((existing))~~ state oyster reserves ~~((of the state, such reserves being))~~ and are more completely described in maps and plats on file in the office of the commissioner of public lands and in the office of the auditor of the county in which the reserve is located:

1. PUGET SOUND OYSTER RESERVES:

(a) Totten Inlet reserves (sometimes known as Oyster Bay reserves), located in Totten Inlet, Thurston county;

(b) Eld Inlet reserves (sometimes known as Mud Bay reserves), located in Mud Bay, Thurston county;

(c) Oakland Bay reserves, located in Oakland Bay, Mason county;

(d) North Bay reserves (sometimes known as Case Inlet reserves), located in Case Inlet, Mason county.

2. WILLAPA HARBOR OYSTER RESERVES:

(a) Nemah reserve, south and west sides of reserve located along Nemah River channel, Pacific county;

(b) Long Island reserve, located at south end and along west side of Long Island, Willapa Harbor, Pacific county;

(c) Long Island Slough reserve, located at south end and along east side of Long Island, Willapa Harbor, Pacific county;

(d) Bay Center reserve, located in the Palix River channel, extending from Palix River bridge to beyond Bay Center to north of Goose Point, Willapa Harbor, Pacific county;

(e) Willapa River reserve, located in the Willapa River channel extending west and up-river from a point approximately one-quarter mile from the blinker light marking the division of Willapa River channel and the North River channel, Willapa Harbor, Pacific county.

Sec. 79. Section 75.24.030, chapter 12, Laws of 1955 and RCW 75.24-.030 are each amended to read as follows:

Only upon recommendation of the director may the state oyster reserves (~~((of the state shall not))~~) be sold, leased, or otherwise disposed of (~~((:PROVIDED, That in event the director recommends the sale, lease, or disposal of any of the reserves, or parts thereof, the same may be sold, leased or disposed of by the land commissioner in the manner provided by law for the sale, lease, or disposal of state land))~~) by the department of natural resources.

Sec. 80. Section 75.24.050, chapter 12, Laws of 1955 and RCW 75.24-.050 are each amended to read as follows:

~~((If any person takes oysters or clams))~~ It is unlawful to take shellfish from ~~((any of the))~~ state oyster reserves or ~~((any))~~ tidelands under the jurisdiction of the state ~~((of Washington;))~~ contrary to ~~((statutes or orders))~~ this title or rules of the director (~~((; or goes upon said oyster or clam land and rakes up, or otherwise prepares oysters or clams to facilitate the taking of same, he is guilty of a gross misdemeanor, and any oyster or clam taking appliance such as boats, dredges, motor vehicles or other appliances used in violation of such statutes or any of such orders may be seized by the director and shall be confiscated by the state))~~).

Sec. 81. Section 75.24.060, chapter 12, Laws of 1955 as amended by section 1, chapter 91, Laws of 1969 ex. sess. and RCW 75.24.060 are each amended to read as follows:

It is ~~((hereby declared to be))~~ the policy of the state to improve ~~((the))~~ state oyster reserves ~~((of the state to the end))~~ so that ~~((all may finally become))~~ they are productive~~((;))~~ and ~~((to have these reserves))~~ yield a revenue sufficient for their maintenance ~~((and betterment))~~. In fixing the price ~~((at which))~~ of oysters and other shellfish ~~((shall be))~~ sold from the reserves, the director shall take into consideration ~~((such))~~ this policy. It is

~~((further declared to be))~~ also the policy of the state to maintain the oyster reserves ~~((for the purpose of furnishing a supply of))~~ to furnish shellfish to growers and processors and ~~((for the stocking of))~~ to stock public beaches ~~((: PROVIDED, That))~~.

Shellfish may be harvested from state oyster reserves for personal use as prescribed by rule of the director.

The director shall protect ~~((all))~~, reseed, and replant state oyster reserves ~~((, reseed, replant,))~~ and issue cultch permits ~~((and do such other things as in his judgment are necessary for their care and protection))~~.

Sec. 82. Section 75.24.070, chapter 12, Laws of 1955 and RCW 75.24-.070 are each amended to read as follows:

The director shall ~~((have the power to))~~ determine ~~((whether))~~ the time, place, and method of sale of oysters and other shellfish from ~~((the))~~ state oyster reserves ~~((of the state shall be sold by the bushel at a price set by the director or whether certain quantities or all of such oysters and other shellfish should be sold for cash at public auction or by sealed bids in such amounts as the director shall from time to time determine))~~.

To maintain ~~((the permanency of))~~ local communities and industries ~~((, the prospects of fulfillment of contract requirement,))~~ and to restrain ~~((monopolistic controls endangering competition))~~ the formation of monopolies in the industry, the director shall ~~((have the power to))~~ determine the number of bushels which shall be sold to ~~((any))~~ a person ~~((, firm, or corporation, and))~~. When the shellfish are sold at public auction, ((the right to)) the director may reject any and all bids.

~~((The director shall have the power to determine the time, place, and manner of holding the auctions and sales provided for in this section:))~~

Sec. 83. Section 75.24.080, chapter 12, Laws of 1955 and RCW 75.24-.080 are each amended to read as follows:

The director ~~((shall have the power to determine and))~~ may designate as "restricted shellfish areas" those areas in which infection or infestation of shellfish is present. ((These shall be called "restricted shellfish areas." No person shall)) Except by permit of the director, it is unlawful to transplant ((any shellfish within such restricted areas nor)) or transport ((any)) into or out of a restricted area shellfish ~~((, or any material, or organism, or boats, scows,))~~ or ~~((other))~~ equipment used in culturing, taking, handling, or processing shellfish ~~((into or out of such restricted areas without first having obtained a permit from the director))~~.

Sec. 84. Section 75.24.090, chapter 12, Laws of 1955 as amended by section 7, chapter 212, Laws of 1955 and RCW 75.24.090 are each amended to read as follows:

It ~~((shall be))~~ is unlawful ~~((for any person))~~ to destroy oysters or clams ~~((taken from their natural beds,))~~ by ~~((assorting and))~~ culling them on land or shore and leaving the culled oysters or clams there to die ~~((, but in all~~

cases)). The culled oysters or clams must be returned to ((their natural beds, or to the private beds for cultivation;)) the harvest area, except as provided by rule of the director ((may otherwise provide)).

Sec. 85. Section 1, chapter 253, Laws of 1969 ex. sess. as amended by section 1, chapter 141, Laws of 1979 ex. sess. and RCW 75.24.100 are each amended to read as follows:

(1) The director ~~((of fisheries))~~ may ~~((at his discretion and))~~ issue licenses, with the approval of the commissioner of public lands ~~((issue licenses)),~~ for the commercial harvesting of geoduck clams ~~((for commercial purposes))~~ from specific tracts of beds of navigable waters ~~((of the state of Washington))~~ for which harvest rights have been granted by the department of natural resources ~~((except that he may)).~~ The director shall not authorize commercial harvesting ((for commercial purposes)) on bottoms which are shallower than eighteen feet below mean lower low water (0.0. ft.), or which lie in an area bounded by the line of ordinary high tide (mean high tide) and a line two hundred yards seaward from and parallel to ((said)) the line of ordinary high tide. If the director ((shall)) determines that the number((s)) of units of gear ((are)) is sufficient to harvest the known available crop and that additional units of gear might prove damaging to the resource or its habitat, ((he)) the director may suspend the issuance of ((such)) additional licenses ((for the balance of any given year or)) until ((he)) the director determines there is need for additional units of gear to achieve a sustained harvest.

~~((A))~~ (2) Commercial geoduck harvesting shall be done with a hand-held, manually operated water jet or suction device guided and controlled from under water by ((scuba or other)) a diver. Periodically, the director shall ((also)) determine ((from time to time)) the effect of each type or unit of gear upon the geoduck population or the substrate they inhabit ((and he)). The director may require modification of the gear or ((cessation of)) stop its use if ((he determines that)) it is being operated in a wasteful or destructive manner or ((that)) if its operation ((tends to)) may cause permanent damage to the bottom or adjacent shellfish populations.

~~((2)) Any~~ (3) A person, including the person's agents or representatives, who ((is issued or currently)) holds a license under subsection (1) of this section shall comply with all applicable commercial diving safety ((standards and)) regulations ((promulgated and implemented)) adopted by the federal occupational safety and health administration established under the federal occupational safety and health act of 1970 as such law exists on May 8, 1979 (84 Stat. 1590 et seq.; 29 U.S.C. Sec. 651 et seq.). A violation((s)) of these ((safety standards and)) regulations ((shall be deemed to be)) is a violation((s)) of this subsection((: PROVIDED, That)). For the purposes of this section ((and RCW 79.01.570 as amended)), persons who dive for geoducks are ((deemed to be)) "employees" as defined by the federal occupational safety and health act. A violation((s)) of this subsection

~~((are))~~ is grounds for suspension or ~~((cancellation))~~ revocation of the license ~~((upon ten days written notice to the licensee and))~~ following a hearing ~~((on the matter))~~ as provided for in chapter 34.04 RCW. ~~((In no event shall))~~ A license shall not be suspended or ~~((canceled))~~ revoked if the violation has been corrected within ten days of receipt of written notice of the violation. If there is a substantial probability that a ~~((particular))~~ violation of the commercial diving standards could result in death or serious physical harm to ~~((any))~~ a person engaged in harvesting geoduck clams, the ~~((license))~~ department shall ~~((be suspended))~~ suspend the license immediately until the violation ~~((causing the probability of death or serious physical harm))~~ has been corrected ~~((: PROVIDED FURTHER, That for the purposes of this subsection;))~~. If the licensee is the holder of a tract license and contracts with another ~~((entity))~~ person for the harvesting of geoducks, the license shall not be suspended or canceled if the licensee terminates its business relationship with such entity until compliance with this subsection is secured.

NEW SECTION. Sec. 86. RCW 75.08.054, 75.08.056, and 75.08.060, each as amended by this 1983 act, are each decodified and recodified as RCW 75.24.110, 75.24.120, and 75.24.130, respectively.

Sec. 87. Section 75.08.054, chapter 12, Laws of 1955 and RCW 75.08-.054 are each amended to read as follows:

~~((The director shall have the power to promulgate regulations governing the importation of oyster seed for the purpose of planting in the waters of this state, and he shall have the duty and authority to require them to be inspected for disease, infestations and pests at such places and in such manner and at such times as he shall deem advisable in order to insure that the oysters in the waters of this state shall not be endangered by the importations of diseased or infested oysters or pests which prey on oysters, and it shall be))~~ It is unlawful for ~~((any))~~ a person to import oysters ~~((in))~~ or oyster seed into this state for the purpose of planting ~~((the same in the))~~ them in state waters ~~((of this state or to plant oyster seed in the waters of this state without first having obtained the authority))~~ without a permit from the director ~~((to do so)).~~ The director shall ~~((give such authority))~~ issue a permit only after an adequate inspection ~~((under his direction))~~ has been made and the oysters or oyster seed ~~((in question has been))~~ are found to be free of disease, ~~((infestation;))~~ pests, and other substances which might endanger ~~((the))~~ oysters in ~~((the))~~ state waters ~~((of this state)).~~

Sec. 88. Section 75.08.056, chapter 12, Laws of 1955 as amended by section 1, chapter 38, Laws of 1967 ex. sess. and RCW 75.08.056 are each amended to read as follows:

The director may require imported oyster seed to be inspected for diseases and pests. The director may specify the place of inspection. Persons importing oyster seed ~~((under the provisions of RCW 75.08.054))~~ shall pay

for the ~~((actual))~~ inspection costs ~~((of inspecting the same;))~~ excluding the inspector's ~~((base))~~ salary. The cost shall be determined by the director ~~((of fisheries))~~ and ~~((shall be))~~ prorated among the importers according to the number of cases of oyster seeds each imports. The director ~~((of fisheries))~~ shall ~~((have the authority and it shall be his duty to))~~ specify the time and manner of payment.

Sec. 89. Section 75.08.060, chapter 12, Laws of 1955 and RCW 75.08-.060 are each amended to read as follows:

The director ~~((shall))~~ may examine the clam, mussel, and oyster beds located on aquatic lands belonging to the state~~((;))~~ and ~~((with the approval of))~~ request the ~~((state))~~ commissioner of public lands~~((;))~~ to withdraw ~~((such))~~ these lands from sale and lease ~~((and make))~~ for the purpose of establishing reserves or public beaches ~~((thereof. He shall take such steps as are advisable for the conservation, protection, and development of such)).~~ The director shall conserve, protect, and develop these reserves~~((. He shall do whatever may be necessary for the protection and development of))~~ and the oyster, shrimp, clam, and mussel beds on state lands ~~((or lands under the jurisdiction of the state)).~~

Sec. 90. Section 2, chapter 243, Laws of 1979 ex. sess. and RCW 75-.25.020 are each amended to read as follows:

~~((It is unlawful for any person))~~ A razor clam license is required to take, dig for, or ~~((have in his or her possession any))~~ possess razor clams ~~((that is))~~ taken for personal use from the clam beds of this state ~~((without first having obtained and having in his or her possession a razor-clamming license as provided in RCW 75.25.030)).~~

Sec. 91. Section 4, chapter 243, Laws of 1979 ex. sess. as amended by section 1, chapter 81, Laws of 1980 and RCW 75.25.040 are each amended to read as follows:

(1) The annual fees for razor~~((=clamming))~~ clam licenses are:

- (a) ~~((For an annual))~~ A resident license, two dollars and fifty cents; and
- (b) ~~((For an annual))~~ A nonresident license, ten dollars.

(2) ~~((Any))~~ Upon application, a resident sixty-five years of age or older or under sixteen years of age shall be issued~~((; upon making an affidavit to such effect and upon payment of the dealer fee established in RCW 75.25-.030;))~~ a ~~((personal use))~~ razor clam license at no cost. Dealers may collect the dealer's fee established in RCW 75.25.130.

(3) ~~((For the purposes of this chapter, "resident" means a person who, for at least thirty days immediately preceding application for a license, has maintained a permanent place of abode within this state and has established, by formal evidence, an intent to continue residence within this state. All other persons are nonresidents.~~

~~((4))~~ Razor clam license fees ~~((received from the issuance of razor-clamming licenses))~~ shall be ~~((paid into))~~ deposited in the general fund

~~((and shall be subject to legislative appropriation until the cumulative total subject to legislative appropriation equals the appropriation under section 11 of this act or so much of that appropriation as is actually used. Any excess over the amount appropriated or used shall be credited to the department of fisheries)) and shall be ((expended on)) appropriated for the development or operation of programs beneficial to razor clam harvesting.~~

Sec. 92. Section 2, chapter 81, Laws of 1980 and RCW 75.25.080 are each amended to read as follows:

It ~~((shall be))~~ is lawful to dig the personal-use daily bag limit of razor clams for another person if that person has in possession a physical disability permit ~~((approved))~~ issued by the director.

NEW SECTION. Sec. 93. RCW 75.28.610, 75.28.630, 75.28.670, 75.28.620, 75.28.650, and 75.28.660, each as amended by this 1983 act, are each decodified and recodified as RCW 75.25.100, 75.25.110, 75.25.120, 75.25.130, 75.25.140, and 75.25.160, respectively.

Sec. 94. Section 11, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.610 are each amended to read as follows:

~~((1) It shall be unlawful for any))~~ A salmon angling license is required for a person sixteen years of age or older, and under seventy years of age, to take, fish for, or ((have in his possession any)) possess anadromous salmon ((that is)) taken for personal use from ((the)) state waters or offshore waters ((of this state, without first having obtained and having in his possession an anadromous salmon angling license as provided in RCW 75.28.630; unless otherwise exempt from state licensing laws)).

~~((2) Every violation of this section is a misdemeanor punishable by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both:))~~

Sec. 95. Section 13, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.630 are each amended to read as follows:

(1) ~~((The fees for an annual resident fresh and saltwater anadromous salmon angling license and for an annual nonresident saltwater anadromous salmon angling license shall each be three dollars. The fees for a one day resident fresh and saltwater anadromous salmon angling license and for a one day nonresident saltwater anadromous salmon angling license shall each be one dollar. The fee for an annual nonresident freshwater anadromous salmon angling license shall be ten dollars. The fee for a three consecutive day nonresident freshwater anadromous salmon angling license shall be five dollars:))~~ Following are the fees for salmon angling licenses:

(a) Annual resident fresh water and saltwater, three dollars.

(b) Annual nonresident saltwater, three dollars.

(c) One day resident fresh water and saltwater, one dollar.

(d) One day nonresident saltwater, one dollar.

(e) Annual nonresident fresh water, ten dollars.

(f) Three consecutive day fresh water nonresident, five dollars.

~~(2) ((Notwithstanding any other definitions in this title, the term "resident" as used in this section means any person who for at least thirty days immediately preceding any application for a license has maintained a permanent place of abode within this state and has established by formal evidence an intent to continue residence within this state. All other persons are nonresidents:~~

~~(3)) An annual license ((shall be effective)) is valid only during the calendar year in which it is issued. An annual license ((shall be)) is valid for a maximum catch of thirty salmon after which another annual license may be purchased.~~

~~((4) Any)) (3) Upon application, a person sixty-five ((or more)) years of age or older who is an honorably discharged veteran of the United States ((military or naval)) armed forces ((having)) with a service-connected disability and who has been a resident of this state for five years((, upon the making of an affidavit to this effect,)) shall be given ((an anadromous)) a salmon angling license free of charge ((upon application therefor)).~~

~~(Any)) Upon application, a blind person ((who is blind)) shall be issued ((an anadromous)) a salmon angling license free of charge ((upon application therefor)).~~

~~(Anadromous)) Salmon angling licenses issued under this subsection ((shall be considered)) are valid for the lifetime of the holder.~~

Sec. 96. Section 17, chapter 327, Laws of 1977 ex. sess. and RCW 75-28.670 are each amended to read as follows:

In concurrent waters of the Columbia river ~~((where the river forms the boundary between the state of Washington and the state of Oregon))~~ and in Washington coastal territorial waters from the Oregon-Washington boundary to a point five nautical miles north, an Oregon angling license comparable to the Washington ((anadromous)) salmon angling license ((shall be)) is valid if ~~((the Oregon license is valid within the jurisdiction of Oregon and the state of))~~ Oregon recognizes as valid the Washington ((anadromous)) salmon angling license in comparable Oregon waters.

~~((Nothing in this section shall be construed to mean that any))~~ Oregon licenses are not valid for the taking of salmon when angling in concurrent waters of the Columbia river from the Washington shore.

Sec. 97. Section 12, chapter 327, Laws of 1977 ex. sess. and RCW 75-28.620 are each amended to read as follows:

~~((All anadromous)) Salmon angling licenses ((issued under RCW 75-28.630)) and razor clam licenses shall be issued ((by or)) only under authority of the director((, who may deputize any reputable citizen)). The director may authorize license dealers to issue the licenses and collect the license fees ((therefor)). In addition to the license fee, license dealers may charge a dealer's fee of twenty-five cents for salmon angling licenses and~~

fifty cents for razor clam licenses. The dealer's fee may be retained by the license dealer.

The director shall adopt ~~((such))~~ rules ~~((as he deems necessary))~~ for the issuance of ~~((anadromous))~~ salmon angling licenses and razor clam licenses and for the collection, payment, and handling of license fees and dealers fees ~~((prescribed in RCW 75.28.630 and 75.28.640. The rules shall be adopted in conformity with chapter 34.04 RCW)).~~

Sec. 98. Section 15, chapter 327, Laws of 1977 ex. sess. as amended by section 135, chapter 78, Laws of 1980 and RCW 75.28.650 are each amended to read as follows:

~~((Anadromous))~~ (1) Salmon angling licenses ~~((shall))~~ and razor clam licenses are not ~~((be))~~ transferable. ~~((Any))~~ Upon request of a fisheries patrol officer or ex officio fisheries patrol officer, a person digging for or possessing razor clams or fishing for ~~((anadromous salmon or having anadromous))~~ or possessing salmon ~~((in his or her possession that are taken))~~ for personal use ~~((from the waters of this state or offshore waters))~~ shall ~~((, upon demand of any fisheries patrol officer, fisheries inspector, deputy fisheries inspector, wildlife agent, or law enforcement officer within their respective jurisdiction;))~~ exhibit ~~((his or her))~~ the required license and write his or her ~~((name))~~ signature for ~~((the purpose of))~~ comparison with the signature on the license. Failure to ~~((exhibit the license and to write the name upon demand shall be))~~ comply with the request is prima facie evidence that the person ~~((has no))~~ does not have a license or is not the person named on the license ~~((in the person's possession)).~~

(2) The razor clam license shall be visible on the licensee while digging for razor clams.

NEW SECTION. Sec. 99. There is added to chapter 75.25 RCW a new section, to be codified as RCW 75.25.150, to read as follows:

It is unlawful to dig for or possess razor clams and fish for or possess anadromous salmon without the licenses required by this chapter.

Sec. 100. Section 16, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.660 are each amended to read as follows:

~~((Any))~~ A person who violates a provision of this chapter or who knowingly falsifies ~~((any))~~ information required for the issuance of ~~((an anadromous))~~ a salmon angling license ~~((shall be))~~ or razor clam license is guilty of a misdemeanor and is subject to the penalties provided in chapter 9A.20 RCW.

Sec. 101. Section 75.28.010, chapter 12, Laws of 1955 as amended by section 2, chapter 309, Laws of 1959 and RCW 75.28.010 are each amended to read as follows:

(1) Except as otherwise provided by this title, a license or permit issued by the director is required to:

(a) Commercially fish for or take food fish or shellfish;

(b) Deliver food fish or shellfish taken in offshore waters;

(c) Operate a charter boat;

(d) Operate a commercial food fish or shellfish farm; or

(e) Engage in processing or wholesaling food fish or shellfish.

(2) It ~~((shall be))~~ is unlawful ~~((for any person))~~ to engage in ~~((any phase of the commercial fishing industry or to operate any fishing gear known as or classified as commercial fishing gear by the director, or to fish for, take, deliver, or land any fish in the state, whether taken from waters within or without the jurisdiction of the state;))~~ the activities described in subsection (1) of this section without ~~((first obtaining and))~~ having in possession ~~((such))~~ the licenses or ~~((delivery))~~ permits ~~((as are herein specified))~~ required by this title.

~~((Any person violating any of the provisions of this chapter is guilty of a gross misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars:))~~

Sec. 102. Section 1, chapter 171, Laws of 1957 as amended by section 2, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.012 are each amended to read as follows:

The following licensing districts are ~~((hereby))~~ created:

(1) The Puget Sound licensing district ~~((shall))~~ includes ~~((those))~~ waters of the Strait of Juan de Fuca, Georgia Strait, Puget Sound and all bays, inlets, canals, coves, sounds and estuaries lying ~~((inside;))~~ easterly and southerly of the international boundary line and a line at the entrance to the Strait of Juan de Fuca projected northerly from Cape Flattery to the light-house on Tatoosh Island and then to Bonilla Point on Vancouver Island.

(2) The Grays Harbor-Columbia river licensing district ~~((shall))~~ includes ~~((those))~~ waters of Grays Harbor and tributary estuaries lying ~~((inside and))~~ easterly of a line projected northerly from Point Chehalis Light to Point Brown and those waters of the Columbia river and tributary sloughs and estuaries ~~((lying inside and))~~ easterly of a line at the entrance to the Columbia river projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.

(3) The Willapa Bay-Columbia river licensing district ~~((shall))~~ includes ~~((those))~~ waters of Willapa Bay and tributary estuaries ~~((lying inside))~~ and easterly of a line projected northerly from Leadbetter Point to Cape Shoalwater Light and those waters of the Columbia river and tributary sloughs described in subsection (2) of this section.

Sec. 103. Section 3, chapter 171, Laws of 1957 as last amended by section 1, chapter 201, Laws of 1981 and RCW 75.28.014 are each amended to read as follows:

(1) An applicant for a commercial salmon fishing license ~~((required by RCW 75.28.013))~~ shall submit a license application in accordance with this ~~((section))~~ subsection.

~~((1))~~ (a) If an application is postmarked or personally delivered to the department in Olympia by April 15th of the license year, it shall be accompanied by the prescribed license fee.

~~((2))~~ (b) If an application is postmarked or personally delivered to the department in Olympia after April 15th of the license year, it shall be accompanied by the prescribed license fee and a late application fee of two hundred dollars.

(2) Columbia River smelt license applications accompanied by the license fee shall be made in person or postmarked by January 10 of the license year.

Sec. 104. Section 75.28.020, chapter 12, Laws of 1955 as amended by section 1, chapter 171, Laws of 1963 and RCW 75.28.020 are each amended to read as follows:

~~((No license provided for in this title shall be issued to any))~~ (1) The department may only issue a commercial license to a person who is ~~((not))~~ sixteen years of age or older and who is a citizen ~~((of the United States, or who is not))~~ and a bona fide resident of the United States ~~((, or who is not of the age of sixteen years or over, nor shall any))~~. The deckhand license required by RCW 75.28.690 may be issued to persons under sixteen years of age. The department may only issue a commercial license ~~((be issued))~~ to ~~((any))~~ a corporation ~~((unless))~~ if it is authorized to do business in this state ~~((: PROVIDED, That each))~~. A valid Oregon license ~~((issued by the state of Oregon))~~ which is comparable ~~((and similar))~~ to a license ~~((provided for in))~~ under this title ~~((shall be recognized as))~~ is valid ~~((by this state))~~ in the concurrent waters of the Columbia River ~~((only if such license is valid within the jurisdiction of the issuing state, and))~~ if the state of Oregon recognizes as valid ~~((a))~~ the comparable ~~((and similar))~~ Washington license ~~((issued by this state))~~.

Sec. 105. Section 75.28.030, chapter 12, Laws of 1955 as amended by section 7, chapter 309, Laws of 1959 and RCW 75.28.030 are each amended to read as follows:

Except as otherwise provided in this title, the director shall issue commercial ~~((fishing))~~ licenses and ~~((delivery))~~ permits ~~((herein required))~~ to ~~((any))~~ a qualified person, upon the receipt of ~~((a lawful))~~ an application ~~((therefor upon a blank to be furnished for that purpose,))~~ accompanied by the required fee. Applications shall be submitted on forms provided by the department. Applicants for ~~((delivery permits and all))~~ commercial ~~((fishing))~~ licenses and permits shall indicate at the time of application the species of food fish or shellfish ~~((that the applicants))~~ they intend to take ~~((or catch))~~ and the type of gear they intend to use ~~((in the taking or catching of the fish or shellfish))~~.

NEW SECTION. Sec. 106. RCW 75.28.100, as amended by this 1983 act, is hereby decodified and recodified as RCW 75.28.035.

Sec. 107. Section 75.28.100, chapter 12, Laws of 1955 as amended by section 9, chapter 309, Laws of 1959 and RCW 75.28.100 are each amended to read as follows:

~~((Each annual))~~ An application for issuance or renewal of a commercial fishing license or ((a delivery)) permit ((provided for in this chapter)) shall contain the name and address of the vessel owner ((of the vessel)), the name and address of the vessel operator ((of the vessel)), the name and number of the vessel, a description of the vessel and fishing gear to be carried ((thereon)) on the vessel, and ((such)) other information ((as may be)) required by the department.

At the time of issuance of ((such)) a commercial fishing license((s)) or ((delivery)) permit the director shall furnish ((each applicant)) the licensee with a ((certificate of)) vessel registration and two license ((plates with the registration number stamped thereon. Such registration shall be known as the "State of Washington license and registration number" and shall be transferable. The registration certificate shall be carried aboard the vessel at all times and the license plates shall be affixed and carried in plain sight on each side of the vessel well forward)) decals.

Vessel registrations and license and permit decals issued by the director shall be displayed as provided by rule of the director.

~~((The))~~ A commercial fishing license or ((delivery)) permit ((provided for herein shall be invalid in the event)) is not valid if the vessel is operated by ((anyone)) a person other than the operator listed ((in the application. In the event of change of name, ownership or operator of the vessel;)) on the license or permit. The director may authorize additional operators for the license or permit. The fee for an additional operator is ten dollars.

~~The ((director)) vessel owner shall ((be notified in writing and will issue a new certificate of registration which will effect a))~~ notify the director on forms provided by the department of changes of ((name or)) ownership or operator((, as the case may be;)) and a new license or permit shall be issued upon payment of a fee of ten dollars ((shall be charged for the new certificate of registration)).

~~((Registrants shall report immediately any change of name, ownership, or operator of the vessel;))~~ A defaced, mutilated, or lost license ((plates)) or license decal shall be replaced immediately ((and a)). The replacement fee ((of)) is two dollars ((shall be charged for such new plates)).

Sec. 108. Section 75.28.040, chapter 12, Laws of 1955 as amended by section 2, chapter 212, Laws of 1955 and RCW 75.28.040 are each amended to read as follows:

~~((All))~~ Commercial licenses ((shall)) and permits expire at ((the close of the thirty-first day of)) midnight on December 31st following their issuance((;)) and ((shall)) in accordance with this title may be renewed annually ((thereafter)) upon application and payment of the prescribed license fees ((required by this title)).

Sec. 109. Section 75.28.060, chapter 12, Laws of 1955 as last amended by section 4, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.060 are each amended to read as follows:

~~((A))~~ Except as otherwise provided in this title, commercial fishing licenses ~~((provided for in this chapter shall be))~~ are transferable. It ~~((shall be))~~ is unlawful for ~~((any))~~ a license to be operated ~~((or caused to be operated))~~ by ~~((any))~~ a person other than the person listed as operator on the license. ~~((In the event))~~ Fishing gear ~~((is))~~ operated by a nonresident ~~((the gear))~~ shall be licensed as nonresident gear. ~~((In the event))~~ If a commercial license is transferred from a resident ~~((of the state of Washington))~~ to a nonresident, the transferee shall ~~((be required to))~~ pay the difference between the ~~((fees for a))~~ resident and nonresident ~~((licensee))~~ license fees at the time of transfer.

Sec. 110. Section 75.28.070, chapter 12, Laws of 1955 and RCW 75.28.070 are each amended to read as follows:

~~((Fishing guide licenses, fish buyer licenses, and personal commercial fishing licenses shall be carried on the person of the licensee. Fish broker licenses,))~~ Clam or oyster farm ((licenses)), oyster reserve ((licenses)), and wholesale fish dealer ((licenses, retail fish dealer licenses, fish canning licenses, fish byproducts licenses, boat house operator licenses, and branch)) licenses shall be ~~((kept and))~~ displayed at the business premises of the licensee.

Sec. 111. Section 14, chapter 283, Laws of 1971 ex. sess. as amended by section 2, chapter 40, Laws of 1975-'76 2nd 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))~~ is required for a person who takes or assists in taking any salmon while on board a ~~((commercially licensed trolling))~~ troll 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))~~ licensed under RCW 75.28.110(1)(c) or 75.28.113.

A personal commercial fishing license ~~((shall be obtained by each and every))~~ is required for a person who takes or assists in taking Columbia river smelt ~~((T))~~ Thaleichthys pacificus under a Columbia river smelt license.

The annual license fee ~~((for such license))~~ is ten dollars ~~((per annum))~~ for a resident and twenty dollars for a nonresident.

The personal license shall be carried on the person ~~((whenever such person is))~~ while engaged in the taking ~~((, landing, or selling))~~ of ~~((any))~~ salmon or Columbia river smelt.

Sec. 112. Section 1, chapter 90, Laws of 1969 as last amended by section 1, chapter 60, Laws of 1979 and RCW 75.28.095 are each amended to read as follows:

~~((Every owner of a vessel used as a charter boat from which only food fish other than salmon are taken for personal use shall obtain a yearly charter boat license for each vessel, and the fee for said license shall be one hundred dollars per annum.))~~ (1) A charter boat license is required for a vessel to be operated as a charter boat from which food fish are taken for personal use. The annual license fees are:

<u>Species</u>	<u>Resident Fee</u>	<u>Nonresident Fee</u>
(a) <u>Food fish other than salmon</u>	<u>\$100</u>	<u>\$200</u>
(b) <u>Salmon and other food fish</u>	<u>\$200</u>	<u>\$200</u>

(2) "Charter boat" means ((any)) a vessel from which persons may, for a fee, ((angle)) fish for food fish, and which delivers food fish taken from ((waters either within or without the territorial boundaries of the state of Washington)) offshore waters into state ports or from state waters into United States ports. "Charter boat" does not mean:

(a) Vessels not generally engaged in charter boat fishing which are under private lease or charter and operated by the lessee for the lessee's personal recreational enjoyment; or

(b) Vessels used by guides for clients fishing for salmon for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

~~((No))~~ (3) A vessel ((may)) shall not engage in both charter or sports fishing and commercial fishing on the same day. A vessel may be licensed for both charter boat fishing and for commercial fishing at the same time((: PROVIDED, That)). The license ((and)) or delivery permit allowing the the activity not being engaged in shall be deposited with the fisheries patrol officer for that area or an agent designated by the director.

~~((Nothing in this section shall be construed to mean that vessels not generally engaged in charter boat fishing, and under private lease or charter being operated by the lessee for the lessee's personal recreational enjoyment, shall be included under the provisions of this section.))~~

Sec. 113. Section 75.28.110, chapter 12, Laws of 1955 as last amended by section 2, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.110 are each amended to read as follows:

~~((The fee for all licenses prescribed in this chapter employing hand lines or jig lines in the taking of fish and shellfish shall be twenty-seven dollars and fifty cents per annum for residents and fifty-five dollars per annum for nonresidents. Each license shall entitle the licensee to use three hooks only.))~~

(1) The following commercial salmon fishing licenses are required for the licensee to use the specified gear to fish for salmon and other food fish in state waters. The annual license fees are:

<u>Gear</u>	<u>Resident Fee</u>	<u>Nonresident Fee</u>
(a) <u>Purse seine</u>	<u>\$300</u>	<u>\$600</u>
(b) <u>Gill net</u>	<u>\$200</u>	<u>\$400</u>
(c) <u>Troll</u>	<u>\$200</u>	<u>\$400</u>
(d) <u>Reef net</u>	<u>\$200</u>	<u>\$400</u>

(2) Holders of commercial salmon fishing licenses may retain incidentally caught food fish other than salmon, subject to rules of the director.

(3) A salmon troll license includes a salmon delivery permit.

(4) A separate gill net license is required to fish for salmon in each of the licensing districts established in RCW 75.28.012.

NEW SECTION. Sec. 114. RCW 75.18.080 and 75.28.460, each as amended by this 1983 act, are each decodified and recodified as RCW 75.28.113 and 75.28.116, respectively.

Sec. 115. Section 75.18.080, chapter 12, Laws of 1955 as last amended by section 3, chapter 327, Laws of 1977 ex. sess. and RCW 75.18.080 are each amended to read as follows:

~~((Every)) (1) A person ((or persons, firm or corporation)) operating a commercial fishing vessel ((of any description)) used in ((the commercial)) taking ((or catching of)) salmon in offshore waters and ((the transporting or bringing the same in and through the waters of the state of Washington and)) delivering the ((same in any)) salmon to a place or port in the state ((of Washington)) shall((, as a condition of doing so,)) obtain a salmon delivery permit from the director ((of fisheries)). The annual fee for ((said)) a salmon delivery permit ((shall be)) is two hundred dollars ((for the vessel and operator, such permit to be effective during the calendar year in which issued: PROVIDED, That)). Persons operating fishing vessels licensed under RCW ((75.28.085)) 75.28.125 may apply the delivery permit fee of ten dollars against the ((fees outlined hereinabove except those holding a valid troll license are exempt from said fees: PROVIDED FURTHER, That)) salmon delivery permit fee.~~

~~(2) If ((it appears to)) the director ((of fisheries, after investigation,)) determines that the operation of ((such)) a vessel under ((such)) a salmon delivery permit ((tends to)) results in the ((impairment,)) depletion(;) or destruction of the state's salmon resource ((and supply of this state and in bringing)) or the delivery into this state of salmon products prohibited by law((, in that event)), the director ((under such regulations and terms as he may prescribe,)) may revoke ((said)) the permit ((to use and operate such boat in the waters of this state, and in the event of the revocation of such permit, the further operation of such vessel as hereinabove set forth shall then be unlawful)).~~

Sec. 116. Section 3, chapter 184, Laws of 1974 ex. sess. as amended by section 4, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.460 are each amended to read as follows:

~~((Any))~~ The owner of a commercial salmon fishing vessel which is not qualified for a ((commercial salmon fishing)) license or ((vessel delivery)) permit under RCW ((75.28.455 and wishing to land salmon caught outside the territorial waters of the state of Washington shall be able)) 75.30.120 is required to obtain a salmon single delivery ((vessel delivery)) permit in order to make one landing of salmon taken in offshore waters. The permit fee ((for such permit shall be)) is one hundred dollars for residents and nonresidents.

Sec. 117. Section 75.28.120, chapter 12, Laws of 1955 as last amended by section 3, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.120 are each amended to read as follows:

~~((The fee for all licenses prescribed in this chapter employing set lines in the taking of fish and shellfish shall be thirty-five dollars per annum for residents and seventy dollars per annum for nonresidents. Each license shall entitle the licensee to use no more than three set lines of not more than five hundred hooks to each set line.))~~

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for food fish other than salmon in state waters. The annual license fees are:

<u>Gear</u>	<u>Resident Fee</u>	<u>Nonresident Fee</u>
<u>(1) Jig</u>	<u>\$27.50</u>	<u>\$55</u>
<u>(2) Set line</u>	<u>\$35</u>	<u>\$70</u>
<u>(3) Set net</u>	<u>\$35</u>	<u>\$70</u>
<u>(4) Drag seine</u>	<u>\$45</u>	<u>\$70</u>
<u>(5) Gill net</u>	<u>\$200</u>	<u>\$400</u>
<u>(6) Purse seine</u>	<u>\$300</u>	<u>\$600</u>
<u>(7) Troll</u>	<u>\$27.50</u>	<u>\$55</u>
<u>(8) Bottom fish pots</u>	<u>\$35</u>	<u>\$60</u>
<u>Each pot over 100</u>	<u>\$0.25</u>	<u>\$0.50</u>
<u>(9) Lampara</u>	<u>\$57.50</u>	<u>\$115</u>
<u>(10) Dip bag net</u>	<u>\$27.50</u>	<u>\$55</u>
<u>(11) Brush weir</u>	<u>\$85</u>	<u>\$160</u>

NEW SECTION. Sec. 118. RCW 75.28.085, as amended by this 1983 act, is hereby decodified and recodified as RCW 75.28.125.

Sec. 119. Section 5, chapter 309, Laws of 1959 as last amended by section 5, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.085 are each amended to read as follows:

~~((Every person, or persons or corporations operating a fishing vessel of any description used in the commercial taking or catching of food fish or shellfish, other than salmon, in offshore waters, and the transportation or possession of food fish or shellfish, other than salmon, through the waters of the state of Washington, and delivering the food fish or shellfish, other than salmon, in any port in the state of Washington shall as a condition of doing~~

~~so, obtain a delivery permit from the director of fisheries. The fees for such permit shall be ten dollars. PROVIDED, That any)) A delivery permit is required to deliver shellfish or food fish other than salmon taken in offshore waters to a port in the state. The annual permit fee is ten dollars for residents and twenty dollars for nonresidents. A permittee under RCW ((75-18.080 will)) 75.28.113 (salmon delivery permit) is not ((be)) required to obtain ((the above prescribed)) a delivery permit under this section. ((Possessors of the above described permit who wish to gain a vessel delivery permit under RCW 75.18.080 as now or hereafter amended may upon application to the director of fisheries apply the ten dollar fee for the delivery permit against the cost of the vessel delivery permit set forth in RCW 75-18.080 as now or hereafter amended:))~~

Sec. 120. Section 75.28.130, chapter 12, Laws of 1955 as last amended by section 6, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.130 are each amended to read as follows:

~~((The fee for all licenses prescribed in this chapter employing troll lines in the taking of salmon shall be two hundred dollars per annum. Each license shall entitle the licensee to use six or less troll lines:~~

~~The fee for all licenses prescribed in this chapter employing troll lines in the taking of food fish, other than salmon, shall be twenty-seven dollars and fifty cents per annum. Each license shall entitle the licensee to use six or less troll lines:))~~

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish in state waters. The annual license fees are:

<u>Gear</u>	<u>Resident Fee</u>	<u>Nonresident Fee</u>
<u>(1) Ring net</u>	<u>\$27.50</u>	<u>\$45</u>
<u>(2) Shellfish pots</u>		
<u>(excluding crab)</u>	<u>\$35</u>	<u>\$60</u>
<u>Each pot over 100</u>	<u>\$0.25</u>	<u>\$0.50</u>
<u>(3) Crab pots</u>	<u>\$35</u>	<u>\$60</u>
<u>Each pot over 100</u>	<u>\$0.25</u>	<u>\$0.50</u>
<u>(4) Shellfish diver</u>		
<u>(excluding clams)</u>	<u>\$27.50</u>	<u>\$55</u>

Sec. 121. Section 75.28.140, chapter 12, Laws of 1955 as last amended by section 7, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.140 are each amended to read as follows:

~~((The fee for all licenses prescribed in this chapter employing gill nets in the taking of food fish shall be two hundred dollars per annum:~~

~~A valid Grays Harbor=Columbia river or Willapa Harbor=Columbia river commercial salmon fishing gill net license shall also be valid when lawfully fishing for sturgeon, smelt and shad in the licensing district for which said license is issued:))~~

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish and food fish other than salmon in state waters. The annual license fees are:

<u>Gear</u>	<u>Resident Fee</u>	<u>Nonresident Fee</u>
<u>Trawl</u>	<u>\$87.50</u>	<u>\$135.00</u>

Sec. 122. Section 5, chapter 212, Laws of 1955 and RCW 75.28.255 are each amended to read as follows:

~~((A license is required for the taking or catching of carp for commercial purposes with any gear authorized by the director in the waters of the state, for which license there shall be paid a fee of five dollars.))~~

The following commercial fishing licenses are required for the licensee to fish for the specified species in state waters with gear authorized by rule of the director. The annual license fees are:

<u>Species</u>	<u>Resident Fee</u>	<u>Nonresident Fee</u>
<u>(1) Columbia River smelt</u>	<u>\$200</u>	<u>\$200</u>
<u>(2) Carp</u>	<u>\$5</u>	<u>\$5</u>

NEW SECTION. Sec. 123. RCW 75.16.100, as amended by this 1983 act, is hereby decodified and recodified as RCW 75.28.265.

Sec. 124. Section 2, chapter 35, Laws of 1971 and RCW 75.16.100 are each amended to read as follows:

(1) The director may authorize by an aquaculture permit the commercial cultivation of food fish ((and)) or shellfish ((or other aquatic animals for commercial purposes, also known as fish farming or aquaculture, under such)), subject to rules ((and regulations as he may prescribe)) of the director. Cultivation ((shall)) includes all aspects of breeding, obtaining eggs or young of, raising, preparing for consumption or for market, and marketing of the food fish(;) or shellfish ((or other aquatic animals. Cultivation may be permitted on privately owned uplands, shorelands or tidelands, as well as on publicly owned uplands, tidelands, shorelands, or beds of navigable waters in accordance with procedures established for administration of such areas)).

(2) In addition to an aquaculture permit, a license is required to operate an aquaculture farm. The annual fee for an aquaculture license is one hundred dollars. A separate license is required for each county in which commercial cultivation is undertaken by the same person.

(3) Licensed clam ((farming)) farms, oyster ((farming)) farms, and geoduck ((harvesting, and other activities in the nature of cultivation already authorized or licensed)) tracts are ((not affected by)) exempt from this section.

Sec. 125. Section 75.28.280, chapter 12, Laws of 1955 as last amended by section 3, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.280 are each amended to read as follows:

~~((A license is required for each and every clam farm of one or more tracts of land being operated for commercial purposes on privately owned or leased tidelands and on leased beds of navigable waters in the state, except that a license under this section is not required for subtidal geoduck harvest tracts for which the required harvest rights and licenses have been obtained pursuant to other provisions of law. The fee for said license is fifteen dollars per annum, and shall be paid for each and every year in which clams are removed from the clam farm for purposes of sale.))~~

(1) A clam farm license is required for the licensee to operate a commercial clam farm of one or more tracts of lands on tidelands or beds of navigable waters. The annual license fee is fifteen dollars for residents and nonresidents.

A clam farm license is not required for subtidal geoduck tracts for which licenses have been obtained under RCW 75.28.287.

(2) An oyster farm license is required for the licensee to operate a commercial oyster farm on tidelands or beds of navigable waters. The annual license fee is fifteen dollars for residents and nonresidents.

(3) ~~((A))~~ Separate clam farm and oyster farm licenses ~~((is))~~ are required for each ~~((clam farm being operated within each))~~ of the following ~~((clam))~~ districts~~((;))~~ as defined by rule of the director: Northern Puget Sound district, southern Puget Sound district, Grays Harbor district, and Willapa Harbor district~~((; said districts are to include the waters, beds, shores, beaches, and tidelands of, northern Puget Sound, southern Puget Sound, Grays Harbor, and Willapa Harbor, respectively, as geographically defined by the director of fisheries under appropriate regulations)).~~

(4) A mechanical harvester license is required to operate a mechanical or hydraulic device for commercially harvesting clams, other than geoduck clams, on a clam farm. The annual license fee is three hundred dollars for residents and nonresidents.

Sec. 126. Section 10, chapter 212, Laws of 1955 and RCW 75.28.282 are each amended to read as follows:

~~((A))~~ Clam farm licenses or ~~((an))~~ oyster farm licenses ~~((or both))~~ as provided in RCW 75.28.280 ~~((and 75.28.281 shall be))~~ are required of:

(1) ~~((Any))~~ A person ~~((or company))~~ owning ~~((and operating))~~ an oyster ~~((farm))~~ or clam farm ~~((or both))~~; or

(2) ~~((Any))~~ A clam or oyster farm lessee operating an oyster ~~((farm))~~ or clam farm ~~((or both, except))~~ when the owner ~~((thereof comes within the provisions of subsection (3) of this section;~~

~~((3))~~ Any person or company owning an oyster farm or a clam farm or both, operated by a lessee or another, which owner handles, processes, sells, or otherwise deals in the oysters or clams or both produced thereon, which are received by the owner) does not receive clams or oysters from the farm as total or partial consideration for the ~~((use of the oyster or clam farm or both))~~ lease.

Sec. 127. Section 75.28.285, chapter 12, Laws of 1955 as amended by section 1, chapter 27, Laws of 1965 ex. sess. and RCW 75.28.285 are each amended to read as follows:

A commercial razor clam (~~((digger's))~~) license (~~((shall be))~~) is required (~~((of any person digging clams for commercial purposes))~~) to dig razor clams commercially from ~~((the))~~ state waters or beaches (~~((of this state, and))~~). The license fee (~~((for such license shall be))~~) is five dollars per season, as defined by the director of fisheries (~~(, for razor clams: PROVIDED, That such license shall not be required for licensed clam farmers or their agents or employees who dig only on licensed clam farms.~~)).

~~It shall be unlawful for any person to dig hard shell clams for commercial purposes from the waters or beaches of this state. PROVIDED, That it shall be lawful to dig hard shell clams for commercial purposes on licensed clam farms).~~

NEW SECTION, Sec. 128. RCW 75.28.286, as amended by this 1983 act, is hereby decodified and is added to chapter 79.96 RCW.

Sec. 129. Section 5, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.286 are each amended to read as follows:

The department of natural resources shall designate the areas of aquatic lands owned by the state (~~((of Washington))~~) which (~~((will be))~~) are available for geoduck harvesting by licensed geoduck harvesters in accordance with RCW 79.01.124.

Sec. 130. Section 4, chapter 253, Laws of 1969 ex. sess. as amended by section 4, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.287 are each amended to read as follows:

(1) A geoduck tract license is required for the commercial harvest of geoducks from each subtidal (~~((geoduck))~~) tract(~~((s))~~) for which harvest rights have been granted by the department of natural resources (~~((for the commercial harvest of geoducks))~~). The annual license fee is one hundred dollars (~~((per annum))~~) for residents and nonresidents.

(2) Every diver engaged in the commercial harvest of geoduck or other clams shall obtain a (~~((nonassignable personal commercial fishing))~~) non-transferable geoduck diver license. The annual license fee is fifty dollars (~~((per annum))~~) for residents and nonresidents.

~~((3)) A license is required for each and every mechanical and/or hydraulic device operated for the purpose of taking clams other than geoduck clams for commercial purposes from tidelands and beds of navigable waters of the state of Washington the fee for which license shall be three hundred dollars per annum:~~

~~Evidence of issuance of the licenses required by this section shall be prominently displayed by numbers, codes, or symbols upon the vessel used in geoduck or clam harvesting activities before engaging in the harvesting~~

activities in a manner prescribed by the director of fisheries in rules promulgated under chapter 34.04 RCW.)

Sec. 131. Section 75.28.290, chapter 12, Laws of 1955 as amended by section 2, chapter 91, Laws of 1969 ex. sess. and RCW 75.28.290 are each amended to read as follows:

An oyster reserve license is required ~~((of any person))~~ for the commercial taking of shellfish ~~((for commercial purposes))~~ from ~~((the))~~ state oyster reserves ~~((of this state))~~. The annual license fee ~~((for such license))~~ is fifteen dollars ~~((per annum))~~ for residents and nonresidents.

Sec. 132. Section 75.28.300, chapter 12, Laws of 1955 as last amended by section 1, chapter 66, Laws of 1979 and RCW 75.28.300 are each amended to read as follows:

A wholesale fish dealer's license is required for:

(1) ~~((Any))~~ A business in the state ~~((engaged in the freezing, salting, smoking, kippering, preserving in ice or any))~~ to engage in the commercial processing ~~((or curing))~~ of ~~((any))~~ food fish or shellfish, ~~((or the shucking or cleaning of shellfish for commercial purposes))~~ including custom canning or processing of personal use food fish or shellfish.

(2) ~~((Any))~~ A business in the state ~~((engaged))~~ to engage in the wholesale selling, buying, or brokering of food fish or shellfish ~~((except))~~. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) ~~((Any fisherman or clam or oyster farmer who lands his))~~ Fishermen or aquaculturists who land and sell their catch or ~~((his shellfish))~~ harvest in the state ~~((of Washington and sells his catch or his shellfish harvest))~~ to anyone other than a licensed wholesale dealer within or outside the state ~~((of Washington))~~.

~~((4))~~ Any business in the state engaged in the canning of food fish or shellfish, for commercial purposes, in hermetically sealed containers which are processed by exposure to heat for pasteurization or sterilization:

(5) Any person or business engaged in custom canning shellfish or food fish taken by others for their personal use. The words "personal use only— not for sale" shall be embossed in a permanent and legible manner on the lid or cover of each can or container used in canning or preserving fish or shellfish caught for personal use. It is unlawful to commingle fish or shellfish caught for personal use with commercially caught fish or shellfish at any time prior to or during the canning or processing:

~~((6))~~ Any (4) A business ~~((in the state engaged))~~ to engage in the commercial manufacture or preparation ~~((for commercial purposes))~~ of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.

The annual license fee ~~((for the license))~~ is thirty-seven dollars and fifty cents ~~((per annum. This section shall not apply to))~~. A wholesale fish

dealer's license is not required for persons buying or selling oyster seed for transplant.

Sec. 133. Section 75.28.350, chapter 12, Laws of 1955 as amended by section 1, chapter 29, Laws of 1965 ex. sess. and RCW 75.28.350 are each amended to read as follows:

A fish buyer's license ((shall be obtained by every wholesaler, canner, byproducts manufacturer, or broker for each and every fish buyer)) is required of a person engaged in this state as a representative ((in the state for such wholesaler, canner, byproducts manufacturer or broker, and)) of a wholesale fish dealer. The annual license fee ((for said license)) is seven dollars and fifty cents ((per annum)).

The fish buyer's license shall be carried on the person of the licensee.

((The term "fish buyer") As used in this section, "fish buyer" means ((a buyer)) an individual who purchases food fish or shellfish at a place ((or places)) other than his employer's business premises, and who buys for only one ((person)) wholesale fish dealer. ((In the event the buyer)) An individual who buys for two or more persons, ((he shall be deemed a wholesale fish dealer and shall be)) is required to be licensed as ((such)) a wholesale fish dealer.

Sec. 134. Section 75.28.370, chapter 12, Laws of 1955 as amended by section 2, chapter 66, Laws of 1979 and RCW 75.28.370 are each amended to read as follows:

A branch plant license is required for each branch plant ((in the state)) of ((any wholesale, canning, or byproducts manufacturing)) a business ((enterprise)) licensed as a wholesale fish dealer having more than one place of business in the state. One ((such)) place of business shall be designated as headquarters and ((said)) a license ((shall be obtained for each and)) is required for every other place of business ((or branch plant)). A branch plant license shall be displayed on the business premises of the branch plant. The annual license fee ((for said license)) is seven dollars and fifty cents ((per annum)).

Sec. 135. Section 2, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.400 are each amended to read as follows:

The legislature finds that a significant commercial herring fishing industry is presently developing in the state of Washington under the careful guidance of the department of fisheries. The legislature further finds that the stocks of herring within the waters of this state are limited in extent and are in need of strict preservation.

In addition, the legislature finds that the number of commercial fishermen engaged in fishing for herring has steadily increased. This factor, combined with advances made in fishing and marketing techniques, has resulted in strong pressures on the supply of herring, unnecessary waste in one of Washington's valuable resources, and economic loss to the citizens of this

state. Therefore, it is the purpose of RCW ~~((75.28.390 through 75.28.430))~~ 75.30.140 to establish reasonable procedures for controlling the extent of commercial herring fishing.

Sec. 136. Section 1, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.450 are each amended to read as follows:

The legislature finds that the protection, welfare, and economic good of the commercial salmon fishing industry is of paramount importance to the people of this state. Scientific advancement has increased the efficiency of salmon fishing gear. There presently exists an overabundance of commercial salmon fishing gear in our state waters which causes great pressure on the salmon fishery resource. This situation results in great economic waste to the state and prohibits conservation programs from achieving their goals. The public welfare requires that the number of commercial salmon fishing licenses and ~~((vessel))~~ salmon delivery permits issued by the state be limited to insure that sound conservation programs can be scientifically carried out. It is the intention of the legislature to preserve this valuable natural resource so that our food supplies from such resource can continue to meet the ever increasing demands placed on it by the people of this state.

Sec. 137. Section 2, chapter 227, Laws of 1981 and RCW 75.28.690 are each amended to read as follows:

(1) A deckhand license ~~((authorizes))~~ is required for a crew member on a licensed salmon charter boat to sell salmon roe as provided in ~~((RCW 75.12.290))~~ subsection (2) of this section. The annual license fee ~~((for this license))~~ is ten dollars.

(2) A deckhand on a licensed salmon charter boat may sell salmon roe taken from fish caught for personal use, subject to rules of the director and the following conditions:

(a) The salmon is taken while fishing on the charter boat;

(b) The roe is the property of the angler until the roe is given to the deckhand. The charter boat's passengers are notified of this fact by the deckhand;

(c) The roe is sold to a licensed wholesale dealer; and

(d) The deckhand is licensed as provided in subsection (1) of this section and has the license in possession whenever salmon roe is sold.

Sec. 138. Section 5, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.050 are each amended to read as follows:

(1) The director shall appoint ~~((a))~~ three-member advisory review boards ~~((of review))~~ to hear cases as provided in RCW 75.30.060. ~~((The))~~ Members ~~((of such review board))~~ shall be ~~((nominated by))~~ from:

(a) The salmon charter boat fishing industry ~~((shall serve without pay; and))~~ in cases involving salmon charter boat licenses or angler permits;

(b) The commercial salmon fishing industry in cases involving commercial salmon licenses;

(c) The commercial crab fishing industry in cases involving Puget Sound crab license endorsements; and

(d) The commercial herring fishery in cases involving herring validations.

~~(2) Members shall serve at the discretion of the director ((of the department of fisheries. The members of such review board)) and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 ((as now existing or hereafter amended. The director may promulgate rules concerning the operation of such review boards in accordance with chapter 34.04 RCW)).~~

Sec. 139. Section 6, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.060 are each amended to read as follows:

~~((Any))~~ A person aggrieved by a decision of the department ~~((made pursuant to the terms of))~~ under this chapter may ~~((voluntarily))~~ request ~~((that a board of review be impaneled to hear such person's case))~~ administrative review under the informal procedure established by this section.

~~((The board of review may make such other recommendations and determinations as are consistent with the terms of this chapter.))~~

In an informal hearing(s) before a review ((boards shall be informal) board, the rules of evidence ((shall)) do not ((be applicable to the proceedings, and the records)) apply. A record of the proceeding shall be kept ((thereof)) as provided by chapter 34.04 RCW. After hearing the ((presentation of a)) case ((each)) the review board shall ((inform)) notify in writing the director and the initiating party ((in writing concerning)) whether ((or not)) the review board ((recommends that the charter boat license be issued and the reason for such recommendation)) agrees or disagrees with the department's decision and the reasons for the board's findings. Upon receipt of the ((review)) board's findings the director may order such relief as the director deems appropriate under the circumstances.

Nothing in this section ~~((shall be construed))~~: (1) ~~((To))~~ Impairs an aggrieved person's right to proceed under chapter 34.04 RCW; or (2) ~~((to))~~ imposes ~~((any))~~ a liability on members of a review board for their actions ~~((pursuant to))~~ under this section.

NEW SECTION. Sec. 140. RCW 75.30.020, as amended by this 1983 act, is hereby decodified and recodified as RCW 75.30.065.

Sec. 141. Section 2, chapter 106, Laws of 1977 ex. sess. as last amended by section 1, chapter 202, Laws of 1981 and RCW 75.30.020 are each amended to read as follows:

~~((For the purposes of this chapter, the term "charter boat" shall refer only to those charter boats from which salmon are taken. On and after May 28, 1977, the department shall initiate a moratorium on the issuance of charter boat licenses by issuing such licenses only to those boats whose owners can prove by means of good and sufficient documentary evidence~~

~~that the boat was licensed pursuant to RCW 75.28.095 between January 1, 1974, and January 1, 1977. No charter))~~ Salmon charter boat licenses issued under RCW 75.28.095(1)(b) may be issued only to boats which held a salmon charter boat license during the previous year or had transferred to the boat such a license, and has not subsequently transferred the license to another boat. A boat ((shall be)) is entitled to ((more than)) only one salmon charter boat license.

~~((Such boats shall be entitled to receive and renew the))~~ Salmon charter boat licenses ((for)) may be renewed each year. A salmon charter boat license ((for which no application is made to the department or)) which is not renewed ((in any)) each year ((automatically expires and)) shall not be renewed further.

~~((Nothing herein shall be construed to be contrary to the provisions of Title 75 RCW or any rule promulgated thereunder. All such))~~ Salmon charter boat licenses ((shall be)) are transferable.

Sec. 142. Section 2, chapter 101, Laws of 1979 and RCW 75.30.070 are each amended to read as follows:

In addition to ~~((the))~~ a salmon charter boat license, an angler permit is required ((under chapter 75.28 RCW, every owner of)) to operate a salmon charter boat ((operating)) in salt water ((and eligible for licensing under RCW 75.30.020 or 75.30.030 shall obtain from the department, without charge, a yearly)). The angler permit ((specifying)) shall specify the maximum number of persons((,-or "anglers,")) that may fish from the charter boat ((at any one time)) per trip and shall be issued annually without charge. The angler permit expires if the salmon charter boat license is not renewed.

~~((Failure to comply with this section constitutes a gross misdemeanor.))~~

Sec. 143. Section 4, chapter 101, Laws of 1979 and RCW 75.30.090 are each amended to read as follows:

A salmon charter boat may not carry more anglers((,-other)) than ((members of the crew, exceeding)) the number ((of anglers)) specified in the angler permit issued to the boat under RCW 75.30.070. Members of the crew may fish from the boat only to the extent that the number of anglers specified in the angler permit exceeds the number of noncrew passengers on the boat at that time.

~~((Failure to comply with this section constitutes a gross misdemeanor.))~~

Sec. 144. Section 5, chapter 101, Laws of 1979 and RCW 75.30.100 are each amended to read as follows:

(1) The total ~~((aggregate))~~ number of anglers authorized by the department shall ~~((be fixed and may))~~ not exceed the total number ~~((initially))~~ authorized for ~~((eligible boats under RCW 75.30.070))~~ 1980.

(2) Angler permits issued under RCW 75.30.070 are ~~((fully))~~ transferable. ~~((A charter boat possessing an angler))~~ All or a portion of the permit

may ~~((transfer all or a portion of the permit))~~ be transferred to another charter boat. ~~((The holder of such a permit, after complying with subsection (3) of this section, may use, and renew, the permit, even though the use of the permit will allow the charter boat to exceed the initial number of anglers established in RCW 75.30.080.))~~

(3) ~~((When an angler permit is transferred,))~~ The department shall be notified when an angler permit is transferred, and the department shall issue a new angler permit certificate. If the original permit holder retains a portion of the permit, the department shall issue a new angler permit certificate reflecting the decrease in ((authorized)) angler capacity. The department shall collect a fee of ten dollars for each certificate issued under this subsection.

NEW SECTION. Sec. 145. RCW 75.28.455, 75.28.275, and 75.28.420, each as amended by this 1983 act, are each decodified and recodified as RCW 75.30.120, 75.30.130, and 75.30.140, respectively.

Sec. 146. Section 2, chapter 184, Laws of 1974 ex. sess. as last amended by section 1, chapter 135, Laws of 1979 and RCW 75.28.455 are each amended to read as follows:

~~((On and after May 6, 1974, the department of fisheries of the state of Washington shall initiate a program to limit the number of commercial salmon vessels for each type of fishing gear and area.))~~

(1) ~~((Except for vessels coming under the provisions of RCW 75.28.460; no))~~ A commercial salmon fishing license issued under RCW 75.28.110 or ((vessel)) salmon delivery permit ((shall)) issued under RCW 75.28.113 may be issued only to a vessel ((unless that vessel)):

(a) ~~((was issued or had transferred to it))~~ Which held a ((valid Washington)) state commercial salmon fishing license or ((vessel)) salmon delivery permit during the previous ((calendar)) year((, or during the last calendar year in which the vessel was legally eligible for licenses if the vessel's licenses were suspended or revoked during the calendar year or years previous to the year for which the licenses are being sought;

~~((b))~~ or had transferred to the vessel such a license, and has not subsequently transferred the license or permit to another vessel; and

~~((c))~~ can prove by means of a valid fish receiving document that)) (b) From which food fish were caught and landed ((by such vessel)) in this state or in another state during the previous ((calendar)) year((, or during the last calendar year in which the vessel was legally eligible for licenses if the vessel's licenses were suspended or revoked during the calendar year or years previous to the year for which the licenses are being sought)) as documented by a valid fish receiving document.

Where the failure to obtain the license or permit during the previous year was the result of a license or permit suspension, the vessel may qualify for a license or permit by establishing that the vessel held such a license or

permit during the last year in which the license or permit was not suspended.

(2) The director may waive the landing requirement of subsection (1)~~((c))~~(b) of this section if:

(a) The vessel to which an otherwise valid license is transferred has not had the opportunity to have caught and landed salmon; and

(b) The intent of the commercial salmon vessel limitation program established under this section is not violated.

~~((Nothing in this section shall be construed to be contrary to the provisions of Title 75 RCW or any regulation promulgated thereunder.~~

~~All such))~~ (3) Commercial salmon fishing licenses ((or vessel)) and salmon delivery permits ((shall be)) are transferable.

Sec. 147. Section 4, chapter 133, Laws of 1980 as amended by section 1, chapter 157, Laws of 1982 and RCW 75.28.275 are each amended to read as follows:

(1) It is unlawful to take dungeness crab (Cancer magister) in the Puget Sound licensing district without first obtaining a Puget Sound crab license endorsement. A license endorsement is not required to take other species of crab, including red rock crab (Cancer productus).

(2) Commercial crab licenses issued under RCW ~~((75.28.274))~~ 75.28.130(3) endorsed for the Puget Sound licensing district may be issued only to vessels:

(a) Which held a commercial crab license endorsed for the Puget Sound licensing district during the previous year or had transferred to the vessel such a license, and has not subsequently transferred the endorsed license to another vessel; and

(b) From which one thousand pounds of dungeness crab were caught and landed in this state during the previous two-year period ending on December 31st of an odd-numbered year, as documented by a valid shellfish receiving ticket. This requirement shall apply to licenses for which application is made after January 1, 1984.

Where the failure to obtain the license during the previous year was the result of a license suspension ~~((or revocation by the department))~~, the vessel may qualify for a license by establishing that the vessel held such a license during the last year in which ~~((it))~~ the license was ((eligible)) not suspended.

(3) The director may reduce or waive the landing requirement established under subsection (2)(b) of this section upon the recommendation of a review board ((of review)) established under RCW ((75.28.276)) 75.30.050. The review board ((of review)) may recommend a reduction or waiver of the landing requirement in individual cases if, in the board's judgment, extenuating circumstances prevent achievement of the landing requirement. The director shall adopt rules governing the operation of the review boards ((of review)) and defining "extenuating circumstances."

(4) The issuance of commercial crab licenses for areas other than the Puget Sound licensing district is not restricted by this section.

(5) License endorsements issued under this section are not transferable from one owner to another owner, except from parent to child or upon the death of the owner, before July 1, 1986. This restriction applies to all changes in the vessel owner((~~s~~)) named on the license, including (a) changes during the license year, and (b) changes during the license renewal process between years. This restriction does not prevent changes in vessel operator or transfers between vessels when the vessel owner remains unchanged. Upon request of a vessel owner, the director may issue a temporary permit to allow the vessel owner to use the license endorsement on a leased or rented vessel.

(6) If less than two hundred vessels are eligible for Puget Sound license endorsements, the director may accept applications for new endorsements. The director shall determine by random selection the successful applicants for the additional endorsements. The number of additional endorsements issued shall be sufficient to maintain two hundred vessels in the Puget Sound crab fishery. The director shall adopt rules governing the application, selection, and issuance procedures for new Puget Sound crab license endorsements, based upon recommendations of a board of review established under RCW ((75.28.276)) 75.30.050.

Sec. 148. Section 4, chapter 173, Laws of 1973 1st ex. sess. as amended by section 1, chapter 104, Laws of 1974 ex. sess. and RCW 75.28.420 are each amended to read as follows:

~~((For the 1973 season and subsequent seasons, the department shall limit the number of licenses validated under RCW 75.28.410 to those individuals who held valid commercial fishing licenses and can prove that they landed herring as documented by a Washington department of fisheries landing ticket for that type of fishing gear during the period (1) January 1, 1971, through April 15, 1973, or (2) January 1, 1969, through December 31, 1970, for only those individuals who were in the armed services of the United States during the period January 1, 1971, through April 1, 1973. The validated herring license shall be required for commercial herring fishing in Puget Sound as set forth in the Washington Administrative Code under section 220-16-210:))~~

(1) In addition to a commercial fishing license, a herring validation is required to fish commercially for herring in state waters. Herring validations shall be issued without charge.

(2) Except as provided in this section, permanent herring validations may be issued only to a person who:

(a) Established eligibility for a permanent herring validation as provided in subsection (3) of this section or had transferred to the person a permanent herring validation; and

(b) Has not subsequently transferred the validation to another person.

(3) A person may establish eligibility for a permanent herring validation by:

(a) Documenting to the department that the person landed herring during the period January 1, 1971, through April 15, 1973;

(b) Documenting to the department that the person landed herring during the period January 1, 1969, through December 31, 1970, if the person was in the armed forces of the United States during the period January 1, 1971, through April 15, 1973; or

(c) Applying to the department and qualifying for a permanent herring validation under hardship criteria established by rule of the director.

Landings may be documented only by a department fish receiving ticket.

(4) A permanent herring validation may be used only with the type of fishing gear originally used to establish eligibility for the validation.

(5) The director may establish rules governing the administration of this section based upon recommendations of a board of review established under RCW 75.30.050.

(6) Additional ((licenses)) permanent and temporary validations may be granted ((after the 1976 season)) by the department ((only upon a showing that)) if the stocks of herring will not be jeopardized by ((the)) granting ((of such)) additional ((licenses)) validations. ((The individual validation to fish for)) Herring ((shall be fully)) validations are transferable.

Sec. 149. Section 75.40.010, chapter 12, Laws of 1955 and RCW 75.40.010 are each amended to read as follows:

~~((Should congress by virtue of the authority vested in it under Article I, section 10, of the Constitution of the United States, providing for compacts and agreements between states, ratify the recommendations of the conference committees of the states of Washington and Oregon, appointed to agree on legislation necessary for the regulation, preservation and protection of fish in the waters of the Columbia River, or its tributaries, over which said states have concurrent jurisdiction, or which would be affected by said concurrent jurisdiction, said recommendation being as follows: "We further recommend that a resolution be passed by the legislatures of Washington and Oregon, whereby the ratification by Congress of the laws of the states of Washington and Oregon shall act as a treaty between said states, subject to modification only by joint agreement by said states"; and said recommendation having been approved by resolution adopting the report of the conference committee, then, and in that event;)) There ((shall)) exist between the states of Washington and Oregon a definite compact and agreement((, the purport of which shall be substantially)) as follows:~~

All laws and regulations now existing or which may be necessary for regulating, protecting or preserving fish in the waters of the Columbia River, or its tributaries, over which the states of Washington and Oregon have

concurrent jurisdiction, or which would be affected by said concurrent jurisdiction, shall be made, changed, altered and amended in whole or in part, only with the mutual consent and approbation of both states.

Sec. 150. Section 75.40.020, chapter 12, Laws of 1955 and RCW 75.40.020 are each amended to read as follows:

The director (~~(is hereby authorized for and on behalf of the state of Washington to)~~) may give to the state of Oregon such consent and approbation of the state of Washington as is necessary under (~~(and pursuant to)~~) the compact (~~(entered into between the states of Washington and Oregon, as)~~) set out in RCW 75.40.010(~~(, to change the open and closed seasons in the Columbia River district as permitted in this chapter)~~). For the purposes of RCW 75.40.010, the states of Washington and Oregon have concurrent jurisdiction in the concurrent waters of the Columbia river as defined in RCW 75.08.011.

Sec. 151. Section 75.40.030, chapter 12, Laws of 1955 as last amended by section 2, chapter 101, Laws of 1969 ex. sess. and RCW 75.40.030 are each amended to read as follows:

(~~(Should congress, by virtue of the authority vested in it under Article I, section 10, of the Constitution of the United States, providing for compacts and agreements between the states, ratify The Pacific Marine Fisheries Compact after the enactment of this compact by)~~) There exists between the states of Alaska, California, Idaho, Oregon and Washington(~~(, then, and in that event, there shall exist between the contracting states)~~) a definite compact and agreement(~~(, the purport of which shall be substantially)~~) as follows:

THE PACIFIC MARINE FISHERIES COMPACT

The contracting states do hereby agree as follows:

ARTICLE I.

The purposes of this compact are and shall be to promote the better utilization of fisheries, marine, shell and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean and adjacent waters over which the compacting states jointly or separately now have or may hereafter acquire jurisdiction.

Nothing herein contained shall be construed so as to authorize the compacting states or any of them to limit the production of fish or fish products for the purpose of establishing or fixing the prices thereof or creating and perpetuating a monopoly.

ARTICLE II.

This agreement shall become operative immediately as to those states executing it whenever the compacting states have executed it in the form that is in accordance with the laws of the executing states and the congress has given its consent.

ARTICLE III.

Each state joining herein shall appoint, as determined by state statutes, one or more representatives to a commission hereby constituted and designated as The Pacific Marine Fisheries Commission, of whom one shall be the administrative or other officer of the agency of such state charged with the conservation of the fisheries resources to which this compact pertains. This commission shall be a body with the powers and duties set forth herein.

The term of each commissioner of The Pacific Marine Fisheries Commission shall be four years. A commissioner shall hold office until his successor shall be appointed and qualified but such successor's term shall expire four years from legal date of expiration of the term of his predecessor. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled for the unexpired term, or a commissioner may be removed from office, as provided by the statutes of the state concerned. Each commissioner may delegate in writing from time to time to a deputy the power to be present and participate, including voting as his representative or substitute, at any meeting of or hearing by or other proceeding of the commission.

Voting powers under this compact shall be limited to one vote for each state regardless of the number of representatives.

ARTICLE IV.

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell, and anadromous in all of those areas of the Pacific Ocean over which the states signatory to this compact jointly or separately now have or may hereafter acquire jurisdiction. The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions and said conservation zones to promote the preservation of those fisheries and their protection against overfishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the signatory parties hereto.

To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the governors and legislative branches of the various signatory states hereto legislation dealing with the conservation of the marine, shell and anadromous fisheries in all of

those areas of the Pacific Ocean and adjacent waters over which the signatory states jointly or separately now have or may hereafter acquire jurisdiction. The commission shall, more than one month prior to any regular meeting of the legislative branch in any state signatory hereto, present to the governor of such state its recommendations relating to enactments by the legislative branch of that state in furthering the intents and purposes of this compact.

The commission shall consult with and advise the pertinent administrative agencies in the signatory states with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable and which lie within the jurisdiction of such agencies.

The commission shall have power to recommend to the states signatory hereto the stocking of the waters of such states with marine, shell, or anadromous fish and fish eggs or joint stocking by some or all of such states and when two or more of the said states shall jointly stock waters the commission shall act as the coordinating agency for such stocking.

ARTICLE V.

The commission shall elect from its number a chairman and a vice chairman and shall appoint and at its pleasure, remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place within the territorial limits of the signatory states but must meet at least once a year.

ARTICLE VI.

No action shall be taken by the commission except by the affirmative vote of a majority of the whole number of compacting states represented at any meeting. No recommendation shall be made by the commission in regard to any species of fish except by the vote of a majority of the compacting states which have an interest in such species.

ARTICLE VII.

The fisheries research agencies of the signatory states shall act in collaboration as the official research agency of The Pacific Marine Fisheries Commission.

An advisory committee to be representative of the commercial fishermen, commercial fishing industry and such other interests of each state as the commission deems advisable shall be established by the commission as soon as practicable for the purpose of advising the commission upon such recommendations as it may desire to make.

ARTICLE VIII.

Nothing in this compact shall be construed to limit the powers of any state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any state imposing additional conditions and restrictions to conserve its fisheries.

ARTICLE IX.

Continued absence of representation or of any representative on the commission from any state party hereto, shall be brought to the attention of the governor thereof.

ARTICLE X.

The states agree to make available annual funds for the support of the commission on the following basis:

Eighty percent of the annual budget shall be shared equally by those member states having as a boundary the Pacific Ocean; not less than five percent of the annual budget shall be contributed by any other member state; the balance of the annual budget shall be shared by those member states, having as a boundary the Pacific Ocean, in proportion to the primary market value of the products of their commercial fisheries on the basis of the latest five-year catch records.

The annual contribution of each member state shall be figured to the nearest one hundred dollars.

This amended article shall become effective upon its enactment by the states of Alaska, California, Idaho, Oregon, and Washington and upon ratification by congress by virtue of the authority vested in it under Article I, section 10 of the Constitution of the United States.

ARTICLE XI.

This compact shall continue in force and remain binding upon each state until renounced by it. Renunciation of this compact must be preceded by sending six months' notice in writing of intention to withdraw from the compact to the other parties hereto.

ARTICLE XII.

The states of Alaska or Hawaii, or any state having rivers or streams tributary to the Pacific Ocean may become a contracting state by enactment of The Pacific Marine Fisheries Compact. Upon admission of any new state to the compact, the purposes of the compact and the duties of the commission shall extend to the development of joint programs for the conservation, protection and prevention of physical waste of fisheries in which the contracting states are mutually concerned and to all waters of the newly admitted state necessary to develop such programs.

This article shall become effective upon its enactment by the states of Alaska, California, Idaho, Oregon and Washington and upon ratification by congress by virtue of the authority vested in it under Article I, section 10, of the Constitution of the United States.

Sec. 152. Section 75.40.040, chapter 12, Laws of 1955 as amended by section 2, chapter 171, Laws of 1963 and RCW 75.40.040 are each amended to read as follows:

~~((In the event the compact set forth in RCW 75.40.030 becomes effective;))~~ The director ~~((of fisheries)),~~ ex officio, and two appointees of the governor representing the fishing industry ~~((or an industry allied therewith;))~~ shall act as the representatives of this state on the Pacific Marine Fisheries Commission~~((, in accordance with the provisions of, and with the powers and duties provided in the compact)).~~ The appointees of the governor ~~((shall be))~~ are subject to confirmation by the state senate.

Sec. 153. Section 75.40.060, chapter 12, Laws of 1955 and RCW 75.40.060 are each amended to read as follows:

~~The director ((and his duly authorized agents are hereby authorized to))~~ may adopt and ~~((to))~~ enforce the provisions of the convention between the United States and ~~((the Dominion of))~~ Canada for the protection, preservation and extension of the sockeye salmon fishery of the Fraser River system, signed at Washington, District of Columbia, on ~~((the twenty-sixth day of))~~ May 26, 1930, as amended by the protocol signed at Ottawa, December 28, 1956, and the protocol signed at Washington, February 24, 1977 and the regulations of the commission ~~((promulgated))~~ adopted under authority of ~~((said))~~ the convention.

NEW SECTION. Sec. 154. RCW 75.28.505, 75.28.510, 75.28.515, 75.28.520, 75.28.530, 75.28.535, and 75.28.540, each as amended by this 1983 act, are each decodified and recodified as RCW 75.44.100, 75.44.110, 75.44.120, 75.44.130, 75.44.140, 75.44.150, and 75.44.160, respectively.

Sec. 155. Section 3, chapter 183, Laws of 1975 1st ex. sess. as amended by section 3, chapter 230, Laws of 1977 ex. sess. and RCW 75.28.505 are each amended to read as follows:

As used in ~~((RCW 75.28.500 through 75.28.540, unless the context indicates otherwise))~~ this chapter:

(1) "Case areas" means those areas of the Western district of Washington and in the adjacent offshore waters which are within the jurisdiction of the state of Washington, as defined in United States of America et al. v. State of Washington et al., Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, and in *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976), or ~~((any))~~ an area in which fishing rights are affected by court decision in a manner consistent with the above-mentioned decisions;

(2) (~~"Department"~~ means the department of fisheries;
 (3) ~~"Director"~~ means the director of the department of fisheries)) "Program" means the program established under RCW 75.44.100 through 75.44.160.

Sec. 156. Section 4, chapter 183, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 43, Laws of 1979 ex. sess. and RCW 75.28.510 are each amended to read as follows:

The department (~~(is authorized to)~~) may purchase commercial fishing vessels and appurtenant gear, and the current state commercial fishing licenses (~~(and)~~), delivery permits, and charter boat licenses (~~(issued by the state of Washington)~~) if the (~~(vessel, licensee,)~~) license or permit holder was:

(1) (~~(Was)~~) Licensed to fish or deliver fish during 1974, 1975, 1976, or 1977 within the case areas; and

(2) (~~(Was)~~) Substantially restricted in (~~(its)~~) fishing as a result of compliance with United States of America et al. v. State of Washington et al., Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, and Sohappay v. Smith, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976).

The department shall not purchase (~~(any)~~) a vessel without also purchasing all current Washington commercial fishing licenses and delivery permits and charter boat licenses issued to (~~(such)~~) the vessel or its owner (~~(: PROVIDED, That)~~). The department (~~(is authorized to)~~) may purchase current licenses and delivery permits (~~(in the absence of the purchase of a)~~) without purchasing the vessel.

Sec. 157. Section 5, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.515 are each amended to read as follows:

The purchase (~~(by the department)~~) price of a vessel and appurtenant gear shall be based on a survey conducted by a qualified marine surveyor. A license or delivery permit shall be valued separately (~~(by the department)~~).

The director may specify a maximum price to be paid (~~(by the department)~~) for (~~(any)~~) a vessel, gear, license, or delivery permit purchased (~~(pursuant to)~~) under RCW (~~(75.28.510)~~) 75.44.110. (~~(Any)~~) A license or delivery permit (~~(so)~~) purchased under RCW 75.44.110 shall be permanently retired by the department.

Sec. 158. Section 6, chapter 183, Laws of 1975 1st ex. sess. as amended by section 2, chapter 43, Laws of 1979 ex. sess. and RCW 75.28.520 are each amended to read as follows:

The department may arrange for the insurance (~~(and)~~), storage, and (~~(for the)~~) resale or other disposition of (~~(all)~~) vessels and gear purchased (~~(pursuant to RCW 75.28.500 through 75.28.540)~~) under RCW 75.44.110. (~~(Such)~~) Vessels shall not be resold by the department to the seller or the

seller's immediate family. ~~((Such))~~ The vessels shall not be used by any owner or operator: (1) As a commercial fishing or charter vessel in state waters ~~((within the state of Washington, nor shall such vessels be used by any owner or operator));~~ or (2) to deliver fish ~~((within the boundaries of))~~ to a place or port in the state ~~((of Washington))~~. The department shall require that the purchasers ~~((or))~~ and other users of vessels ~~((resold or otherwise disposed of))~~ sold by the department execute ~~((any and all))~~ suitable instruments to insure compliance with the requirements of this section. The director may commence suit or be sued on ~~((any))~~ such an instrument in ~~((any))~~ a state court of record or United States district court having jurisdiction.

Sec. 159. Section 8, chapter 183, Laws of 1975 1st ex. sess. as last amended by section 4, chapter 43, Laws of 1979 ex. sess. and RCW 75.28-.530 are each amended to read as follows:

The director shall ~~((promulgate))~~ adopt rules ~~((and regulations concerning))~~ for 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))~~ administration of the program. To assist the department in the administration of the ~~((provisions of RCW 75.28.500 through 75.28-.540. To minimize the impact of this program on other ongoing state activities as well as on current staffing levels;))~~ program, the director ~~((shall have the authority to))~~ may contract with persons ~~((or entities))~~ not employed by the state ~~((to assist in the administration of the provisions of RCW 75.28-.500 through 75.28.540))~~ and may enlist the aid of other state agencies.

The director shall appoint an advisory board composed of five individuals who are knowledgeable of the commercial fishing industry to ~~((assist))~~ advise 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 RCW 75.28.510, and to perform such other functions as deemed appropriate by the director. The members of such))~~. Advisory board members shall be reimbursed for travel expenses ~~((pursuant to))~~ under 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. 160. Section 9, chapter 183, Laws of 1975 1st ex. sess. as amended by section 5, chapter 230, Laws of 1977 ex. sess. and RCW 75.28.535 are each amended to read as follows:

~~((The provisions of RCW 75.28.500 through 75.28.540 as now or hereafter amended, shall become effective on January 1, 1978, or thereafter, only upon receipt by the department from the federal government of funds in an amount sufficient to administer such provisions and to accomplish its purposes;))~~

The director (~~((shall be the))~~) is responsible (~~((state officer))~~) for the administration (~~((of;))~~) and (~~((the))~~) disbursement of all funds, goods, commodities, and services (~~((; which may be))~~) received by the state (~~((in connection with the provisions of RCW 75.28.500 through 75.28.540 as now or hereafter amended))~~) under the program.

There is created within the state treasury a fund to be known as the "vessel, gear, license, and permit reduction fund" (~~((; which))~~). This fund shall be used for (~~((the))~~) purchases (~~((of vessels, licenses, permits, and fishing gear as provided in RCW 75.28.500 through 75.28.540 as now or hereafter amended;))~~) under RCW 75.44.110 and for the administration of the (~~((provisions of RCW 75.28.500 through 75.28.540 as now or hereafter amended))~~) program. This fund shall be credited with (~~((any))~~) federal or other funds received to carry out the purposes of (~~((RCW 75.28.500 through 75.28.540 as now or hereafter amended;))~~) the program and (~~((shall also be credited with all))~~) the proceeds from the sale or other disposition of (~~((any))~~) property purchased (~~((pursuant to))~~) under RCW ((75.28.510)) 75.44.110 (~~((as now or hereafter amended))~~).

Sec. 161. Section 10, chapter 183, Laws of 1975 1st ex. sess. as last amended by section 3, chapter 43, Laws of 1979 ex. sess. and RCW 75.28.540 are each amended to read as follows:

~~((No))~~ The department may not accept applications for participation in the program (~~((provided for in RCW 75.28.500 through 75.28.540 shall be accepted by the department later than))~~) after December 31, 1981. The director shall (~~((provide for the expeditious completion of))~~) expeditiously complete the program (~~((thereafter))~~) and shall notify the (~~((state))~~) legislature when (~~((such provisions might appropriately be declared null and void))~~) the program can be terminated.

Sec. 162. Section 2, chapter 308, Laws of 1977 ex. sess. as last amended by section 1, chapter 261, Laws of 1981 and RCW 75.48.020 are each amended to read as follows:

For the purpose of providing funds for the planning, acquisition, construction, and improvement of salmon hatcheries, other salmon propagation facilities including natural production sites, and necessary supporting facilities within the state, the state finance committee (~~((is authorized to))~~) may issue, at any time prior to January 1, 1985, general obligation bonds of the state of Washington in the sum of thirty-four million five hundred thousand dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within thirty years. No bonds authorized by this chapter (~~((shall))~~) may be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

Sec. 163. Section 3, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.030 are each amended to read as follows:

The proceeds from the sale of bonds authorized by this chapter shall be deposited in the salmon enhancement construction account hereby created in the general fund and shall be used exclusively for the purpose specified in ~~((this chapter))~~ RCW 75.48.020 and for payment of the expenses incurred in the issuance and sale of the bonds.

Sec. 164. Section 4, chapter 308, Laws of 1977 ex. sess. and RCW 75-48.040 are each amended to read as follows:

The proceeds from the sale of the bonds deposited in the salmon enhancement construction account of the general fund under the terms of this chapter shall be administered by the ~~((state))~~ department ~~((of fisheries))~~ subject to legislative appropriation.

Sec. 165. Section 5, chapter 308, Laws of 1977 ex. sess. as amended by section 2, chapter 261, Laws of 1981 and RCW 75.48.050 are each amended to read as follows:

As used in this chapter, ~~((the term))~~ "facilities" means salmon propagation facilities including, but not limited to, all equipment, utilities, structures, real property, and interests in and improvements on real property, as well as stream bed clearing, for or incidental to the acquisition, construction, or development of salmon propagation facilities. Specifically, the term ~~((staff))~~ includes a spawning channel on the Skagit river.

Sec. 166. Section 6, chapter 308, Laws of 1977 ex. sess. and RCW 75-48.060 are each amended to read as follows:

The state finance committee ~~((is authorized to))~~ may prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds authorized in this chapter shall be sold for less than their par value.

Sec. 167. Section 7, chapter 308, Laws of 1977 ex. sess. and RCW 75-48.070 are each amended to read as follows:

When the state finance committee has decided to issue ~~((such))~~ the bonds or a portion thereof, it may, pending the issuing of ~~((such))~~ the bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of ~~((such))~~ the bonds, which notes shall be designated as "anticipation notes". ~~((Such))~~ The portion of the proceeds of the sale of ~~((such))~~ the bonds as may be required for ~~((such))~~ the purpose shall be applied to the payment of the principal of and interest on ~~((such))~~ the anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

Sec. 168. Section 8, chapter 308, Laws of 1977 ex. sess. and RCW 75-48.080 are each amended to read as follows:

The salmon enhancement construction bond retirement fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on ~~((such))~~ the bonds. Not less than thirty days prior to the date on which ~~((any such))~~ the interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the salmon enhancement construction bond retirement fund an amount equal to the amount certified by the state finance committee to be due on such payment date. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

Sec. 169. Section 9, chapter 308, Laws of 1977 ex. sess. and RCW 75-48.090 are each amended to read as follows:

The director ~~((of the department of fisheries))~~ shall report to the legislature on or before January 1 of each year on the revenues received from the sport and commercial salmon license sales and from salmon privilege taxes for the previous fiscal year and estimates of the revenues to be received for the current and ensuing fiscal years.

The report shall also include the estimates of the amounts required from these revenues for the payment of principal and interest on the bonds authorized by this chapter and proposals for the use of any remaining revenues for salmon enhancement purposes. The report shall also include a progress report on the current salmon enhancement programs.

The report shall be given to the following standing committees: the house committee on appropriations, the senate committee on ways and means, and the house and senate committees on natural resources.

Sec. 170. Section 10, chapter 308, Laws of 1977 ex. sess. and RCW 75-48.100 are each amended to read as follows:

The bonds authorized by this chapter shall be issued only after the director ~~((of the department of fisheries))~~ has certified, based upon reasonable estimates and data provided to the department, that sufficient revenues will be available from sport and commercial salmon license sales and from salmon fees and taxes to meet the requirements of RCW 75.48.080 during the life of the bonds.

Sec. 171. Section 11, chapter 308, Laws of 1977 ex. sess. and RCW 75-48.110 are each amended to read as follows:

The bonds authorized in this chapter (~~shall be~~) are a legal investment for all state funds or for funds under state control and for all funds of any other public body.

NEW SECTION, Sec. 172. RCW 75.18.110, as amended by this 1983 act, is hereby decodified and recodified as RCW 75.48.120.

Sec. 173. Section 2, chapter 327, Laws of 1977 ex. sess. as last amended by section 1, chapter 66, Laws of 1980 and RCW 75.18.110 are each amended to read as follows:

(1) The department shall not acquire, construct, or substantially improve (~~any~~) a salmon enhancement facility unless the requirements of this section are met.

(a) The productivity of (~~any~~) a salmon propagation facility is very dependent on water quantity and quality. (~~Since there is a~~) Due to the limited number of water sources which meet the critical needs of a facility, it is imperative that these sources are acquired. Therefore, site acquisitions and preliminary design shall be considered by the department as generally having priority over project development.

(b) Prior to expending (~~any~~) moneys for the construction and development of (~~any~~) a particular salmon propagation facility, except for site acquisition and preliminary design, the department shall, with the advice of the advisory council created in subsection (2) of this section, give consideration to the following factors with respect to that facility:

- (i) The department's management authority over propagated salmon;
- (ii) The level of expected Canadian interception on the propagated salmon and whether this would be acceptable;
- (iii) Whether an acceptable agreement has been reached on the status of treaty Indian salmon harvest; and
- (iv) Whether there can be a maximum harvest of propagated salmon with a tolerable impact on other salmonid stocks, both natural and artificial, and on their environment. The department shall consult on this matter with the department of game.

(2) To aid and advise the department in the performance of its functions (~~as specified by this section~~) with regard to the salmon enhancement program, a salmon advisory council is (~~hereby~~) created. The advisory council (~~shall~~) consists of thirteen members appointed by the governor; the director (~~of the department of fisheries~~), who shall be chairman; the director of the department of game, or the director's designee; one member of the senate to be appointed by the president of the senate; and one member of the house of representatives to be appointed by the speaker of the house of representatives. Of the members appointed by the governor, two shall represent troll fishermen; two shall represent gill net fishermen, of which one shall be from the Puget Sound area and one from the southwest Washington area; one shall represent purse seine fishermen; one shall represent owners of

charter boats; three shall represent sportsmen; two shall be members of Indian tribes of this state who shall be appointed from a list submitted by the Northwest Indian Fisheries Commission; and two shall represent fish processors, of which one shall represent fresh or frozen fish processors and one shall represent canneries.

~~((The terms of the initial members appointed by the governor expire on December 31, 1979. Thereafter, all members appointed by the governor shall serve terms of two years.))~~ All members appointed by the governor shall serve terms of two years. Vacancies shall be filled in the same manner as original appointments.

The advisory council shall be convened by the director prior to the decision to expend ~~((any))~~ funds for construction and development of any salmon propagation facility. The council shall advise the director with regard to the considerations listed in subsection (1)(b) of this section and ~~((any))~~ other factors the council deems relevant with respect to the proposed facility.

~~((Vacancies shall be filled in the same manner as original appointments.))~~ Except for the director of the department of game and legislative members, members shall receive reimbursement through the department of fisheries for 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))~~.

The director of the department of game, or the director's designee, shall receive reimbursement through the department of game for travel expenses incurred in the performance of his or her duties in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~. The legislative members 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 ~~((as now existing or hereafter amended))~~.

The salmon advisory council shall cease to exist on December 31, 1989. This section expires on December 31, 1989.

Sec. 174. Section 75.98.030, chapter 12, Laws of 1955 and RCW 75.98.030 are each amended to read as follows:

If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title~~((;))~~ or the application of the provision to other persons or circumstances is not affected.

Sec. 175. Section 171, page 279, Laws of 1860 as last amended by section 1, chapter 98, Laws of 1909 and RCW 3.20.040 are each amended to read as follows:

(1) Justices of the peace shall have jurisdiction concurrent with the superior courts of all misdemeanors and gross misdemeanors committed in or which may be tried in their respective counties~~((: PROVIDED, That))~~.

(2) Justices of the peace in cities of the first class shall in no event impose greater punishment than a fine of five hundred dollars, or imprisonment in the county jail for six months; and justices of the peace other than those elected in cities of the first class shall in no event impose greater punishment than a fine of one hundred dollars, or imprisonment in the county jail for thirty days. This subsection does not apply to penalties imposed under Title 75 RCW as provided by RCW 75.10.060.

Sec. 176. Section 117, chapter 299, Laws of 1961 as amended by section 1, chapter 150, Laws of 1982 and RCW 3.66.060 are each amended to read as follows:

The justice court shall have jurisdiction: (1) Concurrent with the superior court of all misdemeanors and gross misdemeanors committed in their respective counties and of all violations of city ordinances: PROVIDED, That it shall in no event impose a greater punishment than a fine of one thousand dollars, or imprisonment for one year in the county or city jail as the case may be, or both such fine and imprisonment, unless otherwise expressly provided by statute; and it may suspend and revoke vehicle operator's licenses in the cases provided by law; (2) to sit as committing magistrates and conduct preliminary hearings in cases provided by law; (3) concurrent with the superior court of a proceeding to keep the peace in their respective counties; (4) concurrent with the superior court of all violations under Title 75 RCW.

Sec. 177. Section 35A.69.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.69.010 are each amended to read as follows:

Every code city shall have the powers, perform the functions and duties and enforce the regulations prescribed by general laws relating to food and drugs for any class of city as provided by Title 69 RCW; relating to inspection of foods, meat, dairies, and milk as provided by RCW 15.36.560(~~(16-49:030, 16-49:120)~~) and 15.36.510 and chapter 16.49A RCW; relating to water pollution control as provided by chapter 90.48 RCW; and relating to food fish and shellfish as provided by Title 75 RCW ((75.08.150)).

Sec. 178. Section 43.52.440, chapter 8, Laws of 1965 and RCW 43.52.440 are each amended to read as follows:

Nothing contained in this chapter shall be construed to amend, modify or repeal in any manner (~~(any of the terms and provisions of section 1, chapter 9, Laws of 1949, RCW 75.20.010)~~) RCW 75.20.110, commonly known as the "Columbia River Sanctuary Act", and all matter herein contained shall be expressly subject to such act.

Sec. 179. Section 1, chapter 39, Laws of 1975 and RCW 69.04.930 are each amended to read as follows:

It shall be unlawful for any person to sell at retail or display for sale at retail any food fish or shellfish as defined in RCW (~~(75.04.040 as now or hereafter amended)~~) 75.08.011, any meat capable of use as human food as

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

Sec. 180. Section 1, chapter 98, Laws of 1980 and RCW 82.27.010 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Food fish and shellfish" has the meaning ascribed to it by RCW ~~((75.04.040))~~ 75.08.011 and includes byproducts and also parts of food fish and shellfish, whether fresh, frozen, canned, or otherwise.

(2) "~~Commercial ((purposes" has the meaning ascribed to it by RCW 75.04.080))~~" means related to or connected with buying, selling, or bartering.

(3) "Possession" means the control of food fish and shellfish by the owner and includes both actual and constructive possession. Constructive possession occurs when the person has legal ownership but not actual possession of the food fish or shellfish.

Sec. 181. Section 124, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.94.390 are each amended to read as follows:

The following described tidelands, being public lands of the state, are withdrawn from sale or lease and reserved as public areas for recreational use and for the taking of fish and shellfish for personal use as defined in RCW ~~((75.04.070))~~ 75.08.011:

Parcel No. 1. (Point Whitney) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to or abutting upon lots 3, 4, and 5, section 7, township 26 north, range 1 west, W.M., with a frontage of 72.45 lineal chains, more or less.

Excepting, however, those portions of the above described tidelands of the second class conveyed to the state of Washington, department of fisheries and game through deed issued May 14, 1925, under application No. 8136, records of department of public lands.

Parcel No. 2. (Point Whitney) The tidelands of the second class lying below the line of mean low tide, owned by the state of Washington, situate in front of lot 1, section 6, township 26 north, range 1 west, W.M., with a frontage of 21.00 lineal chains, more or less; also

The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to or abutting upon lots 6 and 7, and that portion of lot 5, section 1, township 26 north, range 1 west, W.M., lying south of a line running due west from a point on the government meander line which is S 22° E 1.69 chains from an angle point in said meander line which is S 15° W 1.20 chains, more or less, from the point of intersection of the north line of said lot 5 and said meander line, with a frontage of 40.31 lineal chains, more or less.

Parcel No. 3. (Toandos Peninsula) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 2, and 3, section 5, lots 1, 2, and 3, section 4, and lot 1, section 3, all in township 25 north, range 1 west, W.M., with a frontage of 158.41 lineal chains, more or less.

Parcel No. 4. (Shine) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 2, 3 and that portion of lot 4 lying north of the south 8.35 chains thereof as measured along the government meander line, all in section 35, township 28 north, range 1 east, W.M., with a frontage of 76.70 lineal chains, more or less.

Subject to an easement for right of way for county road granted to Jefferson county December 8, 1941 under application No. 1731, records of department of public lands.

Parcel No. 5. (Lilliwaup) The tidelands of the second class, owned by the state of Washington, lying easterly of the east line of vacated state oyster reserve plat No. 133 produced southerly and situate in front of, adjacent to or abutting upon lot 9, section 30, lot 8, section 19 and lot 5 and the south 20 acres of lot 4, section 20, all in township 23 north, range 3 west, W.M., with a frontage of 62.46 lineal chains, more or less.

Subject to easements for rights of way for state road granted through the filing of state road plats No. 374 December 15, 1930, No. 661, March 29, 1949, and No. 666 August 25, 1949, records of department of public lands.

Parcel No. 6. (Nemah) Those portions of the tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 5, 6, and 7, section 3 and lots 1, 2, and 3, section 4, township 12 north, range 10 west, W.M., lots 1, 2, 3, and 4, section 34, section 27 and lots 1, 2, 3 and 4, section 28, township 13 north, range 10 west, W.M., lying easterly of the easterly line of the Nemah Oyster reserve and easterly of the easterly line of a tract of tidelands of the second class conveyed through deed issued July 28, 1938, pursuant to the provisions of chapter 24, Laws of 1895, under application No. 9731, with a frontage of 326.22 lineal chains, more or less.

Parcels No. 7 and 8. (Penn Cove) The unplatted tidelands of the first class, and tidelands of the second class, owned by the state of Washington,

situate in front of, adjacent to, or abutting upon lots 1 and 2, section 33, lots 1, 2, 3, and 4, section 32, lots 2 and 3 and the B.P. Barstow D.L.C. No. 49, sections 30 and 31 and that portion of the R.H. Lansdale D.L.C. No. 54 in section 30, lying west of the east 3.00 chains thereof as measured along the government meander line, all in township 32 north, range 1 east, W.M., with a frontage of 260.34 lineal chains, more or less.

Excepting, however, the tidelands above the line of mean low tide in front of said lot 1, section 32 which were conveyed as tidelands of the second class through deed issued December 29, 1908, application No. 4957, records of department of public lands.

Subject to an easement for right of way for transmission cable line granted to the United States of America Army Engineers June 7, 1943, under application No. 17511, records of department of public lands.

Parcel No. 9. (South of Penn Cove) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 2, 3 and 4, section 17 and lots 1, 2 and 3, section 20, township 31 north, range 2 east, W.M., with a frontage of 129.97 lineal chains, more or less.

Parcel No. 10. (Mud Bay—Lopez Island) The tidelands of the second class, owned by the state of Washington situate in front of, adjacent to, or abutting upon lots 5, 6 and 7, section 18, lot 5, section 7 and lots 3, 4, and 5, section 8, all in township 34 north, range 1 west, W.M., with a frontage of 172.11 lineal chains, more or less.

Excepting, however, any tideland of the second class in front of said lot 3, section 8 conveyed through deeds issued April 14, 1909, pursuant to the provisions of chapter 24, Laws of 1895, under application No. 4985, records of department of public lands.

Parcel No. 11. (Cattle Point) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lot 1, section 6, lots 1, 3, 4, 5, 6, 7, 8, 9, and 10, section 7, lots 1, 2, 3, 4, 5, 6 and 7, section 8 and lot 1, section 5, all in township 34 north, range 2 west, W.M., with a frontage of 463.88 lineal chains, more or less.

Excepting, however, any tidelands of the second class in front of said lot 10, section 7 conveyed through deed issued June 1, 1912, under application No. 6906, records of department of public lands.

Parcel No. 12. (Spencer Spit) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 3, and 4, section 7, and lot 5, section 18 all in township 35 north, range 1 west, W.M., with a frontage of 118.80 lineal chains, more or less.

NEW SECTION. Sec. 182. The following sections are hereby decodified: RCW 75.12.200, 75.12.300, 75.18.100, 75.25.010, 75.25.900, 75.25.910, 75.28.400, 75.28.450, 75.28.500, 75.28.600, 75.30.010, 75.48.010, 75.98.010, 75.98.020, 75.98.040, 75.98.050, and 75.98.060.

NEW SECTION. Sec. 183. This act shall not have the effect of terminating or in any way modifying any proceeding or liability, civil or criminal, which exists on the effective date of this act.

NEW SECTION. Sec. 184. The following acts or parts of acts are each repealed:

- (1) Section 75.04.020, chapter 12, Laws of 1955 and RCW 75.04.020;
- (2) Section 75.04.030, chapter 12, Laws of 1955 and RCW 75.04.030;
- (3) Section 75.04.040, chapter 12, Laws of 1955 and RCW 75.04.040;
- (4) Section 75.04.050, chapter 12, Laws of 1955 and RCW 75.04.050;
- (5) Section 75.04.060, chapter 12, Laws of 1955 and RCW 75.04.060;
- (6) Section 75.04.070, chapter 12, Laws of 1955, section 3, chapter 227, Laws of 1981 and RCW 75.04.070;

- (7) Section 75.04.080, chapter 12, Laws of 1955 and RCW 75.04.080;
 - (8) Section 75.04.090, chapter 12, Laws of 1955 and RCW 75.04.090;
 - (9) Section 75.04.100, chapter 12, Laws of 1955 and RCW 75.04.100;
- and

- (10) Section 75.04.110, chapter 12, Laws of 1955 and RCW 75.04.110.

NEW SECTION. Sec. 185. The following acts or parts of acts are each repealed:

- (1) Section 9, chapter 112, Laws of 1949 and RCW 75.08.021;
- (2) Section 4, chapter 112, Laws of 1949 and RCW 75.08.022;
- (3) Section 1, chapter 315, Laws of 1959 and RCW 75.08.027;
- (4) Section 75.08.030, chapter 12, Laws of 1955 and RCW 75.08.030;
- (5) Section 75.08.050, chapter 12, Laws of 1955 and RCW 75.08.050;
- (6) Section 18, chapter 327, Laws of 1977 ex. sess. and RCW 75.08.085;

- (7) Section 75.08.100, chapter 12, Laws of 1955 and RCW 75.08.100;
- (8) Section 75.08.140, chapter 12, Laws of 1955 and RCW 75.08.140;
- (9) Section 75.08.190, chapter 12, Laws of 1955 and RCW 75.08.190;
- (10) Section 13, chapter 207, Laws of 1953 and RCW 75.08.203;
- (11) Section 75.08.240, chapter 12, Laws of 1955 and RCW 75.08.240;
- (12) Section 75.08.250, chapter 12, Laws of 1955, section 34, chapter 106, Laws of 1973 and RCW 75.08.250;

- (13) Section 75.08.270, chapter 12, Laws of 1955 and RCW 75.08.270;
- and

- (14) Section 1, chapter 230, Laws of 1961 and RCW 75.08.290.

NEW SECTION. Sec. 186. The following acts or parts of acts are each repealed:

- (1) Section 75.12.050, chapter 12, Laws of 1955 and RCW 75.12.050;
- (2) Section 75.12.060, chapter 12, Laws of 1955 and RCW 75.12.060;
- (3) Section 75.12.080, chapter 12, Laws of 1955 and RCW 75.12.080;
- (4) Section 75.12.110, chapter 12, Laws of 1955 and RCW 75.12.110;
- (5) Section 3, chapter 276, Laws of 1955 and RCW 75.12.150;

- (6) Section 4, chapter 276, Laws of 1955 and RCW 75.12.160;
- (7) Section 4, chapter 108, Laws of 1957, section 1, chapter 234, Laws of 1963 and RCW 75.12.220;
- (8) Section 3, chapter 234, Laws of 1963 and RCW 75.12.232;
- (9) Section 6, chapter 108, Laws of 1957 and RCW 75.12.240;
- (10) Section 7, chapter 108, Laws of 1957 and RCW 75.12.250;
- (11) Section 8, chapter 108, Laws of 1957 and RCW 75.12.260;
- (12) Section 9, chapter 108, Laws of 1957 and RCW 75.12.270;
- (13) Section 26, chapter 309, Laws of 1959 and RCW 75.12.280; and
- (14) Section 1, chapter 227, Laws of 1981 and RCW 75.12.290.

NEW SECTION. Sec. 187. The following acts or parts of acts are each repealed:

- (1) Section 75.16.040, chapter 12, Laws of 1955 and RCW 75.16.040;
 - (2) Section 3, chapter 35, Laws of 1971 and RCW 75.16.110;
 - (3) Section 75.18.005, chapter 12, Laws of 1955 and RCW 75.18.005;
 - (4) Section 75.18.010, chapter 12, Laws of 1955 and RCW 75.18.010;
 - (5) Section 75.18.030, chapter 12, Laws of 1955 and RCW 75.18.030;
 - (6) Section 75.18.040, chapter 12, Laws of 1955 and RCW 75.18.040;
 - (7) Section 75.18.050, chapter 12, Laws of 1955 and RCW 75.18.050;
 - (8) Section 75.18.060, chapter 12, Laws of 1955 and RCW 75.18.060;
 - (9) Section 75.18.070, chapter 12, Laws of 1955 and RCW 75.18.070;
- and
- (10) Section 75.18.090, chapter 12, Laws of 1955 and RCW 75.18.090.

NEW SECTION. Sec. 188. The following acts or parts of acts are each repealed:

- (1) Section 75.20.010, chapter 12, Laws of 1955 and RCW 75.20.010;
- (2) Section 75.20.020, chapter 12, Laws of 1955 and RCW 75.20.020;
- (3) Section 75.20.030, chapter 12, Laws of 1955 and RCW 75.20.030;
- (4) Section 75.20.080, chapter 12, Laws of 1955 and RCW 75.20.080;
- (5) Section 2, chapter 4, Laws of 1961 and RCW 75.20.120;
- (6) Section 75.24.020, chapter 12, Laws of 1955 and RCW 75.24.020;
- (7) Section 75.24.040, chapter 12, Laws of 1955 and RCW 75.24.040;
- (8) Section 3, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.030;
- (9) Section 5, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.050;
- (10) Section 6, chapter 243, Laws of 1979 ex. sess. and RCW 75.25-.060; and
- (11) Section 7, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.070.

NEW SECTION. Sec. 189. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 171, Laws of 1957, section 3, chapter 309, Laws of 1959, section 3, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.013;
- (2) Section 75.28.050, chapter 12, Laws of 1955 and RCW 75.28.050;

(3) Section 1, chapter 40, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.083;

(4) Section 6, chapter 309, Laws of 1959, section 6, chapter 283, Laws of 1971 ex. sess., section 2, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.087;

(5) Section 2, chapter 60, Laws of 1979 and RCW 75.28.097;

(6) Section 75.28.150, chapter 12, Laws of 1955, section 14, chapter 309, Laws of 1959, section 6, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.150;

(7) Section 75.28.160, chapter 12, Laws of 1955, section 15, chapter 309, Laws of 1959, section 7, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.160;

(8) Section 75.28.170, chapter 12, Laws of 1955, section 16, chapter 309, Laws of 1959, section 8, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.170;

(9) Section 75.28.180, chapter 12, Laws of 1955, section 17, chapter 309, Laws of 1959, section 9, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.180;

(10) Section 75.28.190, chapter 12, Laws of 1955, section 18, chapter 309, Laws of 1959, section 10, chapter 73, Laws of 1965 ex. sess., section 9, chapter 283, Laws of 1971 ex. sess., section 8, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.190;

(11) Section 75.28.210, chapter 12, Laws of 1955, section 19, chapter 309, Laws of 1959, section 11, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.210;

(12) Section 75.28.220, chapter 12, Laws of 1955, section 20, chapter 309, Laws of 1959, section 12, chapter 73, Laws of 1965 ex. sess., section 10, chapter 283, Laws of 1971 ex. sess., section 9, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.220;

(13) Section 75.28.230, chapter 12, Laws of 1955, section 21, chapter 309, Laws of 1959, section 13, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.230;

(14) Section 75.28.240, chapter 12, Laws of 1955, section 22, chapter 309, Laws of 1959, section 14, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.240;

(15) Section 75.28.250, chapter 12, Laws of 1955, section 23, chapter 309, Laws of 1959, section 15, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.250;

(16) Section 75.28.260, chapter 12, Laws of 1955, section 24, chapter 309, Laws of 1959, section 16, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.260;

(17) Section 75.28.270, chapter 12, Laws of 1955, section 25, chapter 309, Laws of 1959, section 17, chapter 73, Laws of 1965 ex. sess., section 2, chapter 133, Laws of 1980 and RCW 75.28.270;

- (18) Section 3, chapter 133, Laws of 1980 and RCW 75.28.274;
- (19) Section 5, chapter 133, Laws of 1980 and RCW 75.28.276;
- (20) Section 6, chapter 133, Laws of 1980 and RCW 75.28.277;
- (21) Section 9, chapter 212, Laws of 1955, section 2, chapter 253, Laws of 1969 ex. sess. and RCW 75.28.281;
- (22) Section 6, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.283;
- (23) Section 12, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.375;
- (24) Section 3, chapter 40, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.377;
- (25) Section 1, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.390;
- (26) Section 3, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.410;
- (27) Section 5, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.430;
- (28) Section 2, chapter 104, Laws of 1974 ex. sess. and RCW 75.28.440;
- (29) Section 4, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.465;
- (30) Section 6, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.470;
- (31) Section 7, chapter 184, Laws of 1974 ex. sess., section 171, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.475;
- (32) Section 9, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.480;
- (33) Section 7, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.525;
- (34) Section 14, chapter 327, Laws of 1977 ex. sess. and RCW 75.28-.640; and
- (35) Section 1, chapter 113, Laws of 1980 and RCW 75.28.800.

NEW SECTION. Sec. 190. The following acts or parts of acts are each repealed:

- (1) Section 3, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.030;
- (2) Section 4, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.040;
- (3) Section 3, chapter 101, Laws of 1979 and RCW 75.30.080;
- (4) Section 75.36.020, chapter 12, Laws of 1955 and RCW 75.36.020;
- (5) Section 75.40.050, chapter 12, Laws of 1955, section 1, chapter 100, Laws of 1977 ex. sess. and RCW 75.40.050;
- (6) Section 75.40.070, chapter 12, Laws of 1955 and RCW 75.40.070;
- (7) Section 1, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.010;

(8) Section 3, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.020;

(9) Section 4, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.030;

(10) Section 5, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.040;

(11) Section 6, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.050;

(12) Section 7, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.060;

(13) Section 8, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.070; and

(14) Section 9, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.080.

NEW SECTION. Sec. 191. This act shall take effect on January 1, 1984.

NEW SECTION. Sec. 192. INDEX.

(For informational purposes only)

- 75.04.010 sec. 4; recodified as 75.08.011
- 75.04.020 repealed
- 75.04.030 repealed
- 75.04.040 repealed
- 75.04.050 repealed
- 75.04.060 repealed
- 75.04.070 repealed
- 75.04.080 repealed
- 75.04.090 repealed
- 75.04.100 repealed
- 75.04.110 repealed

- 75.08.010 sec. 2
- 75.08.011 sec. 4; formerly 75.04.010
- 75.08.012 sec. 5
- 75.08.014 sec. 6
- 75.08.020 sec. 7
- 75.08.021 repealed
- 75.08.022 repealed
- 75.08.024 sec. 22; recodified as 75.08.208
- 75.08.025 sec. 8
- 75.08.027 repealed
- 75.08.030 repealed
- 75.08.040 sec. 9
- 75.08.045 sec. 11; formerly 75.16.050

75.08.050	repealed
75.08.054	sec. 87; recodified as 75.24.110
75.08.055	sec. 12; formerly 75.16.060
75.08.056	sec. 88; recodified as 75.24.120
75.08.060	sec. 89; recodified as 75.24.130
75.08.065	sec. 13; formerly 75.16.070
75.08.070	sec. 14
75.08.080	sec. 15
75.08.085	repealed
75.08.090	sec. 16
75.08.100	repealed
75.08.110	sec. 17
75.08.120	sec. 18
75.08.130	sec. 66; recodified as 75.12.410
75.08.140	repealed
75.08.150	sec. 32; recodified as 75.10.010
75.08.160	sec. 19
75.08.170	sec. 33; recodified as 75.10.020
75.08.180	sec. 40; recodified as 75.10.090
75.08.190	repealed
75.08.200	sec. 35; recodified as 75.10.040
75.08.203	repealed
75.08.206	sec. 20
75.08.208	sec. 22; formerly 75.08.024
75.08.210	sec. 67; recodified as 75.12.420
75.08.220	sec. 68; recodified as 75.12.430
75.08.230	sec. 23
75.08.240	repealed
75.08.245	sec. 25; formerly 75.16.120
75.08.250	repealed
75.08.255	sec. 26; formerly 75.12.130
75.08.260	sec. 42; recodified as 75.10.110
75.08.265	sec. 27; formerly 75.12.310
75.08.270	repealed
75.08.274	sec. 28; formerly 75.16.010
75.08.275	sec. 41; recodified as 75.10.100
75.08.280	sec. 36; recodified as 75.10.050
75.08.285	sec. 29; formerly 75.16.030
75.08.290	repealed
75.08.295	sec. 30; formerly 75.16.020
75.10.010	sec. 32; formerly 75.08.150
75.10.020	sec. 33; formerly 75.08.170
75.10.030	sec. 34; formerly 75.36.010
75.10.040	sec. 35; formerly 75.08.200

75.10.050	sec. 36; formerly 75.08.280
75.10.060	sec. 37; formerly 75.36.040
75.10.070	sec. 38; formerly 75.36.030
75.10.080	sec. 39; formerly 75.36.050
75.10.090	sec. 40; formerly 75.08.180
75.10.100	sec. 41; formerly 75.08.275
75.10.110	sec. 42; formerly 75.08.260
75.10.120	sec. 43; formerly 75.28.380
75.10.130	sec. 44; formerly 75.28.384
75.10.140	sec. 45; formerly 75.28.288
75.12.010	sec. 46
75.12.015	sec. 48; formerly 75.18.020
75.12.020	sec. 49
75.12.031	sec. 51; formerly 75.20.070
75.12.040	sec. 52
75.12.050	repealed
75.12.060	repealed
75.12.070	sec. 53
75.12.080	repealed
75.12.090	sec. 54
75.12.100	sec. 55
75.12.110	repealed
75.12.115	sec. 56
75.12.120	sec. 57
75.12.125	sec. 58
75.12.130	sec. 26; recodified as 75.08.255
75.12.140	sec. 59
75.12.150	repealed
75.12.160	repealed
75.12.200	decodified
75.12.210	sec. 60
75.12.220	repealed
75.12.230	sec. 61
75.12.232	repealed
75.12.240	repealed
75.12.250	repealed
75.12.260	repealed
75.12.270	repealed
75.12.280	repealed
75.12.290	repealed
75.12.300	sec. 62; decodified
75.12.310	sec. 27; recodified as 75.08.265
75.12.320	sec. 63
75.12.400	sec. 64

75.12.410	.....	sec. 66; formerly 75.08.130
75.12.420	.....	sec. 67; formerly 75.08.210
75.12.430	.....	sec. 68; formerly 75.08.220
75.12.650	.....	sec. 69
75.16.010	.....	sec. 28; recodified as 75.08.274
75.16.020	.....	sec. 30; recodified as 75.08.295
75.16.030	.....	sec. 29; recodified as 75.08.285
75.16.040	.....	repealed
75.16.050	.....	sec. 11; recodified as 75.08.045
75.16.060	.....	sec. 12; recodified as 75.08.055
75.16.070	.....	sec. 13; recodified as 75.08.065
75.16.100	.....	sec. 124; recodified as 75.28.265
75.16.110	.....	repealed
75.16.120	.....	sec. 25; recodified as 75.08.245
75.18.005	.....	repealed
75.18.010	.....	repealed
75.18.020	.....	sec. 48; recodified as 75.12.015
75.18.030	.....	repealed
75.18.040	.....	repealed
75.18.050	.....	repealed
75.18.060	.....	repealed
75.18.070	.....	repealed
75.18.080	.....	sec. 115; recodified as 75.28.113
75.18.090	.....	repealed
75.18.100	.....	decodified
75.18.110	.....	sec. 173; recodified as 75.48.120
75.20.010	.....	repealed
75.20.020	.....	repealed
75.20.030	.....	repealed
75.20.040	.....	sec. 70
75.20.050	.....	sec. 71
75.20.060	.....	sec. 72
75.20.061	.....	sec. 73
75.20.070	.....	sec. 51; recodified as 75.12.031
75.20.080	.....	repealed
75.20.090	.....	sec. 74
75.20.100	.....	sec. 75
75.20.110	.....	sec. 76
75.20.120	.....	repealed
75.20.300	.....	sec. 77
75.24.010	.....	sec. 78
75.24.020	.....	repealed

75.24.030	.....	sec. 79
75.24.040	.....	repealed
75.24.050	.....	sec. 80
75.24.060	.....	sec. 81
75.24.070	.....	sec. 82
75.24.080	.....	sec. 83
75.24.090	.....	sec. 84
75.24.100	.....	sec. 85
75.24.110	.....	sec. 87; formerly 75.08.054
75.24.120	.....	sec. 88; formerly 75.08.056
75.24.130	.....	sec. 89; formerly 75.08.060
75.25.010	.....	decodified
75.25.020	.....	sec. 90
75.25.030	.....	repealed
75.25.040	.....	sec. 91
75.25.050	.....	repealed
75.25.060	.....	repealed
75.25.070	.....	repealed
75.25.080	.....	sec. 92
75.25.100	.....	sec. 94; formerly 75.28.610
75.25.110	.....	sec. 95; formerly 75.28.630
75.25.120	.....	sec. 96; formerly 75.28.670
75.25.130	.....	sec. 97; formerly 75.28.620
75.25.140	.....	sec. 98; formerly 75.28.650
75.25.150	.....	sec. 99
75.25.160	.....	sec. 100; formerly 75.28.660
75.25.900	.....	decodified
75.25.910	.....	decodified
75.28.010	.....	sec. 101
75.28.012	.....	sec. 102
75.28.013	.....	repealed
75.28.014	.....	sec. 103
75.28.020	.....	sec. 104
75.28.030	.....	sec. 105
75.28.035	.....	sec. 107; formerly 75.28.100
75.28.040	.....	sec. 108
75.28.050	.....	repealed
75.28.060	.....	sec. 109
75.28.070	.....	sec. 110
75.28.081	.....	sec. 111
75.28.083	.....	repealed
75.28.085	.....	sec. 119; recodified as 75.28.125
75.28.087	.....	repealed

75.28.095	.....	sec. 112
75.28.097	.....	repealed
75.28.100	.....	sec. 107; recodified as 75.28.035
75.28.110	.....	sec. 113
75.28.113	.....	sec. 115; formerly 75.18.080
75.28.116	.....	sec. 116; formerly 75.28.460
75.28.120	.....	sec. 117
75.28.125	.....	sec. 119; formerly 75.28.085
75.28.130	.....	sec. 120
75.28.140	.....	sec. 121
75.28.150	.....	repealed
75.28.160	.....	repealed
75.28.170	.....	repealed
75.28.180	.....	repealed
75.28.190	.....	repealed
75.28.210	.....	repealed
75.28.220	.....	repealed
75.28.230	.....	repealed
75.28.240	.....	repealed
75.28.250	.....	repealed
75.28.255	.....	sec. 122
75.28.260	.....	repealed
75.28.265	.....	sec. 124; formerly 75.16.100
75.28.270	.....	repealed
75.28.274	.....	repealed
75.28.275	.....	sec. 147; recodified as 75.30.130
75.28.276	.....	repealed
75.28.277	.....	repealed
75.28.280	.....	sec. 125
75.28.281	.....	repealed
75.28.282	.....	sec. 126
75.28.283	.....	repealed
75.28.285	.....	sec. 127
75.28.286	.....	sec. 129
75.28.287	.....	sec. 130
75.28.288	.....	sec. 45; recodified as 75.10.140
75.28.290	.....	sec. 131
75.28.300	.....	sec. 132
75.28.350	.....	sec. 133
75.28.370	.....	sec. 134
75.28.375	.....	repealed
75.28.377	.....	repealed
75.28.380	.....	sec. 43; recodified as 75.10.120
75.28.384	.....	sec. 44; recodified as 75.10.130

75.28.390	repealed
75.28.400	sec. 135; decodified
75.28.410	repealed
75.28.420	sec. 148; recodified as 75.30.140
75.28.430	repealed
75.28.440	repealed
75.28.450	sec. 136; decodified
75.28.455	sec. 146; recodified as 75.30.120
75.28.460	sec. 116; recodified as 75.28.116
75.28.465	repealed
75.28.470	repealed
75.28.475	repealed
75.28.480	repealed
75.28.500	decodified
75.28.505	sec. 155; recodified as 75.44.100
75.28.510	sec. 156; recodified as 75.44.110
75.28.515	sec. 157; recodified as 75.44.120
75.28.520	sec. 158; recodified as 75.44.130
75.28.525	repealed
75.28.530	sec. 159; recodified as 75.44.140
75.28.535	sec. 160; recodified as 75.44.150
75.28.540	sec. 161; recodified as 75.44.160
75.28.600	decodified
75.28.610	sec. 94; recodified as 75.25.100
75.28.620	sec. 97; recodified as 75.25.130
75.28.630	sec. 95; recodified as 75.25.110
75.28.640	repealed
75.28.650	sec. 98; recodified as 75.25.140
75.28.660	sec. 100; recodified as 75.25.160
75.28.670	sec. 96; recodified as 75.25.120
75.28.690	sec. 137
75.28.800	repealed
75.30.010	decodified
75.30.020	sec. 141; recodified as 75.30.065
75.30.030	repealed
75.30.040	repealed
75.30.050	sec. 138
75.30.060	sec. 139
75.30.065	sec. 141; formerly 75.30.020
75.30.070	sec. 142
75.30.080	repealed
75.30.090	sec. 143
75.30.100	sec. 144
75.30.120	sec. 146; formerly 75.28.455

- 75.30.130 sec. 147; formerly 75.28.275
- 75.30.140 sec. 148; formerly 75.28.420

- 75.36.010 sec. 34; recodified as 75.10.030
- 75.36.020 repealed
- 75.36.030 sec. 38; recodified as 75.10.070
- 75.36.040 sec. 36; recodified as 75.10.060
- 75.36.050 sec. 39; recodified as 75.10.080

- 75.40.010 sec. 149
- 75.40.020 sec. 150
- 75.40.030 sec. 151
- 75.40.040 sec. 152
- 75.40.050 repealed
- 75.40.060 sec. 153
- 75.40.070 repealed

- 75.44.010 repealed
- 75.44.020 repealed
- 75.44.030 repealed
- 75.44.040 repealed
- 75.44.050 repealed
- 75.44.060 repealed
- 75.44.070 repealed
- 75.44.080 repealed
- 75.44.100 sec. 155; formerly 75.28.505
- 75.44.110 sec. 156; formerly 75.28.510
- 75.44.120 sec. 157; formerly 75.28.515
- 75.44.130 sec. 158; formerly 75.28.520
- 75.44.140 sec. 159; formerly 75.28.530
- 75.44.150 sec. 160; formerly 75.28.535
- 75.44.160 sec. 161; formerly 75.28.540

- 75.48.010 decodified
- 75.48.020 sec. 162
- 75.48.030 sec. 163
- 75.48.040 sec. 164
- 75.48.050 sec. 165
- 75.48.060 sec. 166
- 75.48.070 sec. 167
- 75.48.080 sec. 168
- 75.48.090 sec. 169
- 75.48.100 sec. 170
- 75.48.110 sec. 171
- 75.48.120 sec. 173; formerly 75.18.110

- 75.98.010 decodified

75.98.020 decodified
 75.98.030 sec. 174
 75.98.040 decodified
 75.98.050 decodified
 75.98.060 decodified

Passed the House May 10, 1983.
 Passed the Senate May 9, 1983.
 Approved by the Governor May 20, 1983.
 Filed in Office of Secretary of State May 20, 1983.

CHAPTER 47

[Senate Bill No. 3090]

STATE AGENCY EXPENDITURE REPORTING PROCEDURES

AN ACT Relating to budget and accounting; amending section 43.88.110, chapter 8, Laws of 1965 as last amended by section 1, chapter 15, Laws of 1982 2nd ex. sess. and RCW 43.88.110; adding new sections to chapter 43.88 RCW; repealing section 3, chapter 15, Laws of 1982 2nd ex. sess. and RCW 43.88.113; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 43.88.110, chapter 8, Laws of 1965 as last amended by section 1, chapter 15, Laws of 1982 2nd ex. sess. and RCW 43.88.110 are each amended to read as follows:

~~((Subdivisions (1) through (4) of))~~ This section sets forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch for public funds. Allotments of an appropriation for any fiscal period shall conform to the terms, limits, or conditions of the appropriation.

(1) Before the beginning of the fiscal period, all agencies shall submit to the governor a statement of proposed agency expenditures at such times and in such form as may be required by the governor. The statement of proposed expenditures shall show, among other things, the requested allotments of public funds for the ensuing fiscal period for the agency concerned on a monthly basis for the entire fiscal period. The governor shall review the requested allotments in the light of the agency's plan of work and, with the advice of the director of financial management, the governor may revise or alter agency allotments: PROVIDED, That revision of allotments shall not be made for agencies headed by elective officials pursuant to this subsection. The aggregate of the allotments for an appropriation shall not exceed the total appropriation.

(2) Except for the legislative and judicial branches of government, approved allotments may be revised during the course of the fiscal period in accordance with the regulations issued pursuant to this chapter. If at any

time during the fiscal period the governor shall ascertain that available revenues for the applicable period will be less than the respective appropriations, the governor shall revise the allotments concerned so as to prevent the making of expenditures in excess of available revenues. To the same end, the governor is authorized to withhold and to assign to, and to remove from, a reserve status any portion of an agency appropriation which in the governor's discretion is not needed for the allotment.

No expenditures shall be made from any portion of an appropriation which has been assigned to a reserve status except as provided in this section.

~~(3) ((Except as provided in RCW 43.88.113, for any allotment reduction necessary following adjournment sine die of the 1982 2nd ex. sess. of the legislature based upon the June 1982 office of financial management revenue forecast the governor shall be limited to a uniform percentage allotment reduction: PROVIDED, That the allotments to the superintendent of public instruction for support of state-wide programs shall not be reduced. The provisions of this subsection expire on October 1, 1982.~~

~~(4) Except as provided in subsection (3) of this section, the percentage of each agency's allotment assigned to a reserve status under subsection (2) of this section and RCW 43.88.112 may vary among agencies. As a result of any official office of financial management revenue forecast on or after July 30, 1982, for any allotment reduction, the maximum percentage reduction shall not exceed five percent for any given agency's biennial appropriation: PROVIDED, That the allotment reduction to the superintendent of public instruction for support of state-wide programs shall not exceed one percent of the biennial appropriation. If the percentage reduction for a particular agency is less than the maximum reduction applied to other agencies, the governor must declare an emergent need for the variance. The governor's declaration shall be based on one or more of the following reasons, and shall so state:~~

- ~~(a) The protection of public health and safety;~~
- ~~(b) The satisfaction of a constitutional requirement;~~
- ~~(c) The avoidance of a loss of revenue or the protection of a revenue source;~~
- ~~(d) The protection of basic education as provided in RCW 43.88.112.~~

~~The declaration shall be transmitted to the committees on ways and means of the senate and house of representatives twenty days prior to the effective date of the declaration. The declaration shall be considered ratified by the legislature unless changed by statute.~~

~~The provisions of this subsection expire December 31, 1982.~~

~~(5)) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter. The director of financial management shall monitor agency expenditures to~~

prevent spending patterns which inflate agency expenditures during the second year of a biennium.

((6)) (4) The director of financial management may exempt certain public funds from the allotment controls established under this chapter if it is not practical or necessary to allot the funds. Allotment control exemptions expire at the end of the fiscal biennium for which they are granted. The director of financial management shall report any exemptions granted under this subsection to the legislative fiscal committees.

NEW SECTION. Sec. 2. There is added to chapter 43.88 RCW a new section to read as follows:

Prior to January 15 of each year, each state agency shall separately itemize and submit to the secretary of the senate and chief clerk of the house any expenditures required to be made by the agency under any federal court order. The secretary and chief clerk shall transmit this information to the appropriate standing committees. In each instance, the legislature shall review the expenditures mandated by the federal court order with a view to determining whether the program affected by the court order should be continued or eliminated and funds for the program either appropriated or not appropriated accordingly.

**NEW SECTION. Sec. 3. There is added to chapter 43.88 RCW a new section to read as follows:*

The optional budget appendix containing a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes shall be no more detailed than the required budget document setting forth a proposal for expenditures in the ensuing fiscal period based upon anticipated revenues for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document.

*Sec. 3. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 4. Section 3, chapter 15, Laws of 1982 2nd ex. sess. and RCW 43.88.113 are each repealed.

**NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, except section 2 of this act which shall take effect July 1, 1983. This section shall not apply to section 2 of this act.*

*Sec. 5. was vetoed, see message at end of chapter.

Passed the Senate May 13, 1983.

Passed the House May 13, 1983.

Approved by the Governor May 20, 1983, with the exception of sections 3 and 5, which were vetoed.

Filed in Office of Secretary of State May 20, 1983.

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

"I am returning herewith, without my approval as to sections 3 and 5, Senate Bill No. 3090, entitled:

"AN ACT Relating to budgeting and accounting."

Section 3 requires that budget information submitted by the Governor cannot exceed the detail of the required budget developed under existing estimated revenues. That language, interpreted literally, would limit the Governor's ability to provide for legislative consideration various alternative budget and revenue proposal details. Statutory budget preparation requirements should be carefully considered in order to avoid conflicts with other provisions of chapter 43.88 RCW, the Budget and Accounting Act.

Section 5, an emergency clause, inadvertently included a specific effective date of July 1, 1983, for section 2. That effective date was intended for the repealer referenced in section 4.

With the exception of sections 3 and 5, which I have vetoed, Senate Bill No. 3090 is approved."

CHAPTER 48

[Engrossed House Bill No. 1094]

ELECTRICAL UTILITIES—CIVIL LIABILITY IMMUNITY—POLITICAL SUBDIVISIONS

AN ACT Relating to local government; adding a new section to chapter 35.21 RCW; adding a new section to chapter 54.12 RCW; adding a new section to chapter 87.03 RCW; and declaring an emergency.

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

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

Officials and employees of cities and towns shall be immune from civil liability for mistakes and errors of judgment in the good faith performance of acts within the scope of their official duties involving the exercise of judgment and discretion which relate solely to their responsibilities for electrical utilities. This grant of immunity shall not be construed as modifying the liability of the city or town.

NEW SECTION. Sec. 2. There is added to chapter 54.12 RCW a new section to read as follows:

Commissioners and employees of public utility districts shall be immune from civil liability for mistakes and errors of judgment in the good faith performance of acts within the scope of their official duties involving the exercise of judgment and discretion which relate solely to their responsibilities for electrical utilities. This grant of immunity shall not be construed as modifying the liability of the public utility district.

NEW SECTION. Sec. 3. There is added to chapter 87.03 RCW a new section to read as follows:

Directors and employees of irrigation districts shall be immune from civil liability for mistakes and errors of judgment in the good faith performance of acts within the scope of their official duties involving the exercise of judgment and discretion which relate solely to their responsibilities for electrical utilities. This grant of immunity shall not be construed as modifying the liability of the irrigation district.

NEW SECTION. Sec. 4. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 13, 1983.

Passed the Senate May 9, 1983.

Approved by the Governor May 23, 1983.

Filed in Office of Secretary of State May 23, 1983.

CHAPTER 49

[Engrossed Substitute House Bill No. 235]

RURAL ARTERIAL PROGRAM—TRANSPORTATION TAXATION

AN ACT Relating to transportation taxation; amending section 7, chapter 120, Laws of 1965 ex. sess. as amended by section 4, chapter 235, Laws of 1977 ex. sess. and RCW 36.78-.070; reenacting and amending section 36.81.121, chapter 4, Laws of 1963 as last amended by section 3, chapter 21, Laws of 1975 1st ex. sess. and by section 2, chapter 215, Laws of 1975 1st ex. sess. and RCW 36.81.121; amending section 46.68.090, chapter 12, Laws of 1961 as last amended by section 184, chapter 158, Laws of 1979 and RCW 46.68.090; amending section 33, chapter 83, Laws of 1967 ex. sess. as amended by section 16, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.270; amending section 8, chapter 5, Laws of 1979 and RCW 47.26.4252; amending section 10, chapter 315, Laws of 1981 and RCW 47.26.4254; amending section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 342, Laws of 1981 and RCW 82.36.010; amending section 1, chapter 28, Laws of 1974 ex. sess. as last amended by section 1, chapter 6, Laws of 1982 1st ex. sess. and RCW 82.36.020; amending section 6, chapter 317, Laws of 1977 ex. sess. as last amended by section 2, chapter 342, Laws of 1981 and RCW 82.36.025; amending section 82.36.100, chapter 15, Laws of 1961 as last amended by section 3, chapter 317, Laws of 1977 ex. sess. and RCW 82.36.100; amending section 3, chapter 22, Laws of 1963 ex. sess. as last amended by section 4, chapter 317, Laws of 1977 ex. sess. and RCW 82.37-.030; amending section 4, chapter 175, Laws of 1971 ex. sess. as last amended by section 3, chapter 40, Laws of 1979 and RCW 82.38.030; creating a new chapter in Title 36 RCW; providing an expiration date; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Rural arterial program" means improvement projects on those two systems of county roads in rural areas classified as major collectors and minor collectors in accordance with the federal functional classification system.

(2) "Rural area" means every area of the state outside of areas designated as urban areas by the state transportation commission with the approval of the secretary of the United States department of transportation in accordance with federal law.

(3) "Board" means the county road administration board created by RCW 36.78.030.

NEW SECTION. Sec. 2. There is created in the motor vehicle fund the rural arterial trust account. All moneys deposited in the motor vehicle fund to be credited to the rural arterial trust account shall be expended for the construction and improvement of county major and minor collectors in rural areas and for those expenses of the board associated with the administration of the rural arterial program.

NEW SECTION. Sec. 3. For the purpose of apportioning rural arterial trust account funds, the state is divided into five regions as follows:

(1) The Puget Sound region includes those areas within the counties of King, Pierce, and Snohomish.

(2) The northwest region includes those areas within the counties of Clallam, Jefferson, Island, Kitsap, San Juan, Skagit, and Whatcom.

(3) The northeast region includes those areas within the counties of Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman.

(4) The southeast region includes those areas within the counties of Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Klickitat, Walla Walla, and Yakima.

(5) The southwest region includes those areas within the counties of Clark, Cowlitz, Grays Harbor, Lewis, Mason, Pacific, Skamania, Thurston, and Wahkiakum.

NEW SECTION. Sec. 4. Funds available for expenditure by the board pursuant to section 2 of this act shall be apportioned to the five regions for expenditure upon county arterials in rural areas in the following manner:

(1) One-third in the ratio which the land area of the rural areas of each region bears to the total land area of all rural areas of the state;

(2) Two-thirds in the ratio which the mileage of county major and minor collectors in rural areas of each region bears to the total mileage of county major and minor collectors in all rural areas of the state.

The board shall adjust the schedule for apportionment of such funds to the five regions in the manner provided in this section before the commencement of each fiscal biennium.

NEW SECTION. Sec. 5. At the beginning of each fiscal biennium, the board shall establish apportionment percentages for the five regions defined in section 3 of this act in the manner prescribed in section 4 of this act for that biennium. The apportionment percentages shall be used once each calendar quarter by the board to apportion funds credited to the rural arterial trust account that are available for expenditure for rural major and minor collector projects. The funds so apportioned shall remain apportioned until expended on construction projects in accordance with rules of the board. Within each region, funds shall be allocated by the board to counties for the construction of specific rural arterial projects on major and minor collectors in accordance with the procedures set forth in this chapter.

NEW SECTION. Sec. 6. The board shall:

(1) Adopt rules necessary to implement the provisions of this chapter relating to the allocation of funds in the rural arterial trust account to counties;

(2) Adopt reasonably uniform design standards for county major and minor collectors that meet the requirements for trucks transporting commodities;

(3) Report biennially on the first day of November of the even-numbered years to the legislative transportation committee and the house and senate transportation committees regarding the progress of counties in developing plans for their rural major and minor collector construction programs and the allocation of rural arterial trust funds to the counties.

NEW SECTION. Sec. 7. The board may contract with the department of transportation to furnish any necessary staff services and facilities required in the administration of the rural arterial program. The cost of such services that are attributable to the rural arterial program, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060 of the members and all other lawful expenses of the board that are attributable to the rural arterial program, shall be paid from the rural arterial trust account in the motor vehicle fund.

NEW SECTION. Sec. 8. In preparing their respective six-year programs relating to rural arterial improvements, counties shall select specific priority improvement projects for each functional class of arterial based on the rating of each arterial section proposed to be improved in relation to other arterial sections within the same functional class, taking into account the following:

- (1) Its structural ability to carry loads imposed upon it;
- (2) Its capacity to move traffic at reasonable speeds;
- (3) Its adequacy of alignment and related geometrics;
- (4) Its accident experience; and
- (5) Its fatal accident experience.

The six-year construction programs shall remain flexible and subject to annual revision as provided in RCW 36.81.121.

NEW SECTION. Sec. 9. Whenever a rural arterial enters a city or town, the proper city or town and county officials shall jointly plan the improvement of the arterial in their respective long-range plans. Whenever a rural arterial connects with and will be substantially affected by a programmed construction project on a state highway, the proper county officials shall jointly plan the development of such arterial with the department of transportation district administrator. The board shall adopt rules encouraging the system development of county-city arterials in rural areas and rural arterials with state highways.

NEW SECTION. Sec. 10. Upon receipt of a county's revised six-year program, the board as soon as practicable shall review and may revise the construction program as it relates to rural arterials for which rural arterial trust account moneys are requested as necessary to conform to (1) the priority rating of the proposed project, based upon the factors in section 8 of this act, in relation to proposed projects in all other rural arterial construction programs submitted by the counties and within each region; and (2) the amount of rural arterial trust account funds that the board estimates will be apportioned to the region.

NEW SECTION. Sec. 11. The county road administration board and the urban arterial board shall jointly adopt rules to assure coordination of their respective programs especially with respect to projects proposed by the group of incorporated cities outside the boundaries of federally approved urban areas, and to encourage the system development of county-city arterials in rural areas.

NEW SECTION. Sec. 12. Counties receiving funds from the rural arterial trust account for construction of arterials shall provide such matching funds as established by rules recommended by the board, subject to review, revision, and final approval by the state transportation commission. Matching requirements shall be established after appropriate studies by the board, taking into account financial resources available to counties to meet arterial needs.

NEW SECTION. Sec. 13. Not later than November 1st of each even-numbered year the board shall prepare and present to the state transportation commission a recommended budget for expenditures from the rural arterial trust account during the ensuing biennium. The budget shall contain an estimate of the revenues to be credited to the rural arterial trust account.

The state transportation commission shall review the budget as recommended, revise the budget as it deems proper, and include the budget as revised as a separate section of the transportation budget which it shall submit to the governor pursuant to chapter 43.88 RCW.

NEW SECTION. Sec. 14. At the time the board reviews the six-year program of each county each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by section 13 of this act, the portion of the rural arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible approve rural arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to section 10 of this act. Only those counties that during the preceding twelve months have spent all revenues collected for road purposes only for such purposes, including traffic law enforcement, as are allowed to the state by Article II, section 40 of the state Constitution are eligible to receive funds from the rural arterial trust account. The board shall authorize rural arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve rural arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The board may, within the constraints of available rural arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting county that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the county was developed. The proposed projects shall be evaluated on the basis of the priority rating factors specified in section 8 of this act.

NEW SECTION. Sec. 15. Whenever the board approves a rural arterial project it shall determine the amount of rural arterial trust account funds to be allocated for such project. The allocation shall be based upon information contained in the six-year plan submitted by the county seeking approval of the project and upon such further investigation as the board deems necessary. The board shall adopt reasonable rules pursuant to which rural arterial trust account funds allocated to a project may be increased upon a subsequent application of the county constructing the project. The rules adopted by the board shall take into account, but shall not be limited to, the following factors: (1) The financial effect of increasing the original allocation for the project upon other rural arterial projects either approved or requested; (2) whether the project for which an additional allocation is requested can be reduced in scope while retaining a usable segment; (3) whether the original cost of the project shown in the applicant's six-year program was based upon reasonable engineering estimates; and (4) whether

the requested additional allocation is to pay for an expansion in the scope of work originally approved.

NEW SECTION. Sec. 16. Notwithstanding any other provisions of this chapter, for the period beginning July 1, 1983, and ending June 30, 1985, the county road administration board shall once each calendar quarter apportion the funds then credited to the rural arterial trust account among the five regions of the state defined in section 3 of this act. At any time after making the quarterly apportionment, the board may allocate the funds apportioned to each region to counties within the region for the construction of specific rural arterial projects. The board shall allocate such funds to the counties based upon the priority rating of proposed projects for which rural arterial trust account moneys are requested by the counties. The board shall determine the priority of specific improvement projects based upon the rating of each proposed improvement in relation to all other proposed improvements within each region, taking into account the factors defined in section 8 of this act. Rural arterial trust account funds allocated to specific improvement projects under this section shall be paid in the manner provided in section 17 of this act. The board shall adopt emergency rules subject to the approval of the transportation commission providing for the implementation of this section.

This section shall expire on June 30, 1985.

NEW SECTION. Sec. 17. (1) Upon completion of a preliminary proposal, the county submitting the proposal shall submit to the board its voucher for payment of the trust account share of the cost. Upon the completion of an approved rural arterial construction project, the county constructing the project shall submit to the board its voucher for the payment of the trust account share of the cost. The chairman of the board or his designated agent shall approve such voucher when proper to do so, for payment from the rural arterial trust account to the county submitting the voucher.

(2) The board may adopt rules providing for the approval of payments of funds in the rural arterial trust account to a county for costs of preliminary proposal, and costs of construction of an approved project from time to time as work progresses. These payments shall at no time exceed the rural arterial trust account share of the costs of construction incurred to the date of the voucher covering the payment.

NEW SECTION. Sec. 18. The legislative body of any county feeling aggrieved by any action or decision of the board with respect to this chapter may appeal to the secretary of transportation by filing a notice of appeal within ninety days after the action or decision of the board. The notice shall specify the action or decision of which complaint is made. The secretary shall fix a time for a hearing on the appeal at the earliest convenient time

and shall notify the county auditor and the chairman of the board by certified mail at least twenty days before the date of the hearing. At the hearing the secretary shall receive evidence from the county filing the appeal and from the board. After the hearing the secretary shall make such order as in the secretary's judgment is just and proper.

Sec. 19. Section 7, chapter 120, Laws of 1965 ex. sess. as amended by section 4, chapter 235, Laws of 1977 ex. sess. and RCW 36.78.070 are each amended to read as follows:

The county road administration board shall:

(1) Establish by ~~((regulation))~~ rule, standards of good practice for county road administration~~((:));~~;

(2) Establish reporting requirements for counties with respect to the standards of good practice adopted by the board~~((:));~~;

(3) Receive and review reports from counties and reports of the county road administration engineer to determine compliance with legislative directives and the standards of good practice adopted by the board~~((:));~~;

(4) Report annually on the first day of July to the state ~~((highway commission))~~ department of transportation, the legislative transportation committee, and the house and senate transportation committees on the status of county road administration in each county. The annual report shall contain recommendations for improving administration of the county road programs;

(5) Administer the rural arterial program established by sections 1 through 18 of this act.

Sec. 20. Section 36.81.121, chapter 4, Laws of 1963 as last amended by section 3, chapter 21, Laws of 1975 1st ex. sess. and by section 2, chapter 215, Laws of 1975 1st ex. sess. and RCW 36.81.121 are each reenacted and amended to read as follows:

(1) ~~((Prior to))~~ Before July ((+, 1968)) 1st of each year, the legislative authority of each county with the advice and assistance of the county road engineer, and pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive road program for the ensuing six calendar years. ~~((Such))~~ The program shall include proposed road and bridge construction work, and for those counties operating ferries shall also include a separate section showing proposed capital expenditures for ferries, docks, and related facilities. Copies of the program shall be filed with the county road administration board and with the ((director of highways)) state secretary of transportation not more than thirty days after its adoption by the legislative authority. ((Annually thereafter each legislative authority shall review the work accomplished under the program and determine current county road needs. Based on these findings each legislative authority shall prepare and after public hearing thereon adopt a revised and extended comprehensive road program, and each one year extension and revision shall be filed with the director of highways not more than thirty days after its

~~adoption by the legislative authority:))~~ The purpose of this section ~~((shall be))~~ is to assure that ~~((perpetually))~~ each county shall perpetually have available advanced plans~~((:))~~ looking to the future for not less than six years as a guide in carrying out a coordinated road construction program. ~~((Such))~~ The program may at any time be revised by a majority of the legislative authority but only after a public hearing thereon.

(2) The six-year program of each county having an urban area within its boundaries shall contain a separate section setting forth the six-year program for arterial road construction based upon its long-range construction plan and formulated in accordance with regulations of the urban arterial board. The six-year program for arterial road construction shall be submitted to the urban arterial board forthwith after its annual revision and adoption by the legislative authority of each county. The six-year program for arterial road construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority of each county may request for urban arterials only from the urban arterial trust account for the six-year period. The arterial road construction program shall provide for a more rapid rate of completion of the long-range construction needs of major arterial roads than for secondary and collector arterial roads, pursuant to regulations of the urban arterial board.

~~((2) On and after July 1, 1976))~~ (3) Each six-year program forwarded to the ~~((director))~~ secretary in compliance with subsection (1) of this section shall contain information as to how a county will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and equestrian purposes.

Sec. 21. Section 46.68.090, chapter 12, Laws of 1961 as last amended by section 184, chapter 158, Laws of 1979 and RCW 46.68.090 are each amended to read as follows:

All moneys ~~((which))~~ that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for the following purposes:

(1) For payment of refunds of motor vehicle fuel tax and special fuel tax ~~((which))~~ that has been paid and is refundable as provided by law;

(2) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, ~~((said))~~ which sums ~~((to))~~ shall be distributed monthly;

(3) For payments to the rural arterial trust account in the motor vehicle fund, an amount as provided in RCW 82.36.025(2);

(4) For payments to the urban arterial trust account in the motor vehicle fund, an amount as provided in RCW 82.36.025(3); and

(5) For expenditure for highway purposes of the state as defined in RCW 46.68.130, an amount as provided in RCW 82.36.025(4).

The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the special fuel tax and remaining after payments and expenditures as provided in subsections (1) ~~((and))~~, (2) ~~((above))~~, (3), (4), and (5) of this section shall, for the purposes of this chapter, be referred to as the "net tax amount~~(([±]))~~."

Sec. 22. Section 33, chapter 83, Laws of 1967 ex. sess. as amended by section 16, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.270 are each amended to read as follows:

Counties and cities receiving funds from the urban arterial trust account for construction of arterials shall provide such matching funds as shall be established by regulations recommended by the urban arterial board subject to review, revision, and final approval by the state ~~((highway))~~ transportation commission. Matching requirements shall be established after appropriate studies by the board taking into account (1) financial resources available to counties and cities to meet arterial needs, (2) the amounts and percentages of funds available for road or street construction traditionally expended by counties and cities on arterials, (3) in the case of counties, the relative needs of arterials lying outside urban areas, and (4) the requirements necessary to avoid diversion of funds traditionally expended for arterial construction to other street or road purposes or to nonhighway purposes: PROVIDED HOWEVER, That for projects funded subsequent to ~~((the effective date of this 1977 amendatory act, and prior to))~~ July 1, ~~((1983))~~ 1977, cities and counties may use as matching funds any moneys received from any source, except such moneys which by law may not be used for the purposes set forth in this chapter.

Sec. 23. Section 8, chapter 5, Laws of 1979 and RCW 47.26.4252 are each amended to read as follows:

Any funds required to repay the authorization of series II bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979, or the interest thereon when due, shall first be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund, subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979. If the moneys distributed to the urban arterial trust account shall ever be insufficient to repay the first authorization bonds together with interest thereon, and the series II bonds or the interest thereon when due, the amount required to make such payments on such bonds or interest thereon shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns

pursuant to RCW 46.68.100 as now existing or hereafter amended. Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues which are distributable to the state, counties, cities, and towns, shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds or series II and series III bonds or interest on those bond issues.

Sec. 24. Section 10, chapter 315, Laws of 1981 and RCW 47.26.4254 are each amended to read as follows:

(1) Any funds required to repay series III bonds authorized by RCW 47.26.420, or the interest thereon, when due shall first be taken from that portion of the motor vehicle fund (~~which~~) that results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW and (~~which~~) that is distributed to the urban arterial trust account in the motor vehicle fund, subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420. If the moneys so distributed to the urban arterial trust account, after first being applied to administrative expenses of the urban arterial board and to the requirements of bond retirement and payment of interest on first authorization bonds and series II bonds as provided in RCW 47.26.425 and 47.26.4252, are insufficient to meet the requirements for bond retirement or interest on any series III bonds, the amount required to make such payments on series III bonds or interest thereon shall next be taken from that portion of the motor vehicle fund (~~which~~) that results from the imposition of excise taxes on motor vehicle and special fuels and (~~which~~) that is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.100 (~~as now existing or hereafter amended~~), subject, however, to subsection (2) of this section.

(2) To the extent that moneys so distributed to the urban arterial trust account are insufficient to meet the requirements for bond retirement or interest on any series III bonds, sixty percent of the amount required to make such payments when due shall first be taken from that portion of the motor vehicle fund (~~which~~) that results from the imposition of excise taxes on motor vehicle and special fuels and (~~which~~) that is distributed to the state. The remaining forty percent shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the cities and towns pursuant to RCW 46.68.100(1) and to the counties pursuant to RCW 46.68.100(2). Of the counties', cities', and towns' share of any additional amounts required in the fiscal year ending June 30, (~~1982~~) 1984, fifteen percent shall be taken from the counties' distributive share and eighty-five percent from the cities' and towns' distributive share. Of the counties', cities', and towns' share of any additional amounts required in each fiscal year thereafter, the percentage thereof to be taken from the counties' distributive share and from the cities' and towns' distributive share shall correspond to

the percentage of funds authorized for specific county projects and for specific city and town projects, respectively, from the proceeds of series III bonds, for the period (~~after June 30, 1981, and~~) through the first eleven months of the prior fiscal year as determined by the chairman of the urban arterial board and reported to the state finance committee and the state treasurer not later than the first working day of June.

(3) Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues (~~(which)~~) that are distributable to the state, counties, cities, and towns shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds, series II bonds, or series III bonds or interest on these bonds.

Sec. 25. Section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 342, Laws of 1981 and RCW 82.36.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle (~~(which)~~) that is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber, or pneumatic rubber tires and capable of being moved ~~or~~ operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) "Motor vehicle fuel" means gasoline or any other inflammable gas(;) or liquid, by whatsoever name such gasoline, gas, or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles or motorboats;

(3) "Distributor" means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state;

(4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) "Department" means the department of licensing;

(6) "Director" means the director of licensing;

(7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;

(8) "Person" means every natural person, firm, partnership, association, or private or public corporation;

(9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;

(10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle

fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;

(11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;

(12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;

(13) "Bulk storage plant" means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;

(14) "Marine fuel dealer" means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway;

~~(15) ("Weighted average retail sales price of motor vehicle fuel" means the average retail sales price excluding any federal excise tax of the several grades of motor vehicle fuel (other than special fuels taxed pursuant to chapter 82.38 RCW) sold by service stations throughout the state (less any state excise taxes on the sale, distribution, or use thereof) weighted to reflect the quantities sold at each different price;~~

~~(16)) "Aggregate motor vehicle fuel tax revenues" means the amount of excise taxes to be paid by distributors, retailers, and users pursuant to chapters 82.36, 82.37, and 82.38 RCW((, as now or hereafter amended;)) for any designated fiscal period, whether or not such amounts are actually received by the department of licensing. The phrase does not include fines or penalties assessed for violations;~~

~~((17)) (16) "Fiscal year" means a twelve-month period ending June 30th;~~

~~((18) "Fiscal half-year" means a six-month period ending June 30th or December 31st;~~

~~(19)) (17) "State personal income" means the dollar amount published as total personal income of persons in the state for the calendar year by the United States department of commerce or its successor agency;~~

~~((20)) (18) "State personal income ratio" for any calendar year means that ratio expressed in percentage terms that is the sum of one hundred percent, plus seventy percent of the percentage increase or decrease in state personal income for the calendar year under consideration as compared to state personal income for the immediately preceding calendar year;~~

~~((21)) (19) "Motor vehicle fund revenue" means all state taxes, fees, and penalties deposited in the motor vehicle fund and all other state revenue required by statute to be deposited in the motor vehicle fund, but does not~~

include (a) moneys derived from nonfuel tax sources which are deposited directly in the several accounts, (b) interest deposited directly in the several accounts within the motor vehicle fund, (c) federal funds, (d) proceeds from the sale of bonds, or (e) reimbursements to the motor vehicle fund for services performed by the department of transportation for others.

(20) "Alcohol" means alcohol that is produced from renewable resources and is produced in this state or in a state that extends a tax exemption or credit for the sale of alcohol produced in this state for use in motor vehicle fuel that is at least equal to a tax exemption or credit for the sale of alcohol produced in the other state for use in motor vehicle fuel.

Sec. 26. Section 1, chapter 28, Laws of 1974 ex. sess. as last amended by section 1, chapter 6, Laws of 1982 1st ex. sess. and RCW 82.36.020 are each amended to read as follows:

Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director at a rate computed in the manner provided in RCW 82.36.025 for each gallon of motor vehicle fuel sold, distributed, or used by him in the state as well as on each gallon upon which he has assumed liability for payment of the tax under the provisions of RCW 82.36.100: PROVIDED, That under such regulations as the director may prescribe sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free of the tax. In the computation of the tax, one-quarter of one percent of the net gallonage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through handling. The tax imposed hereunder shall be in addition to any other tax required by law, and shall not be imposed under circumstances in which the tax is prohibited by the Constitution or laws of the United States. The tax herein imposed shall be collected and paid to the state but once in respect to any motor vehicle fuel. An invoice shall be rendered by a distributor to a purchaser for each distribution of motor vehicle fuel.

The proceeds of the motor vehicle fuel excise tax collected on the net gallonage after the deduction provided for herein and after the deductions for ~~((refunds and costs of collection))~~ payments and expenditures as provided in RCW 46.68.090 ~~((as now or hereafter amended))~~, shall be distributed as provided in RCW 46.68.100~~((as now or hereafter amended))~~.

Sec. 27. Section 6, chapter 317, Laws of 1977 ex. sess. as last amended by section 2, chapter 342, Laws of 1981 and RCW 82.36.025 are each amended to read as follows:

~~((1)) (a) During the fifth month of each fiscal half-year ending June 30th and December 31st of each year, the department of licensing shall compute a motor vehicle fuel tax rate to the nearest one-half cent per gallon of motor vehicle fuel by multiplying ten percent times the weighted average retail sales price of motor vehicle fuel, per gallon, sold within the state in the third month of such fiscal half-year. The department of licensing~~

shall determine the weighted average retail sales price of motor vehicle fuel by state-wide sampling and survey techniques designed to reflect such prices for the third month of such fiscal half-year. The department shall establish reasonable guidelines for its sampling and survey methods.

(b) Subject to provisions of subsections (2) and (3) of this section the excise tax rate computed in the manner provided in subsection (1) of this section shall apply to the sale, distribution, or use of motor vehicle fuel beginning the fiscal half-year following computation of the rate and shall remain in effect for each succeeding fiscal half-year until a subsequent computation requires a change in the rate. For the first fiscal half-year after June 30, 1981, the motor vehicle fuel tax shall be thirteen and one-half cents per gallon.

(2) (a) The motor vehicle fuel tax rate for any fiscal half-year shall not exceed sixteen cents per gallon nor exceed a rate as computed in this subsection:

(b) Each fiscal half-year at the time the department of licensing computes the excise tax rate for the ensuing fiscal half-year of a fiscal year, the department shall estimate the total aggregate motor vehicle fuel tax revenues and the total of all other state revenues which will accrue to the motor vehicle fund during the fiscal year. The estimated total aggregate motor vehicle fuel tax revenues for the fiscal year shall include those revenues which the department determines will accrue during the two fiscal half-years of the fiscal year, assuming the sale, distribution, and use of motor vehicle fuel and special fuel within the state for the two fiscal half-years of the fiscal year shall be at the same volume as during the fiscal half-year last ended, adjusted however for the historic variations in sales, distribution, and use according to half-yearly periods and for projected trends, and at the weighted average retail sales price of motor vehicle fuel as last determined by the department of licensing.) The motor vehicle fuel tax rate shall be computed as the sum of the tax rate provided in subsection (1) of this section and the additional tax rates provided in subsections (2) through (4) of this section.

(1) Except as required in subsection (5) of this section, a motor vehicle fuel tax rate of fifteen cents per gallon shall apply to the sale, distribution, or use of motor vehicle fuel from July 1, 1983, through June 30, 1984, and a motor vehicle fuel tax rate of seventeen cents per gallon shall apply thereafter.

(2) An additional motor vehicle fuel tax rate of one-third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) and (2) multiplied by the

additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the rural arterial trust account in the motor vehicle fund for expenditures under section 2 of this act.

(3) An additional motor vehicle fuel tax rate of one-third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) and (2) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the urban arterial trust account in the motor vehicle fund.

(4) An additional motor vehicle full tax rate of one-third cent per gallon shall be applied to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) and (2) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the motor vehicle fund to be expended for highway purposes of the state as defined in RCW 46.68.130.

(5) (a) Before the start of each fiscal year, the department of licensing shall estimate the total aggregate motor vehicle fuel tax revenues and the total of all other revenues that will accrue to the motor vehicle fund during the fiscal year. The estimated total of all other state revenues to accrue to the motor vehicle fund during the fiscal year shall include those revenues (other than the aggregate motor vehicle fuel tax revenues) which the department of transportation with the concurrence of the office of financial management determines will accrue during the (~~two fiscal half-years of the~~) fiscal year, assuming that collections of such revenues for the (~~two fiscal half-years of the~~) fiscal year shall be at the same level as during the fiscal (~~half-year~~) year just ended, adjusted however for historic variations in collections according to (~~half-yearly~~) yearly periods and for projected trends, but shall not include the proceeds of the sale of bonds, reimbursements to the motor vehicle fund for services performed by the department of transportation for others, moneys derived from nonfuel tax sources (~~which~~) that are deposited directly in the several accounts within the motor vehicle fund, interest deposited directly in the several accounts within the motor vehicle fund, nor federal funds. The estimated total aggregate motor vehicle fuel tax revenues for the fiscal year shall include those revenues that the department of licensing determines will accrue during the fiscal year, assuming the sale, distribution, and use of motor vehicle fuel and special fuel within the state for the fiscal year will be at the same volume as during the fiscal year last ended, adjusted however for the historic variations in sales, distribution, and use according to yearly periods and for projected trends.

~~((c))~~ (b) If the estimated aggregate motor fuel tax revenues plus all other state revenues ~~((which))~~ that will accrue to the motor vehicle fund during a fiscal year as computed in ~~((b))~~ (a) of this subsection exceed the motor vehicle fund revenue limit in the fiscal year as computed in ~~((d))~~ (c) of this subsection, the rate of motor fuel tax ~~((computed as))~~ provided in subsection (1) of this section~~(3)~~ shall be reduced by one-half cent increments for the fiscal year only, commencing at the beginning of the ~~((en-suing))~~ fiscal ~~((half-year))~~ year, as may be necessary to reduce the estimated total revenues for the fiscal year to within the motor vehicle fund revenue limit.

~~((d))~~ (c) The motor vehicle fund revenue limit for any fiscal year shall be the previous fiscal year's motor vehicle fund revenue limit multiplied by the average state personal income ratio for the three calendar years immediately preceding the beginning of the fiscal year for which the limit is being computed. For purposes of computing the motor vehicle fund revenue limit for the fiscal year ending June 30, 1981, the phrase "the previous fiscal year's motor vehicle fund revenue limit" means the motor vehicle fund revenue collected in the fiscal year ending June 30, 1979, multiplied by the average state personal income ratio for the calendar years 1976, 1977, and 1978.

~~((3))~~ Notwithstanding any other provisions of this section the excise tax rate for any fiscal half-year shall not be less than twelve cents per gallon:

~~(4)~~ Notwithstanding any other provision of this section, the maximum tax rate which may be applied during any fiscal year shall not exceed the tax rate in effect on June 30 of the prior fiscal year plus two cents per gallon:

~~((5))~~ (6) The legislative transportation committee shall study and analyze each biennium the financial condition of the motor vehicle fund and accounts thereof with particular emphasis on RCW 82.36.010 and 82.36.025.

Sec. 28. Section 82.36.100, chapter 15, Laws of 1961 as last amended by section 3, chapter 317, Laws of 1977 ex. sess. and RCW 82.36.100 are each amended to read as follows:

Every person other than a distributor who acquires any motor vehicle fuel within this state upon which payment of tax is required under the provisions of this chapter, or imports such motor vehicle fuel into this state and sells, distributes, or in any manner uses it in this state shall, if the tax has not been paid, apply for a license to carry on such activities, file bond, make reports, comply with all regulations the director may prescribe in respect thereto, and pay an excise tax at the rate computed in the manner provided in RCW 82.36.025 for each gallon thereof so sold, distributed, or used during the fiscal ~~((half-year))~~ year for which such rate is applicable in the manner provided for distributors, and the director shall issue a license to such person in the manner provided for issuance of licenses to distributors.

The proceeds of the tax imposed by this section shall be distributed in the manner provided for the distribution of the motor vehicle fuel excise tax in RCW 82.36.020 (~~as now or hereafter amended~~). However, a distributor licensed under (~~the provisions of~~) this chapter may deliver motor vehicle fuel to an importer in individual quantities of five hundred gallons or less and assume the liability for payment of the tax to this state. Under such conditions, the importer (~~shall be~~) is exempt from the requirements of this section. For failure to comply with (~~the terms of~~) this chapter such person (~~shall be~~) is subject to the same penalties imposed upon distributors. The director shall pursue against such persons the same procedure and remedies for audits, adjustments, collection, and enforcement of this chapter as is provided with respect to distributors. Nothing (~~herein shall~~) in this section may be construed as classifying such persons as distributors.

Sec. 29. Section 3, chapter 22, Laws of 1963 ex. sess. as last amended by section 4, chapter 317, Laws of 1977 ex. sess. and RCW 82.37.030 are each amended to read as follows:

In consideration of the use of the public highways of this state, motor carriers who import motor vehicle fuel into the state of Washington in the fuel supply tank or tanks of commercial motor vehicles for use in propelling (~~said~~) those vehicles on (~~said~~) the highways (~~shall be~~) are subject to a tax for such use of the highways as hereinafter provided. A tax at the rate computed in the manner provided in RCW 82.36.025 per gallon is hereby imposed upon every motor carrier measured and determined by the number of gallons of motor vehicle fuel so imported and actually used by (~~such~~) the motor carrier in its operations within this state during the fiscal (~~half-year~~) year for which such rate is applicable.

Sec. 30. Section 4, chapter 175, Laws of 1971 ex. sess. as last amended by section 3, chapter 40, Laws of 1979 and RCW 82.38.030 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax at the rate computed in the manner provided in RCW 82.36.025 per gallon or each one hundred cubic feet of compressed natural gas measured at standard pressure and temperature on the use of special fuel in any motor vehicle operated upon the highways of this state during the fiscal (~~half-year~~) year for which such rate is applicable.

(2) (~~Said~~) The tax shall be collected by the special fuel dealer and shall be paid over to the department as hereinafter provided: (a) With respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles or into storage facilities used for the fueling of motor vehicles at unbonded service stations in this state; or (b) in all other transactions where the purchaser is not the holder of a valid special fuel license issued pursuant to this chapter allowing the purchase of untaxed special fuel.

(3) ((Said)) The tax shall be paid over to the department by the special fuel user as hereinafter provided with respect to the taxable use of special fuel upon which the tax has not previously been imposed.

It is expressly provided that delivery of special fuel may be made without collecting the tax otherwise imposed, when such deliveries are made by a bonded special fuel dealer to special fuel users who are authorized by the department as hereinafter provided, to purchase fuel without payment of tax to the bonded special fuel dealer.

NEW SECTION. Sec. 31. Sections 1 through 18 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 32. 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. 33. 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, 1983.

Passed the House May 17, 1983.

Passed the Senate May 11, 1983.

Approved by the Governor May 23, 1983.

Filed in Office of Secretary of State May 23, 1983.

CHAPTER 50

[Substitute House Bill No. 251]

WASHINGTON YOUTH EMPLOYMENT EXCHANGE

AN ACT Relating to employment and conservation; adding a new chapter to Title 50 RCW; creating new sections; providing an expiration date; and making an appropriation.

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

NEW SECTION. Sec. 1. The legislature finds that:

(1) The unemployment rate in the state of Washington is the highest since the great depression, with a significantly higher rate among Washington youth.

(2) The policy of the state is to conserve and protect its natural and urban resources, scenic beauty, and historical and cultural sites.

(3) It is in the public interest to target employment projects to those activities which have the greatest benefit to the local economy.

(4) There are many unemployed young adults without hope or opportunities for entrance into the labor force who are unable to afford higher education and who create a serious strain on tax revenues in community services.

(5) The severe cutbacks in community and human services funding leave many local community service agencies without the resources to provide necessary services to those in need.

(6) The talent and energy of Washington's unemployed young adults are an untapped resource which should be challenged to meet the serious shortage in community services and promote and conserve the valuable resources of the state.

Therefore, the legislature finds it necessary and in the public interest to enact the Washington youth employment and conservation act. As part of this act, the Washington youth employment exchange is established as an operating program of the employment security department. The legislature desires to facilitate the potential of youth to obtain available job opportunities in both public and private agencies.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commissioner" means the commissioner of the employment security department.

(2) "Department" means the employment security department.

(3) "Enrollees" means those persons who have completed enrollment forms, completed a work agreement, and who have entered into service following the approval of the director of the supervising agency.

(4) "Exchange" means the Washington youth employment exchange.

(5) "Work agreement" means the written agreement between the department, the enrollee and the supervising agency under this chapter for a period of up to eighteen months.

(6) "Supervising agencies" means those private or public agencies which develop and implement full-time service projects in which enrollees agree to participate.

(7) "Matching funds" means funding that is provided to the employment security department by agencies or individuals as financial support for a portion of the stipend or wage and benefits paid to the enrollee.

(8) "Financial support" means any thing of value contributed by agencies or individuals to the department for a youth employment project which is reasonably calculated to support directly the development and expansion of a particular program under this chapter and which represents an addition to any financial support previously or customarily provided by the individual or agency. "Financial support" includes, but is not limited to funds, equipment, facilities, and training.

(9) "Director" means the individual who shall serve as the director of the exchange.

NEW SECTION. Sec. 3. The Washington youth employment exchange is established within the employment security department. The commissioner shall:

(1) Appoint a director for the exchange and other personnel as necessary to carry out the purposes of this act;

(2) Coordinate youth employment and training efforts under the department's jurisdiction and cooperate with other agencies or departments providing youth services to ensure that funds appropriated for the purposes of this chapter will not be expended to duplicate existing services, but will increase the services of youth to the state;

(3) The employment security department is authorized to place subgrants with other federal, state, and local governmental agencies and private agencies to provide youth employment projects and to increase the numbers of youth employed;

(4) Determine appropriate financial support levels by private business, community groups, foundations, public agencies, and individuals which will provide matching funds for enrollees in service projects under work agreements. The matching funds requirement may be waived for public agencies or reduced for private agencies;

(5) Recruit enrollees who are residents of the state unemployed at the time of application and are at least eighteen years of age but not more than twenty-five years of age;

(6) Recruit supervising agencies to host the enrollees in full-time service activities which shall not exceed six months' duration, which may be extended for an additional six months by mutual consent;

(7) Assist supervising agencies in the development of scholarships and matching funds from private and public agencies, individuals, and foundations in order to support a portion of the enrollee's stipend and benefits;

(8) Develop general employment guidelines for placement of enrollees in supervising agencies to establish appropriate authority for hiring, firing, grievance procedures, and employment standards which are consistent with state and federal law;

(9) Match enrollees with appropriate public agencies and available service projects;

(10) Monitor enrollee activities for compliance with this chapter and compliance with work agreements;

(11) Assist enrollees in transition to employment upon termination from the programs, including such activities as orientation to the labor market, on-the-job training, and placement in the private sector.

NEW SECTION. Sec. 4. The commissioner may select and enroll in the Washington youth employment exchange program any person who is at least eighteen years of age but not more than twenty-five years of age, is a resident of the state, and who is not for medical, legal, or psychological reasons incapable of service. In the selection of enrollees of the exchange, preference shall be given to youths residing in areas, both urban and rural, in which there exists substantial unemployment above the state average.

Efforts shall be made to enroll youths who are economically, socially, physically, or educationally disadvantaged. The commissioner may prescribe such additional standards and procedures in consultation with supervising agencies as may be necessary in conformance with this chapter.

NEW SECTION. Sec. 5. The commissioner shall use existing local offices of the employment security department or contract with independent, private nonprofit agencies in a local community to establish the local youth employment exchange program and to insure coverage of the program state-wide. Each local youth employment exchange program shall maintain a list of available youth employment opportunities in the jurisdiction covered by the local office and the appropriate forms or work agreements to enable the youths to apply for employment in private or public supervising agencies.

NEW SECTION. Sec. 6. Placements in the Washington youth employment exchange shall be made in supervising agencies under work agreements as provided under this chapter and shall include those assignments which provide for addressing community needs and conservation problems and will assist the community in economic development efforts. Each work agreement shall:

(1) Demonstrate that the service project is appropriate for the enrollee's interests, skills, and abilities and that the project is designed to meet unmet community needs;

(2) Include a requirement of regular performance evaluation. This shall include clear work performance standards set by the supervising agency and procedures for identifying strengths, recommended improvement areas and conditions for probation or dismissal of the enrollee; and

(3) Include a commitment for partial financial support for the enrollee for a private industry, public agency, community group, or foundation. The commissioner may establish additional standards for the development of placements for enrollees with supervising agencies and assure that the work agreements comply with those standards. This section shall not apply to conservation corps programs established by chapter 43. __ RCW (chapter ... (2SSB 3624), Laws of 1983).

Agencies of the state may use the youth employment exchange for the purpose of employing youth qualifying under this chapter.

NEW SECTION. Sec. 7. The assignment of enrollees shall not result in the displacement of currently employed workers, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits. Supervising agencies that participate in the program may not terminate, lay-off, or reduce the working hours of any employee for the purpose of utilizing an enrollee with funds available. In circumstances where substantial efficiencies or a public purpose may result, supervising

agencies may utilize enrollees to carry out essential agency work or contractual functions without displacing current employees.

NEW SECTION. Sec. 8. The commissioner shall seek and may accept, on behalf of the youth employment exchange, charitable donations of cash and other assistance including, but not limited to, equipment and materials if the donations are available for appropriate use for the purposes set forth in this chapter.

NEW SECTION. Sec. 9. The commissioner may enter into income-generating projects with public or private organizations to further the purposes of this chapter. Moneys received from contractual projects qualifying under this chapter shall be deposited in the state general fund. This section does not apply to conservation corps programs established by chapter 43. RCW (chapter ... (2SSB 3624), Laws of 1983).

NEW SECTION. Sec. 10. All parties entering into work agreements under this chapter shall agree that they will not discriminate in the providing of any service on the basis of race, creed, ethnic origin, sex, age, or political affiliation.

NEW SECTION. Sec. 11. Not more than the federal minimum wage or subsistence living allowance, comprehensive medical insurance, and medical aid shall be paid for the enrollees in the youth employment exchange by the commissioner in accordance with the standards and limitations of the appropriation provided for this chapter. The department shall give notice of coverage to the director of labor and industries after enrollment. The department shall not be deemed an employer of an enrollee for any other purpose.

Other provisions of law relating to civil service, hours of work, rate of compensation, sick leave, unemployment compensation, state retirement plans, and vacation leave do not apply to enrollees.

NEW SECTION. Sec. 12. The services of enrollees placed with supervising agencies described in chapter 50.44 RCW are exempt from unemployment compensation coverage under RCW 50.44.040(5) and the enrollees shall be so advised by the department.

NEW SECTION. Sec. 13. In addition to any other power, duty, or function described by law or rule, the employment security department, through the program established under this chapter, may accept federal or private sector funds and grants and implement such programs relating to community services or employment programs and may enter into contracts respecting such funds or grants. The department may also use funds appropriated for the purposes of this chapter as matching funds for federal or private source funds to accomplish the purposes of this chapter.

NEW SECTION. Sec. 14. This chapter shall expire on July 1, 1987, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 15. The commissioner shall submit a report to the legislature by January 15, 1985, indicating the number of work agreements entered into and the number of young adults enrolled under this act.

NEW SECTION. Sec. 16. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this act is declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. Sections 1 through 14 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION. Sec. 19. There is hereby appropriated from the general fund to the employment security department for the biennium ending June 30, 1985, the sum of two million dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

Passed the House May 13, 1983.

Passed the Senate May 10, 1983.

Approved by the Governor May 23, 1983.

Filed in Office of Secretary of State May 23, 1983.

CHAPTER 51

[Engrossed Senate Bill No. 3760]

INDUSTRIAL PARKS AND RESEARCH INCLUDED IN INDUSTRIAL DEVELOPMENT FACILITIES DEFINITION

AN ACT Relating to local economic development; amending section 2, chapter 300, Laws of 1981 and RCW 39.84.020.

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

Sec. 1. Section 2, chapter 300, Laws of 1981 and RCW 39.84.020 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Board of directors" means the board of directors of a public corporation.

(2) "Construction" or "construct" means construction and acquisition, whether by devise, purchase, gift, lease, or otherwise.

(3) "Facilities" means land, rights in land, buildings, structures, docks, wharves, machinery, transmission equipment, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities.

(4) "Financing document" means a lease, sublease, installment sale agreement, conditional sale agreement, loan agreement, mortgage, deed of trust guaranty agreement, or other agreement for the purpose of providing funds to pay or secure debt service on revenue bonds.

(5) "Improvement" means reconstruction, remodeling, rehabilitation, extension, and enlargement; and "to improve" means to reconstruct, to remodel, to rehabilitate, to extend, and to enlarge.

(6) "Industrial development facilities" means manufacturing, processing, research, production, assembly, warehousing, transportation, pollution control, solid waste disposal, ~~((and))~~ energy facilities, and industrial parks.

(7) "Industrial park" means acquisition and development of land as the site for an industrial park. For the purposes of this chapter, "development of land" includes the provision of water, sewage, drainage, or similar facilities, or of transportation, energy, or communication facilities, which are incidental to the use of the site as an industrial park, but does not include the provision of structures or buildings.

(8) "Municipality" means a city, town, county, or port district of this state.

~~((#8))~~ (9) "Ordinance" means any appropriate method of taking official action or adopting a legislative decision by any municipality, whether known as a resolution, ordinance, or otherwise.

~~((#9))~~ (10) "Project costs" means costs of (a) acquisition, construction, and improvement of any facilities included in an industrial development facility; (b) architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, and construction of an industrial development facility, including costs of studies assessing the feasibility of an industrial development facility; (c) finance costs, including discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any trust agreement; (d) interest during construction and during the six months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves; (e) the refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and (f) other costs incidental to any of the costs listed in this section.

~~((#10))~~ (11) "Revenue bond" means a nonrecourse revenue bond, non-recourse revenue note, or other nonrecourse revenue obligation issued for the purpose of financing an industrial development facility on an interim or permanent basis.

((++)) (12) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and may include a party who transfers the right of use and occupancy to another party by lease, sublease, or otherwise.

Passed the Senate May 5, 1983.

Passed the House May 17, 1983.

Approved by the Governor May 23, 1983.

Filed in Office of Secretary of State May 23, 1983.

CHAPTER 52

[Substitute Senate Bill No. 4137]

CORRECTIONS—INMATE PERSONAL PROPERTY—PROCEDURES AND POLICIES—INSTITUTIONAL INDUSTRIES—INDUSTRIAL INSURANCE BENEFITS

AN ACT Relating to adult corrections; amending section 2, chapter 40, Laws of 1972 ex. sess. as last amended by section 102, chapter 136, Laws of 1981 and RCW 72.60.102; and adding a new chapter to Title 63 RCW.

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

NEW SECTION. Sec. 1. It is the intent of the legislature to relieve the department of corrections from unacceptable burdens of cost related to storage space and manpower in the preservation of inmate personal property if the property has been abandoned by the inmate and to enhance the security and safety of the institutions.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Secretary" means the secretary of the department of corrections or the secretary's designees.

(2) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes among others contraband and money.

(3) "Contraband" means all personal property including, but not limited to, alcoholic beverages and other items which a resident of a correctional institution may not have in the resident's possession, as defined in rules adopted by the secretary.

(4) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

(5) "Owner" means the inmate, the inmate's legal representative, or any person claiming through or under the inmate entitled to title and possession of the property.

(6) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

(7) "Inmate" means a person committed to the custody of the department of corrections or transferred from other states or the federal government.

(8) "Institutions" means those facilities set forth in RCW 72.01.050(2) and all community residential programs under the department's jurisdiction operated pursuant to chapter 72.65 RCW.

(9) "Department" means the department of corrections.

(10) "Illegal items" means those items unlawful to be possessed.

(11) "Nonprofit" has the meaning prescribed by state or federal law or rules.

NEW SECTION. Sec. 3. (1) All personal property, and any income or increment which has accrued thereon, held for the owner by an institution that has remained unclaimed for more than six months from the date the owner terminated without authorization from work training release, transferred to a different institution, or when the owner is unknown or deceased, from the date the property was placed in the custody of the institution, is presumed abandoned: PROVIDED, That the provisions of this section shall be extended for up to six months for any inmate, transferred to another institution, who has no recorded next of kin, or person to whom the unclaimed property can be sent.

(2) All personal property, and any income or increment which has accrued thereon, the inmate owner of which has been placed on escape status is presumed abandoned and shall be held for three months by the institution from which the inmate escaped. If the inmate owner remains on escape status for three months or if no other person claims ownership within three months, the property shall be disposed of as set forth in this chapter.

(3) All illegal items owned by and in the possession of an inmate shall be confiscated and held by the institution to which the inmate is assigned. Such items shall be held as required for evidence for law enforcement authorities. Illegal items not retained for evidence shall be destroyed.

NEW SECTION. Sec. 4. (1) All personal property, other than money, presumed abandoned shall be destroyed unless, in the opinion of the secretary, the property may be used or has value to a charitable or nonprofit organization, in which case the property may be donated to the organization. A charitable or nonprofit organization does not have a claim nor shall the department or any employee thereof be held liable to any charitable or nonprofit organization for property which is destroyed rather than donated or for the donation of property to another charitable or nonprofit organization.

(2) Money presumed abandoned under this chapter shall be paid into the revolving fund set up in accordance with RCW 9.95.360.

(3) The department shall inventory all personal property prior to its destruction or donation.

(4) Before personal property is donated or destroyed, if the name and address of the owner thereof is known or if deceased, the address of the heirs as known, at least thirty days' notice of the donation or destruction of the personal property shall be given to the owner at the owner's residence or place of business or to some person of suitable age and discretion residing or employed therein. If the name or residence of the owner or the owner's heirs is not known, a notice of the action fixing the time and place thereof shall be published at least once in an official newspaper in the county at least thirty days prior to the date fixed for the action. The notice shall be signed by the secretary. The notice need not contain a description of property, but shall contain a general statement that the property is unclaimed personal property of inmates, specifying the institution at which the property is held. If the owner fails to reclaim the property prior to the time fixed in the notice, the property shall be donated or destroyed.

NEW SECTION. Sec. 5. This chapter does not apply if the inmate and the department have reached an agreement in writing regarding the disposition of the personal property.

NEW SECTION. Sec. 6. (1) The uniform disposition of unclaimed property act, chapter 63.28 RCW, does not apply to personal property in the possession of the department of corrections.

(2) Chapter 63.24 RCW, unclaimed property in hands of bailee, does not apply to personal property in the possession of the department of corrections.

Sec. 7. Section 2, chapter 40, Laws of 1972 ex. sess. as last amended by section 102, chapter 136, Laws of 1981 and RCW 72.60.102 are each amended to read as follows:

~~From and after July 1, 1973, any inmate employed in ((institutional industries shall be eligible for the benefits provided by Title 51 RCW, as now or hereafter amended, relating to industrial insurance, with the exceptions herein provided:~~

~~No inmate as herein described, until released upon an order of parole by the state board of prison terms and paroles, or discharged from custody upon expiration of sentence, or discharged from custody by order of a court of appropriate jurisdiction, or his dependents or beneficiaries, shall be entitled to any payment for temporary disability or permanent total disability as provided for in RCW 51.32.090 or 51.32.060 respectively, as now or hereafter enacted. Any inmate who is either not paid any wages or paid a gratuity shall not be considered employed under this section)) classes I, II, and IV of institutional industries as defined in RCW 72.09.100 is eligible for industrial insurance benefits as provided by Title 51 RCW. However, eligibility for benefits for either the inmate or his dependents or beneficiaries for temporary disability or permanent total disability as provided in RCW 51.32.090 or 51.32.060, respectively, shall not take effect until the inmate is~~

released pursuant to an order of parole by the board of prison terms and paroles, or discharged from custody upon expiration of the sentence, or discharged from custody by order of a court of appropriate jurisdiction. Nothing in this section shall be construed to confer eligibility for any industrial insurance benefits to any inmate who is employed in class III or V of institutional industries as defined in RCW 72.09.100.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title 63 RCW.

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 May 9, 1983.

Passed the House May 6, 1983.

Approved by the Governor May 23, 1983.

Filed in Office of Secretary of State May 23, 1983.

CHAPTER 53

[Substitute House Bill No. 234]
TRANSPORTATION BUDGET

AN ACT Relating to transportation; making appropriations and authorizing expenditures for the operations and capital improvements of the state department of transportation, the transportation commission, the Washington state patrol, the traffic safety commission, the legislative transportation committee, the urban arterial board, the board of pilotage commissioners, the county road administration board, and the department of commerce and economic development for the period ending June 30, 1985; amending section 2, chapter 316, Laws of 1981 as amended by section 2, chapter 19, Laws of 1982 and RCW 47.10-.802; amending section 4, chapter 151, Laws of 1977 ex. sess. and RCW 47.01.041; amending section 6, chapter 151, Laws of 1977 ex. sess. as amended by section 1, chapter 59, Laws of 1981 and RCW 47.01.061; amending section 10, chapter 151, Laws of 1977 ex. sess. and RCW 47.01.101; amending section 7, chapter 173, Laws of 1963 as last amended by section 7, chapter 122, Laws of 1979 ex. sess. and RCW 47.05.070; and declaring an emergency.

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

NEW SECTION. Sec. 1. The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or so much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1985.

NEW SECTION. Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund Appropriation—State \$ 271,672

Highway Safety Fund Appropriation—Federal	\$	5,733,875
Total Appropriation	\$	6,005,547

NEW SECTION. Sec. 3. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund—Pilotage Account Appropriation—State	\$	71,900
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The appropriation in this section is appropriated to carry out chapter 88.16 RCW.

NEW SECTION. Sec. 4. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

Motor Vehicle Fund Appropriation	\$	514,276
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(1) The funds appropriated under this section may not be used for the matching funds program.

(2) The state auditor shall conduct a legal/fiscal audit of the expenditure of funds appropriated under this section to determine if the expenditures are consistent with the conditions and limitations of the motor vehicle fund. The audit shall be submitted to the legislative transportation committee by July 1, 1984. Until such audit is submitted to and approved by the legislative transportation committee, no new activities or projects beyond those actually funded during the 1981-83 biennium are authorized for expenditure from the motor vehicle fund.

NEW SECTION. Sec. 5. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund Appropriation—State	\$	284,502
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The county road administration board shall monitor expenditures by counties of county road levy revenues and shall report all expenditures of these revenues for other than road construction and maintenance purposes to the legislative transportation committee annually beginning January 1, 1984.

NEW SECTION. Sec. 6. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund—Rural Arterial Trust Account Appropriation—State	\$	12,500,000
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(1) The appropriation in this section is provided for implementing and administering the program of financial assistance to counties for the construction and improvement of county major and minor collectors in rural areas.

(2) The appropriation in this section is contingent upon the enactment of Substitute House Bill No. 235 during the 1983 session of the legislature.

NEW SECTION. Sec. 7. FOR THE URBAN ARTERIAL BOARD

Motor Vehicle Fund—Urban Arterial Trust

Account Appropriation—State \$ 64,225,900

The appropriation in this section is provided for implementing and administering the program of financial assistance to cities and counties in urban areas for urban arterial highways, roads, and streets and is subject to the following conditions and limitations:

(1) The appropriation includes \$6,000,000 from the proceeds of the sale of first authorization bonds provided for by RCW 47.26.420 through 47.26.427.

(2) The appropriation includes \$50,000,000 from the proceeds of the sale of Series III Urban Arterial bonds provided for by RCW 47.26.420 through 47.26.427, contingent on the enactment of Substitute House Bill No. 235 during the 1983 session of the legislature.

(3) During the 1983–85 biennium, the urban arterial board shall not authorize any additional projects which in the board's judgment cannot be placed under contract for construction within eighteen months of authorization.

NEW SECTION. Sec. 8. FOR THE STATE PATROL
Motor Vehicle Fund—State Patrol Highway

Account Appropriation \$ 103,518,024
Highway Safety Fund Appropriation \$ 11,875
Total Appropriation \$ 103,529,899

The appropriations in this section are subject to the following condition or limitation: The highway safety fund appropriation in this section is provided for the vehicle equipment safety commission.

NEW SECTION. Sec. 9. FOR THE WASHINGTON STATE PATROL

(1) Provide funds to study the feasibility of co-location in a new facility with the department of emergency services. "MV, State Patrol Hiwy Acct," as used in this section, means the state patrol highway account in the motor vehicle fund.

	Reappropriation	Appropriation
MV, State Patrol Hiwy Acct		118,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	5,785,200	5,903,200

(2) To provide minor repairs and improvements to existing facilities.

Reappropriation Appropriation

MV, State Patrol Hiwy Acct		262,600
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		262,600

(3) To design, construct and equip a new weigh station and truck inspection facility at the southbound I-5 weight station at Bellingham.

	Reappropriation	Appropriation
MV, State Patrol Hiwy Acct		462,700
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		462,700

(4) To provide for maintenance and emergency repair projects to protect equipment and buildings.

	Reappropriation	Appropriation
MV, State Patrol Hiwy Acct		65,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		65,000

NEW SECTION. Sec. 10. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund Appropriation—State \$ 1,628,000

NEW SECTION. Sec. 11. FOR THE TRANSPORTATION COMMISSION

General Fund—Aeronautics Account Appropriation—State \$ 802

General Fund Appropriation—State \$ 1,771

Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation—State \$ 15,772

Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation—State \$ 44,575

Motor Vehicle Fund Appropriation—State \$ 336,228

Total Appropriation \$ 399,148

The appropriations in this section are provided for the salaries, wages, and other expenses necessary for the operation of the transportation commission and commission staff.

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF TRANSPORTATION—EXECUTIVE MANAGEMENT AND MANAGEMENT SERVICES—PROGRAM S

General Fund—Aeronautics Account Appropriation—State \$ 7,098
 General Fund Appropriation—State \$ 15,675
 Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation—State \$ 139,599
 Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation—State \$ 394,546
 Motor Vehicle Fund Appropriation—State \$ 20,116,112
 Total Appropriation \$ 20,673,030

The appropriations in this section are provided for executive management, management services, and costs billed to the department of transportation by other agencies. \$584,000 of the motor vehicle fund—state appropriation is contingent on the enactment of Substitute House Bill No. 235 during the 1983 session of the legislature.

NEW SECTION. Sec. 13. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MANAGEMENT AND SUPPORT—PROGRAM P

Motor Vehicle Fund Appropriation—State \$ 12,558,638

The appropriation in this section is provided for the management and support of the highway programs, for any necessary increase in stores, for necessary pit and stockpile sites and write-off of obsolete stores, pits, and stockpiles. \$300,000 of the appropriation is contingent on the enactment of Substitute House Bill No. 235 during the 1983 session of the legislature.

NEW SECTION. Sec. 14. FOR THE DEPARTMENT OF TRANSPORTATION—CONSTRUCTION MANAGEMENT AND SUPPORT—PROGRAM D

Motor Vehicle Fund Appropriation—State \$ 19,621,769

The appropriation in this section is provided for the improvement and construction of buildings and other highway plant construction, for management and support of the highway construction programs, and for administrative support necessary to support cities and counties in obtaining federal aid. \$1,600,000 of the appropriation is contingent on the enactment of Substitute House Bill No. 235 during the 1983 session of the legislature.

NEW SECTION. Sec. 15. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION AND PLANNING—PROGRAM T

(1) For public transportation and rail programs:

General Fund Appropriation—State	\$	462,000
General Fund Appropriation—Federal	\$	5,448,000
General Fund Appropriation—Local	\$	198,000

(2) For planning and research:

Motor Vehicle Fund Appropriation—State	\$	2,852,000
Motor Vehicle Fund Appropriation—Federal	\$	10,085,000
Total Public Transportation and Planning Appropriation	\$	19,045,000

The appropriations in this section are provided for the management and support of the public transportation and planning division, urban mass transportation administration programs, for rail programs, for state loans for formation of public transportation districts, for studies which support local public transportation programs, for maintenance of the state transportation plan, for highway planning and research by the department of transportation, and for research and studies approved by the department of transportation.

NEW SECTION. Sec. 16. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION AND PLANNING—PROGRAM T

General Fund Appropriation—State	\$	200,000
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The reappropriation in this section is provided for the completion of studies authorized and funded by the consent order between Chevron USA and the United States department of energy.

***NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM W**

Motor Vehicle Fund—Puget Sound Reserve Account Appropriation—State	\$	4,057,207
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation—State	\$	45,000,000
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation—State	\$	42,113,000
Motor Vehicle Fund—Puget Sound Capital Construction Account—Appropriation—Federal	\$	4,000,000
Total Appropriation	\$	95,170,207

The appropriations in this section are provided for the management and support of the marine transportation division of the department of transportation and for the operation, maintenance, and capital improvements of the Washington state ferry system. \$15,265,000 of the motor vehicle fund—Puget Sound capital construction account—state appropriation is contingent upon the enactment of Substitute House Bill No. 235 during the 1983 session of the legislature. The appropriations are subject to the following conditions and limitations:

(1) The Puget Sound reserve account appropriation is provided to carry out RCW 47.60.420.

(2) The Puget Sound ferry operations account appropriation is provided for the operation and maintenance of the Washington state ferries, supplementing revenues available from the Washington state ferry system. The Puget Sound ferry operations account appropriation includes \$22,400,000 transferred from the Puget Sound capital construction account in accordance with RCW 47.60.505. Upon enactment of Substitute House Bill No. 235, the amount transferred from the Puget Sound capital construction account shall be \$17,700,000.

(3) The Puget Sound capital construction account appropriation is provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriation of state funds from the Puget Sound capital construction account contains \$27,600,000 of the proceeds from the sale of bonds authorized by RCW 47.60.560: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation. \$5,600,000 of these bond proceeds are contingent upon the enactment of Substitute House Bill No. 235 during the 1983 session of the legislature.

(4) The department of transportation may transfer any appropriation contained in this section, subject to the prior approval of the transportation commission.

(5) Effective May 1, 1983, the tolls on the Hood Canal bridge shall be reduced to \$2.00 for an automobile, pickup, van, or motor home licensed under 8,000 pounds gross weight. A book of twenty tickets for a one-way crossing by these vehicles shall be \$32.00. A book of ten tickets for one-way crossing by these vehicles available only to senior citizen purchasers of sixty-five years of age or older shall be \$16.00. The commission shall establish a thirty-day period within which all ticket books previously issued shall be redeemable.

*Sec. 17 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF TRANSPORTATION—AERONAUTICS—PROGRAM F

General Fund—Aeronautics Account Approp- riation—State	\$	1,786,000
General Fund—Aeronautics Account Approp- riation—Federal	\$	95,500
Total Appropriation	\$	1,881,500

The appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, federal inspections, and the search and rescue program. \$584,000 of the general fund aeronautics account—state appropriation is contingent upon the enactment of Senate Bill No. 3211 during the 1983 session of the legislature.

NEW SECTION, Sec. 19. FOR THE DEPARTMENT OF TRANSPORTATION—SEARCH AND RESCUE—PROGRAM F
 General Fund—Search and Rescue Account

Appropriation—State	\$	111,000
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The appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

NEW SECTION, Sec. 20. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE AND OPERATIONS—PROGRAM M

Motor Vehicle Fund Appropriation—State	\$	150,294,367
Motor Vehicle Fund Appropriation—Local	\$	3,119,000
Total Appropriation	\$	153,413,367

The appropriations in this section are for the maintenance and operations of state highways, maintenance and operations of highway plants, and associated management and support.

NEW SECTION, Sec. 21. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM A

Motor Vehicle Fund Appropriation—State	\$	106,100,000
Motor Vehicle Fund Appropriation—Federal and Local	\$	118,700,000
Total Appropriation	\$	224,800,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030. \$45,100,000 of the motor vehicle fund—state appropriation is contingent upon enactment of Substitute House Bill No. 235 during the 1983 session of the legislature.

NEW SECTION, Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM B

Motor Vehicle Fund Appropriation—State	\$	46,400,000
Motor Vehicle Fund Appropriation—Federal and Local	\$	428,400,000
Total Appropriation	\$	474,800,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030.

The motor vehicle fund state appropriation will be funded with the proceeds of the sale of bonds authorized in RCW 47.10.790 and 47.10.801: PROVIDED, That the transportation commission may authorized the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

Sec. 23. Section 2, chapter 316, Laws of 1981 as amended by section 2, chapter 19, Laws of 1982 and RCW 47.10.802 are each amended to read as follows:

Upon request being made by the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.801 in accordance with chapter 39.42 RCW. The amount of such bonds issued and sold under RCW 47.10.801 through 47.10.809 in any biennium may not exceed the amount of a specific appropriation therefor. Such bonds may be sold from time to time in such amounts as may be necessary for the orderly progress of the state highway improvements specified in RCW 47.10.801. The amount of bonds issued and sold under RCW 47.10.801(1)(a) in any biennium shall not, except as provided in that section, exceed the amount required to match federal-aid interstate funds (~~(apportioned)~~) available to the state of Washington (~~(under 23 U.S.C. Sec. 104 and available for obligation)~~). The transportation commission shall give notice of its intent to sell bonds to the legislative transportation committee (~~(at least forty-five days)~~) before requesting the state finance committee to issue and sell bonds authorized by RCW 47.10.801(1)(a).

NEW SECTION, Sec. 24. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM C

Motor Vehicle Fund Appropriation—State	\$	132,000,000
Motor Vehicle Fund Appropriation—Local	\$	900,000
Total Appropriation	\$	132,900,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "C" under RCW 47.05.030.

The motor vehicle fund state appropriation will be funded with the proceeds from the sale of bonds authorized in RCW 47.10.801: PROVIDED,

That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

\$32,000,000 of the motor vehicle fund—state appropriation is contingent upon enactment of Substitute House Bill No. 235 during the 1983 session of the legislature.

NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF TRANSPORTATION—COUNTY-CITY PROGRAM—PROGRAM R

Motor Vehicle Fund Appropriation—State	\$	1,638,578
Motor Vehicle Fund Appropriation—Federal		
and Local	\$	129,629,300
Total Appropriation	\$	131,267,878

The appropriations in this section are provided for the County-City Program—Program R. The appropriations are subject to the following conditions and limitations:

(1) The appropriations contain \$497,578 of state funds and \$89,553,342 of federal and local funds for reimbursable expenditures for the location, design, right of way, and construction on city streets and county roads and other nonstate highways, including the unexpended balance of state funds from the sale of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951, chapter 311, Laws of 1955, and chapter 121, Laws of 1965, for reimbursable expenditures on cooperative projects authorized by state and/or federal laws, and for expenditures through federal emergency relief acts.

(2) The appropriations contain \$241,000 of state funds and \$1,259,000 of local funds for reimbursable expenditures for maintenance on city streets, county roads, and other nonstate highways and for expenditures in accordance with RCW 47.56.720.

(3) The appropriations contain \$900,000 of state funds for the guarantee, pursuant to RCW 47.56.712, for the payment of principal of and interest on the Spokane River toll bridge revenue refunding bonds as the bonds become due, but only to the extent that net revenues from the operation of the bridge are insufficient therefor.

(4) The appropriations contain \$8,353,958 of local funds for miscellaneous sales and services to others.

(5) The appropriations contain \$463,000 of local funds for the ongoing maintenance of the east half of the Hood Canal bridge.

(6) Appropriation of \$30,000,000 federal funds for the construction of the West Seattle bridge and for federal-aid secondary funds is contained in this section.

NEW SECTION. Sec. 26. FOR THE DEPARTMENT OF TRANSPORTATION

General Fund Appropriation—Federal \$ 1,200,000

The appropriation in this section is provided for supportive services to on-the-job training programs for minority construction workers and for minority contractors' training programs: PROVIDED, That this appropriation shall be fully reimbursable from federal funds.

NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION

Motor Vehicle Fund—RV Account Appropriation Transfer—State:

For transfer to the Motor Vehicle Fund \$ 369,072

The appropriation transfer in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on the state highway system. This appropriation is part of the motor vehicle fund construction and maintenance appropriations.

Sec. 28. Section 4, chapter 151, Laws of 1977 ex. sess. and RCW 47.01.041 are each amended to read as follows:

The executive head of the department of transportation shall be the secretary of transportation, who shall be appointed by the transportation commission, and shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The secretary shall be an ex officio member of the commission without a vote. The secretary shall be the chief executive officer of the commission and be responsible (~~only~~) to it, and shall be guided by policies established by it. The secretary shall serve until removed by the commission, but only for incapacity, incompetence, neglect of duty, malfeasance in office, or failure to carry out the commission's policies. Before a motion for dismissal shall be acted on by the commission, the secretary shall be granted a hearing on formal written charges before the full commission. An action by the commission to remove the secretary shall be final.

Sec. 29. Section 6, chapter 151, Laws of 1977 ex. sess. as amended by section 1, chapter 59, Laws of 1981 and RCW 47.01.061 are each amended to read as follows:

The commission shall meet at such times as it deems advisable but at least once every month. It may adopt its own rules and regulations and may establish its own procedure. It shall act collectively in harmony with recorded resolutions or motions adopted by majority vote of at least four members. The commission may appoint an administrative secretary, and shall elect one of its members chairman for a term of one year. The chairman shall be able to vote on all matters before the commission.

The commission shall submit to each regular session of the legislature held in an odd-numbered year its own budget proposal necessary for the commission's operations separate from that proposed for the department. (~~Such proposal shall include the cost of such staff as the commission deems~~

~~necessary to fulfill its responsibilities in an independent manner. The budget proposal shall provide for planners, policy analysts, legal counsel, consultants, and technical and clerical personnel as needed, who shall be commission employees, shall be responsible to the commission and shall have no employment relation or affiliation with the department or the legislature:))~~

Each member of the commission shall receive compensation of sixty dollars per day for each day actually spent in the performance of duties, and actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission, and actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested by a majority vote of the commission or by the secretary of transportation, but in no event shall a commissioner be compensated in any year for more than one hundred twenty days, except the chairman of the commission who may be paid compensation for not more than one hundred fifty days. Service on the commission shall not be considered as service credit for the purposes of any public retirement system.

Sec. 30. Section 10, chapter 151, Laws of 1977 ex. sess. and RCW 47.01.101 are each amended to read as follows:

The secretary shall have the authority and it shall be his or her duty, subject to policy guidance from the commission:

(1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;

(2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;

(3) To designate and establish such transportation district or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;

(4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;

(5) To adopt all department rules (~~which~~) that are subject to the adoption procedures contained in the state administrative procedure act, except rules subject to adoption by the commission pursuant to statute;

(6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;

(7) To provide full staff support to the commission to assist it in carrying out its functions, powers, and duties and to execute the policy established by the commission pursuant to its legislative authority;

(8) To execute and implement the biennial operating budget for the operation of the department in accordance with chapter 43.88 RCW and with legislative appropriation and, in such manner as prescribed therein, to make

and report to the commission and the legislature deviations from the planned biennial category A highway construction program necessary to adjust to unexpected delays or other unanticipated circumstances.

(9) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

Sec. 31. Section 7, chapter 173, Laws of 1963 as last amended by section 7, chapter 122, Laws of 1979 ex. sess. and RCW 47.05.070 are each amended to read as follows:

~~((1))~~ The transportation commission shall approve and present to the governor and to the legislature prior to its convening, a recommended budget for the ensuing biennium. The biennial budget shall include details of proposed expenditures, and performance and public service criteria for construction, maintenance, and planning activities in consonance with the comprehensive six-year program and financial plan adopted under provisions of RCW 44.40.070 and 47.05.040 ~~((as now or hereafter amended))~~.

~~((2) Prior to October 1st of each odd-numbered year, the transportation commission shall prepare and adopt, and may thereafter revise from time to time, a biennial operating budget for all of its activities in conformity with legislative appropriations.)~~

NEW SECTION. Sec. 32. The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. The legislature recognizes that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements.

NEW SECTION. Sec. 33. The department of transportation may, after consultation with the legislative transportation committee, transfer any motor vehicle fund appropriations contained in sections 12 through 14 of this act into sections 20, 21, and 24 of this act, and the motor vehicle fund appropriation contained in section 20 of this act may be transferred to sections 21 and 24 of this act for expenditure.

NEW SECTION. Sec. 34. It is the intent of the legislature that the amounts assumed in this act for all revolving funds for services provided by other agencies shall not be exceeded without the prior approval of the legislative transportation committee and the department of transportation.

NEW SECTION. Sec. 35. The legislature recognizes the economic importance to the state of attracting new environmentally suitable industrial development, and that the availability of transportation services is a significant factor in attracting such industries. The transportation commission and the department of transportation shall consider these unique circumstances in determining priorities for capital expenditures.

NEW SECTION. Sec. 36. 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. 37. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 13, 1983.

Passed the Senate April 27, 1983.

Approved by the Governor May 23, 1983, with the exception of section 17(5), which was vetoed.

Filed in Office of Secretary of State May 23, 1983.

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

"I am returning herewith, without my approval as to section 17(5), Substitute House Bill No. 234, entitled:

"AN ACT Relating to transportation."

Section 17(5) is identical to Senate Bill No. 3991, which I vetoed on April 23, 1983. It would set statutory tolls for crossing the Hood Canal Bridge. The Transportation Commission has lowered the tolls for the Hood Canal Bridge to amounts identical to those contained in this subsection, which is therefore unnecessary.

With the exception of Section 17(5), which I have vetoed, Substitute House Bill No. 234 is approved."

CHAPTER 54

[Reengrossed Substitute House Bill No. 57]

CAPITAL IMPROVEMENTS—LEGISLATURE AND STATE AGENCIES— GENERAL OBLIGATION BONDS

AN ACT Relating to state government; providing for the acquisition, construction, remodeling, furnishing, and equipping of state buildings and facilities; providing for the financing thereof by the issuance of bonds; authorizing the issuance of bonds to fund appropriations for land acquisitions by the department of transportation, grants and loans by the department of commerce and economic development, and facilities of the department of corrections and other state agencies; amending section 1, chapter 128, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 246, Laws of 1979 ex. sess. and RCW 37.14.010; amending section 1, chapter 234, Laws of 1981 as amended by section 3, chapter 23, Laws of 1982 1st ex. sess. and RCW 43.83H.172; and adding new sections to chapter 43-.83 RCW.

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

NEW SECTION. Sec. 1. For the purpose of acquiring land and providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, fixed equipment facilities of office buildings, parking facilities, and such other buildings, facilities, and utilities as are determined to be necessary to provide space including offices, committee rooms, hearing

rooms, work rooms, and industrial-related space for the legislature, for other elective officials, and such other state agencies as may be necessary, and for the purpose of land acquisitions by the department of transportation, grants and loans by the department of commerce and economic development, and facilities of the department of corrections and other state agencies, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of sixty-four million two hundred seventy thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds authorized in this section may be offered for sale without prior legislative appropriation.

NEW SECTION. Sec. 2. The proceeds from the sale of the bonds authorized in section 1 of this act shall be deposited in the state building construction account in the general fund and shall be used exclusively for the purposes specified in section 1 of this act and for the payment of expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 3. The proceeds from the sale of the bonds deposited under section 2 of this act in the state building construction account of the general fund shall be administered by the department of general administration, subject to legislative appropriation.

NEW SECTION. Sec. 4. The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in section 1 of this act.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under section 1 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 5. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and section 4 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 6. The bonds authorized in section 1 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

Sec. 7. Section 1, chapter 128, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 246, Laws of 1979 ex. sess. and RCW 37.14.010 are each amended to read as follows:

Solely for the purpose of providing a matching grant for the planning, design, acquisition, construction, furnishing, equipping, remodeling, and landscaping of a regional Indian cultural, educational, tourist, and economic development facility designated as the "people's lodge," 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 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.

If ~~((two million seven hundred))~~ one hundred fifteen thousand dollars or more in additional federal and/or private funding is not secured within five years of September 1, 1979, and applied toward the completion of the "people's lodge," ownership of the property and/or facility developed with the proceeds of the bonds issued under this section shall be transferred to the state. Expenditure of these bond proceeds shall be conditioned on prior approval by the director of general administration of any real estate acquisitions and of construction plans for any building and/or grounds projects. The director's approval shall be based on a finding that any real estate to be acquired is appraised at or above the purchase price, that any construction plans for building and/or grounds projects provide for completion of any facilities contemplated therein, and that there are funds in an amount sufficient to finish the project so that it is fully ~~((operation {operational}))~~ operational for its intended uses.

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.

Sec. 8. Section 1, chapter 234, Laws of 1981 as amended by section 3, chapter 23, Laws of 1982 1st ex. sess. and RCW 43.83H.172 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, improving, and equipping of social and health services and department of corrections facilities, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of (~~one hundred forty-seven million two hundred eighty thousand~~) one hundred eight-seven million four hundred twenty-five thousand dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by RCW 43.83H.172 through 43.83H.182 may be offered for sale without prior legislative appropriation.

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.

NEW SECTION. Sec. 9. The state department of social and health services shall examine the feasibility of using existing public facilities for the purpose of housing a public health laboratory prior to constructing a new public health laboratory facility, to replace the current laboratory in the Smith Tower in Seattle.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 1 through 6 of this act are each added to chapter 43.83 RCW.

Passed the House May 24, 1983.

Passed the Senate May 23, 1983.

Approved by the Governor June 7, 1983.

Filed in Office of Secretary of State June 7, 1983.

CHAPTER 55

[Substitute House Bill No. 72]

TAXES—SELLER DEFINED—PROTOTYPE VALUATION—LEASED IRRIGATION EQUIPMENT EXEMPTION—COMPUTERS DONATED TO SCHOOLS—UNPAID TAXES—SHELTERS FOR HOMELESS PERSONS

AN ACT Relating to revenue and taxation; amending section 82.04.450, chapter 15, Laws of 1961 as amended by section 42, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.04.450; amending section 82.08.010, chapter 15, Laws of 1961 as last amended by section 18, chapter 149, Laws of 1967 ex. sess. and RCW 82.08.010; amending section 82.12.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 1, Laws of 1975-'76 2nd ex. sess. and RCW 82.12.010; amending section 16, chapter 10, Laws of 1982 as amended by section 1, chapter 13, Laws of 1982 2nd ex. sess. and RCW 82.04.260; amending section 82.32.210, chapter 15, Laws of 1961 as amended by section 3, chapter 89, Laws of 1967 ex. sess. and RCW 82.32.210; amending section 82.32.220, chapter 15, Laws of 1961 as amended by section 6, chapter 304, Laws of 1961 and RCW 82.32.220; amending section 82.32.230, chapter 15, Laws of 1961 as amended by section 84, chapter 278, Laws

of 1975 1st ex. sess. and RCW 82.32.230; adding a new section to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 84.36 RCW; providing effective dates; and declaring an emergency.

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

Sec. 1. Section 82.08.010, chapter 15, Laws of 1961 as last amended by section 18, chapter 149, Laws of 1967 ex. sess. and RCW 82.08.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Selling price" means the consideration, whether money, credits, rights, or other property, expressed in the terms of money paid or delivered by a buyer to a seller, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expenses whatsoever paid or accrued and without any deduction on account of losses; but shall not include the amount of cash discount actually taken by a buyer; and shall be subject to modification to the extent modification is provided for in RCW 82.08.080.

When tangible personal property is rented or leased under circumstances that the consideration paid does not represent a reasonable rental for the use of the articles so rented or leased, the "selling price" shall be 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 as the department of revenue may prescribe;

(2) "Seller" means every person, including the state and its departments and institutions, making sales at retail or retail sales to a buyer or consumer, whether as agent, broker, or principal, except "seller" does not mean the state and its departments and institutions when making sales to the state and its departments and institutions;

(3) "Buyer" and "consumer" include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, municipal corporation, quasi municipal corporation, and also the state, its departments and institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof;

(4) The meaning attributed in chapter 82.04 RCW to the terms "tax year," "taxable year," "person," "company," "sale," "sale at retail," "retail sale," "sale at wholesale," "wholesale," "business," "engaging in business," "cash discount," "successor," "consumer," "in this state" and "within this state" shall apply equally to the provisions of this chapter.

Sec. 2. Section 82.12.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 1, Laws of 1975-'76 2nd 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.

In the case of an article manufactured or produced for purposes of serving as a prototype for the development of a new or improved product,

the value of the article used shall be determined by: (a) The retail selling price of such new or improved product when first offered for sale; or (b) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

(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 seller as defined in RCW 82.08.010 and 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. 3. Section 82.04.450, chapter 15, Laws of 1961 as amended by section 42, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.04.450 are each amended to read as follows:

(1) The value of products, including byproducts, extracted or manufactured shall be determined by the gross proceeds derived from the sale thereof whether such sale is at wholesale or at retail, to which shall be added all subsidies and bonuses received from the purchaser or from any other person with respect to the extraction, manufacture, or sale of such products or byproducts by the seller, except:

~~((+))~~ (a) Where such products, including byproducts, are extracted or manufactured for commercial or industrial use;

~~((2))~~ (b) Where such products, including byproducts, are shipped, transported or transferred out of the state, or to another person, without prior sale or are sold under circumstances such that the gross proceeds from the sale are not indicative of the true value of the subject matter of the sale.

(2) In the above cases the value shall correspond as nearly as possible to the gross proceeds from sales in this state of similar products of like quality and character, and in similar quantities by other taxpayers, plus the amount of subsidies or bonuses ordinarily payable by the purchaser or by any third

person with respect to the extraction, manufacture, or sale of such products; PROVIDED, That the value of a product manufactured or produced for purposes of serving as a prototype for the development of a new or improved product shall correspond: (a) To the retail selling price of such new or improved product when first offered for sale; or (b) to the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale. The department of revenue shall prescribe uniform and equitable rules for the purpose of ascertaining such values.

Sec. 4. Section 16, chapter 10, Laws of 1982 as amended by section 1, chapter 13, Laws of 1982 2nd ex. sess. and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or

selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three one-hundredths of one percent.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition

are: wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.21F RCW, multiplied by the rate of thirty percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

NEW SECTION. Sec. 5. There is added to chapter 82.08 RCW a new section to read as follows:

The tax levied by RCW 82.08.020 shall not apply to the lease of irrigation equipment if:

- (1) The irrigation equipment was purchased by the lessor for the purpose of irrigating land controlled by the lessor;
- (2) The lessor has paid tax under RCW 82.08.020 or 82.12.020 in respect to the irrigation equipment;
- (3) The irrigation equipment is attached to the land in whole or in part; and
- (4) The irrigation equipment is leased to the lessee as an incidental part of the lease of the underlying land to the lessee and is used solely on such land.

NEW SECTION. Sec. 6. There is added to chapter 82.12 RCW a new section to read as follows:

The provisions of this chapter shall not apply to the use of irrigation equipment if:

- (1) The irrigation equipment was purchased by the lessor for the purpose of irrigating land controlled by the lessor;
- (2) The lessor has paid tax under RCW 82.08.020 or 82.12.020 in respect to the irrigation equipment;
- (3) The irrigation equipment is attached to the land in whole or in part; and
- (4) The irrigation equipment is leased to the lessee as an incidental part of the lease of the underlying land to the lessee and is used solely on such land.

NEW SECTION. Sec. 7. There is added to chapter 82.12 RCW a new section to read as follows:

The provisions of this chapter shall not apply in respect to the use of computers, computer components, computer accessories, or computer software irrevocably donated to any public or private nonprofit school or college, as defined under chapter 84.36 RCW, in this state. For purposes of this section, "computer" means a data processor that can perform substantial computation, including numerous arithmetic or logic operations, without intervention by a human operator during the run.

Sec. 8. Section 82.32.210, chapter 15, Laws of 1961 as amended by section 3, chapter 89, Laws of 1967 ex. sess. and RCW 82.32.210 are each amended to read as follows:

If any tax, increase, or penalty or any portion thereof is not paid within fifteen days after it becomes due, the department of revenue may issue a warrant under its official seal (~~((directed to the sheriff of any county of the state, commanding him to levy upon and sell the real and/or personal property of the taxpayer found within his county, or so much thereof as may be necessary, for the payment of the amount of such warrant))~~) in the amount of such unpaid sums, together with interest thereon at the rate of one percent of the amount of such warrant for each thirty days or portion thereof after the date of such warrant (~~(, plus the cost of executing the warrant, and return the warrant to the department of revenue and pay to it the money collected by virtue thereof within sixty days after the receipt of the warrant))~~). If, however, the department of revenue believes that a taxpayer is about to cease business, leave the state, or remove or dissipate the assets out of which taxes or penalties might be satisfied and that any tax or penalty will not be paid when due, it may declare the tax or penalty to be immediately due and payable and may issue a warrant immediately.

~~((If any warrant issued under this chapter is not paid within thirty days after it has been filed with the clerk of the superior court, or if any taxpayer shall, for three consecutive reporting periods, be delinquent in the transmission to the department of revenue of retail sales tax collected by him, the department of revenue may by order issued under its official seal, revoke the certificate of registration of the taxpayer against whom the warrant was issued, and, if such order is entered, a copy thereof shall be posted in a conspicuous place at the main entrance to the taxpayer's place of business and shall remain posted until such time as the warrant has been paid. Any certificate so revoked shall not be reinstated, nor shall a new certificate of registration be issued to the taxpayer, until the amount due on the warrant has been paid, or provisions for payment satisfactory to the department of revenue have been entered, and until the taxpayer has deposited with the department of revenue such security for payment of any taxes, increases, and penalties, due or which may become due in an amount and under such terms and conditions as the department of revenue may require, but the~~

~~amount of the security shall not be greater than one-half the estimated average annual liability of the taxpayer:))~~ The department shall file a copy of the warrant with the clerk of the superior court of any county of the state in which real and/or personal property of the taxpayer may be found. Upon filing, the clerk shall enter in the judgment docket, the name of the taxpayer mentioned in the warrant and in appropriate columns the amount of the tax or portion thereof and any increases and penalties for which the warrant is issued and the date when the copy is filed, and thereupon the amount of the warrant so docketed shall become a specific lien upon all goods, wares, merchandise, fixtures, equipment, or other personal property used in the conduct of the business of the taxpayer against whom the warrant is issued, including property owned by third persons who have a beneficial interest, direct or indirect, in the operation of the business, and no sale or transfer of the personal property in any way affects the lien. The lien shall not be superior, however, to bona fide interests of third persons which had vested prior to the filing of the warrant when the third persons do not have a beneficial interest, direct or indirect, in the operation of the business, other than the securing of the payment of a debt or the receiving of a regular rental on equipment: PROVIDED, HOWEVER, That the phrase "bona fide interests of third persons" does not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as trustee for unsecured creditors of the taxpayer mentioned in the warrant who executed the chattel or real property mortgage or the document evidencing the credit transaction. The amount of the warrant so docketed shall thereupon also become a lien upon the title to and interest in all other real and personal property of the taxpayer against whom it is issued the same as a judgment in a civil case duly docketed in the office of the clerk. The warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the state in the manner provided by law in the case of judgments wholly or partially unsatisfied.

NEW SECTION. Sec. 9. There is added to chapter 82.32 RCW a new section to read as follows:

If any warrant issued under this chapter is not paid within thirty days after it has been filed with the clerk of the superior court, or if any taxpayer is delinquent, for three consecutive reporting periods, in the transmission to the department of revenue of retail sales tax collected by him, the department of revenue may, by order issued under its official seal, revoke the certificate of registration of the taxpayer against whom the warrant was issued, and, if the order is entered, a copy thereof shall be posted in a conspicuous place at the main entrance to the taxpayer's place of business and shall remain posted until such time as the warrant has been paid. Any certificate so revoked shall not be reinstated, nor shall a new certificate of registration be issued to the taxpayer, until the amount due on the warrant has been paid, or provisions for payment satisfactory to the department of revenue have

been entered, and until the taxpayer has deposited with the department of revenue such security for payment of any taxes, increases, and penalties, due or which may become due in an amount and under such terms and conditions as the department of revenue may require, but the amount of the security shall not be greater than one-half the estimated average annual liability of the taxpayer.

Sec. 10. Section 82.32.220, chapter 15, Laws of 1961 as amended by section 6, chapter 304, Laws of 1961 and RCW 82.32.220 are each amended to read as follows:

~~((The sheriff shall file with the clerk of the superior court of his county a copy of the warrant, and thereupon the clerk shall enter in the judgment docket, the name of the taxpayer mentioned in the warrant and in appropriate columns the amount of the tax or portion thereof and any increases and penalties for which the warrant is issued and the date when such copy is filed, and thereupon the amount of such warrant so docketed shall become a specific lien upon all goods, wares, merchandise, fixtures, equipment, or other personal property used in the conduct of the business of the taxpayer against whom such warrant is issued, including property owned by third persons who have a beneficial interest, direct or indirect, in the operation of the business, and no sale or transfer of such personal property shall in any way affect such lien. The lien shall not be superior, however, to bona fide interests of third persons which had vested prior to the filing of the warrant when such third persons do not have a beneficial interest, direct or indirect, in the operation of the business, other than the securing of the payment of a debt or the receiving of a regular rental on equipment: PROVIDED, HOWEVER, That the phrase "bona fide interests of third persons" shall not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as trustee for unsecured creditors of the taxpayer mentioned in the warrant who executed such chattel or real property mortgage or the document evidencing such credit transaction. The amount of such warrant so docketed shall thereupon also become a lien upon the title to and interest in all other real and personal property of the taxpayer against whom it is issued the same as a judgment in a civil case duly docketed in the office of such clerk; and the sheriff shall thereupon proceed upon the same in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgments of the superior court. Such warrants so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the state in the manner provided by law in the case of judgments wholly or partially unsatisfied:)) The department of revenue may issue an order of execution, pursuant to a filed warrant, under its official seal directed to the sheriff of the county in which the warrant has been filed, commanding him to levy upon and sell the real and/or personal property of the taxpayer found within his county, or so much thereof as~~

may be necessary, for the payment of the amount of the warrant, plus the cost of executing the warrant, and return the warrant to the department of revenue and pay to it the money collected by virtue thereof within sixty days after the receipt of the warrant. The sheriff shall thereupon proceed upon the same in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgments of the superior court.

The sheriff shall be entitled to fees as provided by law for his services in levying execution on a superior court judgment and the clerk shall be entitled to a filing fee as provided by law, which shall be added to the amount of the warrant.

The proceeds received from any sale shall be credited upon the amount due under the warrant and when the final amount due is received, together with interest, penalties, and costs, the judgment docket shall show the claim for taxes to be satisfied and the clerk of the court shall so note upon the docket. Any surplus received from any sale of property shall be paid to the taxpayer or to any lien holder entitled thereto. If the return on the warrant shows that the same has not been satisfied in full, the amount of the deficiency shall remain the same as a judgment against the taxpayer which may be collected in the same manner as the original amount of the warrant.

Sec. 11. Section 82.32.230, chapter 15, Laws of 1961 as amended by section 84, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.32.230 are each amended to read as follows:

In the discretion of the department of revenue, ~~((a warrant))~~ an order of execution of like terms, force, and effect may be issued and directed to any agent of the department authorized to collect taxes, and in the execution thereof such agent shall have all the powers conferred by law upon sheriffs, but shall not be entitled to any fee or compensation in excess of the actual expenses paid in the performance of such duty, which shall be added to the amount of the warrant.

NEW SECTION. Sec. 12. There is added to chapter 84.36 RCW a new section to read as follows:

The real and personal property of a nonprofit organization used in providing nonpermanent shelter to indigent homeless persons is exempt from taxation if the charge, if any, for the shelter does not exceed the actual cost of operating and maintaining the shelter facility. This exemption is subject to the administrative provisions contained in RCW 84.36.800 through 84.36.865.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1983, except that section 12 of this act shall take effect January 1, 1984,

and shall be effective for property taxes levied in 1983, and due in 1984, and thereafter.

Passed the House May 23, 1983.

Passed the Senate May 24, 1983.

Approved by the Governor June 13, 1983.

Filed in Office of Secretary of State June 13, 1983.

CHAPTER 56

[Substitute House Bill No. 51]

PUBLIC EMPLOYEES RETIREMENT—POST-RETIREMENT ADJUSTMENT

AN ACT Relating to retirement from public service; adding a new section to chapter 2.12 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 43.43 RCW; making an appropriation; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. There is added to chapter 2.12 RCW a new section to read as follows:

Notwithstanding any provision of law to the contrary, effective July 1, 1983, the monthly benefit of each person who either is receiving benefits pursuant to RCW 2.12.020 or 2.12.030 as of December 31, 1982, or commenced receiving a monthly benefit under this chapter as of a date no later than July 1, 1978, shall be permanently increased by a post-retirement adjustment of \$.74 per month for each year of creditable service the judge established with the retirement system. Any fraction of a year of service shall be counted in the computation of the post-retirement adjustment. This adjustment shall be in lieu of any adjustments provided under RCW 2.12.037 as of July 1, 1983, or July 1, 1984, for the affected persons.

NEW SECTION. Sec. 2. There is added to chapter 28B.10 RCW a new section to read as follows:

Notwithstanding any provision of law to the contrary, effective July 1, 1983, the monthly benefit of each person who either is receiving a benefit pursuant to a program established under RCW 28B.10.400 for their service as of July 1, 1978, or commenced receiving a monthly benefit as a surviving spouse or written designated beneficiary with an insurable interest in the retiree as of a date no later than December 31, 1982, shall be permanently increased by a post-retirement adjustment of \$.74 per month for each year of creditable service the faculty member or employee established with the annuity or retirement income plan. Any fraction of a year of service shall be counted in the computation of the post-retirement adjustment.

NEW SECTION. Sec. 3. There is added to chapter 41.32 RCW a new section to read as follows:

Notwithstanding any provision of law to the contrary, effective July 1, 1983, the monthly benefit of each person who either is receiving benefits for his or her service as a member as of July 1, 1978, or commenced receiving a monthly benefit as of a date no later than December 31, 1982, under RCW 41.32.550 or under RCW 41.32.520 or as a surviving spouse or designated beneficiary with an insurable interest in the retiree, shall be permanently increased by a post-retirement adjustment of \$.74 per month for each year of creditable service the member established with the retirement system. Any fraction of a year of service shall be counted in the computation of the post-retirement adjustment. This adjustment shall be in lieu of any adjustment provided under RCW 41.32.499 as of July 1, 1983, or July 1, 1984, for the affected persons.

This section is not applicable to those persons receiving benefits pursuant to RCW 41.32.540 or 41.32.760 through 41.32.825.

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

Notwithstanding any provision of law to the contrary, effective July 1, 1983, the monthly benefit of each person who commenced receiving benefits for his or her service no later than July 1, 1978, or commenced receiving benefits under RCW 41.40.220, 41.40.230, 41.40.250, or 41.44.170 as of December 31, 1982, or commenced receiving a monthly benefit under RCW 41.40.270 or as a surviving spouse or written designated beneficiary with an insurable interest in the retiree as of a date no later than December 31, 1982, shall be permanently increased by a post-retirement adjustment of \$.74 per month for each year of creditable service the member established with the retirement system. Any fraction of a year of service shall be counted in the computation of the post-retirement adjustment. This adjustment shall be in lieu of any adjustment provided under RCW 41.40.195 as of July 1, 1983, or July 1, 1984, for the affected persons.

This section is not applicable to those persons receiving benefits pursuant to RCW 41.40.610 through 41.40.740.

NEW SECTION. Sec. 5. There is added to chapter 43.43 RCW a new section to read as follows:

Notwithstanding any provision of law to the contrary, effective July 1, 1983, all retirement allowances that commenced on a date no later than July 1, 1978, and all beneficiary allowances that commenced on a date no later than December 31, 1982, shall be permanently increased by a post-retirement adjustment of \$.74 per month for each year of creditable service the member established with the retirement system. This adjustment shall be in lieu of any adjustment provided under RCW 43.43.260(5) as of July 1, 1983, and July 1, 1984, for the affected persons, except that in no case shall such adjustment be less than the total of those which would be provided under RCW 43.43.260(5) as of July 1, 1983, and July 1, 1984.

NEW SECTION. Sec. 6. There is hereby appropriated \$3,600,000 for the costs resulting from sections 1 through 5 of this act. These funds shall be disbursed according to the following schedule:

(1) \$3,212,000 to the department of retirement systems, as follows:

(a) \$1,025,000 from the general fund to the public employees' retirement fund.

(b) \$2,136,000 from the general fund to the teachers' retirement fund.

(c) \$12,000 from the general fund to the judges' retirement fund.

(d) \$39,000 from the motor vehicle fund to the Washington state patrol retirement fund.

(2) \$388,000 from the general fund as follows:

University of Washington \$193,000

Washington State University \$171,000

Eastern Washington University \$4,000

Western Washington University \$9,000

Central Washington University \$11,000

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1983.

Passed the House May 17, 1983.

Passed the Senate May 18, 1983.

Approved by the Governor June 13, 1983.

Filed in Office of Secretary of State June 13, 1983.

CHAPTER 57

[Engrossed Substitute House Bill No. 55]

CAPITAL BUDGET—1983-1985

AN ACT Adopting the capital budget; making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for capital projects during the period ending June 30, 1985, out of the several funds specified in this act.

INDEX

Arts Commission, sec. 903

Central Washington University, secs. 835-851

Commerce and Economic Development Department, sec. 901

Community College Education Board, secs. 863–886
 Corrections Department, secs. 228–244
 Eastern Washington University, secs. 826–834
 Ecology Department, secs. 301–318
 Education, State Board of, sec. 887
 Emergency Services Department, sec. 139
 Employment Security Department, sec. 245
 Evergreen State College, secs. 853–858
 Fisheries Department, secs. 501–545
 Game Department, secs. 601–646
 General Administration Department, secs. 101–128
 Labor and Industries Department, sec. 246
 Military Department, secs. 133–138
 Natural Resources Department, secs. 701–722
 Parks and Recreation Commission, secs. 401–433
 Secretary of State, secs. 129–132
 Social and Health Services Department, secs. 201–227
 Departmental Capital Services (Headquarters), secs. 201–208
 Developmental Disabilities, secs. 214–219
 Juvenile Rehabilitation, secs. 209–213
 Mental Health, secs. 220–227
 State Treasurer, sec. 902
 University of Washington, secs. 814–825
 Veterans Affairs Department, sec. 244
 Vocational Education Commission, sec. 888
 Washington State University, secs. 815–825
 Western Washington State University, secs. 859–862

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

"GF, Cap Bldg Constr Acct" means General Fund—Capital Building Construction Account;

"GF, State Bldg Constr Acct" means General Fund—State Building Construction Account;

"GF, Fish Cap Proj Acct" means General Fund—Fisheries Capital Projects Account;

"GF, ORA" means General Fund—Outdoor Recreation Account;

"GF, Sal Enhmt Constr Acct" means General Fund—Salmon Enhancement Construction Account;

"GF, For Dev Acct" means General Fund—Forest Development Account;

"GF, Res Mgmt Cost Acct" means General Fund—Resource Management Cost Account;

"GF, LIRA, DSHS Fac" means General Fund—Local Improvements Revolving Account—Department of Social and Health Services Facilities;

"GF, DSHS Constr Acct" means General Fund—State Social and Health Services Construction Account;

"GF, CEP & RI Acct" means General Fund—Charitable, Educational, Penal, and Reformatory Institutions Account;

"GF, Fire Trng Constr Acct" means General Fund—Fire Training Construction Account;

"GF, WSU Bldg Acct" means General Fund—Washington State University Building Account;

"GF, St H Ed Constr Acct" means General Fund—State Higher Education Construction Account;

"GF, EWU Cap Proj Acct" means General Fund—Eastern Washington University Capital Projects Account;

"GF, TESC Cap Proj Acct" means General Fund—The Evergreen State College Capital Projects Account;

"GF, Com Col Cap Impvmt Acct" means General Fund—Community College Capital Improvement Account;

"GF, Com Col Cap Proj Acct" means General Fund—Community College Capital Projects Account;

"GF, Com Col Cap Constr Acct" means General Fund—1975 Community College Capital Construction Account;

"GF, CWU Cap Proj Acct" means General Fund—Central Washington University Capital Projects Account;

"GF, UW Bldg Acct" means General Fund—University of Washington Building Account;

"GF, St Bldg Auth Constr Acct" means General Fund—State Building Authority Construction Account;

"GF, WWU Cap Proj Acct" means General Fund—Western Washington University Capital Projects Account;

"GF, Cap Purch & Dev Acct" means General Fund—Capitol Purchase and Development Account;

"GF, Hndcp Fac Constr Acct" means General Fund—Handicapped Facilities Construction Account;

"GF, LIRA, Waste Disp Fac" means General Fund—State and Local Improvement Revolving Account—Waste Disposal Facilities;

"GF, State Emerg Water Proj Rev" means General Fund—Emergency Water Project Revolving Account—State;

"GF, LIRA, Waste Fac 1980" means General Fund—State and Local Improvement Revolving Account—Waste Disposal Facilities 1980;

"GF, LIRA, Water Sup Fac" means General Fund—State and Local Improvement Revolving Account—Water Supply Facilities;

"GF, LIRA" means General Fund—State and Local Improvement Revolving Account;

"GF, LIRA, Public Rec Fac" means General Fund State and Local Improvement Revolving Account—Public Recreation Facilities;

"GF, PNW Fest Fac Constr Acct" means General Fund—Pacific Northwest Festival Facility Construction Account;

"GF, Cultural Fac Constr Acct" means General Fund—Cultural Facilities Construction Account;

"GF, H Ed Constr Acct" means General Fund—Higher Education Construction Account 1979;

"MV, State Patrol Hiwy Acct" means Motor Vehicle Fund—State Patrol Highway Account.

The words "capital improvements" or "capital projects" used in this act mean acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets.

PART I

GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To conduct an energy audit program of all state-owned buildings.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct	3,971,600	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
2,620,900		6,592,500

NEW SECTION. Sec. 102. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To complete the house office building basement alteration and ground floor hearing rooms remodel.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct	40,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs

NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To implement three minor improvement projects on the capitol campus.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		72,000
GF, Cap Purch & Dev Acct		5,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		77,000

NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To repair existing campus elevators, escalators, and other conveyance systems.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		106,000
GF, Cap Purch & Dev Acct		87,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	2,022,000	2,215,000

NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To replace and maintain the roofs on capitol campus buildings.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		298,000
GF, Cap Purch & Dev Acct		60,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		358,000

NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To study repair and improve the water distribution system.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		175,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	581,500	756,500

NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To provide a fire and water damage protection system for the state library.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		399,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		399,000

NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To replace the water chiller at the employment security building.

	Reappropriation	Appropriation
GF, Cap Purch & Dev Acct		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		500,000

NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To provide improvements for handicapped access.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		34,000
GF, Cap Purch & Dev Acct		259,000
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/83	7/1/85 and Thereafter	Costs
	886,000	1,179,000

NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To convert industrial space vacated by the state printer in the general administration building to office space for the state auditor and the state treasurer, and to renovate vacated computer space in the state treasurer's office.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		3,890,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		3,890,000

NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To provide for the installation of energy conservation measures in various capitol campus buildings.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		510,000
GF, Cap Purch & Dev Acct		368,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	1,435,000	2,313,000

NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To correct leaks in the capitol campus garage.

	Reappropriation	Appropriation
GF, Cap Purch & Dev Acct		362,000
Project Costs Through	Estimated Costs 7/1/85 and	Estimated Total Costs

6/30/83

Thereafter

362,000

NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To effect critical repairs at the northern state multiservice center.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		100,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	3,768,800	3,868,800

NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

For Northern State Hospital repairs.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct	150,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	1,925,000	2,075,000

NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

For campus electrical repairs.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct	490,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	4,494,000	5,194,000

NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

For capitol campus electrical energy conservation.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
368,000		468,000

NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

For powerhouse equipment modifications and replacement.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct	200,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
787,000		987,000

NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

For alterations to a portion of the state modular office building at industrial park for the state printer.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct	1,017,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
389,300		1,406,300

NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To rehabilitate Capitol Lake.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct	809,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs

6/30/83	Thereafter	
763,000	591,000	2,163,000

NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

For Office Building No. 2 window drip cap installation.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct	106,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		106,000

NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

For alteration of the basement and ground floor of the general administration building for use as office space: design only.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct	435,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
15,000	5,050,000	5,500,000

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

For elevator/escalator repair and replacement.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct	345,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
500,000	5,000	850,000

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

For the acquisition of the McNeil Island complex including Gertrude and Pitt Islands.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		8,800,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		8,800,000

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To provide for alterations to the Public Lands Building for two ground level floor senate hearing rooms and support spaces. Includes funds not to exceed \$284,000 for department of natural resources office modifications and relocation of department of natural resources functions.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		885,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		885,000

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To provide for Phase II House Office Building remodel.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		1,452,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		1,452,000

NEW SECTION. Sec. 129. FOR THE SECRETARY OF STATE

For renovation of the central Washington regional archives in Ellensburg.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		25,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
32,000		57,000

NEW SECTION. Sec. 130. FOR THE SECRETARY OF STATE

Renovate regional archives in King County.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		48,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
14,000		62,000

NEW SECTION. Sec. 131. FOR THE SECRETARY OF STATE

Remodel existing space in the archives and records center in Olympia for a conservation laboratory.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		37,800
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		37,800

NEW SECTION. Sec. 132. FOR THE SECRETARY OF STATE

Renovations to radar tower for records storage purposes in Blaine.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		37,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		37,000

NEW SECTION. Sec. 133. FOR THE MILITARY DEPARTMENT

Provide for minor renovation and energy conservation projects.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		724,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		724,000

NEW SECTION. Sec. 134. FOR THE MILITARY DEPARTMENT

To construct and equip maintenance shop—Fort Lewis.

	Reappropriation	Appropriation
General Fund, Federal		1,438,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	268,000	1,706,000

NEW SECTION. Sec. 135. FOR THE MILITARY DEPARTMENT

To construct and equip maintenance shop—Ephrata armory.

	Reappropriation	Appropriation
General Fund, Federal		193,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	35,000	228,000

NEW SECTION. Sec. 136. FOR THE MILITARY DEPARTMENT

Construct and equip a 200-man armory—Vancouver barracks.

	Reappropriation	Appropriation
General Fund, Federal	78,000	
GF, State Bldg Constr Acct	39,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	2,004,000	2,121,000

NEW SECTION. Sec. 137. FOR THE MILITARY DEPARTMENT

Acquire and equip a 200-man armory—South King County.

	Reappropriation	Appropriation
General Fund, Federal		1,260,000
GF, State Bldg Constr Acct	20,000	515,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		1,900,000

NEW SECTION. Sec. 138. FOR THE MILITARY DEPARTMENT

Complete exterior renovation and engineering study on total building renovation—Tacoma Armory.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		120,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	2,555,700	2,675,700

NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF EMERGENCY SERVICES

Study to determine location and design of an emergency services command center.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		31,000
General Fund, Federal		6,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		37,000

PART II

HUMAN RESOURCES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)

Repairs and improvements—State-wide.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	783,200	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,216,800		2,000,000

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)

(1) Construct and equip facilities for the care, training, and rehabilitation of persons with sensory, physical or mental handicaps (Referendum 37-Phase III).

(2) Approve, construct, and equip facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps involving twenty projects and totaling \$2,645,000. The moneys allocated in this section shall revert for reallocation if the final application for the project has not been submitted by December 31, 1983, and approved by March 31, 1984 (Referendum 37-Phase IV).

	Reappropriation	Appropriation
GF, Hndcp Fac Constr Acct	12,057,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
12,943,000		25,000,000

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)

The department of social and health services is authorized to allocate \$1,300,000 in Referendum 29 funds to the City of Seattle for the Downtown Seattle Special Residence for the Mentally Ill. The City of Seattle

must submit an application by December 31, 1983, and must receive department approval by March 31, 1984, or the amount authorized shall lapse.

	Reappropriation	Appropriation
GF, LIRA, DSHS Fac		1,300,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		1,300,000

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)

Comply with section 504 relating to handicapped access to facilities.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	10,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
366,085	180,000	556,085

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)

Construct and equip a new state public health laboratory.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	675,000	10,163,100
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
440,900		11,279,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)

Establish and implement energy conservation program—DSHS institutions.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	750,000	1,174,900
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
690,000		2,614,900

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)

Develop project plans for major current and backlog facility deficiencies.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	90,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
201,239		291,239

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)

Renovation, repair, and construction related to small projects.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		2,637,600
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		2,637,600

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR JUVENILE REHABILITATION

Renovate kitchen, dining room, and administration building and construct new commissary—Naselle Youth Camp.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	60,000	

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
1,867,500		1,927,500

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR JUVENILE REHABILITATION

Upgrade facilities including vocational and educational buildings—Green Hill School.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	365,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
1,435,000		1,800,000

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR JUVENILE REHABILITATION

Repair and replace roofs—Echo Glen Children's Center.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		1,231,700
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
209,200		1,440,900

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR JUVENILE REHABILITATION

Repair utilities—Maple Lane.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		609,100
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		609,100

NEW SECTION, Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR JUVENILE REHABILITATION

Repair utilities—Green Hill School.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		307,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		307,000

NEW SECTION, Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES

Renovate Douglas Hall, renovate or construct infirmary, renovate habilitation center, make utility and site improvements, demolish old buildings on north campus, design through working drawings for Phase IV—Lakeland Village.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	4,824,500	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
17,119,700	1,425,500	23,369,700

NEW SECTION, Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES

Construct and equip nine residential units, renovate skilled nursing center and health center, renovate kitchen, improve facilities and site, design through working drawings for Phase IV—Rainier School.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	9,174,800	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
22,956,200		32,131,000

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES

Renovate and equip the main building, Phase III—Yakima Valley School.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	83,700	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
7,882,300	6,276,100	14,242,100

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES

Repair and upgrade utilities, and fire and safety improvements, Phase IV—Fircrest.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	75,000	1,615,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
3,805,300		5,495,300

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES

Repair or replace roof—Interlake.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		345,900
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		345,900

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES

Construct and equip two additional 16-bed residential units—Complete Phase II—Frances Haddon Morgan.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		2,612,500
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,167,000	3,500,000	7,279,500

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH

Fire and safety improvements—Western State Hospital.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		289,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		289,000

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH

Repair cottages—Child Study and Treatment Center—Western State Hospital campus.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		245,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		245,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH

Completion of design, construction, and equipping 225-bed facility for the nonoffender population—Western State Hospital.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	1,113,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
19,630,000	550,000	21,293,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH

Completion of health, safety, facility, utility and roofing improvements—Western State Hospital.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	838,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,493,000		2,331,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH

Completion of design, construction, and equipping 130-bed facility for nonoffender population—Eastern State Hospital.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	50,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
11,985,000		12,035,000

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH

Install emergency generator—Western State Hospital.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		655,700
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/83	7/1/85 and Thereafter	Costs 655,700
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NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH

Renovate wards—Eastern State Hospital.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		502,300
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs 11,293,900
	10,791,600	

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH

Renovate wards—Western State Hospital.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		377,100
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs 16,473,900
	16,096,800	

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF CORRECTIONS

Cover current obligations related to design, site planning, and land acquisition for a 500-bed medium security corrections center at Grandview. New contracts or other expenditure obligations relative to construction of this project are to be deferred.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	1,500,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs 2,330,000
830,000		

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF CORRECTIONS

Renovate heating and ventilation system—McNeil Island.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	395,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
105,000		500,000

NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF CORRECTIONS

Construct 500-bed medium security corrections center on the grounds of the Monroe Reformatory.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	12,970,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
20,892,300		33,862,300

NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF CORRECTIONS

Repair facilities and utilities—McNeil Island.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	1,000,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,667,406		2,667,406

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF CORRECTIONS

Construct a 500-bed medium security corrections center—Clallam Bay.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	7,148,400	33,247,305
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	2,601,600	42,997,305

NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF CORRECTIONS

Continue to upgrade utilities, living units, and security capabilities—Phase II, Washington State Penitentiary.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	14,000,000	6,480,784
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	12,907,492	33,388,276

NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF CORRECTIONS

Upgrade security, housing units, utilities, services, and inmate movement—Phase II, Washington State Reformatory.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	146,500	10,897,100
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	576,900	17,740,450

NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF CORRECTIONS

Provide facilities for 600 additional inmates—Washington Corrections Center, Shelton.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		18,510,000
Project	Estimated	Estimated

Costs Through 6/30/83	Costs 7/1/85 and Thereafter	Total Costs
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18,510,000

NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF CORRECTIONS

Emergency and unanticipated projects.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		337,000

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
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337,000

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF CORRECTIONS

Renovation, repair, construction of small projects—state-wide.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		1,943,203

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
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1,943,203

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF CORRECTIONS

Improve water quality—Washington State Reformatory.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		668,300

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
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668,300

NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF CORRECTIONS

Renovate farm housing and provide 200 additional beds—McNeil Island.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		871,165
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		871,165

NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF CORRECTIONS

Improve capability to handle mentally disturbed inmates—Washington Corrections Center.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		319,954
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		319,954

NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF CORRECTIONS

Construct maximum security inmate living units—Purdy Treatment Center for Women.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		280,800
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	4,880,295	5,161,095

NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF CORRECTIONS

Install bag house to comply with the air pollution control board's air quality emissions standards—Washington Corrections Center.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		1,424,496
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		1,424,496

NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF CORRECTIONS

Replace old, small-capacity passenger ferry boat with larger-capacity boat—McNeil Island.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		335,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		335,000

NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF CORRECTIONS

Completion of repair and improvement of utilities and facilities—Omnibus.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	200,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,400,000		1,600,000

NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Repair and improve facilities at the Soldiers' Home and Veterans' Home.

	Reappropriation	Appropriation
GF, CEP & RI Acct	334,000	255,000

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
710,900		1,299,900

NEW SECTION. Sec. 246. FOR THE EMPLOYMENT SECURITY DEPARTMENT

Acquire land and construct an office building in Walla Walla.

	Reappropriation	Appropriation
Unemployment Compensation		
Administration Fund—Federal	545,000	246,250
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		791,250

NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Repair and improve facilities at the Buckner rehabilitation center.

	Reappropriation	Appropriation
Medical Aid Fund		209,234
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		209,234

PART III

DEPARTMENT OF ECOLOGY

NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY

Acquire property and construct building at Padilla Bay.

	Reappropriation	Appropriation
GF, Federal	300,000	
GF, ORA—State	500,000	
Project Costs	Estimated Costs	Estimated Total

Through 6/30/83	7/1/85 and Thereafter	Costs
896,000		1,696,000

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

Drilling of test observation wells in Island County.

	Reappropriation	Appropriation
GF, State Emerg Water Proj Rev	480,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		480,000

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

Provide low water fixtures to reduce water in drainfields, Alta Lake State Park.

	Reappropriation	Appropriation
GF, LIRA, Waste Disp Fac	77,100	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
35,700		112,800

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY

To construct waste disposal facilities at Dash Point, Riverside, and Sacajawea State Parks.

	Reappropriation	Appropriation
GF, LIRA, Waste Disp Fac	181,200	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
564,800		746,000

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY

To construct water supply facilities at Sacajawea State Park.

	Reappropriation	Appropriation
GF, LIRA	124,900	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
95,100		220,000

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY

Equip three marine parks (Squaxin Island, Jones Island, and Sucia Island) with self-contained organic sewage treatment systems.

	Reappropriation	Appropriation
GF, LIRA Waste Fac 1980	91,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
36,100		127,100

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY

Provide facilities in twenty-seven parks for the disposal of marine sewage from Porta-Potties.

	Reappropriation	Appropriation
GF, LIRA, Waste Fac 1980	104,800	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		104,800

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY

Renovate primary and secondary water distribution system—Larrabee State Park.

	Reappropriation	Appropriation
GF, LIRA, Water Sup Fac	43,600	

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		43,600

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF ECOLOGY

Provide water service connection for fire protection and public use—
Saint Edward State Park.

	Reappropriation	Appropriation
GF, LIRA, Water Sup Fac	220,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		220,000

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF ECOLOGY

Provide for water system improvements—Sun Lakes State Park.

	Reappropriation	Appropriation
GF, LIRA, Water Sup Fac	35,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
48,600		83,600

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF ECOLOGY

Extend water system—Jones Island.

	Reappropriation	Appropriation
GF, LIRA—Water Sup Fac	48,300	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		48,300

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF ECOLOGY

Extend water system—Blake Island.

	Reappropriation	Appropriation
GF, LIRA—Water Sup Fac	87,700	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		87,700

NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF ECOLOGY

Improve sewage lagoon—Brooks Memorial State Park, Klickitat County.

	Reappropriation	Appropriation
GF, LIRA, Waste Fac 1980		92,700
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		92,700

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF ECOLOGY

Provide funds for sewage treatment facility expansion—Moran State Park, San Juan County.

	Reappropriation	Appropriation
GF, LIRA, Waste Fac 1980		78,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		78,000

NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF ECOLOGY

Connect Ocean City State Park's existing sewer system to Ocean Shores municipal sewer system—Grays Harbor County.

	Reappropriation	Appropriation
GF, LIRA, Waste Fac 1980		120,400
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		120,400

NEW SECTION. Sec. 316. FOR THE DEPARTMENT OF ECOLOGY

Repair and remodel sewage system—Sun Lakes State Park, Grant County.

	Reappropriation	Appropriation
GF, LIRA, Waste Fac 1980		312,700
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		312,700

NEW SECTION. Sec. 317. FOR THE DEPARTMENT OF ECOLOGY

Renovate sewage system—Illahee State Park, Kitsap County.

	Reappropriation	Appropriation
GF, LIRA, Waste Fac 1980		38,800
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		38,800

NEW SECTION. Sec. 318. FOR THE DEPARTMENT OF ECOLOGY

Renovate sewage system—Pacific Beach State Park, Grays Harbor County.

	Reappropriation	Appropriation
GF, LIRA, Waste Fac 1980		26,300
Project Costs	Estimated Costs	Estimated Total

Through 6/30/83	7/1/85 and Thereafter	Costs 26,300
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PART IV

STATE PARKS AND RECREATION COMMISSION

NEW SECTION. Sec. 401. FOR THE STATE PARKS AND RECREATION COMMISSION

Whatcom County Trails.

	Reappropriation	Appropriation
GF, ORA—State	30,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs 30,000

NEW SECTION. Sec. 402. FOR THE STATE PARKS AND RECREATION COMMISSION

Acquire access to ocean beach (Griffiths Friday)—Copalis.

	Reappropriation	Appropriation
GF, ORA—State	105,000	
GF, ORA—Federal	105,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs 210,000

NEW SECTION. Sec. 403. FOR THE STATE PARKS AND RECREATION COMMISSION

Develop facilities—Fort Canby.

	Reappropriation	Appropriation
GF, ORA—State	44,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs 88,000
44,000		

NEW SECTION. Sec. 404. FOR THE STATE PARKS AND RECREATION COMMISSION

Develop facilities— Spencer Spit.

	Reappropriation	Appropriation
GF, ORA—State	85,000	
GF, ORA—Federal	85,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		468,000
		638,000

NEW SECTION. Sec. 405. FOR THE STATE PARKS AND RECREATION COMMISSION

Acquire land—Squak Mountain.

	Reappropriation	Appropriation
GF, ORA—State	39,000	
GF, ORA—Federal	39,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		78,000

NEW SECTION. Sec. 406. FOR THE STATE PARKS AND RECREATION COMMISSION

Renovate facilities—Camp Wooten.

	Reappropriation	Appropriation
GF, ORA—State	20,700	
GF, ORA—Federal	20,700	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		67,600
		109,000

NEW SECTION. Sec. 407. FOR THE STATE PARKS AND RECREATION COMMISSION

Develop facilities—Clallam Spit.

	Reappropriation	Appropriation
GF, ORA—State	88,500	
GF, ORA—Federal	88,500	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
2,000		179,000

NEW SECTION. Sec. 408. FOR THE STATE PARKS AND RECREATION COMMISSION

Acquire recreational sites—Beards Hollow and Penrose.

	Reappropriation	Appropriation
GF, ORA—State	58,900	
GF, ORA—Federal	58,900	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
8,222,500		8,340,300

NEW SECTION. Sec. 409. FOR THE STATE PARKS AND RECREATION COMMISSION

Continue to acquire approximately 350 to 400 acres and 1.5 miles of riverfront—Green River Gorge.

	Reappropriation	Appropriation
GF, ORA—State	296,000	
GF, ORA—Federal	96,300	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
5,303,700		5,696,000

NEW SECTION. Sec. 410. FOR THE STATE PARKS AND RECREATION COMMISSION

Acquire approximately 152 acres adjacent to Yakima Sportsman State Park.

	Reappropriation	Appropriation
GF, ORA—State	150,000	

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
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150,000

NEW SECTION. Sec. 411. FOR THE STATE PARKS AND RECREATION COMMISSION

Repair and replace timber breakwater—Fort Worden.

	Reappropriation	Appropriation
GF, ORA—State	22,600	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
171,200		193,800

NEW SECTION. Sec. 412. FOR THE STATE PARKS AND RECREATION COMMISSION

Renovate car-top boat launch ramp and turnaround—Potholes.

	Reappropriation	Appropriation
GF, ORA—State	7,600	
GF, ORA—Federal	7,600	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
15,300		30,500

NEW SECTION. Sec. 413. FOR THE STATE PARKS AND RECREATION COMMISSION

Expand boat moorage—Deception Pass.

	Reappropriation	Appropriation
GF, ORA—State	25,600	
GF, ORA—Federal	25,600	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		51,200

NEW SECTION. Sec. 414. FOR THE STATE PARKS AND RECREATION COMMISSION

Renovate campground and day-use area—Riverside.

	Reappropriation	Appropriation
GF, ORA—State	106,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
194,000		300,000

NEW SECTION. Sec. 415. FOR THE STATE PARKS AND RECREATION COMMISSION

Begin trail system development—Mt. Spokane.

	Reappropriation	Appropriation
GF, ORA—State	53,200	
GF, ORA—Federal	53,200	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
93,600		200,000

NEW SECTION. Sec. 416. FOR THE STATE PARKS AND RECREATION COMMISSION

Construct small bathhouse and kitchen—Fort Worden.

	Reappropriation	Appropriation
GF, ORA—State	89,900	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
89,900		179,800

NEW SECTION. Sec. 417. FOR THE STATE PARKS AND RECREATION COMMISSION

Renovate concession area—Twenty-Five Mile Creek.

	Reappropriation	Appropriation
GF, ORA—State	129,000	

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
139,000		268,000

NEW SECTION. Sec. 418. FOR THE STATE PARKS AND RECREATION COMMISSION

Renovate day-use area—Saltwater.

	Reappropriation	Appropriation
GF, ORA—State	87,700	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
27,800		115,500

NEW SECTION. Sec. 419. FOR THE STATE PARKS AND RECREATION COMMISSION

Renovate campground area—Larrabee.

	Reappropriation	Appropriation
GF, ORA—State	68,600	
GF, ORA—Federal	68,600	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		137,200

NEW SECTION. Sec. 420. FOR THE STATE PARKS AND RECREATION COMMISSION

Renovate day-use area—Wenberg.

	Reappropriation	Appropriation
GF, ORA—State	98,400	
GF, ORA—Federal	35,700	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		134,100

NEW SECTION. Sec. 421. FOR THE STATE PARKS AND RECREATION COMMISSION

Renovate boat moorage areas: Squaxin Island, Mystery Bay, Jarrell Cove, Penrose Point, Blake Island, and Cornet Bay.

	Reappropriation	Appropriation
GF, ORA—State	139,500	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
292,800		432,300

NEW SECTION. Sec. 422. FOR THE STATE PARKS AND RECREATION COMMISSION

Begin phased restoration of day-use buildings—Millersylvania.

	Reappropriation	Appropriation
GF, ORA—State	96,000	
GF, ORA—Federal	73,400	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
79,900		249,300

NEW SECTION. Sec. 423. FOR THE STATE PARKS AND RECREATION COMMISSION

Renovate 25 campsites—Birch Bay.

	Reappropriation	Appropriation
GF, ORA—State	45,700	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
79,600		125,300

NEW SECTION. Sec. 424. FOR THE STATE PARKS AND RECREATION COMMISSION

Install rock riprap—Fort Casey.

Reappropriation	Appropriation
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GF, ORA—State	26,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
26,000		52,000

NEW SECTION. Sec. 425. FOR THE STATE PARKS AND RECREATION COMMISSION

Acquire portions of riverbank on the Green River.

	Reappropriation	Appropriation
GF, ORA—State	151,500	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
598,500		750,000

NEW SECTION. Sec. 426. FOR THE STATE PARKS AND RECREATION COMMISSION

Provide emergency funds—State-wide.

	Reappropriation	Appropriation
GF, LIRA, Pub Rec Fac		400,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	950,000	1,350,000

NEW SECTION. Sec. 427. FOR THE STATE PARKS AND RECREATION COMMISSION

Install 7,500 feet of underground cable—Fort Flagler.

	Reappropriation	Appropriation
GF, LIRA, Pub Rec Fac		53,800
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		53,800

NEW SECTION. Sec. 428. FOR THE STATE PARKS AND RECREATION COMMISSION

Insulate and install storm windows and weather stripping—State-wide.

	Reappropriation	Appropriation
GF, LIRA, Pub Rec Fac		71,600
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
150,000		221,600

NEW SECTION. Sec. 429. FOR THE STATE PARKS AND RECREATION COMMISSION

Provide insulation blankets for all hot water tanks—State-wide.

	Reappropriation	Appropriation
GF, LIRA, Pub Rec Fac		11,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		11,000

NEW SECTION. Sec. 430. FOR THE STATE PARKS AND RECREATION COMMISSION

Insulate ceilings and walls—Fort Warden.

	Reappropriation	Appropriation
GF, LIRA, Pub Rec Fac		255,200
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	255,200	510,400

NEW SECTION. Sec. 431. FOR THE STATE PARKS AND RECREATION COMMISSION

Provide a new well and pump—Millersylvania.

	Reappropriation	Appropriation
GF, ORA		13,100

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
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13,100

NEW SECTION. Sec. 432. FOR THE STATE PARKS AND RECREATION COMMISSION

Provide for complete assessment of the stability of Lake Sylvia dam and for minor repairs.

	Reappropriation	Appropriation
GF, ORA		21,500
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs

21,500

NEW SECTION. Sec. 433. FOR THE STATE PARKS AND RECREATION COMMISSION

Provide for interior building maintenance and repairs, including heating system, to preserve existing buildings—St. Edward.

	Reappropriation	Appropriation
GF, ORA		350,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs

297,000

647,000

PART V

DEPARTMENT OF FISHERIES

NEW SECTION. Sec. 501. FOR THE DEPARTMENT OF FISHERIES

The legislature recognizes that the local economies of many communities are heavily dependent on the timber and fishing industries of the state and that the current economic recession has created extraordinarily high rates of unemployment in these communities. Therefore, it is the intent of section 501 of this act to direct the director, department of fisheries, to undertake and implement projects, including the administrative costs thereof,

which will create employment opportunities for those unemployed as a result of the depressed timber and fishing industries and which:

- (1) Enhance the natural salmon stocks in those rivers and streams which determine the ocean salmon quota and which, therefore, control the harvest opportunities for commercial and recreational ocean salmon fisheries;
- (2) Improve the streams and rivers of this state which are important to the success of the natural stocks of salmon;
- (3) Enhance the maximum utilization of existing salmon stocks; and
- (4) Develop mini-modular mobile hatchery complexes on rehabilitated rivers and streams.

The director shall submit quarterly reports, beginning October 1, 1983, to the chairmen of the ways and means committees of the house of representatives and the senate containing:

- (a) The projects initiated;
- (b) The projects completed;
- (c) The unduplicated counts of unemployed persons gaining employment because of this program;
- (d) Department FTE involved; and
- (e) Administrative costs.

To continue salmon enhancement projects and provide stream and river improvements for natural salmon stocks.

	Reappropriation	Appropriation
GF, Sal Enhmt Constr Acct	5,000,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
17,716,700		22,716,700

NEW SECTION. Sec. 502. FOR THE DEPARTMENT OF FISHERIES

Pollution abatement and pond cleaning projects to ensure compliance with various water quality standards.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	280,800	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
3,718,100		3,998,900

NEW SECTION. Sec. 503. FOR THE DEPARTMENT OF FISHERIES

Handicapped access projects at various facilities.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	83,300	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
681,100		764,400

NEW SECTION. Sec. 504. FOR THE DEPARTMENT OF FISHERIES

To provide necessary replacements and alterations to the various hatcheries to maintain current production.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	576,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,913,300		2,489,300

NEW SECTION. Sec. 505. FOR THE DEPARTMENT OF FISHERIES

To complete projects that will improve the operation and production efficiencies at various existing facilities.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	96,600	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,289,400		1,386,000

NEW SECTION. Sec. 506. FOR THE DEPARTMENT OF FISHERIES

To replace and increase the power of auxiliary generators at various hatcheries.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	180,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
300,200		480,200

NEW SECTION. Sec. 507. FOR THE DEPARTMENT OF FISHERIES

To riprap the banks and remove gravel deposits in Jordan Creek.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	410,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
30,000		440,000

NEW SECTION. Sec. 508. FOR THE DEPARTMENT OF FISHERIES

To replace auxiliary hatchery fuel tanks.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	72,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
72,400		144,400

NEW SECTION. Sec. 509. FOR THE DEPARTMENT OF FISHERIES

To replace Green River hatchery mud pumps and complete work in the channel of Soos Creek.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	4,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs

6/30/83	Thereafter	
87,200		91,200

NEW SECTION. Sec. 510. FOR THE DEPARTMENT OF FISHERIES

To construct holding and spawning separation facilities at the Skagit hatchery.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	310,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
30,800		340,800

NEW SECTION. Sec. 511. FOR THE DEPARTMENT OF FISHERIES

To construct a one-half acre adult salmon holding pond, including a fishway system from the Lewis River, and spawning and rearing pens.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	370,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
69,500		439,500

NEW SECTION. Sec. 512. FOR THE DEPARTMENT OF FISHERIES

To construct an incubation structure, drill wells, and install pipe to George Adams hatchery for chum fry.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	382,700	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
10,100		392,800

NEW SECTION. Sec. 513. FOR THE DEPARTMENT OF FISHERIES

To replace the existing vertical intake pickets with an inclined picket intake at the Sunset Falls fishway.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	35,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
98,400		133,400

NEW SECTION. Sec. 514. FOR THE DEPARTMENT OF FISHERIES

To riprap Soos Creek at the Green River hatchery.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	27,500	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
12,000		39,500

NEW SECTION. Sec. 515. FOR THE DEPARTMENT OF FISHERIES

To provide isolated storage building or approved cabinet facilities for the storage of flammable materials at the primary hatchery locations.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	33,800	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
22,400		56,200

NEW SECTION. Sec. 516. FOR THE DEPARTMENT OF FISHERIES

To revise the Skagit hatchery water intake system.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	161,900	
Project	Estimated	Estimated

Costs Through 6/30/83	Costs 7/1/85 and Thereafter	Total Costs
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161,900

NEW SECTION. Sec. 517. FOR THE DEPARTMENT OF FISHERIES

To replace a portion of the Hurd Creek ponds main water supply line.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	177,300	

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
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1,200

178,500

NEW SECTION. Sec. 518. FOR THE DEPARTMENT OF FISHERIES

To construct metal-pole storage buildings.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	37,000	

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
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414,100

451,100

NEW SECTION. Sec. 519. FOR THE DEPARTMENT OF FISHERIES

To drill a well and replace toilets at the Garrison hatchery.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	29,400	

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
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325,000

354,400

NEW SECTION. Sec. 520. FOR THE DEPARTMENT OF FISHERIES

To install incubators and improve the water supply at the Skykomish hatchery.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	43,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
363,200		406,200

NEW SECTION. Sec. 521. FOR THE DEPARTMENT OF FISHERIES

To construct weirs on streams for the enhancement of egg production.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	75,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
885,900		960,900

NEW SECTION. Sec. 522. FOR THE DEPARTMENT OF FISHERIES

To construct divider picket walls in the adult pond at the Soleduck hatchery.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	32,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
238,200		270,200

NEW SECTION. Sec. 523. FOR THE DEPARTMENT OF FISHERIES

To replace damaged or missing gabions at the Soleduck hatchery.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	45,000	
Project	Estimated	Estimated

Costs Through 6/30/83	Costs 7/1/85 and Thereafter	Total Costs
2,100		47,100

NEW SECTION. Sec. 524. FOR THE DEPARTMENT OF FISHERIES

To purchase and install net pens at Squaxin Island.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	8,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
192,000		200,000

NEW SECTION. Sec. 525. FOR THE DEPARTMENT OF FISHERIES

To renovate and make improvements for health and safety code compliance.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	81,500	190,400
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
1,514,300	1,000,000	2,786,200

NEW SECTION. Sec. 526. FOR THE DEPARTMENT OF FISHERIES

Improvements to conserve energy.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		115,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	200,000	315,000

NEW SECTION. Sec. 527. FOR THE DEPARTMENT OF FISHERIES

Minor replacement and alteration projects to sustain and improve hatchery operations.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		100,000

NEW SECTION. Sec. 528. FOR THE DEPARTMENT OF FISHERIES

To renovate and increase the Willapa fish food freezer and provide additional freezer capacity at Minter Creek.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		269,100
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		269,100

NEW SECTION. Sec. 529. FOR THE DEPARTMENT OF FISHERIES

To renovate the growth pond at Point Whitney.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		84,300
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		84,300

NEW SECTION. Sec. 530. FOR THE DEPARTMENT OF FISHERIES

To remodel the Montesano regional coastal field office.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		60,500
Project	Estimated	Estimated

Costs Through 6/30/83	Costs 7/1/85 and Thereafter	Total Costs
		60,500

NEW SECTION. Sec. 531. FOR THE DEPARTMENT OF FISHERIES

To supplement the Green River sand separator with a mechanical water filtration system.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		175,700
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		175,700

NEW SECTION. Sec. 532. FOR THE DEPARTMENT OF FISHERIES

To install a mechanical water filter system at Puyallup.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		117,100
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		117,100

NEW SECTION. Sec. 533. FOR THE DEPARTMENT OF FISHERIES

To construct a concrete settling pond at Naselle.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		75,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		75,000

NEW SECTION. Sec. 534. FOR THE DEPARTMENT OF FISHERIES

To install intruder detection systems at four hatcheries.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		120,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		120,000

NEW SECTION. Sec. 535. FOR THE DEPARTMENT OF FISHERIES

To construct a public fishing pier and reef on the Tacoma waterfront.

	Reappropriation	Appropriation
GF, ORA—State	375,000	
GF, ORA—Federal	375,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
127,000		877,000

NEW SECTION. Sec. 536. FOR THE DEPARTMENT OF FISHERIES

To acquire and develop property on Oakland Bay.

	Reappropriation	Appropriation
GF, ORA—State	14,000	
GF, ORA—Federal	7,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
102,800		123,800

NEW SECTION. Sec. 537. FOR THE DEPARTMENT OF FISHERIES

To construct pedestrian access walkways at Westport.

	Reappropriation	Appropriation
GF, ORA—State	84,000	

GF, ORA—Federal	84,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
40,000		208,000

NEW SECTION. Sec. 538. FOR THE DEPARTMENT OF FISHERIES

To redevelop the Boston Harbor public boat launch.

	Reappropriation	Appropriation
GF, ORA	50,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
44,400		94,400

NEW SECTION. Sec. 539. FOR THE DEPARTMENT OF FISHERIES

To construct a recreational fishing area at the east end of the Hood Canal bridge.

	Reappropriation	Appropriation
GF, ORA	360,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
20,000		380,000

NEW SECTION. Sec. 540. FOR THE DEPARTMENT OF FISHERIES

To enhance the Frye Cove beach to create hardshell clam beds.

	Reappropriation	Appropriation
GF, ORA	35,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs

6/30/83	Thereafter	
10,500		45,500

NEW SECTION. Sec. 541. FOR THE DEPARTMENT OF FISHERIES

To enhance the Bywater Bay beach to create hardshell clam beds.

	Reappropriation	Appropriation
GF, ORA	20,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
8,000		28,000

NEW SECTION. Sec. 542. FOR THE DEPARTMENT OF FISHERIES

To redevelop the public boat access facility at Pillar Point.

	Reappropriation	Appropriation
GF, ORA	1,9,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
4,400		163,400

NEW SECTION. Sec. 543. FOR THE DEPARTMENT OF FISHERIES

To construct shelters on the Elliott Bay fishing pier.

	Reappropriation	Appropriation
GF, ORA—State	49,000	
GF, ORA—Federal	45,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		94,000

NEW SECTION. Sec. 544. FOR THE DEPARTMENT OF FISHERIES

To construct artificial reefs in Puget Sound and Hood Canal.

	Reappropriation	Appropriation
GF, ORA—State	50,000	75,000
GF, ORA—Federal		75,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
50,000	200,000	450,000

NEW SECTION. Sec. 545. FOR THE DEPARTMENT OF FISHERIES

To partially renovate the Snow Creek public boat launch.

	Reappropriation	Appropriation
GF, ORA—State		72,500
GF, ORA—Federal		72,500
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	150,000	295,000

PART VI
DEPARTMENT OF GAME

NEW SECTION. Sec. 601. FOR THE DEPARTMENT OF GAME

Relocate Seattle regional office.

	Reappropriation	Appropriation
Game Fund	316,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,044,000		1,360,000

NEW SECTION. Sec. 602. FOR THE DEPARTMENT OF GAME

Relocate engineering shop and storage facilities.

	Reappropriation	Appropriation
Game Fund	719,700	
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/83	7/1/85 and Thereafter	Costs
277,000		996,700

NEW SECTION. Sec. 603. FOR THE DEPARTMENT OF GAME

Complete construction of public access—Wenas Lake, Yakima County.

	Reappropriation	Appropriation
GF, ORA—State Game Fund	43,000 27,000	

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
27,000		97,000

NEW SECTION. Sec. 604. FOR THE DEPARTMENT OF GAME

Redevelop public access facilities—Snake River, Asotin County.

	Reappropriation	Appropriation
GF, ORA—State	125,000	

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
2,000		127,000

NEW SECTION. Sec. 605. FOR THE DEPARTMENT OF GAME

Provide a float for fishing and boating—Clear Lake, Thurston County.

	Reappropriation	Appropriation
GF, ORA—State	22,000	

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
41,000		63,000

NEW SECTION. Sec. 606. FOR THE DEPARTMENT OF GAME

Construct boating facilities, interpretive facilities, trails, and water control structure—Tennant Lake H.M.A., Whatcom County.

	Reappropriation	Appropriation
GF, ORA—State	186,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,000		187,000

NEW SECTION. Sec. 607. FOR THE DEPARTMENT OF GAME

Rebuild fishing dock and provide parking and sanitary facilities—
Mercer Island, King County.

	Reappropriation	Appropriation
GF, ORA—State	58,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,000		59,000

NEW SECTION. Sec. 608. FOR THE DEPARTMENT OF GAME

Construct public access facilities—Klickitat River.

	Reappropriation	Appropriation
GF, ORA—State	64,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,000		65,000

NEW SECTION. Sec. 609. FOR THE DEPARTMENT OF GAME

Construct public access facilities—Lake Washington, King County.

	Reappropriation	Appropriation
GF, ORA—State	33,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,000		34,000

NEW SECTION. Sec. 610. FOR THE DEPARTMENT OF GAME

Repair three dikes—Skagit Wildlife Recreation Area.

	Reappropriation	Appropriation
Game Fund—State	12,500	
Game Fund—Federal	37,500	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
52,600		102,600

NEW SECTION. Sec. 611. FOR THE DEPARTMENT OF GAME

Redevelop and construct boat launching facilities at Fazon Lake and Badger Lake.

	Reappropriation	Appropriation
GF, ORA—State	106,200	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
390,800		497,000

NEW SECTION. Sec. 612. FOR THE DEPARTMENT OF GAME

Construct new residence and upgrade domestic water supply—Ring-old Rearing Pond.

	Reappropriation	Appropriation
Game Fund—Federal	33,500	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
85,500		119,000

NEW SECTION. Sec. 613. FOR THE DEPARTMENT OF GAME

Repair or replace fish screens at lake outlets preventing out migration of planted trout.

	Reappropriation	Appropriation
Game Fund—State	8,300	
Game Fund—Federal	25,200	

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
37,500		71,000

NEW SECTION. Sec. 614. FOR THE DEPARTMENT OF GAME

Complete acquisition of thirty-five acres in three parcels of cooperative project with Whatcom County, Tennant Lake Wildlife Recreation Area.

	Reappropriation	Appropriation
GF, ORA—State	153,000	

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		153,000

NEW SECTION. Sec. 615. FOR THE DEPARTMENT OF GAME

Emergency repairs and replacements.

	Reappropriation	Appropriation
Game Fund		200,000

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	400,000	600,000

NEW SECTION. Sec. 616. FOR THE DEPARTMENT OF GAME

Facility maintenance and general repair.

	Reappropriation	Appropriation
Game Fund—State		250,000
Game Fund—Federal		35,000

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	1,000,000	1,285,000

NEW SECTION. Sec. 617. FOR THE DEPARTMENT OF GAME

Preplanning and design for capital projects.

	Reappropriation	Appropriation
Game Fund		32,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
20,000	100,000	152,000

NEW SECTION. Sec. 618. FOR THE DEPARTMENT OF GAME

Replace toilets at public access areas.

	Reappropriation	Appropriation
Game Fund		200,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
200,000	200,000	600,000

NEW SECTION. Sec. 619. FOR THE DEPARTMENT OF GAME

Construct and maintain boundary and big game drift fences state-wide.

	Reappropriation	Appropriation
Game Fund—State		140,000
Game Fund—Federal		261,200
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	900,000	1,301,200

NEW SECTION. Sec. 620. FOR THE DEPARTMENT OF GAME

Construct concrete broodstock ponds, spawning building, roads, and fencing—South Tacoma hatchery.

	Reappropriation	Appropriation
Game Fund		120,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	180,000	300,000

NEW SECTION. Sec. 621. FOR THE DEPARTMENT OF GAME

Relocate or rebuild Bogachiel residence to avoid flooding—Clallam County.

	Reappropriation	Appropriation
Game Fund		68,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		68,000

NEW SECTION. Sec. 622. FOR THE DEPARTMENT OF GAME

Reconstruct water supply to Ringgold rearing ponds—Franklin County.

	Reappropriation	Appropriation
Game Fund—Federal		70,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	100,000	170,000

NEW SECTION. Sec. 623. FOR THE DEPARTMENT OF GAME

Acquire property to replace lost habitat—Snake River and tributaries, several sites.

	Reappropriation	Appropriation
Game Fund—Federal		11,223,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		11,223,000

NEW SECTION. Sec. 624. FOR THE DEPARTMENT OF GAME

Acquire approximately 491 acres near the Yakima River. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

	Reappropriation	Appropriation
Game Fund		618,000

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		618,000

NEW SECTION. Sec. 625. FOR THE DEPARTMENT OF GAME

Acquire approximately 2.8 acres along Skokomish River for a public fishing site. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

	Reappropriation	Appropriation
Game Fund		9,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		9,000

NEW SECTION. Sec. 626. FOR THE DEPARTMENT OF GAME

Acquire Hedt property, approximately 1,500 acres, Asotin County. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

	Reappropriation	Appropriation
Game fund		300,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		300,000

NEW SECTION. Sec. 627. FOR THE DEPARTMENT OF GAME

Acquire approximately 578 acres along the Okanogan River. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

	Reappropriation	Appropriation
Game Fund		350,000
Project Costs Through	Estimated Costs 7/1/85 and	Estimated Total Costs

6/30/83

Thereafter

350,000

NEW SECTION. Sec. 628. FOR THE DEPARTMENT OF GAME

Acquire approximately 250 acres, Pipestone Canyon—Okanogan County. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

	Reappropriation	Appropriation
Game Fund		132,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		132,000

NEW SECTION. Sec. 629. FOR THE DEPARTMENT OF GAME

Acquire approximately 2,000 acres for big game winter range—Yakima County. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

	Reappropriation	Appropriation
Game Fund		132,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		132,000

NEW SECTION. Sec. 630. FOR THE DEPARTMENT OF GAME

Acquire approximately 41.4 acres for Band-tailed Pigeon site—Skagit County. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

	Reappropriation	Appropriation
Game Fund		98,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		98,000

NEW SECTION. Sec. 631. FOR THE DEPARTMENT OF GAME

Acquire approximately 500 acres of water fowl habitat—Snohomish and Island Counties. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

	Reappropriation	Appropriation
Game Fund		435,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		435,000

NEW SECTION. Sec. 632. FOR THE DEPARTMENT OF GAME

Acquire approximately 500 acres for public use—Chehalis Valley, Grays Harbor County. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

	Reappropriation	Appropriation
Game Fund		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		500,000

NEW SECTION. Sec. 633. FOR THE DEPARTMENT OF GAME

Acquire access to stream bank—Mitigation for Wells dam, Okanogan County.

	Reappropriation	Appropriation
Game Fund—Game Special Wildlife Account		62,900
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		62,900

NEW SECTION. Sec. 634. FOR THE DEPARTMENT OF GAME

I-82 land acquisition in Yakima County—Phase II.

	Reappropriation	Appropriation
GF, ORA—State		106,000

GF, ORA—Federal		106,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
138,000		350,000

NEW SECTION. Sec. 635. FOR THE DEPARTMENT OF GAME

Construct public access facilities—I-82, Yakima County.

	Reappropriation	Appropriation
GF, ORA—State		206,500
GF, ORA—Federal		206,500
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		413,000

NEW SECTION. Sec. 636. FOR THE DEPARTMENT OF GAME

Acquire five acres on Mineral Lake for public access—Lewis County.

	Reappropriation	Appropriation
GF, ORA—State		32,500
GF, ORA—Federal		32,500
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		65,000

NEW SECTION. Sec. 637. FOR THE DEPARTMENT OF GAME

Acquire public access—Cottage Lake, King County.

	Reappropriation	Appropriation
GF, ORA—State		34,000
GF, ORA—Federal		34,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		68,000

NEW SECTION. Sec. 638. FOR THE DEPARTMENT OF GAME

Construct public access facilities—Kress Lake, Cowlitz County.

	Reappropriation	Appropriation
GF, ORA—State		20,900
GF, ORA—Federal		20,900
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs 41,800

NEW SECTION. Sec. 639. FOR THE DEPARTMENT OF GAME

Redevelop access areas—Aeneas Valley, Okanogan County.

	Reappropriation	Appropriation
GF, ORA—State		53,100
GF, ORA—Federal		53,100
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs 106,200

NEW SECTION. Sec. 640. FOR THE DEPARTMENT OF GAME

Redevelop access areas—Amber Lake, Spokane County.

	Reappropriation	Appropriation
GF, ORA—State		42,000
GF, ORA—Federal		42,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs 84,000

NEW SECTION. Sec. 641. FOR THE DEPARTMENT OF GAME

Acquire access to department property on Fern Lake—Kitsap County.

	Reappropriation	Appropriation
GF, ORA—State		23,500

GF, ORA—Federal		23,500
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		47,000

NEW SECTION. Sec. 642. FOR THE DEPARTMENT OF GAME

Construct facilities on Big and Little Green Lakes—Okanogan County.

	Reappropriation	Appropriation
GF, ORA—State		46,600
GF, ORA—Federal		46,600
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		93,200

NEW SECTION. Sec. 643. FOR THE DEPARTMENT OF GAME

Construct public access—Stillaguamish River, Snohomish County.

	Reappropriation	Appropriation
GF, ORA—State		33,500
GF, ORA—Federal		33,500
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		67,000

NEW SECTION. Sec. 644. FOR THE DEPARTMENT OF GAME

Redevelop public access—Diamond Lake, Pend Oreille County.

	Reappropriation	Appropriation
GF, ORA—State		26,700
GF, ORA—Federal		26,700
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs

6/30/83

Thereafter

53,400

NEW SECTION. Sec. 645. FOR THE DEPARTMENT OF GAME

Construct public access—Munn Lake, Thurston County.

	Reappropriation	Appropriation
GF, ORA—State		24,000
GF, ORA—Federal		24,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		48,000

NEW SECTION. Sec. 646. FOR THE DEPARTMENT OF GAME

Redevelop public access—Jamison Lake, Douglas County.

	Reappropriation	Appropriation
GF, ORA—State		141,200
GF, ORA—Federal		141,200
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		282,400

PART VII

DEPARTMENT OF NATURAL RESOURCES

NEW SECTION. Sec. 701. FOR THE DEPARTMENT OF NATURAL RESOURCES

Construct and improve the Cedar Creek and Sherman Valley roads.

	Reappropriation	Appropriation
General Fund—ORV Account	80,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		475,000

NEW SECTION. Sec. 702. FOR THE DEPARTMENT OF NATURAL RESOURCES

Construct and improve campsites, roads, trails, and other recreation projects.

	Reappropriation	Appropriation
GF, ORV	374,700	
GF, ORA—State	234,600	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		5,871,000

NEW SECTION. Sec. 703. FOR THE DEPARTMENT OF NATURAL RESOURCES

The Department, together with the Office of Superintendent of Public Instruction, and in cooperation with any officials of political subdivisions of state government that are directly concerned, shall undertake a review (1) of the policies applicable to common schools, which may have constructed public facilities on any state trust lands; (2) procedures used to determine the fair market value of rental payments imposed or selling prices established; and (3) submit a report, along with any appropriate recommendations, to the Legislature by January, 1984.

Prepare sites for commercial lease—State-wide.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct	1,364,700	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		3,506,000

NEW SECTION. Sec. 704. FOR THE DEPARTMENT OF NATURAL RESOURCES

Construct and improve campsites, roads and trails—State-wide.

	Reappropriation	Appropriation
General Fund—ORV Account	101,300	
GF, ORA	143,900	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs

6/30/83

Thereafter

245,200

NEW SECTION. Sec. 705. FOR THE DEPARTMENT OF NATURAL RESOURCES

Construct and improve roads and bridges.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct	205,000	.
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
724,000		929,000

NEW SECTION. Sec. 706. FOR THE DEPARTMENT OF NATURAL RESOURCES

Prepare lands for income-producing agricultural leases by developing irrigation facilities.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct	1,781,700	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
3,117,700		4,899,400

NEW SECTION. Sec. 707. FOR THE DEPARTMENT OF NATURAL RESOURCES

Construct road access system to a large block of state-owned timber lands—Cavanaugh Block.

	Reappropriation	Appropriation
GF, For Dev Acct	380,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
95,000		475,000

NEW SECTION. Sec. 708. FOR THE DEPARTMENT OF NATURAL RESOURCES

Construct bridge and access road to state timber lands—McDonald Mainline.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct	40,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
100,000		140,000

NEW SECTION. Sec. 709. FOR THE DEPARTMENT OF NATURAL RESOURCES

Increase seedling quality and production, Forest Nursery.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct	90,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
220,000		310,000

NEW SECTION. Sec. 710. FOR THE DEPARTMENT OF NATURAL RESOURCES

Replace a forty-five year-old condemned bridge—Snohomish County.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		561,100
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		561,100

NEW SECTION. Sec. 711. FOR THE DEPARTMENT OF NATURAL RESOURCES

Acquire rights of way for land management.

	Reappropriation	Appropriation
GF, For Dev Acct		532,000
GF, Res Mgmt Cost Acct		798,000
Project	Estimated	Estimated

Costs Through 6/30/83	Costs 7/1/85 and Thereafter	Total Costs
1,986,000	4,900,000	8,216,000

NEW SECTION. Sec. 712. FOR THE DEPARTMENT OF NATURAL RESOURCES

Purchase land for resource management, Natural Resources Land Bank.

	Reappropriation	Appropriation
GF, For Dev Acct		3,000,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
3,000,000	3,000,000	9,000,000

NEW SECTION. Sec. 713. FOR THE DEPARTMENT OF NATURAL RESOURCES

Construct and improve roads and bridges—State-wide.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		319,400
GF, For Dev Acct		9,400
General Fund—ORV Account		424,700
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		753,500

NEW SECTION. Sec. 714. FOR THE DEPARTMENT OF NATURAL RESOURCES

Develop a rock pit to produce gravel for roadbeds, Tiger Mountain rock pit—King County.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		114,700
GF, For Dev Acct		114,700
Project Costs Through	Estimated Costs 7/1/85 and	Estimated Total Costs

6/30/83

Thereafter

229,400

NEW SECTION. Sec. 715. FOR THE DEPARTMENT OF NATURAL RESOURCES

Prepare site for commercial lease by developing water, sewer, streets, and drainage—Bucklin Hill—Silverdale—Kitsap County.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		642,600
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
17,000		659,600

NEW SECTION. Sec. 716. FOR THE DEPARTMENT OF NATURAL RESOURCES

Prepare land for exchange—Kennewick 16 U.L.I.D.—Benton County.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		150,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	186,600	336,600

NEW SECTION. Sec. 717. FOR THE DEPARTMENT OF NATURAL RESOURCES

Prepare land for planned unit development and develop a sewer system—Illahee U.L.I.D.—Kitsap County.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		281,800
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
17,000		298,800

NEW SECTION. Sec. 718. FOR THE DEPARTMENT OF NATURAL RESOURCES

Improve lands for commercial development, construction of frontage roads—Kennewick 16—Benton County.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		233,200
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		233,200

NEW SECTION. Sec. 719. FOR THE DEPARTMENT OF NATURAL RESOURCES

Maintenance of Milwaukee Railroad right of way, and a study of the potential use of this property.

	Reappropriation	Appropriation
GF, ORA	250,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		250,000

NEW SECTION. Sec. 720. FOR THE DEPARTMENT OF NATURAL RESOURCES

Fuel facility projects—State-wide.

	Reappropriation	Appropriation
GF, For Dev Acct		49,400
GF, Res Mgmt Cost Acct		108,800
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	68,800	227,000

NEW SECTION. Sec. 721. FOR THE DEPARTMENT OF NATURAL RESOURCES

To acquire Hawk Quarry—Mt. Si private lands acquisition, Phase II.

	Reappropriation	Appropriation
GF, ORA—State		100,000

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
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100,000

NEW SECTION. Sec. 722. FOR THE DEPARTMENT OF NATURAL RESOURCES

Provide irrigation for development of state land, install pumps and mainlines—State-wide.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		1,891,900
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	157,900	2,049,800

PART VIII

EDUCATION

NEW SECTION. Sec. 801. FOR THE UNIVERSITY OF WASHINGTON

To renovate and remodel E and F wings, complete E court, and provide fire safety improvements for the health sciences building.

	Reappropriation	Appropriation
GF, H Ed Constr Acct	200,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	3,742,000	3,942,000

NEW SECTION. Sec. 802. FOR THE UNIVERSITY OF WASHINGTON

To construct and equip and/or purchase an existing facility for a consolidated hospital laundry facility.

	Reappropriation	Appropriation
GF, H Ed Constr Acct	4,190,000	
Project	Estimated	Estimated

Costs Through 6/30/83	Costs 7/1/85 and Thereafter	Total Costs
483,000		4,673,000

NEW SECTION. Sec. 803. FOR THE UNIVERSITY OF WASHINGTON

To acquire land, construct and equip a hospital general services facility.

	Reappropriation	Appropriation
GF, H Ed Constr Acct	278,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
1,340,000		1,618,000

NEW SECTION. Sec. 804. FOR THE UNIVERSITY OF WASHINGTON

To construct and equip a building to house the institute of marine sciences.

	Reappropriation	Appropriation
GF, H Ed Constr Acct	400,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
4,477,000		4,877,000

NEW SECTION. Sec. 805. FOR THE UNIVERSITY OF WASHINGTON

To provide for the expansion, renovation and equipping of the University hospital.

	Reappropriation	Appropriation
GF, H Ed Constr Acct	38,025,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
7,200,000		45,225,000

NEW SECTION. Sec. 806. FOR THE UNIVERSITY OF WASHINGTON

To bring BB tower Health Sciences, RR wing Health Sciences, Atmospheric Sciences, Condon, Padelford and Harborview Halls into compliance with the Seattle high-rise fire safety code requirements.

	Reappropriation	Appropriation
GF, UW Bldg Acct		1,350,000
GF, St H Ed Constr Acct		1,400,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		2,750,000

NEW SECTION. Sec. 807. FOR THE UNIVERSITY OF WASHINGTON

To construct a hazardous waste handling facility on the J wing loading dock of the Health Sciences Building.

	Reappropriation	Appropriation
GF, H Ed Constr Acct		484,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		484,000

NEW SECTION. Sec. 808. FOR THE UNIVERSITY OF WASHINGTON

To extend the emergency electrical power system to the west campus.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		355,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		355,000

NEW SECTION. Sec. 809. FOR THE UNIVERSITY OF WASHINGTON

To provide general repairs and improvements for safety and ventilation.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		500,000

NEW SECTION. Sec. 810. FOR THE UNIVERSITY OF WASHINGTON

To provide for minor repairs and improvements and real estate contract payments.

	Reappropriation	Appropriation
GF, UW Bldg Acct		553,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	12,637,000	13,190,000

NEW SECTION. Sec. 811. FOR THE UNIVERSITY OF WASHINGTON

To replace instructional and support equipment and the purchase of high technology equipment.

	Reappropriation	Appropriation
GF, UW Bldg Acct		3,660,000
GF, H Ed Constr Acct		309,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		3,969,000

NEW SECTION. Sec. 812. FOR THE UNIVERSITY OF WASHINGTON

Various projects to improve energy conservation and reduce operating costs.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		150,000

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	3,180,000	3,330,000

NEW SECTION. Sec. 813. FOR THE UNIVERSITY OF WASHINGTON

To fund additional working drawings, renovation and construction for the ceramic engineering program at Roberts Hall.

	Reappropriation	Appropriation
GF, H Ed Constr Acct		4,000,000

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	6,050,000	10,050,000

NEW SECTION. Sec. 814. FOR THE UNIVERSITY OF WASHINGTON

To fund work on the power plant.

	Reappropriation	Appropriation
GF, H Ed Constr Acct	190,000	

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		190,000

NEW SECTION. Sec. 815. FOR WASHINGTON STATE UNIVERSITY

To complete the construction of an animal holding facility for the College of Veterinary Medicine.

	Reappropriation	Appropriation
GF, H Ed Constr Acct	681,000	

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
1,337,000		2,018,000

NEW SECTION. Sec. 816. FOR WASHINGTON STATE UNIVERSITY

To complete omnibus minor capital improvement projects.

	Reappropriation	Appropriation
GF, WSU Bldg Acct	2,580,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
3,159,000		5,739,000

NEW SECTION. Sec. 817. FOR WASHINGTON STATE UNIVERSITY

To complete Phase II of the Fulmer Hall renovation for the chemistry department.

	Reappropriation	Appropriation
GF, H Ed Constr Acct	578,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,804,000		2,382,000

NEW SECTION. Sec. 818. FOR WASHINGTON STATE UNIVERSITY

To complete the design, renovation, and equipping of College Hall for the Anthropology Department.

	Reappropriation	Appropriation
GF, H Ed Constr Acct	2,362,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,567,000		3,929,000

NEW SECTION. Sec. 819. FOR WASHINGTON STATE UNIVERSITY

To complete the planning, construction, and equipping of the joint treatment plant with the City of Pullman.

	Reappropriation	Appropriation
GF, WSU Bldg Acct	807,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
30,000		837,000

NEW SECTION. Sec. 820. FOR WASHINGTON STATE UNIVERSITY

To complete the design, renovation, and equipping of Science Hall.

	Reappropriation	Appropriation
GF, H Ed Constr Acct	3,899,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
338,000		4,237,000

NEW SECTION. Sec. 821. FOR WASHINGTON STATE UNIVERSITY

To design, construct, and equip a new facility for the department of electrical engineering and a portion of the department of mechanical engineering.

	Reappropriation	Appropriation
GF, WSU Bldg Acct		13,776,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
100,000		13,876,000

NEW SECTION. Sec. 822. FOR WASHINGTON STATE UNIVERSITY

To design a new facility for the department of chemistry, the energy institute, and the biological chemistry institute.

	Reappropriation	Appropriation
GF, WSU Bldg Acct		1,061,000
Project	Estimated	Estimated

Costs Through 6/30/83	Costs 7/1/85 and Thereafter	Total Costs
	19,138,000	20,199,000
<u>NEW SECTION.</u> Sec. 823. FOR WASHINGTON STATE UNIVERSITY		

To provide for minor alterations, renovations, and improvements.

	Reappropriation	Appropriation
GF, WSU Bldg Acct		3,308,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	13,346,000	16,654,000

NEW SECTION. Sec. 824. FOR WASHINGTON STATE UNIVERSITY

To renovate Fulmer Hall Phase III including expansion and replacement of major portions of the service and utility systems.

	Reappropriation	Appropriation
GF, WSU Bldg Acct		1,856,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
5,000	2,705,000	4,566,000

NEW SECTION. Sec. 825. FOR WASHINGTON STATE UNIVERSITY

To design the remodeling of McCoy Hall for the department of veterinary clinical medicine and surgery. The appropriation is contingent upon the receipt of \$1,448,000 in federal funds.

	Reappropriation	Appropriation
GF, WSU Bldg Acct		160,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		160,000

NEW SECTION. Sec. 826. FOR EASTERN WASHINGTON UNIVERSITY

The funds provided in sections 827 through 834 are subject to the following conditions and limitations:

(1) Not more than \$389,000 of the amount provided in section 828 may be used solely for payment on the lease of the Spokane facility and in that event only with the prior approval of the director, office of financial management.

(2) No other funds may be used for any other purpose or purposes at or on such Spokane facility without the prior and specific approval of the director, office of financial management.

NEW SECTION. Sec. 827. FOR EASTERN WASHINGTON UNIVERSITY

Minor capital improvements and energy conservation projects—Omnibus.

	Reappropriation	Appropriation
GF, EWU Cap Proj Acct	260,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	1,065,000	1,325,000

NEW SECTION. Sec. 828. FOR EASTERN WASHINGTON UNIVERSITY

Provide for minor capital improvements and a one-year lease for the Spokane Center: PROVIDED, That not more than \$389,000 may be expended in connection with the Spokane Center and said amount solely for payment of a one-year lease.

	Reappropriation	Appropriation
GF, EWU Cap Proj Acct		1,766,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	6,559,200	8,325,200

NEW SECTION. Sec. 829. FOR EASTERN WASHINGTON UNIVERSITY

Complete the design, renovation, and equipping of the manual arts building and Sutton Hall.

	Reappropriation	Appropriation
GF, H Ed Constr Acct	4,781,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
450,000		5,231,000

NEW SECTION. Sec. 830. FOR EASTERN WASHINGTON UNIVERSITY

Continue work on Martin Hall.

	Reappropriation	Appropriation
GF, EWU Cap Proj Acct	70,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		70,000

NEW SECTION. Sec. 831. FOR EASTERN WASHINGTON UNIVERSITY

Provide planning and design funds through working drawings for the remodeling of and addition to the science building.

	Reappropriation	Appropriation
GF, EWU Cap Proj Acct		400,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	8,134,200	8,534,200

NEW SECTION. Sec. 832. FOR EASTERN WASHINGTON UNIVERSITY

To replace instructional and support equipment.

	Reappropriation	Appropriation
GF, EWU Cap Proj Acct	125,000	
Project	Estimated	Estimated

Costs Through 6/30/83	Costs 7/1/85 and Thereafter	Total Costs
275,000		400,000

NEW SECTION. Sec. 833. FOR EASTERN WASHINGTON UNIVERSITY

Handicap access.

	Reappropriation	Appropriation
GF, EWU Cap Proj Acct	50,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		50,000

NEW SECTION. Sec. 834. FOR EASTERN WASHINGTON UNIVERSITY

To complete the construction of HPERA fieldhouse.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	25,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
2,432,000		2,457,000

NEW SECTION. Sec. 835. FOR CENTRAL WASHINGTON UNIVERSITY

Complete the modifications of existing campus buildings to comply with handicapped access standards.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	165,450	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
420,900		586,350

NEW SECTION. Sec. 836. FOR CENTRAL WASHINGTON UNIVERSITY

Complete the removal of asbestos from places of public occupancy.

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct	86,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
140,000		226,000

NEW SECTION. Sec. 837. FOR CENTRAL WASHINGTON UNIVERSITY

Provide computer equipment and systems.

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct	27,900	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
671,266		699,166

NEW SECTION. Sec. 838. FOR CENTRAL WASHINGTON UNIVERSITY

Provide for utilities improvements.

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct	218,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
672,426		890,426

NEW SECTION. Sec. 839. FOR CENTRAL WASHINGTON UNIVERSITY

Provide for minor capital improvements and land acquisition to upgrade university buildings and facilities.

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct	235,000	
Project Costs	Estimated Costs	Estimated Total

Through 6/30/83	7/1/85 and Thereafter	Costs
2,430,000		2,665,000

NEW SECTION. Sec. 840. FOR CENTRAL WASHINGTON UNIVERSITY

Complete renovation and remodeling, including the addition of a multi-form theatre and associated components and the remodeling of Wildcat Shop for computer services.

	Reappropriation	Appropriation
GF, H Ed Constr Acct	50,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
3,446,000		3,496,000

NEW SECTION. Sec. 841. FOR CENTRAL WASHINGTON UNIVERSITY

Provide for minor capital improvements.

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct	354,200	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
552,800		907,000

NEW SECTION. Sec. 842. FOR CENTRAL WASHINGTON UNIVERSITY

Complete the improvement, extension, and modification of the underground utilities and services.

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct	240,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
30,000		270,000

NEW SECTION. Sec. 843. FOR CENTRAL WASHINGTON UNIVERSITY

Complete the installation of energy economizers, monitoring equipment, fuel atomizers, and insulation.

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct	310,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
225,000		535,000

NEW SECTION. Sec. 844. FOR CENTRAL WASHINGTON UNIVERSITY

Complete the expansion of the control system throughout the campus to achieve energy savings.

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct	866,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
234,000		1,100,000

NEW SECTION. Sec. 845. FOR CENTRAL WASHINGTON UNIVERSITY

Improve campus utilities.

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct	233,900	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		233,900

NEW SECTION. Sec. 846. FOR CENTRAL WASHINGTON UNIVERSITY

Omnibus projects to renovate and remodel campus facilities.

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct	317,125	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
17,475		334,600

NEW SECTION. Sec. 847. FOR CENTRAL WASHINGTON UNIVERSITY

Restore and remodel Barge Hall for student services and administration.

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct	4,528	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
525,472	5,708,200	6,238,200

NEW SECTION. Sec. 848. FOR CENTRAL WASHINGTON UNIVERSITY

Construct and equip computer applications laboratory—Hogue Technology Building and renovate Hebel Building.

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct		946,500
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		946,500

NEW SECTION. Sec. 849. FOR CENTRAL WASHINGTON UNIVERSITY

Upgrade the existing computer hardware.

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct		475,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs

6/30/83

Thereafter

475,000

NEW SECTION. Sec. 850. FOR CENTRAL WASHINGTON UNIVERSITY

Provide for additional staff space—Computer center.

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct		182,800
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		182,800

NEW SECTION. Sec. 851. FOR CENTRAL WASHINGTON UNIVERSITY

Provide for the physical improvement of buildings and facilities—Omnibus.

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct		1,509,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	1,776,500	3,285,500

NEW SECTION. Sec. 852. FOR CENTRAL WASHINGTON UNIVERSITY

Replace the roofing membrane on Bouillon Hall.

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct		515,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		515,000

NEW SECTION. Sec. 853. FOR THE EVERGREEN STATE COLLEGE

For replacement of the academic computer.

	Reappropriation	Appropriation
GF, Cap Purch & Dev Acct		405,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		405,000

NEW SECTION. Sec. 854. FOR THE EVERGREEN STATE COLLEGE

Modifications to bring buildings into code compliance.

	Reappropriation	Appropriation
GF, TESC Cap Proj Acct		152,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	35,700	187,700

NEW SECTION. Sec. 855. FOR THE EVERGREEN STATE COLLEGE

Roof repairs to three buildings.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		381,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	16,000	397,000

NEW SECTION. Sec. 856. FOR THE EVERGREEN STATE COLLEGE

Minor capital projects—Omnibus.

	Reappropriation	Appropriation
GF, TESC Cap Proj Acct		50,000
Project Costs Through	Estimated Costs 7/1/85 and	Estimated Total Costs

6/30/83	Thereafter	
	685,200	735,200

NEW SECTION. Sec. 857. FOR THE EVERGREEN STATE COLLEGE

Instructional equipment replacement.

	Reappropriation	Appropriation
GF, TESC Cap Proj Acct	120,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
205,000		325,000

NEW SECTION. Sec. 858. FOR THE EVERGREEN STATE COLLEGE

Modifications and improvements to buildings to reduce energy consumption.

	Reappropriation	Appropriation
GF, TESC Cap Proj Acct		117,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	330,300	447,300

NEW SECTION. Sec. 859. FOR WESTERN WASHINGTON UNIVERSITY

Minor capital improvements—Omnibus.

	Reappropriation	Appropriation
GF, WWU Cap Proj Acct	950,000	1,833,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
473,000	6,202,000	9,458,000

NEW SECTION. Sec. 860. FOR WESTERN WASHINGTON UNIVERSITY

For the South Academic Building.

	Reappropriation	Appropriation
GF, WWU Cap Proj Acct	150,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		6,131,000

NEW SECTION. Sec. 861. FOR WESTERN WASHINGTON UNIVERSITY

Design an addition to and remodel the existing arts technology building.

	Reappropriation	Appropriation
GF, WWU Cap Proj Acct		572,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	9,401,000	9,973,000

NEW SECTION. Sec. 862. FOR WESTERN WASHINGTON UNIVERSITY

Preplanning funds for a new solid waste fuel power plant.

	Reappropriation	Appropriation
GF, WWU Cap Proj Acct	120,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		120,000

NEW SECTION. Sec. 863. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

SCCC Main parking facility.

	Reappropriation	Appropriation
General Fund, State	332,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs

6/30/83

Thereafter

332,000

NEW SECTION. Sec. 864. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Reappropriation for section 504 handicapped access building modifications.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	151,998	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
726,976		878,974

NEW SECTION. Sec. 865. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Reappropriation for emergency repairs at various campuses.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	563,100	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,690,000		2,253,100

NEW SECTION. Sec. 866. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Reappropriation for nondeferrable repair projects at various campuses.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	196,859	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
2,744,000		2,940,859

NEW SECTION. Sec. 867. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Nondeferrable projects

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	107,521	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
2,866,479		2,974,000

NEW SECTION. Sec. 868. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Reappropriation to modify facilities for code compliance at various campuses.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	43,876	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
409,000		452,876

NEW SECTION. Sec. 869. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Reappropriations for minor repair and improvement projects at twenty campuses.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	62,982	
GF, Com Col Cap Constr Acct	630,408	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,854,426		2,547,816

NEW SECTION. Sec. 870. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Reappropriation for vocational facility at Lower Columbia college.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	235,000	
Project	Estimated	Estimated

Costs Through 6/30/83	Costs 7/1/85 and Thereafter	Total Costs
258,000		493,000

NEW SECTION. Sec. 871. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Reappropriations for projects approved in prior biennia.

	Reappropriation	Appropriation
GF, Com Col Cap Impvmt Acct	38,144	
GF, Com Col Cap Proj Acct	81,566	
GF, Com Col Cap Constr Acct	185,984	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
6,490,969		6,796,663

NEW SECTION. Sec. 872. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Reappropriation for two minor improvement projects at two campuses.

	Reappropriation	Appropriation
GF, Com Col Cap Impvmt Acct	107,405	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
59,000		166,405

NEW SECTION. Sec. 873. FOR THE STATE BOARD FOR COMMUNITY COLLEGES

Code requirement repairs at Bellevue and Centralia Community College.

	Reappropriation	Appropriation
GF, H Ed Constr Acct		57,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		57,000

NEW SECTION. Sec. 874. FOR THE STATE BOARD FOR COMMUNITY COLLEGES

Heat system repairs at Clark College.

	Reappropriation	Appropriation
GF, H Ed Constr Acct		396,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		396,000

NEW SECTION. Sec. 875. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Reappropriation for minor repair and improvement projects at four campuses.

	Reappropriation	Appropriation
GF, Com Col Cap Constr Acct	21,439	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
41,000		62,439

NEW SECTION. Sec. 876. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Reappropriation for remodeling and minor improvement funds allocated to the districts.

	Reappropriation	Appropriation
GF, Com Col Cap Constr Acct	689,002	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,500,000		2,189,002

NEW SECTION. Sec. 877. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Reappropriation of emergency funds allocated by the state board for community college education.

	Reappropriation	Appropriation
GF, Com Col Cap Constr Acct	79,627	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
400,000		479,627

NEW SECTION. Sec. 878. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Reappropriation for minor improvements at various campuses.

	Reappropriation	Appropriation
GF, Com Col Cap Constr Acct	443,141	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
836,000		1,279,141

NEW SECTION. Sec. 879. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Reappropriation for six minor improvement projects at five campuses.

	Reappropriation	Appropriation
GF, Com Col Cap Constr Acct	141,503	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
512,497		654,000

NEW SECTION. Sec. 880. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

To provide for minor capital improvements to correct facility deficiencies and improve utilization, to be allocated to each district by the state board for community college education.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		2,900,000
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/83	7/1/85 and Thereafter	Costs
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2,900,000

NEW SECTION. Sec. 881. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

To provide for unforeseen emergency capital repairs, to be administered by the state board for community college education.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		500,000

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
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500,000

NEW SECTION. Sec. 882. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

To provide for repair or replacement of roofs at Lower Columbia, Olympic, Skagit Valley, Everett, Seattle Central, Spokane, Clark, Edmonds, Grays Harbor, and Wenatchee Valley Colleges.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		2,050,600

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
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2,050,600

NEW SECTION. Sec. 883. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

To provide funding for repair or replacement of electrical system components at Everett, Lower Columbia, Skagit Valley, Wenatchee, and the Whidbey branch of Skagit Valley Colleges.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		707,500

Project Costs Through	Estimated Costs 7/1/85 and	Estimated Total Costs
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6/30/83

Thereafter

707,500

NEW SECTION. Sec. 884. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

To provide for repair of buildings, mechanical systems, and fixed equipment at Fort Steilacoom, Columbia Basin, Olympic, Everett, and the Whidbey branch of Skagit Valley Colleges.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		734,600
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		734,600

NEW SECTION. Sec. 885. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

For repair or replacement of elements for heating/ventilating/air-conditioning systems at Fort Steilacoom, Lower Columbia, South Seattle, Wenatchee, and Skagit Valley Colleges.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		1,091,900
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		1,091,900

NEW SECTION. Sec. 886. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

To fund payments toward the purchase from the department of natural resources the land upon which Grays Harbor, Highline, and Green River Colleges are located.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		25,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs

6/30/83

Thereafter

25,000

NEW SECTION. Sec. 887. FOR THE STATE BOARD OF EDUCATION—SUPERINTENDENT OF PUBLIC INSTRUCTION

To provide for planning, construction, modernization, and demolition of public school facilities: PROVIDED, That a maximum of \$115,400,000 may be disbursed during the 1983–85 biennium: PROVIDED FURTHER, That a maximum of \$910,000 may be expended by the Superintendent of Public Instruction for costs of administering this program.

	Reappropriation	Appropriation
Common school construction fund	50,000,000	123,900,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		185,492,000
		359,392,000

NEW SECTION. Sec. 888. FOR THE COMMISSION FOR VOCATIONAL EDUCATION

To plan, design, and construct a fire service training center, to include a marine fire training structure.

	Reappropriation	Appropriation
GF, Fire Trng Constr Acct	5,600,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		1,353,000
		6,953,000

PART IX

MISCELLANEOUS

NEW SECTION. Sec. 901. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT OR SUCCESSOR AGENCY—PUBLIC FACILITIES CONSTRUCTION LOAN REVOLVING FUND

For public works financing through the community economic revitalization board.

Ten percent of the appropriation in this section shall be used to fund projects certified by the planning and community affairs agency or successor

agency in the community block grant program and approved by the community economic revitalization board.

If Substitute House Bill No. 245 is not enacted before July 1, 1983, the appropriation in this section shall lapse.

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		20,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		20,000,000

NEW SECTION. Sec. 902. STATE TREASURER—REAPPROPRIATION OF BOND PROCEEDS

To repay advances made in anticipation of receipt of bond proceeds.

GF, H Ed Constr Acct	9,104,000
GF, St H Ed Constr Acct	1,431,000
GF, State Bldg Constr Acct	1,689,000
GF, ORA	5,076,000

NEW SECTION. Sec. 903. FOR THE ARTS COMMISSION—ARTWORK ALLOWANCE

One-half of one percent of moneys appropriated in this act shall be spent as provided in RCW 28A.58.055, 28B.10___ (section 9, chapter ___, Laws of 1983 (Engrossed House Bill No. 867)), or 43.17.200.

NEW SECTION. Sec. 904. The director of the Department of General Administration, upon completion of energy audits, technical assistance studies and/or energy retrofit projects of state facilities, shall submit to the Office of Financial Management executive summaries which shall include, but not be limited to, the following information by project:

Estimated costs, estimated pay-back period, and a five-year projection of the estimated operating expenditure savings based on constant rates, to be realized through the completion of said projects.

The Department shall update the summaries on an annual basis. The Director of the Office of Financial Management shall submit status reports to the Legislature on or before January 1, 1984, and January 1, 1985.

NEW SECTION. Sec. 905. To effectively carry out the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 906. Reappropriations shall be limited to the unexpended balances remaining June 30, 1983, in the current appropriation for each project.

NEW SECTION. Sec. 907. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with any moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

NEW SECTION. Sec. 908. Notwithstanding any other provisions of law, for the 1983-85 biennium, state treasurer transfers of reimbursement to the general fund from the community college capital projects account for debt service payments made under the provisions of Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 909. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards prior to allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 910. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project which is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects which are funded from the same fund or account.

A report of any transfer effected under this section shall be filed with the legislative auditor by the director of financial management within thirty days of the date the transfer is effected. The legislative auditor shall review and compile these filings and periodically report thereon to the legislative budget committee and the appropriate standing committees of the senate and house of representatives.

NEW SECTION, Sec. 911. To effectively, efficiently, and economically carry out the provisions of this act, each agency shall establish a start date and completion date on each project which has an estimated total cost which exceeds two hundred thousand dollars and for which a start or completion date is not specified in this act. This information shall be furnished to the office of financial management and the legislative auditor no later than the date the allotment request is filed with the office of financial management. If a project cannot start on or before the indicated start date or be completed by the indicated completion date, the director of the agency shall document and file with the office of financial management and the legislative budget committee the reason for the delay and indicate the new start and/or completion date(s). The legislative auditor shall review these filings and report thereon to the legislative budget committee and the appropriate standing committees of the senate and house of representatives.

As a result of these filings, agency directors may be required to appear before the legislative budget committee for further explanation of a project delay.

NEW SECTION, Sec. 912. 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. 913. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1983.

Passed the House May 22, 1983.

Passed the Senate May 22, 1983.

Approved by the Governor June 13, 1983.

Filed in Office of Secretary of State June 13, 1983.

CHAPTER 58

[Reengrossed House Bill No. 56]

HIGHER EDUCATION INSTITUTIONS—CAPITAL IMPROVEMENTS— GENERAL OBLIGATION BONDS

AN ACT Relating to institutions of higher education, including the community college system; providing for the acquisition, construction, remodeling, furnishing, and equipping of certain state buildings and facilities for institutions of higher education and the financing thereof by the issuance of bonds; and adding new sections to chapter 28B.14F RCW.

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

NEW SECTION, Sec. 1. For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for the institutions of higher education, including facilities for the community college system, the

state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eleven million two hundred fifty thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds authorized in this section may be offered for sale without prior legislative appropriation.

NEW SECTION. Sec. 2. The proceeds from the sale of the bonds authorized in section 1 of this act, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the state higher education construction account in the general fund and shall be used exclusively for the purposes specified in section 1 of this act and for the payment of expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 3. The state higher education bond retirement fund of 1977 shall be used for the payment of the principal of and interest on the bonds authorized in section 1 of this act.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state higher education bond retirement fund of 1977 an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under section 1 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 4. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and section 3 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 5. The bonds authorized in section 1 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act are each added to chapter 28B.14F RCW.

Passed the House May 22, 1983.

Passed the Senate May 23, 1983.

Approved by the Governor June 13, 1983.

Filed in Office of Secretary of State June 13, 1983.

CHAPTER 59

[Reengrossed House Bill No. 58]

FISHERIES—CAPITAL IMPROVEMENTS—GENERAL OBLIGATION BONDS

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, refurbishing, improving, and equipping of fisheries facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; and adding new sections to chapter 43.831 RCW.

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

NEW SECTION. Sec. 1. For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, refurbishing, furnishing, and equipping of state buildings and facilities for the department of fisheries, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one million one hundred sixty-five thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds authorized in this section may be offered for sale without prior legislative appropriation.

NEW SECTION. Sec. 2. The proceeds from the sale of the bonds authorized in section 1 of this act shall be deposited in the fisheries capital projects account in the state general fund and shall be used exclusively for the purposes specified in section 1 of this act and for the payment of expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 3. The proceeds from the sale of the bonds deposited under section 2 of this act in the fisheries capital projects account of the general fund shall be administered by the department of fisheries, subject to legislative appropriation.

NEW SECTION. Sec. 4. The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in section 1 of this act.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general

state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under section 1 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION, Sec. 5. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and section 4 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION, Sec. 6. The bonds authorized in section 1 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION, Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 8. Sections 1 through 6 of this act are each added to chapter 43.831 RCW.

Passed the House May 22, 1983.

Passed the Senate May 23, 1983.

Approved by the Governor June 13, 1983.

Filed in Office of Secretary of State June 13, 1983.

CHAPTER 60

[Engrossed Second Substitute House Bill No. 245]

COMMUNITY ECONOMIC REVITALIZATION BOARD—MEMBERSHIP MODIFIED—LOAN AND GRANT CONDITIONS—OUTSTANDING LOANS AND GRANTS IN PIERCE, KING, AND SNOHOMISH COUNTY LIMITED— UNFUNDED COMMUNITY DEVELOPMENT PROJECTS

AN ACT Relating to economic development; amending section 2, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.020; amending section 3, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.030; amending section 6, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.060; amending section 7, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.070; amending section 8, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.080; and adding a new section to chapter 43.160 RCW.

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

Sec. 1. Section 2, chapter 40, Laws of 1982 1st ex. sess. and RCW 43-160.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section ~~((applies))~~ apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Planning and community affairs agency" means that agency or any successor agency.

(3) "Unfunded community development projects" means projects submitted to the planning and community affairs agency by October 1, 1982, for funding under the community development block grant program.

Sec. 2. Section 3, chapter 40, Laws of 1982 1st ex. sess. and RCW 43-160.030 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of nine persons appointed by the governor and the director of commerce and economic development, the director of planning and community affairs, the director of revenue, the commissioner of employment security, and the chairmen of the committee on ~~((labor))~~ commerce and economic development of the house of representatives and the committee on commerce and labor of the senate, or the equivalent standing committees, for a total of ~~((fifteen))~~ seventeen members. The appointive members shall be as follows: A recognized private or public sector economist selected from the governor's council of economic advisors; one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound ~~((or the Interstate 5 corridor, (b) the area east of the Cascade range and west of the Columbia river, and (c))~~, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chairman. Thereafter each succeeding term shall be for three years. The representative from the governor's council of economic advisors shall serve as chairman of the board. The director of the department of commerce and economic development shall serve as vice chairman.

(3) Staff support shall be provided by the department of commerce and economic development.

(4) All appointive members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Any members of the board, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.04 RCW.

Sec. 3. Section 6, chapter 40, Laws of 1982 1st ex. sess. and RCW 43-160.060 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including the cost of acquisition and development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities. Grants may also be authorized for purposes designated in this chapter, but only when grants are uniquely required.

Application for funds shall be made in the form and manner as the board may prescribe. The board shall not make a grant or loan unless the application includes convincing evidence that a specific private development or expansion is ready to occur and will only occur if the grant or loan is made. The board is instructed to fund those projects which will lead to the greatest employment once the initial project is completed. A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Public facilities funds shall be used for projects to improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities. The board shall determine whether or not the projects will assist in alleviating unemployment.

Before any loan or grant application is approved, political subdivisions of the state must demonstrate to the community economic revitalization board that no other timely source of funding is available to them at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 4. Section 7, chapter 40, Laws of 1982 1st ex. sess. and RCW 43-160.070 are each amended to read as follows:

(1) Public facilities loans and grants, when authorized by the board, are subject to the following conditions:

(a) The moneys in the public facilities construction loan revolving account shall be used solely to fulfill commitments arising from loans or grants authorized in this chapter. The total outstanding amount which the board shall dispense at any time pursuant to this section shall not exceed the moneys available from the account. The total amount of outstanding loans and grants in Pierce, King, and Snohomish counties shall never exceed sixty percent of the total amount of outstanding loans and grants disbursed by the board.

(b) Financial assistance through the loans or grants may be used directly or indirectly for any facility for public purposes, including, but not limited to, sewer or other waste disposal facilities, arterials, bridges, access roads, port facilities, or water distribution and purification facilities.

(c) On contracts made for public facilities loans the board shall determine the interest rate which loans shall bear. The interest rate shall not exceed ten percent per annum. The board may provide reasonable terms and conditions for repayment for loans as the board determines. The loans shall not exceed twenty years in duration.

(d) Repayments of loans made under the contracts for public facilities construction loans shall be paid into the public facilities construction loan revolving account.

(2) When every feasible effort has been made to provide loans and loans are not possible, the board may provide grants upon finding that unique circumstances exist.

NEW SECTION. Sec. 5. There is added to chapter 43.160 RCW a new section to read as follows:

The planning and community affairs agency shall identify, evaluate, and certify a list of unfunded community development projects for funding of grant awards under this chapter. The criteria used shall include: (1) The rating of projects under the state community development block grant program; (2) unemployment in the project area; (3) short-term jobs created; and (4) project readiness. Projects certified by the planning and community affairs agency shall be reviewed for approval by the community economic revitalization board.

Sec. 6. Section 8, chapter 40, Laws of 1982 1st ex. sess. and RCW 43-160.080 are each amended to read as follows:

There shall be a fund known as the public facilities construction loan revolving fund, which shall consist of all moneys collected under this chapter and any moneys appropriated to it by law: PROVIDED, That seventy-five percent of all principal and interest payments on loans made with the proceeds deposited in the fund under section 901, chapter ... (ESHB 55), Laws of 1983 1st ex. sess. shall be deposited in the general fund as reimbursement for debt service payments on the bonds authorized in RCW 43-.83.... (section 1, chapter ... (ESHB 57), Laws of 1983 1st ex. sess.). ~~((Funds remaining in any accounts created under RCW 43.31A.320 shall be automatically transferred to the public facilities construction loan revolving fund when the economic assistance authority is terminated.))~~ The state treasurer shall be custodian of the revolving fund. Disbursements from the revolving fund shall be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

Moneys in this fund not needed to meet the current expenses and obligations of the board shall be invested in the manner authorized for moneys in revolving funds. Any interest earned shall be deposited in this fund and shall be used for the purposes specified in this chapter. The state treasurer shall render reports to the board advising of the status of any funds invested, the market value of the assets as of the date the statement is rendered, and the income received from the investments during the period covered by the report.

Passed the House May 24, 1983.

Passed the Senate May 24, 1983.

Approved by the Governor June 13, 1983.

Filed in Office of Secretary of State June 13, 1983.

CHAPTER 61

[Substitute House Bill No. 296]
SCHOOL TRANSPORTATION

AN ACT Relating to school transportation; amending section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as last amended by section 10, chapter 265, Laws of 1981 and RCW 28A.24.055; amending section 1, chapter 265, Laws of 1981 and RCW 28A.41.505; amending section 2, chapter 265, Laws of 1981 and RCW 28A.41.510; amending section 3, chapter 265, Laws of 1981 and RCW 28A.41.515; amending section 4, chapter 265, Laws of 1981 as amended by section 2, chapter 24, Laws of 1982 1st ex. sess. and RCW 28A.41.520; amending section 5, chapter 265, Laws of 1981 as amended by section 3, chapter 24, Laws of 1982 1st ex. sess. and RCW 28A.41.525; amending section 8, chapter 264, Laws of 1981 and RCW 28A.44.220; and repealing section 12, chapter 265, Laws of 1981 and RCW 28A.04.350.

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

Sec. 1. Section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as last amended by section 10, chapter 265, Laws of 1981 and RCW 28A.24.055 are each amended to read as follows:

The operation of each local school district's student transportation program is declared to be the responsibility of the respective board of directors, and each board of directors shall determine such matters as which individual students shall be transported and what routes shall be most efficiently utilized. State moneys allocated to local districts for student transportation shall be spent only for student transportation activities, but need not be spent by the local district in the same manner as calculated and allocated by the state.

A school district is authorized to provide for the transportation of students enrolled in the school or schools of the district both in the case of students who reside within the boundaries of the district and of students who reside outside the boundaries of the district.

When children are transported from one school district to another the board of directors of the respective districts may enter into a written contract providing for a division of the cost of such transportation between the districts.

When commercial charter bus service is not reasonably available to a school district, the state board of education may authorize the use of school buses and drivers hired by the district for the transportation of school children and the school employees necessary for their supervision to and from any school activities within or without the school district during or after school hours and whether or not a required school activity, so long as the school board has officially designated it as a school activity. For any extra-curricular uses, the school board shall charge an amount sufficient to reimburse the district for its cost.

In addition to the right to contract for the use of buses provided in RCW 28A.24.170 and 28A.24.172, any school district may contract to furnish the use of school buses of that district to other users who are engaged in conducting an educational or recreational program supported wholly or in part by tax funds or programs for elderly persons at times when those buses are not needed by that district and under such terms as will fully reimburse such school district for all costs related or incident thereto: PROVIDED, HOWEVER, That no such use of school district buses shall be permitted except where other public or private transportation certificated or licensed by the Washington utilities and transportation commission is not reasonably available to the user: PROVIDED FURTHER, That no user shall be required to accept any charter bus for services which the user believes might place the health or safety of the children or elderly persons in jeopardy.

Whenever any persons are transported by the school district in its own motor vehicles and by its own employees, the board may provide insurance to protect the district against loss, whether by reason of theft, fire or property damage to the motor vehicle or by reason of liability of the district to persons from the operation of such motor vehicle.

The board may provide insurance by contract purchase for payment of hospital and medical expenses (~~(in an amount not exceeding one thousand dollars per person per injury)~~) for the benefit of persons injured while they are on, getting on, or getting off any vehicles enumerated herein without respect to any fault or liability on the part of the school district or operator. This insurance may be provided without cost to the persons notwithstanding the provisions of RCW 28A.58.420.

If the transportation of children or elderly persons is arranged for by contract of the district with some person, the board may require such contractor to procure such insurance as the board deems advisable.

Sec. 2. Section 1, chapter 265, Laws of 1981 and RCW 28A.41.505 are each amended to read as follows:

Funds allocated for transportation costs shall be in addition to the basic education allocation. The distribution formula developed in RCW 28A.41.505 through 28A.41.520 shall be for allocation purposes only and shall not be construed as mandating specific levels of pupil transportation services by local districts. Operating costs as determined under RCW 28A.41.505 through 28A.41.520 shall be funded at one hundred percent or as close thereto as reasonably possible for ~~((the following pupil transportation services:~~

~~(1)) transportation of an eligible student ((from the student's assigned route stop to the student's school at the beginning of the student's school day, and from the student's school to the student's assigned route stop at the end of the school day in a transportation vehicle. Recognition of nonpassenger miles shall be included as part of transportation)) to and from school as defined in RCW 28A.41.510(3).~~

~~((2) Transportation between schools or learning centers of students whose basic education or other programs are offered in two or more locations. Field trips are not eligible for funds allocated for transportation costs.~~

~~(3) Transportation for student participants in activities planned, supervised, and administered by the Washington interscholastic activities association or other voluntary nonprofit entity pursuant to RCW 28A.58.125, as now or hereafter amended, if eligible for state transportation funding under rules adopted by the state board of education.~~

~~Operational costs, as determined under RCW 28A.41.505 through 28A.41.520, for those pupil transportation services provided for in subsection (1) of this section shall be funded state-wide at one hundred percent before any funds are provided for operating costs of services provided for in subsections (2) and (3) of this section.)~~

Sec. 3. Section 2, chapter 265, Laws of 1981 and RCW 28A.41.510 are each amended to read as follows:

For purposes of RCW 28A.41.505 through 28A.41.525, except where the context shall clearly indicate otherwise, the following definitions apply:

(1) "Eligible student" means any student served by the transportation program of a school district or compensated for individual transportation arrangements authorized by RCW 28A.24.100 whose ~~((residence or assigned))~~ route stop is more than one radius mile from the student's school, except if the student to be transported: (a) Is handicapped under RCW 28A.13.010, as now or hereafter amended, and is either not ambulatory or not capable of protecting his or her own welfare while traveling to or from the school or agency where special education services are provided, in which case no mileage distance restriction applies; or (b) qualifies for an exemption due to hazardous walking conditions.

(2) ~~((("Nonpassenger miles" means road miles necessary for the following purposes when no student is being transported in a vehicle: (a) Inspection of vehicles by the state patrol; (b) mileage incurred as a result of major~~

~~maintenance repairs; (c) mandated bus driver training; and (d) mileage between a school, bus garage, or storage facility and the first student route stop and the mileage between the last student route stop and the school, bus garage, or storage facility:~~

~~(3)) "Superintendent" means the superintendent of public instruction.~~

(3) "To and from school" means the transportation of students for the following purposes:

(a) Transportation to and from route stops and schools;

(b) Transportation to and from schools pursuant to an interdistrict agreement pursuant to RCW 28A.58.075;

(c) Transportation of students between schools and learning centers for instruction specifically required by statute; and

(d) Transportation of handicapped students to and from schools and agencies for special education services.

Extended day transportation shall not be considered part of transportation of students "to and from school" for the purposes of this 1983 act.

(4) "Hazardous walking conditions" means those instances of the existence of dangerous walkways documented by the board of directors of a school district which meet criteria specified in rules adopted by the superintendent of public instruction. A school district that receives an exemption for hazardous walking conditions should demonstrate that good faith efforts are being made to alleviate the problem and that the district, in cooperation with other state and local governing authorities, is attempting to reduce the incidence of hazardous walking conditions. The superintendent of public instruction shall appoint an advisory committee to prepare guidelines and procedures for determining the existence of hazardous walking conditions. The committee shall include but not be limited to representatives from law enforcement agencies, school districts, the department of transportation, city and county government, the insurance industry, parents, school directors and legislators.

Sec. 4. Section 3, chapter 265, Laws of 1981 and RCW 28A.41.515 are each amended to read as follows:

Each district shall submit to the superintendent of public instruction ~~((by May 1st))~~ during October of each year a report containing the following:

(1)(a) The number of eligible students ((anticipated to be eligible for)) transported to and from school ((transportation)) as provided for in RCW ((28A.41.505(+)) 28A.41.505 for the ((ensuing)) current school year and the number of miles estimated to be driven for pupil transportation services, along with a map describing student route stop locations and school locations, and (b) the number of miles driven for pupil transportation services as authorized in RCW 28A.41.505 the previous school year; and

~~(2) ((The actual number of miles driven for pupil transportation services provided for in RCW 28A.41.505(2) during the current school year, and the number of miles anticipated for the ensuing school year for such services;~~

~~(3) The number of scheduled miles for pupil transportation services provided for in RCW 28A.41.505(3) for the ensuing school year. Miles reported shall be limited to those that are scheduled and required for participation in activities planned, supervised, and administered by the Washington interscholastic activities association or other voluntary non-profit entity, and approved for state transportation funding by the state board of education; and~~

~~(4)) Other operational data and descriptions as required by the superintendent to determine allocation requirements for each district.~~

Each district shall submit the information required in this section on a timely basis as a condition of the continuing receipt of school transportation moneys.

Sec. 5. Section 4, chapter 265, Laws of 1981 as amended by section 2, chapter 24, Laws of 1982 1st ex. sess. and RCW 28A.41.520 are each amended to read as follows:

Each district's annual student transportation allocation shall be based on differential rates determined by the superintendent of public instruction in the following manner:

(1) The superintendent shall annually calculate a standard student mile allocation rate for ~~((each district))~~ determining the transportation allocation for those services provided for in RCW 28A.41.505. "Standard student mile allocation rate," as used in this chapter, means the per mile allocation rate for transporting an eligible student. The standard student mile allocation rate ~~((may consist of no more than eight differential rates state-wide, as determined by the superintendent, and shall))~~ may be adjusted to include ((but not be limited to)) such additional differential factors as ((climate and terrain)) distance; restricted passenger load; ((nonpassenger miles, and the costs of insurance, district or contracted employee salaries, and benefits; maintenance, fuel, supplies, and materials to the extent that they are not under the direct control of the district. The standard student mile allocation rate shall be used to determine the transportation allocation for those services provided for in RCW 28A.41.505(1)) circumstances that require use of special types of transportation vehicles; handicapped student load; and small fleet maintenance.

~~(2) ((The superintendent shall annually calculate a standard unit mile rate for each district. "Standard unit mile rate," as used in this section, means the cost of operating an approved transportation vehicle for one mile. The standard unit mile rate may consist of no more than eight differential rates state-wide, as determined by the superintendent, and shall be based on the factors used in subsection (1) of this section. The standard unit mile~~

rate shall be used to determine the transportation allocation for those services provided for in RCW 28A.41.505(2) and (3). For purposes of allocating funds for RCW 28A.41.505(2), the superintendent shall use the average number of miles reported by the district for the two school years, excluding field trips.

(3)) Prior to June 1st of each year the superintendent shall submit to the office of financial management, and the committees on education and ways and means of the senate and house of representatives a report outlining the methodology and rationale used in determining the student mile ((and unit mile)) allocation rate((s)) to be used the following year.

Sec. 6. Section 5, chapter 265, Laws of 1981 as amended by section 3, chapter 24, Laws of 1982 1st ex. sess. and RCW 28A.41.525 are each amended to read as follows:

((The superintendent shall determine the preliminary, estimated student transportation allocation for each district and notify districts of their preliminary student transportation allocation by June 15. By the following October 15th, every district shall notify the superintendent of any changes in the data utilized in calculating the preliminary student transportation allocation:)) The superintendent shall ((then make necessary corrections and shall)) notify districts of their ((final)) student transportation allocation before ((the following)) December ((1st)) 15th. If the number of eligible students in a school district changes ten percent or more from the ((final)) October ((15 number)) report, and the change is maintained for a period of twenty consecutive school days or more, the district may submit revised eligible student data to the superintendent of public instruction. The superintendent shall, to the extent funds are available, recalculate the district's allocation for the transportation of pupils to and from school.

The superintendent shall make the student transportation allocation in accordance with the apportionment payment schedule in RCW 28A.48.010, as now or hereafter amended. Such allocation payments may be based on estimated amounts for payments to be made in September, October, November, and December. For the 1982-83 school year, no school district shall receive a reduction or increase in funds of over three percent of what it received the previous year as adjusted to its proportional share of funds appropriated by the legislature for 1982-83 transportation services.

Sec. 7. Section 8, chapter 264, Laws of 1981 and RCW 28A.44.220 are each amended to read as follows:

Unless otherwise agreed to by the board of directors of a nonhigh school district, the amounts which are established as due by a nonhigh school district pursuant to RCW 28A.44.150 through 28A.44.230 and 84.52.0531, as now or hereafter amended, shall constitute the entire amount which is due by a nonhigh school district for the school year for the education of any and all handicapped and nonhandicapped students residing in the nonhigh

school district who attend a high school district pursuant to RCW 28A.58-.230, as now or hereafter amended, and for the transportation of such students by a high school district (~~as is required by RCW 28A.24.055, as now or hereafter amended~~).

NEW SECTION. Sec. 8. Section 12, chapter 265, Laws of 1981 and RCW 28A.04.350 are each repealed.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House May 18, 1983.

Passed the Senate May 6, 1983.

Approved by the Governor June 13, 1983.

Filed in Office of Secretary of State June 13, 1983.

CHAPTER 62

[Engrossed Substitute House Bill No. 466]

HOMEOWNER'S PROPERTY TAX RELIEF ACT—INVENTORY TAX PHASEOUT—IMPACT LESSENED

AN ACT Relating to inventories; amending section 4, chapter 169, Laws of 1974 ex. sess. as last amended by section 1, chapter 174, Laws of 1982 and RCW 82.04.443; amending section 4, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.040; amending section 9, chapter 169, Laws of 1974 ex. sess. and RCW 84.40.405; adding a new section to chapter 84.09 RCW; adding new sections to chapter 84.33 RCW; adding new sections to chapter 84.36 RCW; adding a new section to chapter 84.52 RCW; adding new sections to chapter 84.55 RCW; creating a new section; repealing section 2, chapter 169, Laws of 1974 ex. sess., section 8, chapter 196, Laws of 1979 ex. sess., section 1, chapter 12, Laws of 1982 2nd ex. sess. and RCW 82.04.442; repealing section 3, chapter 169, Laws of 1974 ex. sess. and RCW 84.40.400; making an appropriation; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. (1) This act shall be known as the homeowner's property tax relief act of 1983.

(2) The intent of the inventory tax phaseout was to stimulate the economy of the state and to increase the revenues of the state and local taxing districts by attracting new business, encouraging the expansion of existing businesses thereby increasing economic activity and tax revenue on noninventory property. The inventory tax phaseout will cause certain unforeseen and heretofore unprepared for tax shifts among property owners.

(3) This act is intended to lessen the impact of the property tax shift. Relief is provided by the following means:

(a) The state will provide fourteen million dollars over a four-year period to lessen the impact on the most severely affected districts.

(b) Persons purchasing timber on public lands after August 1, 1982, are required to continue to pay property tax on those timber inventories. They

will receive a credit against the timber excise tax for these property tax payments.

(c) Local governments are granted the ability to lessen their short-term reliance on the property tax without reducing their future ability to levy property taxes.

Sec. 2. Section 4, chapter 169, Laws of 1974 ex. sess. as last amended by section 1, chapter 174, Laws of 1982 and RCW 82.04.443 are each amended to read as follows and, as amended, shall be recodified as a new section in chapter 84.36 RCW:

~~((For the purposes of this chapter))~~ Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 3 and 6 of this 1983 act:

(1) "Business inventories" means all livestock and means personal property not under lease or rental, acquired or produced solely for the purpose of sale or lease, or for the purpose of consuming such property in producing for sale or lease a new article of tangible personal property of which such property becomes an ingredient or component. Business inventories shall not mean personal property acquired or produced for the purpose of lease or rental if such property was leased or rented at any time during the calendar year immediately preceding the year of assessment and was not thereafter remanufactured, nor shall it include property held within the normal course of business for lease or rental for periods of less than thirty days. It shall not include agricultural or horticultural property fully or partially exempt under RCW 84.36.470 or timber which is standing on public land and which is sold under a contract entered into after August 1, 1982. It shall include inventories of finished goods and work in process. For purposes of this section, "remanufacturing" shall mean restoration of property to essentially original condition, but shall not mean normal maintenance or repairs.

(2) "Successor" shall have the meaning given to it in RCW 82.04.180.

NEW SECTION. Sec. 3. There is added to chapter 84.36 RCW a new section to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 4, 5, and 6 of this act.

(1) "Excess inventory value" for a taxing district means that portion of the total assessed value of business inventories in the district which exceeds fifteen percent of the total assessed value of property in the district, as listed for 1984 taxes prior to the allowance of the exemption under section 6 of this act.

(2) "Excess inventory district" means a taxing district with an excess inventory value greater than zero.

NEW SECTION. Sec. 4. There is added to chapter 84.09 RCW a new section to read as follows:

(1) On or before December 15, 1983, each county assessor shall provide the department with a list of the amount of excess inventory value in each taxing district in the county.

(2) From amounts appropriated for this purpose, the department shall calculate the following amounts for each taxing district, distribute fifty-five percent of the amount to the taxing district on or before May 31 of the year for which the calculation is made, and distribute forty-five percent of the amount to the taxing district on or before November 30 of that year:

(a) For 1984, an amount equal to the district's 1984 levy rate multiplied by the district's excess inventory value;

(b) For 1985, an amount equal to seventy-five percent of the amount calculated for the district under subsection (2)(a) of this section;

(c) For 1986, an amount equal to fifty percent of the amount calculated for the district under subsection (2)(a) of this section;

(d) For 1987, an amount equal to twenty-five percent of the amount calculated for the district under subsection (2)(a) of this section.

NEW SECTION. Sec. 5. There is added to chapter 84.52 RCW a new section to read as follows:

The county assessor shall calculate tax levy rates for each excess inventory district as follows:

(1) For 1984 taxes, the assessor shall calculate the levy rate as if the assessed value of property in the district included the excess inventory value of the district;

(2) For 1985, 1986, and 1987 taxes, the assessor shall calculate the levy rate after subtracting the payment to be received by the district under section 4 of this act during that year from the total levy amount.

NEW SECTION. Sec. 6. There is added to chapter 84.36 RCW a new section to read as follows:

Business inventories as defined in section 2 of this act are exempt from property taxation.

Sec. 7. Section 4, chapter 294, Laws of 1971 ex. sess. and RCW 84.33-.040 are each amended to read as follows:

~~((Commencing as of January 1, 1972 with respect to taxes payable in 1973,))~~ Except as provided in RCW 84.33.050, timber on privately owned land or federally owned land shall be exempt from ad valorem taxation.

NEW SECTION. Sec. 8. There is added to chapter 84.33 RCW a new section to read as follows:

The amount of any property taxes paid on timber standing on public land shall be allowed as a credit against any tax imposed with respect to the business of harvesting timber from publicly owned land under RCW 84.33-.071. However, the amount of credit allowed shall not exceed the amount of excise tax due in respect to the business of harvesting timber from publicly owned land.

NEW SECTION. Sec. 9. There is added to chapter 84.33 RCW a new section to read as follows:

When any timber standing on public land, other than federally owned land, is sold separate from the land, the department of natural resources or other governmental unit, as appropriate, shall provide each bidder with a written notice clearly stating that timber sold separate from the land is subject to property tax in 1984 and thereafter and that the amount of the tax paid may be used as a credit against any tax imposed with respect to business of harvesting timber from publicly owned land under RCW 84.33.071.

Sec. 10. Section 9, chapter 169, Laws of 1974 ex. sess. and RCW 84.40.405 are each amended to read as follows:

The department of revenue shall promulgate such rules and regulations, and prescribe such procedures as it deems necessary to carry out RCW 82.04.442 through 82.04.445, 84.36.470, 84.40.400 (~~and 84.40.405~~), sections 2, 3, 4, 5, and 6 of this 1983 act, and this section.

NEW SECTION. Sec. 11. There is added to chapter 84.55 RCW a new section to read as follows:

As used in this chapter, the term "regular property taxes" has the meaning given it in RCW 84.04.140, and also includes amounts received in lieu of regular property taxes under section 4 of this act.

NEW SECTION. Sec. 12. There is added to chapter 84.55 RCW a new section to read as follows:

The regular property tax levies for each taxing district for taxes due in 1985 through 1988 may be set at the amount which would otherwise be allowed under this chapter if the regular property tax levy for the district for taxes due in 1984 had been set at the full amount allowed under this chapter.

This section shall expire December 31, 1988.

NEW SECTION. Sec. 13. There is appropriated to the department of revenue from the general fund for the biennium ending June 30, 1985, the sum of six million seven hundred thousand dollars, or so much thereof as may be necessary, to be distributed under section 4 of this act during the biennium ending June 30, 1985.

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

(1) Section 2, chapter 169, Laws of 1974 ex. sess., section 8, chapter 196, Laws of 1979 ex. sess., section 1, chapter 12, Laws of 1982 2nd ex. sess. and RCW 82.04.442; and

(2) Section 3, chapter 169, Laws of 1974 ex. sess. and RCW 84.40.400.

NEW SECTION. Sec. 15. 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, except sections 6 through 8 and 14 of this act which shall take effect January 1, 1984, and shall be effective for taxes first due in 1984 and thereafter.

Passed the House May 10, 1983.

Passed the Senate May 24, 1983.

Approved by the Governor June 13, 1983.

Filed in Office of Secretary of State June 13, 1983.

CHAPTER 63

[Engrossed House Bill No. 588]

JAIL COMMISSION—GENERAL OBLIGATION BONDS—APPROPRIATION

AN ACT Relating to the state jail commission; amending section 2, chapter 131, Laws of 1981 and RCW 70.48A.020; making appropriations; and declaring an emergency.

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

Sec. 1. Section 2, chapter 131, Laws of 1981 and RCW 70.48A.020 are each amended to read as follows:

For the purpose of providing funds for the planning, acquisition, construction, and improvement of jail buildings and necessary supporting facilities within the state, and the state jail commission's operational costs related to the review of physical plant funding applications, award of grants, and construction monitoring, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred ~~((thirty))~~ forty-four million ~~((five))~~ three hundred thousand dollars, or so much thereof as may be required, to finance the improvements defined in RCW 70.48A.010 through 70.48A.080 and all costs incidental thereto, including administration, but not including acquisition or preparation of sites. Appropriations for administration shall be determined by the legislature. No bonds authorized by this section may be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold: PROVIDED, That the reappropriation of previously authorized bond moneys and this new appropriation shall constitute full funding of each approved project within the meaning of RCW 70.48.070 and 70.48.110.

NEW SECTION. Sec. 2. There is appropriated to the state jail commission for the biennium ending June 30, 1983, from the local jail improvement and construction account in the general fund the sum of ten million dollars, or so much thereof as may be necessary, for the completion of construction and improvement projects authorized pursuant to RCW 70.48.060. Moneys shall be expended from this appropriation only with the prior approval of the office of financial management and only to the extent that prior unexpired appropriations are insufficient for the purposes of the construction and improvement projects. There is reappropriated from the

local jail improvement and construction account of the general fund to the corrections standard board for the biennium ending June 30, 1985, any sum remaining from the foregoing appropriation that was not spent in the biennium ending June 30, 1983.

NEW SECTION. Sec. 3. There is appropriated to the State Jail Commission for the biennium ending June 30, 1983, from the local jail improvement and construction account in the general fund the sum of 3.8 million dollars, or so much thereof as may be necessary, for the specific purpose of constructing an additional floor to the state funded Spokane County Jail project which will house state prisoners under an agreement between the County and the Department of Corrections.

There is reappropriated from the local jail improvement and construction account of the general fund to the corrections standard board for the biennium ending June 30, 1985, any sum remaining from the foregoing appropriation that was not spent in the biennium ending June 30, 1983.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 24, 1983.

Passed the Senate May 23, 1983.

Approved by the Governor June 13, 1983.

Filed in Office of Secretary of State June 13, 1983.

CHAPTER 64

[Second Substitute House Bill No. 693]

HIGHER EDUCATION INSTITUTIONAL LONG-TERM LOAN FUND

AN ACT Relating to the higher education institutional long-term loan fund; amending section 9, chapter 257, Laws of 1981 as amended by section 13, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.820; amending section 14, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.825; decodifying RCW 28B.15.825; declaring an emergency; and providing an effective date.

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

Sec. 1. Section 9, chapter 257, Laws of 1981 as amended by section 13, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.820 are each amended to read as follows:

(1) Each institution of higher education shall deposit two and one-half percent of revenues collected from tuition, operating, and services and activities fees in an institutional long-term loan fund which is hereby created and which shall be held locally. Moneys in such fund shall be used to make guaranteed loans to eligible students except as provided for in subsection (10) of this section.

(2) An "eligible student" for the purposes of this section is a student registered for at least six credit hours or the equivalent, who is eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015, and who is a "needy student" as defined in RCW 28B.10.802.

(3) The amount of the loans made under subsection (1) of this section shall not exceed the demonstrated financial need of the student. Each institution shall establish loan terms and conditions which shall be consistent with the terms of the guaranteed loan program established by 20 U.S. Code Section 1071 et. seq., as now or hereafter amended. All loans made shall be guaranteed by the Washington student loan guaranty association or its successor agency. Institutions are hereby granted full authority to operate as an eligible lender under the guaranteed loan program.

(4) Before approving a guaranteed loan, each institution shall analyze the ability of the student to repay the loan based on factors which include, but are not limited to, the student's accumulated total education loan burdens and the employment opportunities and average starting salary characteristics of the student's chosen fields of study. The institution shall counsel the student on the advisability of acquiring additional debt, and on the availability of other forms of financial aid.

(5) Each institution is responsible for collection of loans made under subsection (1) of this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Institutions shall cooperate with other lenders and the Washington student loan guaranty association, or its successor agency, in the coordinated collection of guaranteed loans, and shall assure that the guarantability of the loans is not violated. Collection and servicing of loans under subsection (1) of this section shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency: PROVIDED, That institutions be permitted to perform such servicing if specifically recognized to do so by the Washington student loan guaranty association or its successor agency. Collection and servicing of loans made by community colleges under subsection (1) of this section shall be coordinated by the state board for community college education and shall be conducted under procedures adopted by such state board.

~~((5))~~ (6) Receipts from payment of interest or ~~((principle))~~ principal or any other subsidies to which institutions as lenders are entitled, which are paid by or on behalf of borrowers of funds under subsection (1) of this section, shall be deposited in each institution's general local fund and shall be used to cover the costs of making the loans under subsection (1) of this section and maintaining necessary records and making collections under subsection ~~((4))~~ (5) of this section: PROVIDED, That such costs shall not exceed five percent of aggregate outstanding loan principle. Institutions shall maintain accurate records of such costs, and all receipts beyond those

necessary to pay such costs, shall be used for the support of the institution's operating budget.

~~((6))~~ (7) The boards of regents of the state universities, the boards of trustees of the regional universities and The Evergreen State College, and the state board for community college education, on behalf of the community colleges, shall each adopt necessary rules and regulations to implement this section.

~~((7))~~ (8) Lending activities under this section shall be directed toward students who would not normally have access to educational loans from private financial institutions in Washington state, and maximum use shall be made of secondary markets in the support of loan consolidation.

~~((8))~~ (9) Short-term interim loans, not to exceed one hundred twenty days, may be made from the institutional long-term loan fund to students eligible for guaranteed student loans and whose receipt of such loans is pending. Such short-term loans shall not be subject to the guarantee restrictions or the constraints of federal law imposed by subsection (3) of this section. No such loan shall be made to any student who is known by the institution to be in default or delinquent in the payment of any outstanding student loan.

(10) Any moneys deposited in the institutional long-term loan fund which are not used in making long or short term loans or transferred to institutional operating budgets may be used by the institution for locally-administered financial aid programs for needy students, such as need-based institutional employment programs or need-based tuition and fee waiver programs. These funds shall be used in addition to and not to replace institutional funds which would otherwise support these locally-administered financial aid programs. Priority in the use of these funds shall be given to needy students who have accumulated excessive educational loan burdens. An excessive educational loan burden is a burden that will be difficult to repay given employment opportunities and average starting salaries in the student's chosen fields of study.

Sec. 2. Section 14, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.825 are each amended to read as follows:

Notwithstanding the provisions of RCW 28B.15.031 or 28B.15.820, for the purpose of assisting the various institutions of higher education in meeting emergency financial problems, the institutions are directed to transfer the following amounts (~~equal to the fiscal 1982 deposit of funds~~) from the institutional loan fund established in RCW 28B.15.820 to their respective local general funds:

University of Washington	\$	2,340,434
Washington State University	\$	1,008,074
Eastern Washington University	\$	411,613
Central Washington University	\$	331,679
The Evergreen State College	\$	153,985

Western Washington University	\$	446,418
State board for community college education	\$	2,307,797
<u>Such transfer authority shall be in effect only for the fiscal biennium beginning July 1, 1983, and ending June 30, 1985.</u>		

NEW SECTION. Sec. 3. RCW 28B.15.825 is decodified.

NEW SECTION. Sec. 4. Sections 2 and 3 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1983.

- Passed the House May 13, 1983.
- Passed the Senate May 18, 1983.
- Approved by the Governor June 13, 1983.
- Filed in Office of Secretary of State June 13, 1983.

CHAPTER 65

[Substitute House Bill No. 712]

HAZARDOUS WASTES—REGULATION—CONTROL—WASTE PRODUCERS—SITE OPERATORS ANNUAL FEE

AN ACT Relating to hazardous wastes; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; making appropriations; providing effective dates; and declaring an emergency.

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

NEW SECTION. Sec. 1. (1) It is the policy of the state of Washington to protect the public health and welfare of all its citizens against the dangers arising from the generation, transport, treatment, storage, and disposal of hazardous wastes and from releases of hazardous substances. In order to reach that policy objective, it is not only necessary to provide state government with broad powers of regulation, control, and removal of these hazardous wastes and substances, including the power to fashion and effectuate remedial directives, but it is imperative that adequate funds are also provided to carry out these powers in a vigorous manner. In the implementation of the provisions of this chapter, the state shall, when appropriate, cooperate with and support federal agencies in their implementation of counterpart federal hazardous waste and substances programs, while pursuing independent state actions whenever it appears they will provide more efficient or effective alternative programs to achieve the policies and purposes of this chapter.

(2) The purposes of this chapter are, among others: (a) To supplement the powers already vested in the department of ecology relating to hazardous wastes and to releases of substances which are hazardous to the environment or public health, (b) to provide moneys necessary for the full,

sufficient, and efficient implementation of the hazardous waste and substances regulation control and removal program of the state, (c) to encourage reduction of hazardous wastes through recycling and improvement of manufacturing processes, (d) to provide for the cleanup and restoration of those sites within the state at which improper disposal of hazardous waste has occurred, resulting in the potential for deleterious impacts on the health and welfare of the citizens of the state, as well as on the state's natural, environmental, and biological systems, (e) to provide for funding to study, plan, and undertake the rehabilitation, removal, and cleanup of hazardous waste deposited improperly at sites located within the state, and (f) to provide funds for matching purposes for participation in the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980.

NEW SECTION. Sec. 2. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Dangerous waste" shall have the same definition as set forth in RCW 70.105.010(5) and shall specifically include those wastes designated as dangerous by rules adopted pursuant to chapter 70.105 RCW;

(2) "Department" means the department of ecology;

(3) "Extremely hazardous waste" shall have the same definition as set forth in RCW 70.105.010(6) and shall specifically include those wastes designated as extremely hazardous by rules adopted pursuant to chapter 70.105 RCW;

(4) "Hazardous waste" means and includes all dangerous and extremely hazardous wastes;

(5) "Person" means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government including any agency or officer thereof, and any Indian tribe or authorized tribal organization;

(6) "Identified site" means the same or geographically contiguous property, which may be divided by a public or private right of way, provided that access between the properties occurs at an intersection and crosses, as opposed to goes along, the right of way. Noncontiguous properties owned by the same person but connected by a right of way will be considered a single identified site if the person controls the right of way and can prevent public access;

(7) "Fee" means the annual hazardous waste control and elimination assessment fee imposed under section 3 of this act and the fee for treatment, storage, and disposal facilities imposed under section 4 of this act;

(8) "Annual gross income" of a business means the value proceeding or accruing during a calendar year by reason of the transaction of the business or service engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds, or other evidences of indebtedness, interest, discount, rents, royalties, fees,

commissions, dividends, and other emoluments however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses; and

(9) "Generate" means any act or process which produces hazardous waste or first causes a hazardous waste to become subject to regulation.

NEW SECTION. Sec. 3. (1) In addition to all other fees and taxes, there is hereby imposed and the department of revenue shall collect an annual fee from every person identified by the department of ecology for the privilege of utilizing or operating an identified site, other than as described in section 4(1) of this act, in connection with any of the following business activities within this state:

(a) Exploring for, extracting, beneficiating, processing, or selling metallic or nonmetallic minerals;

(b) Exploring for, extracting, processing, or selling coal;

(c) Producing, distributing, or selling electricity;

(d) Industrial or nonresidential contracting or heavy construction;

(e) Painting or sandblasting;

(f) Producing, processing, or selling rubber or plastics;

(g) Producing, processing, or selling glass, cement, or concrete;

(h) Cutting, milling, producing, preparing, or selling lumber or wood products, including wooden furniture or fixtures;

(i) Producing, preparing, or selling paper or allied products;

(j) Printing or publishing;

(k) Synthesizing, producing, processing, preparing, or selling chemicals or allied products;

(l) Exploring for, extracting, producing, processing, distributing, or selling petroleum or gas;

(m) Fabricating rubber or plastic products;

(n) Beneficiating, processing, or selling primary or secondary metals;

(o) Fabricating metal products, including metal furniture or fixtures;

(p) Fabricating, constructing, preparing, installing, or selling machinery or supplies;

(q) Fabricating, constructing, installing, preparing, or selling electrical or electronic equipment, machinery, or supplies;

(r) Fabricating, producing, preparing, or selling transportation equipment;

(s) Transporting by railroad, motor vehicle, or water vessel;

(t) Telephone communication;

(u) Drycleaning, photofinishing, or furniture refinishing;

(v) Transferring, treating, storing, or disposing of solid, dangerous, or extremely hazardous wastes; and

(w) Repairing or servicing motor vehicles, railroad equipment, or water vessels.

When determining the particular business activity at an identified site, the department of ecology shall consider the major purpose of the activity or activities occurring at the identified site. Under this section, each identified site shall be required to pay only one fee annually, but no fee shall be assessed on any person at an identified site engaged solely in making retail sales as defined in RCW 82.04.050, except for those identified sites which generate hazardous waste.

(2) The fee imposed by this section shall be due and payable on June 30 of the year next succeeding the calendar year in which a person has engaged at any time in the business activities listed in subsection (1) of this section. The amount of the fee for an identified site shall be graduated by reference to the annual gross income of the business apportioned to the site as provided in subsection (3) of this section in accordance with the following schedule:

(a) For annual gross income not in excess of one million dollars, a fee of not more than one hundred fifty dollars;

(b) For annual gross income in excess of one million dollars but not exceeding ten million dollars, a fee of not more than seven hundred fifty dollars;

(c) For annual gross income in excess of ten million dollars, a fee of not more than seven thousand five hundred dollars.

The department of ecology shall further graduate the fees set forth in (a), (b), and (c) of this subsection in accordance with criteria including but not limited to the quantity of hazardous waste generated and the health and environmental risks associated with the waste. The department of ecology shall publish by rule a schedule of these graduated fees.

(3) For purposes of this section, annual gross income of the business shall mean gross proceeds of sales as defined in RCW 82.04.070 or gross income of the business as defined in RCW 82.04.080; and shall mean gross income, as defined in RCW 82.16.010(13). Annual gross income of the business of a person rendering services taxable under RCW 82.04.290 and maintaining places of business within and without this state shall be apportioned in accordance with the provisions of RCW 82.04.460. The total annual gross income of the business taxable in this state under chapters 82.04 and 82.16 RCW shall be apportioned equally by the department of ecology among the identified sites utilized by such business in this state without regard to the amount or nature of the use: PROVIDED, That the person subject to the fee may request, and the department of ecology shall grant, apportionment among identified sites utilized in this state according to each site's share of annual gross income of the business apportioned to this state.

The person subject to the fee shall bear the burden of supporting the allocation among sites with appropriate data as reasonably requested by the department of ecology.

(4) If an identified site does not generate hazardous wastes regulated by chapter 70.105 RCW, the person owning or controlling the site is exempt from the fee imposed by this section.

(5) Notwithstanding subsection (1) or (2) of this section or section 4 of this act, no person who owns or operates a combined identified site and hazardous waste treatment, storage or disposal site shall be required to pay more than seven thousand five hundred dollars annually to the hazardous waste control and elimination account.

(6) The fees imposed by this section and the limitation on total payment of subsection (5) of this section shall be adjusted by five percent whenever the consumer price index of the United States department of labor increases or decreases by a five percent increment from the index figure in existence on January 1, 1983, and such fee and limitation adjustments shall be published in rules by the department of ecology.

(7) Fees shall not be required under this section for solid wastes generated primarily from the combustion of coal or other fossil fuels, until at least six months after the date of submission of the study required by section 8002 of the federal resource conservation and recovery act.

(8) For purposes of this section "manufacturer," "wholesaler," "retailer," and "person engaging in service activities" shall have the meaning attributed to such terms in chapter 82.04 RCW. "Business activities" shall mean activities of any person subject to the fees imposed in subsection (1) of this section engaging in business as defined in chapters 82.04 and 82.16 RCW.

(9) In the administration of this section and in addition to other provisions in this chapter for the enforcement and collection of fees due and owing under this section, the department of revenue is authorized to apply the provisions of chapter 82.32 RCW, provided that the provisions of RCW 82.32.050 and 82.32.090 shall not be applied. If the annual gross income of the business of any person subject to the fee imposed under this section is finally determined to be greater or less than that reported to the department of revenue for the year in question, the department of revenue shall, if necessary, recompute the fee due and shall refund or assess the outstanding balance, as the case may be.

NEW SECTION. Sec. 4. (1) Every person who operates a facility for the purpose of treating, storing, or disposing of hazardous wastes, that is subject to a permit issued under authority of RCW 70.105.130 or section 6(4) of this act (including a permit issued in satisfaction of the requirements of 42 U.S.C. section 6925 of the federal Resource Conservation and Recovery Act, as amended) shall, on or before September 1, 1984, and on

or before May 15 of each year thereafter, pay to the state a fee relating to the operation of such treatment, storage, or disposal facilities.

In relation to these annual fees, the department is empowered to adopt rules relating to: (a) Establishment of classes of facilities subject to fees, taking into account the size and type of facility and the risks of detrimental impacts associated therewith; and (b) the setting of a fee schedule pertaining to these classes with those classes presenting a greater risk having a higher dollar amount than those classes presenting a lesser risk: PROVIDED, That the annual fee for any class shall not be greater than seven thousand five hundred dollars.

The department shall prepare a list of all such hazardous waste facilities and the fee for each such facility or type of facility and shall provide a statement to each operator of a facility specifying the fee that is owed and the basis for the fee.

(2) Notwithstanding the provisions of section 3 (1) through (5) of this act or this section, no person who operates a combined identified site and hazardous waste treatment, storage, or disposal site shall be required to pay more than seven thousand five hundred dollars annually to the hazardous waste control and elimination account.

(3) The department of ecology is required to increase or decrease the fees of subsection (1) of this section and the limitation on total payment of subsection (2) of this section, by five percent on each occasion when the consumer price index of the United States department of labor increases or decreases by a five percent increment from the index figure as it existed on January 1, 1983. Each such fee and limitation increase or decrease shall be set forth in rules adopted by the department of ecology.

NEW SECTION. Sec. 5. All fees paid to the state as provided in sections 3 and 4 of this act shall be placed in a hazardous waste control and elimination account of the general fund, and subject to legislative appropriation, be expended by the department of ecology solely to carry out the powers set forth in section 6 of this act.

NEW SECTION. Sec. 6. (1) The department of ecology may use funds in the hazardous waste control and elimination account in the implementation of the powers vested under RCW 70.105.020, 70.105.030, 70.105.080, 70.105.100, 70.105.120, and 70.105.130 and 70.105.____ (SSB 4245, section 2 and 3) and subsections (3) and (4) of this section as well as the administrative costs relating to the implementation of subsection (2) of this section.

(2) The department is authorized to participate in and is empowered to carry out all programs of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 contemplated for state participation or administration under that act.

(3) In relation or addition to the powers set forth in this section and any other provisions of this code, the department is empowered, with regard to

the regulation, control, or removal of hazardous substances and wastes, as follows:

(a) To coordinate responses to hazardous substances accident and spill incidents;

(b) To respond to, direct, or initiate cleanup of hazardous substances, accidents and spills, and hazardous waste sites;

(c) To conduct or contract for professional technical data gathering and analysis and damage assessment; and

(d) To conduct or contract for the removal of hazardous substances and wastes where there has been or is a potential for release, regardless of quantity or concentration, which could pose a threat to public health or the environment.

(4) The department is empowered to participate in and carry out all programs of the federal Resource Conservation and Recovery Act, as amended, contemplated for implementation by a state under that act and may use funds in the hazardous waste control and elimination account in the implementation thereof.

(5) The attorney general, at the request of the department, is empowered to recover moneys expended by the department from the hazardous waste control and elimination account under authority of this section when these funds were utilized to respond to an unpermitted spill or discharge or to control the release or threatened release of hazardous substances or wastes. Recovery authorized by this section shall be from any person owning or controlling the material spilled or discharged. Actions to recover moneys may be initiated in the superior court of Thurston county or any county in which the hazardous waste site or activity is located. Moneys recovered under this section shall be paid into the hazardous waste control and elimination account.

NEW SECTION. Sec. 7. Any person aggrieved by a determination of the department of ecology pertaining to the fee imposed under section 3(1) of this act or to a specific fee contained in a statement issued under section 4(1) of this act may obtain review thereof by the pollution control hearings board in the same manner as review may be obtained of permits issued by the department pursuant to RCW 90.48.160, if a petition requesting review is filed with the board within thirty days of the day of service of the determination or of the statement of fees due. There shall be no increase in an amount set forth in a statement, as provided in section 8(1) of this act, during any period of time when a review proceeding is pending before the board or a reviewing court. This section shall have no applicability to the adoption of rules by the department pursuant to section 4(1) of this act.

NEW SECTION. Sec. 8. (1) The fees required by section 3(2) or 4(1) of this act, when due and payable, shall bear interest at the rate of nine percent per annum for each month (or portion thereof) that the fee is not paid.

(2) The department of ecology may levy civil penalties in the amount of up to five hundred dollars for each day fees and interest due and owing under section 4 or 8(1) of this act are unpaid. The procedures relating to levying and collection of penalties set forth in RCW 90.48.144 shall be applied to penalties levied under this section. Moneys collected under this subsection shall be placed in the hazardous waste control and elimination account.

(3) The attorney general is authorized to initiate such actions in the courts as are necessary and appropriate to insure compliance with the provisions of this chapter.

NEW SECTION. Sec. 9. (1) If any provision of this chapter or a portion thereof or its application to any person or legal entity or circumstances is held invalid, the remainder of the chapter, or the application of the provision or a portion thereof to other persons or legal entities or circumstances, shall not be affected.

(2) This chapter is exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

(3) Nothing in this chapter relates to radioactive wastes, however characterized, and the department is precluded from using the funds of the hazardous waste control and elimination account for the regulation and control of such wastes.

(4) Consistent with subsection (2) of this section and taking into account the ambiguities of federal law relating to possible preemption of exercise of powers provided to the department in this chapter, the department shall implement this chapter, to the maximum extent reasonably attainable, to insure that no conflict with those preemptive aspects takes place.

NEW SECTION. Sec. 10. There is appropriated to the department of ecology from the hazardous waste control and elimination account in the general fund for the biennium ending June 30, 1985, the sum of one million four hundred sixty-four thousand dollars, or so much thereof as may be necessary, to administer the purposes of section 1(2)(a) through (c) of this act.

NEW SECTION. Sec. 11. There is appropriated to the department of revenue from the hazardous waste control and elimination account in the general fund for the biennium ending June 30, 1985, the sum of fifty-nine thousand eight hundred six dollars, or so much thereof as may be necessary, to administer the collection of fees as provided in this act.

NEW SECTION. Sec. 12. There is appropriated to the department of ecology from the general fund for the biennium ending June 30, 1985, the sum of four million three hundred thousand dollars, or so much thereof as may be necessary, to administer the purposes of section 1(2)(d) through (f) of this act.

NEW SECTION, Sec. 13. The state treasurer is authorized to use revenue collected pursuant to sections 1 through 9 of this act, to the extent this revenue exceeds any legislative appropriation of the revenue to the department of ecology for purposes of section 1(2)(a) through (c) of this act to reimburse general fund expenditures for cleanup and restoration of those sites pursuant to section 1(2)(d) through (f) of this act.

NEW SECTION, Sec. 14. Sections 1 through 9 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION, Sec. 15. (1) 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 as follows:

(a) The powers provided to the department of ecology relating to the adoption of rules under sections 3(2) and 4(1) of this act shall take effect immediately; and

(b) The remainder of this act shall take effect on July 1, 1983.

(2) The annual fee due and payable under section 3 of this act on June 30, 1984, shall, following computation of the annual gross income of the business for the calendar year 1983, be prorated for the period July 1, 1983, through December 31, 1983.

Passed the House May 24, 1983.

Passed the Senate May 22, 1983.

Approved by the Governor June 13, 1983.

Filed in Office of Secretary of State June 13, 1983.

CHAPTER 66

[Substitute Senate Bill No. 3244]

TAXES—BUSINESS AND OCCUPATION—DEDUCTIONS AND
EXEMPTIONS—HEALTH OR SOCIAL WELFARE SERVICES—POLITICAL
SUBDIVISIONS—SLAUGHTERERS—CERTAIN OUT-OF-STATE PERSONS

AN ACT Relating to business and occupation taxes; amending section 16, chapter 10, Laws of 1982 as amended by section 1, chapter 13, Laws of 1982 2nd ex. sess. and RCW 82.04-.260; amending section 6, chapter 196, Laws of 1979 ex. sess. as amended by section 80, chapter 37, Laws of 1980 and RCW 82.04.431; and adding new sections to chapter 82.04 RCW.

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

Sec. 1. Section 6, chapter 196, Laws of 1979 ex. sess. as amended by section 80, chapter 37, Laws of 1980 and RCW 82.04.431 are each amended to read as follows:

(1) For the purposes of RCW 82.04.4297, the term "health or social welfare organization" means an organization, including any community action council, which renders health or social welfare services as defined in subsection (2) of this section, which is a not-for-profit corporation under

chapter 24.03 RCW and which is managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or which is a corporation sole under chapter 24.12 RCW. In addition a corporation in order to be exempt under RCW 82.04.4297 shall satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the public service of the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified where licensing or certification is required by law or regulation;

(e) The amounts received qualifying for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue shall have access to its books in order to determine whether the corporation is exempt from taxes within the intent of RCW 82.04.4297 and this section.

(2) The term "health or social welfare services" includes and is limited to:

(a) Mental health, drug, or alcoholism counseling or treatment;

(b) Family counseling;

(c) Health care services;

(d) Therapeutic, diagnostic, rehabilitative, or restorative services for the care of the sick, aged, or physically, developmentally, or emotionally-disabled individuals;

(e) Activities which are for the purpose of preventing or ameliorating juvenile delinquency or child abuse, including recreational activities for those purposes;

(f) Care of orphans or foster children;

(g) Day care of children;

(h) Employment development, training, and placement; ((and))

(i) Legal services to the indigent;

(j) Weatherization assistance or minor home repair for low-income homeowners or renters;

(k) Assistance to low-income homeowners and renters to offset the cost of home heating energy, through direct benefits to eligible households or to fuel vendors on behalf of eligible households; and

(l) Community services to low-income individuals, families, and groups, which are designed to have a measurable and potentially major impact on causes of poverty in communities of the state.

NEW SECTION. Sec. 2. There is added to chapter 82.04 RCW a new section to read as follows:

The provisions of this chapter shall not apply to grants received from the state or the United States government by municipal corporations or political subdivisions of the state of Washington.

NEW SECTION. Sec. 3. There is added to chapter 82.04 RCW a new section to read as follows:

This chapter shall not apply to any county, city, town, school district, or fire district activity, regardless of how financed, other than a utility or enterprise activity as defined by the state auditor pursuant to RCW 35.33.111 and 36.40.220 and upon which the tax imposed pursuant to this chapter had previously applied. Nothing contained in this section shall limit the authority of the legislature to authorize the imposition of such tax prospectively upon such activities as the legislature shall specifically designate.

Sec. 4. Section 16, chapter 10, Laws of 1982 as amended by section 1, chapter 13, Laws of 1982 2nd ex. sess. and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal

to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three one-hundredths of one percent.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-

three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.21F RCW, multiplied by the rate of thirty percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

NEW SECTION. Sec. 5. There is added to chapter 82.04 RCW a new section to read as follows:

(1) This chapter shall not apply to any person in respect to gross income derived from the business of making sales at wholesale or retail if such person:

- (a) Does not own or lease real property within this state; and
- (b) Does not regularly maintain a stock of tangible personal property in this state for sale in the ordinary course of business; and
- (c) Is not a corporation incorporated under the laws of this state; and
- (d) Makes sales in this state exclusively to or through a direct seller's representative.

(2) For purposes of this section, the term "direct seller's representative" means a person who buys consumer products on a buy-sell basis or a deposit-commission basis for resale, by the buyer or any other person, in the home or otherwise than in a permanent retail establishment, or who sells, or solicits the sale of, consumer products in the home or otherwise than in a permanent retail establishment; and

(a) Substantially all of the remuneration paid to such person, whether or not paid in cash, for the performance of services described in this subsection is directly related to sales or other output, including the performance of services, rather than the number of hours worked; and

(b) The services performed by the person are performed pursuant to a written contract between such person and the person for whom the services are performed and such contract provides that the person will not be treated as an employee with respect to such purposes for federal tax purposes.

(3) Nothing in this section shall be construed to imply that a person exempt from tax under this section was engaged in a business activity taxable under this chapter prior to the enactment of this section.

Passed the Senate May 22, 1983.

Passed the House May 17, 1983.

Approved by the Governor June 13, 1983.

Filed in Office of Secretary of State June 13, 1983.

CHAPTER 67

[Reengrossed Substitute Senate Bill No. 3780]

NURSING HOMES—AUDITING AND COST REIMBURSEMENT

AN ACT Relating to nursing homes; amending section 4, chapter 177, Laws of 1980 and RCW 74.46.040; amending section 6, chapter 177, Laws of 1980 and RCW 74.46.060; amending section 8, chapter 177, Laws of 1980 and RCW 74.46.080; amending section 10, chapter 177, Laws of 1980 and RCW 74.46.100; amending section 13, chapter 177, Laws of 1980 and RCW 74.46.130; amending section 15, chapter 177, Laws of 1980 and RCW 74.46.150; amending section 16, chapter 177, Laws of 1980 and RCW 74.46.160; amending section 17, chapter 177, Laws of 1980 and RCW 74.46.170; amending section 18, chapter 177, Laws of 1980 and RCW 74.46.180; amending section 19, chapter 177, Laws of 1980 and RCW 74.46.190; amending section 27, chapter 177, Laws of 1980 and RCW 74.46.270; amending section 31, chapter 177, Laws of 1980 and RCW 74.46.310; amending section 41, chapter 177, Laws of 1980 and RCW 74.46.410; amending section 42, chapter 177, Laws of 1980 and RCW 74.46.420; amending section 43, chapter 177, Laws of 1980 and RCW 74.46.430; amending section 45, chapter 177, Laws of 1980 and RCW 74.46.450; amending section 46, chapter 177, Laws of 1980 as amended by section 5, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.460; amending section 47, chapter 177, Laws of 1980 and RCW 74.46.470; amending section 49, chapter 177, Laws of 1980 as amended by section 6, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.490; amending section 53, chapter 177, Laws of 1980 as amended by section 7, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.530; amending section 55, chapter 177, Laws of 1980 and RCW 74.46.550; amending section 56, chapter 177, Laws of 1980 and RCW 74.46.560; amending section 57, chapter 177, Laws of 1980 and RCW 74.46.570; amending section 58, chapter 177, Laws of 1980 and RCW 74.46.580; amending section 61, chapter 177, Laws of 1980 and RCW 74.46.610; amending section 64, chapter 177, Laws of 1980 and RCW 74.46.640; amending section 67, chapter 177, Laws of 1980 and RCW

74.46.670; amending section 69, chapter 177, Laws of 1980 and RCW 74.46.690; amending section 71, chapter 177, Laws of 1980 and RCW 74.46.710; amending section 72, chapter 177, Laws of 1980 and RCW 74.46.720; amending section 77, chapter 177, Laws of 1980 and RCW 74.46.770; amending section 78, chapter 177, Laws of 1980 and RCW 74.46.780; amending section 82, chapter 177, Laws of 1980 and RCW 74.46.820; amending section 92, chapter 177, Laws of 1980 and RCW 74.46.840; amending section 74.09.120, chapter 26, Laws of 1959 as last amended by section 6, chapter 11, Laws of 1981 2nd ex. sess. and RCW 74.09.120; amending section 16, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.145; amending section 94, chapter 177, Laws of 1980 as amended by section 10, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.901; creating new sections; adding new sections to chapter 74.46 RCW; repealing section 1, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.550; repealing section 2, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.560; repealing section 3, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.570; repealing section 4, chapter 260, Laws of 1977 ex. sess., section 2, chapter 2, Laws of 1981 1st ex. sess., section 7, chapter 11, Laws of 1981 2nd ex. sess. and RCW 74.09.580; repealing section 1, chapter 2, Laws of 1981 1st ex. sess., section 8, chapter 11, Laws of 1981 2nd ex. sess., section 2, chapter 19, Laws of 1982 1st ex. sess., section 1, chapter 1, Laws of 1982 2nd ex. sess. and RCW 74.09.610; repealing section 5, chapter 19, Laws of 1982 1st ex. sess. and RCW 74.09.620; repealing section 7, chapter 177, Laws of 1980, section 3, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.070; repealing section 11, chapter 177, Laws of 1980 and RCW 74.46.110; repealing section 12, chapter 177, Laws of 1980, section 4, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.120; repealing section 14, chapter 177, Laws of 1980 and RCW 74.46.140; repealing section 40, chapter 177, Laws of 1980 and RCW 74.46.400; repealing section 48, chapter 177, Laws of 1980 and RCW 74.46.480; repealing section 81, chapter 177, Laws of 1980, section 8, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.810; repealing section 13, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.850; repealing section 84, chapter 177, Laws of 1980; making appropriations; providing an effective date; providing expiration dates; and declaring an emergency.

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

Sec. 1. Section 4, chapter 177, Laws of 1980 and RCW 74.46.040 are each amended to read as follows:

(1) Not later than March 31, 1982, and each year thereafter, each contractor shall submit to the department an annual cost report, and such financial statements as are required by this chapter, for the period from January 1st through December 31st of the preceding year.

(2) Not later than one hundred twenty days following the termination of a contract, the contractor shall submit to the department a cost report, and financial statements as are required by this chapter, for the period from January 1st through the date the contract terminated.

(3) Two extensions of not more than thirty days each (~~(after March 31st)~~) may be granted by the department upon receipt of a written request setting forth the circumstances which prohibit the contractor from compliance with (~~(such)~~) a report due date; except, that the secretary shall establish the grounds for extension in rule and regulation. Such request must be received by the department at least ten days prior to the due date.

~~((3) Not later than one hundred and twenty days following the termination of a contract, the contractor shall submit to the department a cost report, and such financial statements as are required by this chapter, for the period from January 1st through the date the contract terminated.))~~

Sec. 2. Section 6, chapter 177, Laws of 1980 and RCW 74.46.060 are each amended to read as follows:

(1) Cost reports shall be prepared in a standard manner and form, as determined (~~((pursuant to RCW 74.46.070))~~) by the department, which shall provide for financial statements, an itemized list of allowable costs, and a preliminary settlement report. Costs reported shall be determined in accordance with generally accepted accounting principles, the provisions of this chapter, and such additional rules and regulations as are established by the secretary.

(2) All financial statements of a contractor must be prepared in accordance with generally accepted accounting principles, (~~((such additional regulatory requirements developed pursuant to RCW 74.46.070))~~) the provisions of this chapter, and such additional rules and regulations as are established by the secretary.

(3) The records shall be maintained on the accrual method of accounting and agree with or be reconcilable to the cost report and the financial statements.

Sec. 3. Section 8, chapter 177, Laws of 1980 and RCW 74.46.080 are each amended to read as follows:

(1) All records supporting the required cost reports and financial statements, as well as trust funds established by RCW 74.46.700, shall be retained by the contractor for a period of four years following the filing of such reports at a location in the state of Washington specified by the contractor. The department may direct such records to be retained for a longer period if there remain unresolved questions on the cost reports and financial statements. All such records shall be made available upon demand to authorized representatives of the department, the office of the state auditor, and the United States department of health(~~((education))~~) and (~~((welfare))~~) human services.

(2) When a contract is terminated, all payments due will be withheld until accessibility and preservation of the records within the state of Washington are assured.

Sec. 4. Section 10, chapter 177, Laws of 1980 and RCW 74.46.100 are each amended to read as follows:

The principles inherent within (~~((RCW 74.46.110 through 74.46.140))~~) section 5 of this 1983 act and RCW 74.46.130 are:

(1) To ascertain, through (~~((certified))~~) department audit, that the costs for each year are accurately reported, thereby providing a valid basis for future rate determination;

(2) To ascertain, through (~~((certified))~~) department audits of the cost reports, that cost reports properly reflect the financial statements of the contractor, particularly as they pertain to related organizations and beneficial ownership, thereby providing a valid basis for the determination of return as specified by this chapter;

(3) To ascertain, through (~~(the certified)~~) department audit (~~(and the oversight of the office of the state auditor;)~~) that compliance with the accounting and auditing provisions of this chapter and the rules and regulations of the department as they pertain to these accounting and auditing provisions is proper and consistent; and

(4) To ascertain, through (~~(certified)~~) department audits, that the responsibility of the contractor has been met in the maintenance of patient trust funds.

NEW SECTION. Sec. 5. There is added to chapter 74.46 RCW a new section to read as follows:

Cost reports, financial and statistical records, and patient trust accounts of contractors shall be field audited by the department, either by department staff or by auditors under contract to the department, in accordance with the provisions of this chapter. The department shall have the authority to accept or reject audits which fail to satisfy the requirements of this section or which are performed by auditors who violate any of the rules of this section. Department audits of the cost reports and patient trust accounts shall be conducted as follows:

(1) Each year the department will provide for field audit of the cost report, financial and statistical reports, and patient trust funds, as established by RCW 74.46.700, of all or a sample of reporting facilities selected by profiles of costs, exceptions, contract terminations, upon special requests or other factors determined by the department.

(2) Beginning with audits for calendar year 1983, up to one hundred percent of contractors cost reports and patient care trust fund accounts shall be audited: PROVIDED, That each contractor shall be audited at least once in every three-year period.

(3) Facilities shall be selected for sample audits within one hundred twenty days of submission of a correct and complete cost report, and shall be so informed of the department's intent to audit. Audits so scheduled shall be completed within one year of selection.

(4) Where an audit for a recent reporting or trust fund period discloses material discrepancies, undocumented costs or mishandling of patient trust funds, auditors may examine prior unaudited periods, for indication of similar material discrepancies, undocumented costs or mishandling of patient trust funds for not more than two reporting periods preceding the facility reporting period selected in the sample.

(5) The audit will result in a schedule summarizing appropriate adjustments to the contractor's cost report. These adjustments will include an explanation for the adjustment, the general ledger account or account group, and the dollar amount. Patient trust fund audits shall be reported separately and in accordance with RCW 74.46.700.

(6) Audits shall meet generally accepted auditing standards as promulgated by the American institute of certified public accountants and the

standards for audit of governmental organizations, programs, activities and functions as published by the comptroller general of the United States. Audits shall be supervised or reviewed by a certified public accountant.

(7) No auditor under contract with or employed by the department to perform audits in accordance with the provisions of this chapter shall:

(a) Have had direct or indirect financial interest in the ownership, financing or operation of a nursing home in this state during the period covered by the audits;

(b) Acquire or commit to acquire any direct or indirect financial interest in the ownership, financing or operation of a nursing home in this state during said auditor's employment or contract with the department;

(c) Accept as a client any nursing home in this state during or within two years of termination of said auditor's contract or employment with the department.

(8) Audits shall be conducted by auditors who are otherwise independent as determined by the standards of independence established by the American institute of certified public accountants.

(9) All audit rules adopted after March 31, 1984, shall be published before the beginning of the cost report year to which they apply.

NEW SECTION. Sec. 6. There is added to chapter 74.46 RCW a new section to read as follows:

The office of the state auditor shall annually review the performance of the department to ensure that departmental audits are conducted in accordance with generally accepted accounting principles and auditing standards.

Sec. 7. Section 13, chapter 177, Laws of 1980 and RCW 74.46.130 are each amended to read as follows:

(1) For the requirements of (~~RCW 74.46.120(1)~~) section 5 of this 1983 act, the contractor shall be notified by the (~~accountant~~) department at least ten working days in advance of the engagement. Upon such notification, the contractor shall:

(a) Provide access to the facility, all records, and all working papers which are in support of the cost report, financial statements, and patient trust funds; and

(b) Prepare reconciliation of the cost report and financial statements with (i) applicable federal income and federal and state payroll tax returns and (ii) the records for the period covered by the cost report and financial statements.

(2) (~~For the requirements of RCW 74.46.120(2), the contractor shall provide access to the facility and supply all records as required in subsection (1) of this section.~~) To facilitate department audit, the owner or administrator of a facility shall designate and make available an individual or individuals to respond to questions and requests for information from auditors.

The designated individual or individuals shall have sufficient knowledge of the issue or function to provide accurate information.

Sec. 8. Section 15, chapter 177, Laws of 1980 and RCW 74.46.150 are each amended to read as follows:

(1) For each cost center, payments to contractors shall not exceed the lower of prospective reimbursement rates or audited allowable costs, except as otherwise provided in this chapter.

(2) The settlement process shall consist of:

(a) The evaluation of the proposed preliminary settlement ((report)) by cost center contained within the cost report and preparation of the preliminary settlement report;

(b) The evaluation of the audit results, if an audit is conducted, including disallowed costs and preparation of the final settlement report; and

(c) The process of scheduling payment ((as to such)) of underpayments or overpayments determined by preliminary or final settlement.

~~((2) In:~~

~~(a) Rulings on questioned costs; or~~

~~(b) Interpretations resulting in payment of the whole or a portion of a disallowed cost;~~

~~the department shall prepare and maintain such rulings and interpretations with full justification and explanation for the respective contractor and the appropriate standing committees of the legislature.)~~

Sec. 9. Section 16, chapter 177, Laws of 1980 and RCW 74.46.160 are each amended to read as follows:

(1) ~~((Upon))~~ Within one hundred twenty days after receipt of the proposed preliminary settlement ((report)), the department shall verify the accuracy of ((such report)) the proposal and shall issue a preliminary settlement report by cost center to the contractor which fully substantiates disallowed costs, refunds, underpayments, or adjustments to the proposed preliminary settlement.

(2) ~~((Within thirty days))~~ After ((receipt)) completion of the ((audited reports by the secretary)) audit process, including exhaustion or mutual termination of reviews and appeals of audit findings or determinations, the department will submit a ((proposed)) final settlement report by cost center to the contractor which ((rules on questioned costs, and)) fully substantiates disallowed costs, refunds, underpayments, ((and/or)) or adjustments to the ((preliminary settlement)) contractor's financial statements and cost report. Where the contractor is pursuing judicial or administrative review or appeal in good faith regarding audit findings or determinations, the department may issue a partial final settlement to recover overpayments based on audit adjustments not in dispute.

Sec. 10. Section 17, chapter 177, Laws of 1980 and RCW 74.46.170 are each amended to read as follows:

(1) ~~((The settlement will become final))~~ A contractor shall have thirty days after the date the ((proposed)) preliminary or final settlement report is submitted to the contractor((, unless the contractor)) to contest((s the)) a settlement determination under RCW 74.46.780. ((In the event of such action, the contractor has thirty days after the date the proposed final settlement report has been submitted to notify the department of such contesting pursuant to the provisions of RCW 74.46.780:)) After the thirty-day period has expired, a preliminary or final settlement will not be subject to review.

(2) A preliminary settlement report as issued by the department will become the final settlement report if no audit has been scheduled within twelve calendar months following the department's issuance of a preliminary settlement report to the contractor.

(3) A settlement will be reopened if necessary to make adjustments for findings resulting from an audit performed pursuant to ((this chapter)) section 5(4) of this 1983 act.

Sec. 11. Section 18, chapter 177, Laws of 1980 and RCW 74.46.180 are each amended to read as follows:

(1) The state shall make payment of any underpayments within ((fifteen)) thirty days ((of)) after the date the preliminary or final settlement ((becomes final)) report is submitted to the contractor.

(2) ~~((The))~~ A contractor found to have received either overpayments ((and/or)) or erroneous payments under a preliminary or final settlement shall refund such payments to the state within thirty days ((of)) after the date the preliminary or final settlement ((becomes final)) report is submitted to the contractor, subject to the provisions of subsections (3), (4)((, and (5))), and (7) of this section.

(3) Within the cost centers of nursing services and food, all savings resulting from the respective ((audited)) allowable costs being lower than the respective reimbursement rate paid to the contractor during the report period shall be refunded. In computing a preliminary or final settlement, savings in a cost center may be shifted to cover a deficit in another cost center up to the amount of any savings: PROVIDED, That not more than twenty percent of the rate in a cost center may be shifted into that cost center and no shifting may be made into the property cost center.

(4) Within the cost centers of administration and operations and property, the contractor shall retain at least fifty percent, but not more than seventy-five percent, of any savings resulting from the respective, audited, allowable costs being lower than the respective reimbursement rates paid to the contractor during the report period multiplied by the number of authorized medical care client days in which said rates were in effect. The secretary, by rule and regulation, shall establish the basis for the specific percentages of savings to the contractors. Such rules and regulations may provide for differences in the percentages allowed for each cost center to

individual facilities based on performance measures related to administrative efficiency.

(5) All allowances provided by section 27(2) of this 1983 act and RCW 74.46.530 shall be retained by the contractor. Any industrial insurance dividend or premium discount under RCW 51.16.035 shall be retained by the contractor to the extent that such dividend or premium discount is attributable to the contractor's private patients.

(6) In the event the contractor fails to make repayment in the time provided in subsection (2) of this section, the department shall either:

(a) Deduct the amount of refund due plus assessment of interest, as determined by the secretary, from payment amounts due the contractor; or

(b) In the instance the contract has been terminated, (i) deduct the amount of refund due plus an assessment of interest, determined by the secretary, from any payments due; or (ii) assess the amount due plus interest, as determined by the secretary, on the amount due.

(7) Where the facility is pursuing timely-filed judicial or administrative remedies in good faith regarding settlement issues, the contractor need not refund nor shall the department (~~shall not~~) withhold from the facility current payment amounts the department claims to be due from the facility but which are specifically disputed by the contractor. If the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the date such decision is made.

Sec. 12. Section 19, chapter 177, Laws of 1980 and RCW 74.46.190 are each amended to read as follows:

(1) The substance of a transaction will prevail over its form.

(2) All documented costs which are ordinary, necessary, related to care of medical care recipients, and not expressly (~~nonallowable~~) unallowable, are to be allowable.

(3) Costs applicable to services, facilities, and supplies furnished to the provider by related organizations are allowable but at the cost to the related organization, provided they do not exceed the price of comparable services, facilities, or supplies that could be purchased elsewhere.

(4) Beginning January 1, 1985, the payment for property usage is to be independent of ownership structure and financing arrangements.

Sec. 13. Section 27, chapter 177, Laws of 1980 and RCW 74.46.270 are each amended to read as follows:

(1) The contractor shall disclose to the department:

(a) The nature and purpose of all costs which represent allocations of joint facility costs; and

(b) The methodology of the allocation utilized.

(2) Such disclosure shall demonstrate that:

(a) The services involved are necessary and nonduplicative; and

(b) Costs are allocated in accordance with benefits received from the resources represented by those costs.

(3) Such disclosure shall be made not later than September 30, 1980, for the following year and not later than September 30th for each year thereafter; except that a new contractor shall submit the first year's disclosure together with the submissions required by RCW 74.46.670. Where a contractor will make neither a change in the joint costs to be incurred nor in the allocation methodology, the contractor may certify that no change will be made in lieu of the disclosure required in subsection (1) of this section.

~~((3)) (4) The department shall approve such methodology not later than December 31, 1980, and not later than December 31st for each year thereafter. ((Such approval shall include, but not be limited to, the assurance that:~~

~~(a) The services involved are necessary and nonduplicative; and~~

~~(b) Costs are allocated in accordance with benefits received from the resources represented by those costs.~~

~~(4)) (5) An approved methodology may be revised or amended subject to approval as provided in ((subsection (3) of this section and)) rules and regulations adopted by the department.~~

NEW SECTION. Sec. 14. There is added to chapter 74.46 RCW a new section to read as follows:

(1) This section shall cease to be effective on the effective date of RCW 74.46.530.

(2) The contractor's necessary and ordinary interest for working capital and capital indebtedness will be allowable.

(a) To be necessary, interest must be incurred in connection with a loan which satisfies a financial need of the contractor and be for a purpose related to patient care. Interest expense relating to business opportunity or goodwill will not be allowed.

(b) To be ordinary, interest must be at a rate which is not in excess of what a prudent borrower would have to pay at the time of the loan in an arm's-length transaction in the money market.

(c) Interest expense shall include amortization of bond discounts and expenses related to the bond issue. Amortization shall be over the period from the date of sale to the date of maturity or, if earlier, the date of extinguishment of the bonds.

(3) Interest paid to or for the benefit of a related organization will be allowed only to the extent the interest does not exceed the actual cost to the related organization of obtaining the use of funds in an arm's-length transaction.

(4) In computing allowable costs, interest income from the investment or lending of nonrestricted funds shall be deducted from allowable expense.

(5) Interest income from the investment or lending of restricted funds shall not be deducted from allowable interest expense.

NEW SECTION. Sec. 15. There is added to chapter 74.46 RCW a new section to read as follows:

(1) This section shall cease to be effective on the effective date of RCW 74.46.510 and 74.46.530.

(2) Rental or lease costs of land, building or equipment under arm's-length operating leases or depreciation and interest costs of land, building or equipment under arm's-length leases to be capitalized according to generally accepted accounting principles shall be allowable, to the extent the cost is necessary, ordinary, and related to patient care.

Sec. 16. Section 31, chapter 177, Laws of 1980 and RCW 74.46.310 are each amended to read as follows:

The following costs shall be capitalized:

(1) Expenses for facilities or equipment with historical cost in excess of ~~((five))~~ seven hundred fifty dollars per unit and a useful life of more than one year from the date of purchase; and

(2) Expenses for equipment with historical cost of ~~((five))~~ seven hundred fifty dollars or less per unit if either:

(a) The item was acquired in a group purchase where the total cost exceeded ~~((five))~~ seven hundred fifty dollars; or

(b) The item was part of the initial stock of the facility.

(3) Dollar limits in this section may be adjusted for economic trends and conditions by the department as established by rule and regulation.

Sec. 17. Section 41, chapter 177, Laws of 1980 and RCW 74.46.410 are each amended to read as follows:

(1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this ~~((act))~~ chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Interest costs other than those provided by RCW 74.46.290 on and after the effective date of RCW 74.46.530;

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or (~~violating~~) in violation of principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;

(r) Fund-raising expenses, except those directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

(w) Expenses of key-man insurance and other insurance or retirement plans not made available to all employees;

(x) Expenses of profit-sharing plans;

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

(z) Personal expenses and allowances of owners or relatives;

(aa) All expenses of maintaining professional licenses or membership in professional organizations and association dues or that portion of association dues attributable to membership in national organizations;

(bb) Costs related to agreements not to compete;

(cc) Amortization of goodwill;

(dd) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;

(ff) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;

(gg) Lease acquisition costs and other intangibles not related to patient care;

(hh) All rental or lease costs other than those provided in RCW 74.46.300(~~;~~and

~~(ii) All audit costs incurred pursuant to RCW 74.46.120(1))~~ on and after the effective date of RCW 74.46.510 and 74.46.530.

Sec. 18. Section 42, chapter 177, Laws of 1980 and RCW 74.46.420 are each amended to read as follows:

The following principles are inherent in RCW 74.46.430 through 74.46.590:

(1) Reimbursement rates will be set prospectively on a per patient day basis;

(2) Rates (~~(will be)~~) established (~~((not lower than the level which is reasonably expected to be))~~) in accordance with this chapter shall be reasonable and adequate to ((reimburse in full the actual, allowable)) meet the costs ((of a facility which is)) that must be incurred by economically and efficiently operated ((and)) facilities to provide ((care)) services which meet((s)) the needs of a medical care recipient in compliance with applicable standards; and

(3) The rates so established will (~~(take into account))~~ be adjusted for economic conditions and trends ((during)) in accordance with appropriations made by the legislature as consistent with federal requirements for the period to be covered by such rates.

Sec. 19. Section 43, chapter 177, Laws of 1980 and RCW 74.46.430 are each amended to read as follows:

(1) The department, as provided by this chapter, will determine prospective cost-related reimbursement rates for services provided to medical care recipients. Each rate so determined shall represent the contractor's maximum compensation within each cost center for each patient day for such medical care recipient.

(2) As required, the department may modify such maximum per patient day rates pursuant to the administrative review provisions of RCW 74.46.780.

(3) Until the effective date of RCW 74.46.510 and 74.46.530, the maximum prospective reimbursement rates for the administration and operations and the property cost centers shall be established based upon a minimum facility occupancy level of eighty-five percent.

(4) On and after the effective date of RCW 74.46.510 and 74.46.530, the maximum prospective reimbursement rates for the administration and operations and the property cost centers and the return on investment allowance shall be established based upon a minimum facility occupancy level of eighty-five percent.

Sec. 20. Section 45, chapter 177, Laws of 1980 and RCW 74.46.450 are each amended to read as follows:

(1) Prospective reimbursement rates for a new contractor will be established within sixty days following receipt by the department of the properly completed projected budget required by RCW 74.46.670. Such reimbursement rates will become effective as of the effective date of the contract and shall remain in effect until rates can be established under RCW 74.46.460 based on a contractor's cost report including at least six months of cost data.

(2) Such reimbursement rates will be based on the contractor's projected cost of operations (~~((through December 31st of the year the contract becomes effective,))~~) and on costs and payment rates of the prior contractor, if any, ~~((and/or))~~ or of other contractors in comparable circumstances.

(3) If a properly completed budget is not received at least sixty days prior to the effective date of the contract, the department will establish preliminary rates based on the other factors specified in subsection (2) of this section. These preliminary rates will remain in effect until a determination is made pursuant to RCW 74.46.460.

Sec. 21. Section 46, chapter 177, Laws of 1980 as amended by section 5, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.460 are each amended to read as follows:

(1) Each contractor's reimbursement rates will be determined prospectively at least once each calendar year, to be effective July 1st.

(2) Rates may be adjusted as determined by the department to take into account variations of more than ten percent in the distribution of patient

classifications or changes in patient characteristics from the prior reporting year, program changes, changes in staffing levels at a facility required by the department, economic trends and conditions, and/or administrative review provided by RCW 74.46.780 and shall be adjusted for any capitalized additions or replacements made as a condition for licensure or certification.

(3) Where the contractor participated in the provisions of prospective cost-related reimbursement in effect prior to July 1, ((+1984)) 1983, such contractor's prospective rate effective July 1, ((+1984)) 1983, will be determined utilizing ((his reported)) the contractor's desk-reviewed allowable costs for calendar year ((+1983)) 1982.

(4) All prospective reimbursement rates for ((+1985)) 1984 and thereafter shall be determined utilizing the prior year's ((audited)) desk-reviewed cost reports.

Sec. 22. Section 47, chapter 177, Laws of 1980 and RCW 74.46.470 are each amended to read as follows:

A contractor's reimbursement rates for medical care recipients will be determined utilizing ((audited)) desk-reviewed cost report data within the following cost centers:

- (1) Nursing services;
- (2) Food;
- (3) Administration and operations; and
- (4) Property.

NEW SECTION. Sec. 23. There is added to chapter 74.46 RCW a new section to read as follows:

(1) The department shall analyze the submitted cost report and financial statements of each contractor to determine if the information is correct, complete, and reported in conformance with generally accepted accounting principles, the requirements of this chapter and such rules and regulations as the secretary may adopt. If the analysis finds that the cost report or financial statements are incorrect or incomplete, the department may make adjustments to the reported information for purposes of establishing reimbursement rates. A schedule of such adjustments shall be provided to contractors and shall include an explanation for the adjustment and the dollar amount of the adjustment. Adjustments shall be subject to review and appeal as provided in this chapter.

(2) The department shall accumulate data from properly completed cost reports and financial statements for use in:

- (a) Exception profiling; and
- (b) Establishing rates.

(3) The department may further utilize such accumulated data for analytical, statistical, or informational purposes as necessary.

NEW SECTION. Sec. 24. There is added to chapter 74.46 RCW a new section to read as follows:

(1) The nursing services cost center shall include all costs related to the direct provision of nursing and related care, including fringe benefits and payroll taxes for the nursing and related care personnel. For rates effective for state fiscal year 1984, the department shall adopt by administrative rule a definition of "related care" which shall incorporate, but not exceed services reimbursable as of June 30, 1983. For rates effective for state fiscal year 1985, the definition of related care shall include ancillary care.

(2) The department shall adopt by administrative rules a method for establishing a nursing services cost center rate consistent with the principles stated in this section.

(3) Utilizing regression or other statistical technique, the department shall determine a reasonable limit on facility nursing staff taking into account facility patient characteristics. For purposes of this section, facility nursing staff refers to registered nurses, licensed practical nurses and nursing assistants employed by the facility or obtained through temporary labor contract arrangements. In selecting a measure of patient characteristics, the department shall take into account:

(a) The correlation between alternative measures and facility nursing staff; and

(b) The cost of collecting information for and computation of a measure.

If regression is used, the limit shall be set at predicted nursing staff plus 1.75 regression standard errors. If another statistical method is utilized, the limit shall be set at a level corresponding to 1.75 standard errors above predicted staffing computed according to a regression procedure.

(4) No facility shall receive reimbursement for nursing staff levels in excess of the limit, except that, if a facility was reimbursed for a nursing staff level in excess of the limit as of June 30, 1983, the facility may choose to continue to receive its June, 1983 nursing services rate plus any adjustments in rates, such as adjustments for economic trends, made available to all facilities. The reasonableness limit established pursuant to this subsection shall remain in effect for the period July 1, 1983 through June 30, 1985. At that time the department may revise the measure of patient characteristics or method used to establish the limit.

(5) The department shall select an index of cost increase relevant to the nursing and related services cost area. In the absence of a more representative index, the department shall use the medical care component index as maintained by the United States bureau of labor statistics.

(6) If a facility's nursing staff level is below the limit specified in subsection (3) of this section, the department shall determine the percentage increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the selected index for the same time period, the facility's reimbursement rate in the nursing services cost center shall equal the facility's cost from the most recent cost reporting period plus any allowance for inflation provided by legislative appropriation.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost area to a level reflecting the increase in the selected index.

(7) If the facility's nursing staff level exceeds the reasonableness limit established in subsection (3) of this section, the department shall determine the increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the index selected pursuant to subsection (5) of this section, the facility's reimbursement rate in the nursing cost center shall equal the facility's cost from the most recent cost reporting period adjusted downward to reflect the limit on nursing staff, plus any allowance for inflation provided by legislative appropriation subject to the provisions of subsection (4) of this section.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost center to a level reflecting the nursing staff limit and the cost increase limit, subject to the provisions of subsection (4) of this section, plus any allowance for inflation provided by legislative appropriation.

(8) The department is authorized to determine on a systematic basis facilities with unmet patient care service needs. The department may increase the nursing services cost center prospective rate for a facility beyond the level determined in accordance with subsection (6) of this section if the facility's actual and reported nursing staffing is one standard error or more below predicted staffing as determined according to the method selected pursuant to subsection (3) of this section and the facility has unmet patient care service needs: **PROVIDED**, That prospective rate increases authorized by this subsection shall be funded only from legislative appropriations made for this purpose and the increases shall be conditioned on specified improvements in patient care at such facilities.

(9) The department shall establish a method for identifying patients with exceptional care requirements and a method for establishing or negotiating on a consistent basis rates for such patients.

Sec. 25. Section 49, chapter 177, Laws of 1980 as amended by section 6, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.490 are each amended to read as follows:

(1) The food cost center shall include all costs for bulk and raw food and beverages purchased for the dietary needs of medical care recipients.

~~(2) ((The food cost reimbursement rate for each facility shall be computed as follows:~~

~~FR = (TFC/TPD) 1.15, where~~

~~FR = the facility food cost center reimbursement rate;~~

~~TFC = the total of all reporting facilities' food cost center costs; and~~

~~TPD = the total patient days for the prior year of all reporting facilities.~~

~~(3) Unless extended by law for an additional period of time, on and after July 1, 1986, the food cost reimbursement rate for each facility shall be computed as follows:~~

~~FR = (TFC/TPD), where~~

~~FR = the facility food cost center reimbursement rate;~~

~~TFC = the total of all reporting facilities' food cost center costs; and~~

~~TPD = the total patient days for the prior year of all reporting facilities.))~~

Reimbursement for the food cost center shall be at the January 1, 1983, reimbursement rate, adjusted annually for inflation.

NEW SECTION. Sec. 26. There is added to chapter 74.46 RCW a new section to read as follows:

(1) References in RCW 74.46.490 and section 24 of this act to adjustments for inflation mean percentages determined by the legislature in the biennial budget act.

(2) Inflation adjustments shall be applied as follows:

(a) Where a prior period rate forms the basis for the next period rate, the adjustment in subsection (1) of this section shall be applied to that prior period rate.

(b) In the nursing services cost center rates beginning July 1, 1984, and the administration and operations cost center rate, the adjustments in subsection (1) of this section shall be applied to prior period annual costs in establishing July rates. Where a July rate is based upon a cost report covering less than twelve months, the department shall reduce the inflation adjustment factor in subsection (1) of this section proportionately.

NEW SECTION. Sec. 27. There is added to chapter 74.46 RCW a new section to read as follows:

(1) This section shall apply for rate setting beginning July 1, 1983, and shall cease to be effective on December 31, 1984.

(2) The department shall pay a return on net equity, as defined in federal medicare rules and regulations, at the annual rate of twelve percent, except that this return shall not exceed two dollars per patient day.

(3) Property cost center reimbursement for both leased and owner-operated facilities shall not exceed the predicted cost plus 1.75 standard deviation of the necessary and ordinary prior period allowable annual cost report costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the department of social and

health services, recognizing factors which may be significant, including location, age, and type of facility. Rental costs of leased facilities and depreciation and interest costs of owner-operated facilities, for leases or mortgages entered into prior to July 1, 1979, shall be reimbursed to the extent they do not exceed the reimbursement rate payable for the property cost center as of June 30, 1979, adjusted to meet any discrepancies as determined by the federal government between the reimbursements made and the approved state medicaid plan, the reimbursement rate payable July 1, 1979 or the regression formula rate, whichever is higher, and adjusted for any approved capitalized additions or replacements.

Sec. 28. Section 53, chapter 177, Laws of 1980 as amended by section 7, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.530 are each amended to read as follows:

(1) ~~((The department shall first establish a total state-wide return on investment pool for use in determining individual facility return on investment allowances:~~

(a) ~~In establishing the total state-wide return on investment pool the department shall determine the sum of net invested funds as of the end of the most recent reporting period of all facilities participating in the medical care program:~~

(b) ~~In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, and 74.46.370, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to RCW 74.46.360(1):~~

(c) ~~The sum of net invested funds shall then be multiplied by 1.4 times the average of the rates of interest on special issues of public debt obligations issued to the federal hospital insurance trust fund for the last completed calendar quarter prior to rate-setting to establish the total state-wide return on investment pool:~~

(2)) The department shall establish for individual facilities return on investment allowances composed of two parts: A financing allowance and a variable return allowance.

(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by ~~((1.07 times the average of the rates of interest on special issues of public debt obligations issued to the federal hospital insurance trust fund for the last completed quarter prior to rate=~~

setting)) .11, and dividing by the contractor's total patient days. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the financing and variable return allowances shall be adjusted to the anticipated patient day level.

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, and 74.46.370, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to RCW 74.46.360(1).

(c) In determining the variable return allowance:

(i) The department will first rank all facilities in numerical order from highest to lowest according to their average per diem allowable costs for the sum of the administration and operations and property cost centers for the previous ~~((reimbursement))~~ cost report period.

(ii) The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than ~~((five))~~ four percent, by the total prospective rate for each facility, as determined in RCW 74.46.450 through 74.46.510. The percentage amounts will be based on groupings of facilities according to the rankings as established in subparagraph (2)(b)(i) of this section. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

~~((iii)) Such percentage amounts shall be calculated so that the variable return allowance plus the financing allowance times the total patient days for each facility, when summed for all facilities, shall be as close in amount to the total state-wide return on investment pool as is practical, except that, such percentage amounts for equivalent groups of facilities as determined in subparagraph (2)(b)(ii) of this section shall be no less than the percentage amounts as calculated pursuant to this subsection on July 1, 1984.~~

~~((c))~~ (d) The sum of the financing allowance and the variable return allowance shall be the return on investment for each facility, and shall be added to the prospective rates of each contractor as determined in RCW 74.46.450 through 74.46.510.

~~((d))~~ (e) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease

payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to RCW 74.46.510, is more than the return on investment allowance determined according to ~~((RCW 74.46.530(2)(c)))~~ subsection (1)(d) of this section, the following shall apply:

(i) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1982, as determined by the department of general administration through an appraisal procedure, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(ii) The sum of the financing allowance computed under ~~((subparagraph (2)(d)(i)))~~ subsection (1)(c)(i) of this section and the variable allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to RCW 74.46.510. The lesser of the two amounts shall be called the alternate return on investment allowance.

(iii) The return on investment allowance determined according to ~~((RCW 74.46.530(2)(c)))~~ subsection (1)(d) of this section or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be added to the prospective rates of the contractor as determined in RCW 74.46.450 through 74.46.510.

~~((3))~~ (2) In the event that the department of health ~~((education))~~ and ~~((welfare))~~ human services disallows the application of the return on investment allowances to nonprofit facilities, the department shall modify the measurements of net invested funds used for computing ~~((both total state-wide return on investment pool and))~~ individual facility return on investment allowances as follows: Net invested funds for each nonprofit facility shall be multiplied by one minus the ratio of equity funds to the net invested funds of all nonprofit facilities.

~~((4))~~ (3) Each biennium, beginning in ~~((1984))~~ 1985, the secretary shall review the adequacy of return on investment allowances in relation to anticipated requirements for maintaining, reducing, or expanding nursing care capacity. The secretary shall report the results of such review to the legislature and make recommendations for adjustments in the return on investment rates utilized in this section, if appropriate.

Sec. 29. Section 55, chapter 177, Laws of 1980 and RCW 74.46.550 are each amended to read as follows:

~~((1))~~ The reimbursement rates shall not exceed the contractor's customary charges to the general public for comparable services.

~~((2) Rates shall not exceed the limits set forth in 42 CFR 450.30(b)(6).)~~

Sec. 30. Section 56, chapter 177, Laws of 1980 and RCW 74.46.560 are each amended to read as follows:

The department will notify each contractor in writing of its prospective reimbursement rates ~~((at least thirty days in advance of))~~ by the effective date of the rates. Unless otherwise specified at the time it is issued, the rate will be effective from the first day of the month in which it is issued until a new rate becomes effective. If a rate is changed as the result of an appeal in accordance with RCW 74.46.780, it will be effective as of the date the appealed rate became effective.

Sec. 31. Section 57, chapter 177, Laws of 1980 and RCW 74.46.570 are each amended to read as follows:

(1) Prospective rates are subject to adjustment by the department as a result of errors or omissions by the department or by the contractor. The department will notify the contractor in writing of each adjustment and of ~~((its))~~ the effective date of the adjustment, and of any amount due to the department or to the contractor as a result of the rate adjustment.

(2) If a contractor claims an error or omission based upon incorrect cost reporting, amended cost report pages shall be prepared and submitted by the contractor. Amended pages shall be accompanied by a certification signed by the licensed administrator of the nursing facility and a written justification explaining why the amendment is necessary. The certification and justification shall meet such criteria as are adopted by the department. Such amendments may be used to revise a prospective rate but shall not be used to revise a settlement if submitted after commencement of the field audit. All changes determined to be material by the department shall be subject to field audit. If changes are found to be incorrect or otherwise unacceptable, any rate adjustment based thereon shall be null and void and resulting payments or payment increases shall be subject to refund.

(3) The contractor shall pay an amount ~~((it owes))~~ owed the department resulting from an error or omission, or commence repayment in accordance with a schedule determined by the department, within sixty days after receipt of notification of the rate adjustment, unless the contractor contests the department's determination in accordance with the procedures set forth in RCW 74.46.780. If the determination is contested, the contractor shall pay or commence repayment within sixty days after completion of these proceedings. If a refund is not paid when due, the amount thereof may be deducted from current payments by the department.

~~((3))~~ (4) The department shall pay any amount ~~((it owes))~~ owed the contractor as a result of a rate adjustment within thirty days after ~~((it notifies))~~ the contractor is notified of the rate adjustment.

~~((4))~~ (5) No adjustments will be made to a rate more than one hundred twenty days after the final ~~((settlement))~~ audit narrative and summary

for the period the rate was effective is sent to the contractor or, if no audit is held, more than one hundred twenty days after the preliminary settlement becomes the final settlement, except when a settlement is reopened as provided in RCW 74.46.170((2))(3).

Sec. 32. Section 58, chapter 177, Laws of 1980 and RCW 74.46.580 are each amended to read as follows:

The department shall provide all interested members of the public with an opportunity to review and comment on the proposed rate-setting factors, indices, measures, and guidelines ~~((not later than May 15th of each year prior to their being used to set rates))~~, consistent with federal requirements.

Sec. 33. Section 61, chapter 177, Laws of 1980 and RCW 74.46.610 are each amended to read as follows:

(1) A contractor shall bill the department each month by completing and returning a facility billing statement as provided by the department which shall include, but not be limited to:

- (a) Billing by cost center;
- (b) Total patient days; and
- (c) Patient days for medical care recipients.

The statement shall be completed and filed in accordance with rules and regulations established by the secretary.

(2) A ~~((contractor))~~ facility shall not bill the department for service provided to a recipient until an award letter of eligibility of such recipient ~~((pursuant to))~~ under rules ~~((and regulations))~~ established ~~((according to the provisions of))~~ under chapter 74.09 RCW has been received by the ~~((contractor except that, a contractor))~~ facility. However a facility may bill and shall be reimbursed for all medical care recipients referred to the ((contractor's)) facility by the department prior to the receipt of the award letter of eligibility or the denial of such eligibility. ((At that time it may bill for service provided back through the date the recipient was admitted or became eligible:))

- (3) Billing shall cover the patient days of care.

Sec. 34. Section 64, chapter 177, Laws of 1980 and RCW 74.46.640 are each amended to read as follows:

(1) Payments to a contractor may be withheld by the department in each of the following circumstances:

(a) A required report is not properly completed and filed by the contractor within the appropriate time period, including any approved extension. Payments will be released as soon as a properly completed report is received;

(b) State auditors, department auditors, or authorized personnel in the course of their duties are refused access to a nursing home or are not provided with existing appropriate records. Payments will be released as soon as such access or records are provided;

(c) A refund in connection with ~~((an annual))~~ a settlement or rate adjustment is not paid by the contractor when due. The amount withheld will be limited to the unpaid amount of the refund; and

(d) Payment for the final thirty days of service under a contract will be held pending final settlement when the contract is terminated.

(2) No payment will be withheld until written notification of the suspension is provided to the contractor, stating the reason therefor.

Sec. 35. Section 67, chapter 177, Laws of 1980 and RCW 74.46.670 are each amended to read as follows:

(1) Each new contractor shall submit a projected budget to the department at least sixty days before its contract will become effective.

(2) The projected budget shall cover the ~~((period to December 31st))~~ contractor's first twelve months of operation from the date the contractor will enter the program. It shall be prepared on forms and in accordance with rules and regulations established by the secretary.

Sec. 36. Section 69, chapter 177, Laws of 1980 and RCW 74.46.690 are each amended to read as follows:

(1) When a facility contract is terminated for any reason, the old contractor shall submit final reports as required by RCW 74.46.040. Payment for care provided during the final thirty days of service under a contract will be held until the contractor has filed a properly completed final ~~((audited))~~ cost report, an audit has been completed by the department, and final settlement has been determined, such settlement not to exceed ((sixty)) ninety days following ~~((submittal of the final audited cost report))~~ completion of the audit process.

(2) Following final settlement, a payment withheld pursuant to subsection (1) of this section will be sent to the contractor after any overpayment determined in connection with final settlement has been deducted. If the contractor contests the settlement determination in accordance with RCW 74.46.170, the department will hold the amount in dispute pending completion of the appeal process, but will release the balance of such payment to the contractor.

(3) The department will release a payment which would be withheld pursuant to subsection (1) of this section, provided a bond issued by a bonding company acceptable to the department is filed by the contractor. The bond shall:

(a) Be in an amount equal to the released payment;

(b) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies;

(c) Provide that the full amount of the bond shall be paid to the department if a properly completed final audited cost report is not filed in accordance with this chapter, or if financial records supporting this record are not preserved and made available to the auditor; and

(d) Provide that an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond, shall be paid to the department in the event the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.

(4) If a contract is terminated solely in order for the same owner to contract with the department to deliver services to another classification of medical care recipients at the same facility, the contractor is not required to submit final cost reports, and payment for the final thirty days will not be withheld.

Sec. 37. Section 71, chapter 177, Laws of 1980 and RCW 74.46.710 are each amended to read as follows:

(1) The contractor shall maintain a subsidiary ledger with an account for each recipient for whom the contractor has money in trust.

(2) Each account and related supporting records shall:

(a) Be kept current;

(b) Be balanced each month; and

(c) Show in detail, with supporting verification, all moneys received on behalf of the recipient and the disposition of all moneys so received.

(3) Records of each account shall be available for audit pursuant to (~~RCW 74.46.140~~) section 5 of this 1983 act and shall be retained for a minimum of four years. When an account has attained the maximum limit established by rules and regulations promulgated by the secretary, the contractor will notify the department within five days.

(4) Any charge for medical services otherwise properly made to a recipient's trust account must be supported by a written denial of such services from the department.

Sec. 38. Section 72, chapter 177, Laws of 1980 and RCW 74.46.720 are each amended to read as follows:

(1) The contractor may maintain a petty cash fund originating from trust moneys of an amount determined by the department which shall be reasonable and necessary for the size of a facility and the needs of the recipients.

(2) Such petty cash fund shall be maintained as an imprest fund. All moneys over and above the trust fund petty cash amount shall be deposited intact, within twenty-four hours, in a trust fund checking account, separate and apart from any other bank account or accounts of the facility or other facilities.

(3) Cash deposits of recipient allowances from any source must be made intact to the trust account within one week from the time that payment of such allowances are received.

(4) Any related bankbooks, bank statements, checkbook, check register, and all voided and canceled checks, shall be made available for audit pursuant to ~~((RCW 74.46.140))~~ section 5 of this 1983 act and shall be retained by the facility for not less than four years.

(5) No service charges for such checking account shall be paid from recipient trust moneys.

(6) The trust account per bank shall be reconciled monthly to the trust account per patient ledgers.

Sec. 39. Section 77, chapter 177, Laws of 1980 and RCW 74.46.770 are each amended to read as follows:

~~((f(1)))~~ (1) If a contractor wishes to contest the way in which a rule or contract provision relating to the prospective cost-related reimbursement system was applied to the contractor by the department, it shall first pursue the administrative review process set forth in RCW 74.46.780.

(2) The administrative review and fair hearing process in RCW 74.46.780 need not be exhausted if a contractor wishes to challenge the legal validity of a statute, rule, or contract provision.

Sec. 40. Section 78, chapter 177, Laws of 1980 and RCW 74.46.780 are each amended to read as follows:

(1) Within thirty days after a contractor is notified of an action or determination it wishes to challenge, the contractor shall request in writing that the secretary review such determination. The request shall be signed by the contractor or the licensed administrator of the facility, shall identify the challenged determination and the date thereof, and shall state as specifically as practicable the grounds for its contention that the determination was erroneous. Copies of any documentation on which the contractor intends to rely to support its position shall be included with the request.

(2) After receiving a request meeting the above criteria, the secretary or his designee will contact the contractor to schedule a conference for the earliest mutually convenient time. The conference shall be scheduled for no later than ~~((thirty))~~ ninety days after a properly completed request is received unless both parties agree in writing to a specified later date.

(3) The contractor and appropriate representatives of the department shall attend the conference. In addition, representatives selected by the contractor may attend and participate. The contractor shall ~~((bring to the conference, or))~~ provide to the department in advance of the conference ~~((;))~~ any documentation on which it intends to rely to support its contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, a second session of the conference shall be scheduled for not later than thirty days after the initial session unless both parties agree in writing to a specific later date.

(4) A written decision by the secretary will be furnished to the contractor within ~~((thirty))~~ sixty days after the conclusion of the conference. ~~((The~~

~~secretary shall prepare such decision for the fiscal and other appropriate standing committees of the legislature.))~~

(5) If the contractor desires review of an adverse decision of the secretary, it shall within thirty days following receipt of such decision request a fair hearing in writing in accordance with the provisions of chapter 34.04 RCW. A request for fair hearing shall satisfy the criteria for a review request as set forth in subsection (1) of this section.

Sec. 41. Section 82, chapter 177, Laws of 1980 and RCW 74.46.820 are each amended to read as follows:

(1) Cost reports and their final audit reports (~~(with any accompanying schedule of questioned costs submitted to the secretary))~~) shall be subject to public disclosure pursuant to the requirements of chapter 42.17 RCW. Notwithstanding any other provision of law, financial statements and any accompanying schedules summarizing the adjustments to a contractor's financial records, reports on review of internal control and accounting procedures, and letters of comments or recommendations relating to suggested improvements in internal control or accounting procedures which are prepared pursuant to the requirements of this chapter shall be exempt from public disclosure.

(2) Regardless of whether any document or report submitted to the secretary pursuant to this chapter is subject to public disclosure, copies of such documents or reports shall be provided by the secretary, upon written request, to the legislature and to state agencies or state or local law enforcement officials who have an official interest in the contents thereof.

Sec. 42. Section 92, chapter 177, Laws of 1980 and RCW 74.46.840 are each amended to read as follows:

If any part of this ~~((act))~~ chapter and RCW 18.51.145 and 74.09.120 is found by an agency of the federal government to be in conflict with federal requirements which are a prescribed condition to the receipts of federal funds to the state, the conflicting part of this ~~((act))~~ chapter and RCW 18.51.145 and 74.09.120 is hereby declared inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this ~~((act))~~ chapter and RCW 18.51.145 and 74.09.120 in its application to the agencies concerned. In the event that any portion of this ~~((act))~~ chapter and RCW 18.51.145 and 74.09.120 is found to be in conflict with federal requirements which are a prescribed condition to the receipt of federal funds, the secretary, to the extent that the secretary finds it to be consistent with the general policies and intent of ~~((this))~~ chapters 18.51, 74.09, and 74.46 RCW, may adopt such rules as to resolve a specific conflict and which do meet minimum federal requirements. In addition, the secretary shall submit to the next regular session of the legislature a summary of the specific rule changes made and recommendations for statutory resolution of the conflict.

NEW SECTION. Sec. 43. There is added to chapter 74.46 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.

Sec. 44. Section 74.09.120, chapter 26, Laws of 1959 as last amended by section 6, chapter 11, Laws of 1981 2nd ex. sess. and RCW 74.09.120 are each amended to read as follows:

The department shall purchase necessary physician and dentist services by contract or "fee for service." The department shall purchase hospital care by contract or by all inclusive day rate, or at a reasonable cost based on a ratio of charges to cost. Any hospital when requested by the department shall supply such information as necessary to justify its rate, charges or costs. All additional services provided by the hospital shall be purchased at rates established by the department after consultation with the hospital. The department shall purchase nursing home care by contract. The department shall establish regulations for reasonable nursing home accounting and reimbursement systems which ~~((comply with RCW 74.09.610. The regulations))~~ shall provide that no payment shall be made to a nursing home which does not permit inspection by the department of social and health services of every part of its premises and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such a system.

All other services and supplies provided under the program shall be secured by contract.

The department may purchase care in institutions for the mentally retarded, also known as intermediate care facilities for the mentally retarded. The department shall ~~((develop))~~ establish rules for reasonable accounting and reimbursement systems for such care ~~((and report such rules to the next regular session of the legislature for review prior to implementation))~~. Institutions for the mentally retarded include licensed nursing homes, public institutions, licensed boarding homes with fifteen beds or less, and hospital facilities certified as intermediate care facilities for the mentally retarded under the federal medicaid program to provide health, habilitative, or rehabilitative services and twenty-four hour supervision for mentally retarded individuals or persons with related conditions and includes in the program "active treatment" as federally defined.

Sec. 45. Section 16, chapter 2, Laws of 1981 1st ex. sess. and RCW 18-51.145 are each amended to read as follows:

Inspections of nursing homes by local authorities shall be consistent with the requirements of chapter 19.27 RCW, the state building code. Findings of a serious nature shall be coordinated with the department and the state

fire marshal for determination of appropriate actions to ensure a safe environment for nursing home residents. The state fire marshal shall have exclusive authority to determine appropriate corrective action under this section.

NEW SECTION. Sec. 46. (1) In administrating the nursing home payment system under chapter 74.09 RCW, the department of social and health services shall calculate preliminary settlements for the 1978 and 1979 cost reporting periods. The preliminary settlements shall be computed by comparing the rates paid to a contractor with that contractor's reported or audited allowable costs, as available. For 1978 reporting periods, the department shall on preliminary settlements permit providers the option of: (a) Retaining cost savings in the administration and operations and property cost centers as computed according to department regulations in effect for 1978; or (b) receiving a return on owner's net invested equity as computed according to procedures established by the department. For 1979 reporting periods, pending final disposition of litigation concerning retention of cost savings in the administration and operations and property cost centers for June 1979, the department shall not recover such cost savings for the calendar year.

(2) Contractors shall make repayment of overpayments identified through this process within thirty days of receipt of written notice from the department of the amount of overpayments.

(3) Where deemed appropriate by the department, repayment of overpayments may be made according to a schedule determined by the department.

(4) Failure on the part of a nursing home contractor to tender payment due in full within thirty days after notice is received from the department shall render the contractor liable for the payment of interest to the department at the rate of one percent per month for any unpaid balance from thirty days after the date of notification until payment in full is received by the department. Liability for interest payments under this subsection shall remain in effect whether a contractor is in default of repayment or is making repayment according to a schedule determined by the department in lieu of payment in full upon notification of payment due.

(5) Unless payment due from a nursing home contractor is received in full within thirty days after notification from the department or unless principal and interest payments are received according to a schedule determined by the department, recoupment from current reimbursement payments due a contractor in default will commence according to a schedule determined by the department.

(6) Interest expense incurred by a contractor in making repayment of overpayments for 1978 and 1979 reporting periods shall not be reimbursable by the state as an allowable cost.

(7) Nothing in this section prejudices the rights of contractors or the department regarding audit adjustments or revised settlements which may be promulgated by the department from time to time in individual contractor cases.

NEW SECTION. Sec. 47. There is appropriated from the general fund to the department of social and health services for the biennium ending June 30, 1985, the sum of \$3,300,000, of which \$1,650,000 is from federal funds, to carry out the purposes of section 24 of this act. Expenditures under this appropriation shall not exceed amounts recovered under section 46 of this act.

NEW SECTION. Sec. 48. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.550;
- (2) Section 2, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.560;
- (3) Section 3, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.570;
- (4) Section 4, chapter 260, Laws of 1977 ex. sess., section 2, chapter 2, Laws of 1981 1st ex. sess., section 7, chapter 11, Laws of 1981 2nd ex. sess. and RCW 74.09.580;
- (5) Section 1, chapter 2, Laws of 1981 1st ex. sess., section 8, chapter 11, Laws of 1981 2nd ex. sess., section 2, chapter 19, Laws of 1982 1st ex. sess., section 1, chapter 1, Laws of 1982 2nd ex. sess. and RCW 74.09.610;
- (6) Section 5, chapter 19, Laws of 1982 1st ex. sess. and RCW 74.09.620;
- (7) Section 7, chapter 177, Laws of 1980, section 3, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.070;
- (8) Section 11, chapter 177, Laws of 1980 and RCW 74.46.110;
- (9) Section 12, chapter 177, Laws of 1980, section 4, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.120;
- (10) Section 14, chapter 177, Laws of 1980 and RCW 74.46.140;
- (11) Section 40, chapter 177, Laws of 1980 and RCW 74.46.400;
- (12) Section 48, chapter 177, Laws of 1980 and RCW 74.46.480;
- (13) Section 81, chapter 177, Laws of 1980, section 8, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.810;
- (14) Section 13, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46-.850; and
- (15) Section 84, chapter 177, Laws of 1980.

Sec. 49. Section 94, chapter 177, Laws of 1980 as amended by section 10, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.901 are each amended to read as follows:

(1) Sections 2, 7, 83, 85, 86, and 91 of chapter 177, Laws of 1980 are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on April 4, 1980.

(2) Section 27 of chapter 177, Laws of 1980 shall take effect on July 1, 1980.

(3) ~~((Sections 3, 4, 5, 6, 8, 9, 11, and 12 of chapter 177, Laws of 1980 shall take effect on July 1, 1983.~~

~~(4) All other sections of chapter 177, Laws of 1980 shall take effect on July 1, 1984)) RCW 74.46.300, 74.46.360, 74.46.510, and 74.46.530 shall take effect on January 1, 1985.~~

(4) All other sections of chapter 74.46 RCW, except those which took effect before July 1, 1983, shall take effect on July 1, 1983, which shall be "the effective date of this act" where that term is used in chapter 177, Laws of 1980.

NEW SECTION. Sec. 50. There is appropriated for the biennium ending June 30, 1985, from the general fund to the office of the state auditor, the sum of sixty thousand dollars, or so much thereof as may be necessary, for the purposes of section 6 of this act.

NEW SECTION. Sec. 51. 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, 1983, with the exception of section 28 of this act, which shall take effect on January 1, 1985.

Passed the Senate May 24, 1983.

Passed the House May 24, 1983.

Approved by the Governor June 13, 1983.

Filed in Office of Secretary of State June 13, 1983.

CHAPTER 68

[Engrossed Senate Bill No. 3858]

ANNEXATION OF UNINCORPORATED AREAS—WRITTEN CONSENT OF REAL PROPERTY OWNERS

AN ACT Relating to the annexation of unincorporated areas by cities and towns; and amending section 35.13.180, chapter 7, Laws of 1965 as amended by section 4, chapter 332, Laws of 1981 and RCW 35.13.180.

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

Sec. 1. Section 35.13.180, chapter 7, Laws of 1965 as amended by section 4, chapter 332, Laws of 1981 and RCW 35.13.180 are each amended to read as follows:

City and town councils of second and third class cities and towns may by a majority vote annex new territory outside the city or town limits, whether contiguous or noncontiguous for park, cemetery, or other municipal purposes when such territory is owned by the city or town or all of the

owners of the real property in the territory give their written consent to the annexation.

Passed the Senate April 26, 1983.

Passed the House May 24, 1983.

Approved by the Governor June 13, 1983.

Filed in Office of Secretary of State June 13, 1983.

CHAPTER 69

[Substitute Senate Bill No. 4007]

REFUNDING BONDS—VOTED GENERAL OBLIGATION BOND EXCEPTION REMOVED

AN ACT Relating to public funds; amending section 6, chapter 138, Laws of 1965 ex. sess. as last amended by section 3, chapter 262, Laws of 1977 ex. sess. and RCW 39.53.050; and declaring an emergency.

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

Sec. 1. Section 6, chapter 138, Laws of 1965 ex. sess. as last amended by section 3, chapter 262, Laws of 1977 ex. sess. and RCW 39.53.050 are each amended to read as follows:

Refunding bonds may be issued in a principal amount in excess of the principal amount of the bonds to be refunded in an amount deemed reasonably required to effect such refunding (~~((except voted general obligation bonds))~~). The principal amount of the refunding bonds may be less than or the same as the principal amount of the bonds being refunded so long as provision is duly and sufficiently made for the retirement or redemption of such bonds to be refunded. Any reserves held to secure the bonds to be refunded may be used to accomplish the refunding in accordance with the refunding plan. Reserves not so used shall be pledged as security for the refunding bonds to the extent the reserves, if any, are required. The balance of any such reserves may be used for any lawful purpose.

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

Passed the Senate May 22, 1983.

Passed the House May 22, 1983.

Approved by the Governor June 13, 1983.

Filed in Office of Secretary of State June 13, 1983.

CHAPTER 70

[Engrossed Substitute Senate Bill No. 4245]

WASTE REDUCTION—RECYCLING—PRIORITIES

AN ACT Relating to hazardous wastes; adding new sections to chapter 70.105 RCW; and making appropriations.

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

NEW SECTION. Sec. 1. There is added to chapter 70.105 RCW a new section to read as follows:

The legislature hereby declares that:

(1) The health and welfare of the people of the state depend on clean and pure environmental resources unaffected by hazardous waste contamination. Management and regulation of hazardous waste disposal should encourage practices which result in the least amount of waste being produced. Towards that end, the legislature finds that the following priorities in the management of hazardous waste are necessary and should be followed in order of descending priority as applicable:

- (a) Waste reduction;
- (b) Waste recycling;
- (c) Physical, chemical, and biological treatment;
- (d) Incineration;
- (e) Solidification/stabilization treatment;
- (f) Landfill.

(2) As used in this section:

(a) "Waste reduction" means reducing waste so that hazardous byproducts are not produced;

(b) "Waste recycling" means reusing waste materials and extracting valuable materials from a waste stream;

(c) "Physical, chemical, and biological treatment" means processing the waste to render it completely innocuous, produce a recyclable byproduct, reduce toxicity, or substantially reduce the volume of material requiring disposal;

(d) "Incineration" means reducing the volume or toxicity of wastes by use of an enclosed device using controlled flame combustion;

(e) "Solidification/stabilization treatment" means the use of encapsulation techniques to solidify wastes and make them less permeable or leachable; and

(f) "Landfill" means a disposal facility, or part of a facility, at which waste is placed in or on land and which is not a land treatment facility, surface impoundment, or injection well.

NEW SECTION. Sec. 2. There is added to chapter 70.105 RCW a new section to read as follows:

The department shall conduct a study to determine the best management practices for categories of waste for the priority waste management methods established in section 1 of this act, with due consideration in the course of the study to sound environmental management and available technology. As an element of the study, the department shall review methods that will help achieve the priority of section 1(1)(a) of this act, waste reduction. After conducting the study, the department shall prepare new rules or modify existing rules as appropriate to promote implementation of the priorities established in section 1 of this act for management practices which assure use of sound environmental management techniques and available technology. The preliminary study shall be completed by July 1, 1986, and the rules shall be adopted by July 1, 1987. The solid waste advisory committee shall review the studies and the new or modified rules and submit recommendations to the legislature by January 1, 1988, regarding policy options (such as fee incentives, disposal bans, etc.) that will be used to reduce the production of dangerous and extremely hazardous waste in Washington state.

NEW SECTION. Sec. 3. There is added to chapter 70.105 RCW a new section to read as follows:

Consistent with the purposes of sections 1 and 2 of this act, the department is authorized to promote the priority waste management methods listed in section 1 of this act by establishing or assisting in the establishment of: (1) Consultative services which, in conjunction with any business or industry requesting such service, study and recommend alternative waste management practices; and (2) technical assistance, such as a toll-free telephone service, to persons interested in waste management alternatives. Any person receiving such service or assistance may, in accordance with state law, request confidential treatment of information about their manufacturing or business practices.

NEW SECTION. Sec. 4. There is added to chapter 70.105 RCW a new section to read as follows:

All fines and penalties collected under this chapter shall be deposited in the hazardous waste control and elimination account, which is hereby created in the state general fund. Moneys in the account collected from fines and penalties shall be expended exclusively by the department of ecology for the purposes of this act, subject to legislative appropriation. Other sources of funds deposited in this account may also be used for the purposes of this act.

NEW SECTION. Sec. 5. (1) There is appropriated to the department of ecology from the hazardous waste control and elimination account in the general fund for the biennium ending June 30, 1985, the sum of one hundred thousand dollars, or so much thereof as may be necessary, for the purposes of section 2 of this act.

(2) There is appropriated to the department of ecology from the general fund for the biennium ending June 30, 1985, the sum of fifty thousand dollars, or so much thereof as may be necessary, for the purposes of section 2 of this act.

Passed the Senate May 24, 1983.

Passed the House May 24, 1983.

Approved by the Governor June 13, 1983.

Filed in Office of Secretary of State June 13, 1983.

CHAPTER 71

[Engrossed Substitute House Bill No. 240]

VOTING BY MAIL

AN ACT Relating to voting by mail; amending section 6, chapter 109, Laws of 1967 ex. sess. as amended by section 2, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.120; amending section 7, chapter 109, Laws of 1967 ex. sess. and RCW 29.36.130; amending section 29.45.010, chapter 9, Laws of 1965 as amended by section 1, chapter 101, Laws of 1965 ex. sess. and RCW 29.45.010; adding new sections to chapter 29.36 RCW; repealing section 8, chapter 109, Laws of 1967 ex. sess., section 3, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.140; and prescribing penalties.

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

Sec. 1. Section 6, chapter 109, Laws of 1967 ex. sess. as amended by section 2, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.120 are each amended to read as follows:

At any primary or election, general or special, the county auditor (~~as ex officio supervisor of elections, or other officer having jurisdiction of the election;~~) may, (~~with regard to~~) in any precinct having (~~less~~) fewer than one hundred registered voters at the time of closing of (~~the~~) voter registration (~~files~~) as provided in RCW 29.07.160, (~~order~~) conduct the voting in (~~said~~) that precinct (~~for the next ensuing election, whether a primary election, general election, special election, or any other election, be~~) by mail ballot (~~only~~). For any precinct having fewer than one hundred registered voters where voting at a primary or a general election is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of that primary or general election, mail or deliver to each registered voter within that precinct a notice that the voting in that precinct will be by mail ballot, an application form for a mail ballot, and a postage prepaid envelope, preaddressed to the issuing officer. A mail ballot shall be issued to each voter who returns a properly executed application to the county auditor no later than the day of that primary or general election. Such application is valid for all subsequent mail ballot elections in that precinct so long as the voter remains qualified to vote.

At any nonpartisan special election not being held in conjunction with a state primary or general election, the county, city, town, or district requesting the election pursuant to RCW 29.13.010 or 29.13.020 may also request

that the election be conducted by mail ballot. The county auditor may honor the request or may determine that the election is not to be conducted by mail ballot. The decision of the county auditor in this regard is final.

In no instance shall any special election be conducted by mail ballot in any precinct with more than one hundred registered voters if candidates for partisan office are to be voted upon.

~~((Whenever such officer shall so order, he))~~ For all special elections not being held in conjunction with a state primary or state general election where voting is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of such election, mail or deliver to each registered voter ((within said precinct his notice that voting within said precinct shall be by mail voting only. Accompanied with such notice shall be an application form together with a postage prepaid)) a mail ballot and an envelope, preaddressed to the issuing officer. ((In order to be honored such application form, properly executed, must reach the issuing officer no later than the day of the election concerned:

~~The county auditor may continue to honor such application for all subsequent elections held in the same manner as long as the voter concerned remains qualified to vote at such elections:))~~

NEW SECTION. Sec. 2. There is added to chapter 29.36 RCW a new section to read as follows:

For any special election conducted by mail, the county auditor shall send a mail ballot with a return identification envelope to each registered voter of the district in which the special election is being conducted not sooner than the twenty-fifth day before the date of the election and not later than the fifteenth day before the date of the election. The envelope in which the ballot is mailed shall be clearly marked "Do Not Forward - Return to Sender - Return Postage Guaranteed."

NEW SECTION. Sec. 3. There is added to chapter 29.36 RCW A new section to read as follows:

(1) If a county auditor conducts an election by mail, the county auditor shall designate the county auditor's office or a central location in the district in which the election is conducted as the single place to obtain a replacement ballot. The county auditor also shall designate one or more places for the deposit of ballots not returned by mail. The places designated under this section shall be open on the date of the election for a period of thirteen hours, beginning at 7:00 a.m. and ending at 8:00 p.m.

(2) A registered voter may obtain a replacement ballot as provided in this subsection if the ballot is destroyed, spoiled, lost, or not received by the voter. A registered voter seeking a replacement ballot shall sign a sworn statement that the ballot was destroyed, spoiled, lost, or not received and shall present the statement to the county auditor no later than the day of

the election. Each spoiled ballot must be returned to the county auditor before a new one is issued. The county auditor shall keep a record of each replacement ballot provided under this subsection.

NEW SECTION. Sec. 4. There is added to chapter 29.36 RCW a new section to read as follows:

Upon receipt of the mail ballot, the voter shall mark it, sign the return identification envelope supplied with the ballot, and comply with the instructions provided with the ballot. The voter may return the marked ballot to the county auditor by United States mail or to any other place of deposit designated by the county auditor. The ballot must be returned in the return identification envelope. If mailed, a ballot must be postmarked not later than the date of the election. Otherwise, the ballot must be deposited at the office of the county auditor or the designated place of deposit not later than 8:00 p.m. on the date of the election.

Sec. 5. Section 7, chapter 109, Laws of 1967 ex. sess. and RCW 29.36-.130 are each amended to read as follows:

All ~~((such absentee))~~ mail ballots ~~((as))~~ authorized by RCW 29.36.120 shall contain the same offices, names of candidates, and propositions ~~((if any))~~ to be voted upon, including precinct offices, as if the ballot had been voted in person at the polling place. Except as otherwise provided in RCW 29.36.120 ~~((through 29.36.140))~~ and sections 2 through 4 and 6 of this act, such ~~((absentee))~~ mail ballots shall be issued ~~((, completed, returned, received, opened, counted;))~~ and canvassed ~~((, recorded and handled))~~ in the same manner as ((any)) absentee ballots issued pursuant to the request of the voter ((: PROVIDED, That)). The county canvassing board, at the request of the county auditor, may direct that ~~((such))~~ mail ballots be counted on the day of the election. If such count is made, it must be done in secrecy in the presence of at least three election officials and the results not revealed to any unauthorized person until the polls have closed. If electronic vote tallying devices are used, political party observers shall be afforded the opportunity to be present, and a test of the equipment must be performed as required by RCW 29.34.163 prior to the count of ballots. Political party observers shall be allowed to count by hand ballots from up to ten precincts selected by the observers. Any violation of the secrecy of such count shall be subject to the same penalties as provided for in RCW 29.54.035.

NEW SECTION. Sec. 6. There is added to chapter 29.36 RCW a new section to read as follows:

(1) A mail ballot shall be counted only if it is returned in the return identification envelope, if the envelope is signed by the registered voter to whom the ballot is issued, and if the signature is verified as provided in this subsection. The county auditor shall verify the signature of each voter on the return identification envelope with the signature on the voter's registration record. If the county auditor determines that a registered voter to

whom a replacement ballot has been issued has voted more than once, the county auditor shall not count any ballot cast by that voter. The county auditor must notify both the county prosecuting attorney and the state attorney general of every instance in which a voter has voted more than once.

(2) Any mail ballot may be challenged in the same manner as an absentee ballot.

Sec. 7. Section 29.45.010, chapter 9, Laws of 1965 as amended by section 1, chapter 101, Laws of 1965 ex. sess. and RCW 29.45.010 are each amended to read as follows:

At least ten days prior to any primary or election, general or special, the ~~((officer having jurisdiction of the election))~~ county auditor shall appoint one inspector and two judges of election for each precinct (or each combination of precincts temporarily consolidated as a single precinct for ~~((an))~~) that primary or election, other than those precincts designated as vote-by-mail precincts pursuant to RCW 29.36.120, from among the names contained on the lists ~~((therefor))~~ furnished by the chairman of the county central committee of the political parties entitled to representation thereon.

Such precinct election officers, whenever possible, should be residents of the precinct in which they serve ~~((, but if extenuating circumstances arise, they may be assigned to serve in a different precinct))~~.

The ~~((officer having jurisdiction of the election))~~ county auditor shall designate the inspector and one judge in each precinct from that political party which polled the highest number of votes in the county for its candidate for president at the last preceding ~~((general))~~ presidential election ~~((at which a president of the United States was voted for;))~~ and one judge from that political party polling the next highest number of votes in the county for its candidate for president at the same election.

This shall be the exclusive method for the appointment of inspectors and judges to serve as precinct election officers at any primary or election, general or special, and shall supersede the provisions of any and all other statutes, whether general or special in nature, having different requirements.

NEW SECTION. Sec. 8. There is added to chapter 29.36 RCW a new section to read as follows:

The secretary of state shall adopt rules and regulations not inconsistent with the provisions of this chapter to:

- (1) Ensure that standards and procedures are established to prevent fraud and to facilitate the accurate processing and canvassing of mail ballots;
- (2) Ensure that standards and procedures are established to guarantee the secrecy of the ballot;
- (3) Ensure that uniformity exists among the counties of the state in the conduct of mail ballot elections.

NEW SECTION. Sec. 9. There is added to chapter 29.36 RCW a new section to read as follows:

A person who wilfully violates any provision of this chapter is guilty of a class C felony.

NEW SECTION. Sec. 10. Section 8, chapter 109, Laws of 1967 ex. sess., section 3, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.140 are each repealed.

Passed the House May 24, 1983.

Passed the Senate May 23, 1983.

Approved by the Governor June 14, 1983.

Filed in Office of Secretary of State June 14, 1983.

CHAPTER 72

[Second Substitute Senate Bill No. 3155]

HIGH TECHNOLOGY EDUCATION AND TRAINING ACT

AN ACT Relating to high-technology education and training; adding new sections to chapter 223, Laws of 1969 ex. sess. as a new chapter in Title 28B RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.20 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.30 RCW; creating a new section; repealing section 1, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.130; repealing section 2, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.140; making appropriations; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. This act may be known and cited as the Washington high-technology education and training act.

NEW SECTION. Sec. 2. The legislature finds that:

(1) A coordinated state policy is needed to stimulate the education and training of individuals in high-technology fields, in order to improve productivity, strengthen the state's competitive position, and reindustrialize declining areas;

(2) The Washington high-technology education and training program will give persons from all backgrounds opportunities to pursue training and education programs leading to baccalaureate and graduate degrees consistent with present and future needs of high-technology industries;

(3) Incentives to stimulate increased collaboration between community colleges, regional universities, and the state universities and private-sector industrial, commercial, and labor interests are essential to the development of a pool of skilled high-technology workers; and

(4) Investment in education is the most feasible method for state assistance to the high-technology industry.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Board" means the high-technology coordinating board.

(2) "High technology" or "technology" includes but is not limited to the modernization, miniaturization, integration, and computerization of electronic, hydraulic, pneumatic, laser, mechanical, robotics, nuclear, chemical, telecommunication, and other technological applications to enhance productivity in areas including but not limited to manufacturing, communications, medicine, bioengineering, and commerce.

NEW SECTION. Sec. 4. A Washington state high-technology education and training program is hereby established. The program shall be designed to:

(1) Develop the competence needed to make Washington state a leader in high-technology fields, to increase the productivity of state industries, and to improve the state's competitiveness in regional, national, and international trade;

(2) Develop degree programs to enable students to be productive in new and emerging high-technology fields by using the resources of the state's two-year community colleges, regional universities, the University of Washington, Washington State University, and The Evergreen State College; and

(3) Provide industries in the state with a highly-skilled work force capable of producing, operating, and servicing the advancing technology needed to modernize the state's industries and to revitalize the state's economy.

NEW SECTION. Sec. 5. (1) The Washington high-technology coordinating board is hereby created.

(2) The board shall be composed of fourteen members as follows:

(a) Eight shall be citizen members appointed by the governor, with the consent of the senate, for four-year terms. In making the appointments the governor shall ensure that a balanced geographic representation of the state is achieved and shall attempt to choose persons experienced in high-technology fields, including at least one representative of labor. Any person appointed to fill a vacancy occurring before a term expires shall be appointed only for the remainder of that term; and

(b) Six of the members shall be as follows: One representative from each of the state's two research universities, one representative of the state college and regional universities, the director for the state system of community colleges or the director's designee, the superintendent of public instruction or the superintendent's designee, and a representative of the council for postsecondary education.

(3) Members of the board shall not receive any salary for their services, but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060 for each day actually spent in attending to duties as a member of the board.

(4) A citizen member of the board shall not be, during the term of office, a member of the governing board of any public or private educational institution, or an employee of any state or local agency.

NEW SECTION. Sec. 6. (1) The board shall oversee and coordinate the high-technology education and training program.

(2) The board shall:

(a) Determine the specific high-technology occupational fields in which technical training is needed and advise the institutions of higher education and the council for postsecondary education on their findings;

(b) Identify economic areas with high-technology industries in need of technical training critical to economic renewal or economic development and advise the institutions of higher education and the council for postsecondary education on their findings;

(c) Oversee and coordinate the Washington high-technology education and training program to insure high standards, efficiency, and effectiveness;

(d) Work cooperatively with the superintendent of public instruction to identify the skills prerequisite to the high-technology programs in the institutions of higher education;

(e) Work cooperatively with and provide any information or advice which may be requested by the council for postsecondary education during the council's review of new baccalaureate degree program proposals which are submitted under this chapter. Nothing in this chapter shall be construed as altering or superseding the powers or prerogatives of the council for postsecondary education over the review of new degree programs as established in RCW 28B.80.035;

(f) Prepare and submit a report to the 1984 legislature on whether or not high-technology education and training consortiums should be established between the state's community colleges and four-year colleges and universities pursuant to section 9 of this act, including their geographic division and the pattern of cooperation between the community colleges and the four-year colleges and universities and shall investigate the establishment of such consortiums within existing resources; and

(g) Prepare and submit to the legislature before the first day of each regular session an annual report on the Washington high-technology education and training program including, but not limited to:

(i) An evaluation of the program;

(ii) A determination of the feasibility of expanding the program; and

(iii) Recommendations, including recommendations for further legislation as the board deems necessary.

(3) The board may adopt rules under chapter 28B.19 RCW as it deems necessary to carry out the purposes of this chapter.

(4) The board shall cease to exist on June 30, 1987, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 7. Staff support for the high-technology coordinating board shall be provided by the council for postsecondary education.

NEW SECTION. Sec. 8. The board may solicit gifts, grants, conveyances, bequests and devises, whether real or personal property, or both, in trust or otherwise, to be directed to institutions of higher education for the use or benefit of the high-technology education and training program. The board shall actively solicit support from business and industry and from the federal government for the high-technology education program.

NEW SECTION. Sec. 9. (1) The high-technology coordinating board shall make recommendations regarding:

(a) The establishment of regional consortiums for the establishment and development of high-technology education and training;

(b) The establishment of baccalaureate degree training programs in high-technology fields; and

(c) The offering of high-technology education and training programs at both community college facilities and at state colleges and regional universities.

(2) If the program is approved, the first two years of the baccalaureate degree program offered by the respective state colleges and regional universities at community college facilities shall be administered and operated by the respective community colleges. The third and fourth years of the baccalaureate degree program offered at the community college facilities shall be administered and operated by the respective state colleges and regional universities. Each community college participating in the program shall offer two-year associate degrees in high-technology fields which shall be transferrable to and accepted by the state colleges and regional universities.

(3) The high-technology coordinating board shall oversee and coordinate the operation of the consortiums.

(4) Any such consortiums shall be implemented upon approval by the high-technology coordinating board: PROVIDED, That if the fiscal impact of any program recommendations exceeds existing resources plus the two hundred fifty thousand dollars appropriated in section 15 of this act, such programs shall require legislative approval.

NEW SECTION. Sec. 10. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.20 RCW a new section to read as follows:

The board of regents of the University of Washington may offer masters level and doctorate level degrees in technology subject to review and approval by the council for postsecondary education.

NEW SECTION. Sec. 11. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.20 RCW a new section to read as follows:

A Washington high-technology center is created at the University of Washington. The Washington high-technology center shall provide: (1) An interdisciplinary program to support major high-technology education and

research initiatives within the state; (2) the resources necessary for research and development programs in high technology; (3) quality training for advanced undergraduate and graduate students in high technology; and (4) interdisciplinary approaches to instruction and research in high-technology fields.

The Washington high-technology center shall be administered by the board of regents with the advice of the high-technology coordinating board. The University of Washington shall make the facilities of the Washington high-technology center available to other institutions of higher education when specific program needs so require.

NEW SECTION. Sec. 12. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.30 RCW a new section to read as follows:

The board of regents of Washington State University may offer masters level and doctorate level degrees in technology subject to review and approval by the council for postsecondary education.

NEW SECTION. Sec. 13. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.30 RCW a new section to read as follows:

The board of regents of Washington State University, in cooperation with the board of trustees of Clark Community College, is hereby authorized to establish a Southwest Washington joint center for education to provide graduate and continuing education in high-technology fields to the citizens of the Southwest Washington area. The Southwest Washington joint center for education shall be administered by Washington State University with the advice of the high-technology coordinating board. Washington State University shall make the facilities of the Southwest Washington joint center for education available to other institutions of higher education when specific program needs so require.

NEW SECTION. Sec. 14. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.30 RCW a new section to read as follows:

The board of regents of Washington State University is hereby authorized to establish a state-wide off-campus telecommunications system to provide for graduate and continuing education in high-technology fields to citizens of the state of Washington. The state-wide telecommunications system shall be administered by Washington State University with the advice of the high-technology coordinating board. Washington State University shall make the facilities of the state-wide telecommunications system available to other institutions of higher education when specific program needs so require.

NEW SECTION. Sec. 15. The following amounts, or so much thereof as may be necessary, are appropriated from the general fund for the biennium ending June 30, 1985:

(1) \$1,589,000 is appropriated to the University of Washington for specialized technology educational programs and for planning for a permanent center for technology to be located in the Seattle area pursuant to section 11 of this act. No more than \$200,000 of this appropriation shall be expended for planning for a permanent center for technology. It is the intent of the legislature that all program requirements and a plan for ongoing maintenance, operations and provision of equipment using public and private sources be developed prior to consideration of physical space requirements. To this end, a plan detailing such program requirements shall be provided to the council for postsecondary education prior to expenditure of moneys on physical plant planning.

(2) \$1,000,000 is appropriated to Washington State University to provide for administrative support and specialized technology education programs at the Southwest Washington Joint Center for education under section 13 of this act.

(3) \$1,496,000 is appropriated to Washington State University for the purposes of the state-wide off-campus telecommunications system under section 14 of this act.

(4) \$320,000 is appropriated to the University of Washington to provide telecommunications services in conjunction with the state-wide off-campus telecommunications system under section 14 of this act.

(5) \$3,500,000 is appropriated to the state board for community college education to establish demonstration programs for training technicians needed by industries most affected by rapid technological change. To this end, the board shall select no more than four projects for demonstration purposes. In its selection of demonstration projects, the state board shall consider cooperation and matching efforts with technology development industries as a primary criteria in making final awards. The proposed projects shall be submitted to the high-technology coordinating board for review and comment.

(6) \$2,236,000 is appropriated to the superintendent of public instruction to establish the following programs:

(a) \$1,600,000 for the establishment of regional computer demonstration centers in the educational service districts.

(b) \$236,000 to administer and coordinate these technology programs and coordinate regional computer centers. No more than three full time equivalent staff may be added to provide these services.

(c) \$400,000 to contract with the Pacific science center for the purchase of computer, science, and mathematics education services.

(7) \$166,750 is provided to the council for postsecondary education to serve as financial agent for the board and its staff.

(8) \$250,000 is appropriated to the high-technology coordinating board to carry out the purposes of this act.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.130; and

(2) Section 2, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.140.

NEW SECTION. Sec. 17. Sections 2 through 9 of this act are each added to chapter 223, Laws of 1969 ex. sess. as a new chapter in Title 28B RCW.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1983.

Passed the Senate May 24, 1983.

Passed the House May 24, 1983.

Approved by the Governor June 14, 1983.

Filed in Office of Secretary of State June 14, 1983.

CHAPTER 73

[Engrossed Substitute Senate Bill No. 3864]

TREE FRUIT ASSESSMENTS—HORTICULTURAL ADVISORY COMMITTEE— INJUNCTIONS AGAINST NURSERY DEALERS

AN ACT Relating to agriculture; and amending section 15.28.180, chapter 11, Laws of 1961 as last amended by section 1, chapter 8, Laws of 1977 ex. sess. and RCW 15.28.180; amending section 4, chapter 33, Laws of 1971 ex. sess. as amended by section 20, chapter 182, Laws of 1982 and RCW 15.13.280; amending section 3, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.270; amending section 7, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.310; amending section 8, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.320; adding new sections to chapter 15.13 RCW; and repealing section 9, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.330.

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

Sec. 1. Section 15.28.180, chapter 11, Laws of 1961 as last amended by section 1, chapter 8, Laws of 1977 ex. sess. and RCW 15.28.180 are each amended to read as follows:

The same assessment shall be made for each soft tree fruit, except that if a two-thirds majority of the state commodity committee of any fruit recommends in writing the levy of an additional assessment on ~~((such))~~ that fruit, or any classification thereof, for any year or years, the commission may levy such assessment for ~~((such))~~ that year or years up to the maximum of ~~((six))~~ twelve dollars for each two thousand pounds of any fruit except cherries or any classification thereof, as to which the assessment may be increased to a maximum of twenty dollars for each two thousand pounds, and except pears covered by this chapter ~~((as now or hereafter amended))~~, as to which the assessment may be increased to a maximum of ~~((nine))~~

fourteen dollars for each two thousand pounds: PROVIDED, That no increase in ~~((such))~~ the assessment on pears ~~((shall))~~ becomes effective unless the ~~((same shall be))~~ increase is first referred by the commission to a referendum by the Bartlett pear growers of the state and ~~((be))~~ is approved by a majority of ~~((such))~~ the growers voting ~~((thereon))~~ on the referendum. The method and procedure of conducting ~~((such))~~ the referendum shall be determined by the commission. Any funds so raised shall be expended solely for the purposes provided in this chapter and solely for such fruit, or classification thereof.

The commission ~~((shall have))~~ has the authority in its discretion to exempt in whole or in part from future assessments ~~((hereunder))~~ under this chapter, during such period as the commission may prescribe, any of the ~~((said))~~ soft tree fruits or any particular strain or classification ~~((thereof))~~ of them.

Sec. 2. Section 3, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.270 are each amended to read as follows:

The provisions of this chapter relating to licensing shall not apply to persons making casual or isolated sales or for each place of business where gross sales do not exceed five hundred dollars per year, nor to any garden club or charitable nonprofit association conducting not more than three sales per year for not more than four consecutive days each of horticultural plants as defined in RCW 15.13.250 and which are grown by or donated to its members: PROVIDED, That such club or association shall apply to the director for a permit to conduct such sale. A two dollar fee shall be assessed for such permit.

All horticultural plants sold under such a permit issued by the director shall be subject to all the other provisions of this chapter except licensing as set forth herein.

Sec. 3. Section 4, chapter 33, Laws of 1971 ex. sess. as amended by section 20, chapter 182, Laws of 1982 and RCW 15.13.280 are each amended to read as follows:

No person shall act as a nursery dealer without a license for each place of business where horticultural plants are sold. Any person applying for such a license shall apply through the master license system. Such application shall be accompanied by a license fee of ~~((twenty-five))~~ one hundred dollars, except there shall be no license fee for each place of business where gross sales do not exceed five hundred dollars per year. Such license shall expire on the master license expiration date unless it has been revoked or suspended prior thereto by the director for cause. Each such license shall be posted in a conspicuous place open to the public in the location for which it was issued.

Sec. 4. Section 7, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.310 are each amended to read as follows:

(1) There is hereby levied an annual assessment of one percent on the gross sale price of the wholesale market value for all fruit trees, fruit tree seedlings, and fruit tree rootstock sold within the state or shipped from the state of Washington by any licensed nursery dealer during any license period, as set forth in this chapter: PROVIDED, That the director may subsequent to a hearing, on or after this chapter has been in effect for a period of two years, reduce such assessment to conform with the costs necessary to carry out the fruit tree certification and nursery improvement programs specified in RCW 15.13.470.

Such wholesale market price may be determined by the wholesale catalogue price of the seller of such fruit trees, fruit tree seedlings, or fruit tree rootstock or of the shipper moving such fruit trees, fruit tree seedlings, or fruit tree rootstock out of the state. If the seller or shipper do not have a catalogue, then such wholesale market price may be based on the actual selling price or an average wholesale market price. The director in determining such average wholesale market price may use catalogues of various businesses licensed under the provisions of this chapter or any other reasonable method.

(2) Such assessment shall be due and payable ~~((at the time the nursery dealer applies for a license or should have applied for a license as required in the provisions of this chapter))~~ on the first day of July of each year.

(3) The gross sale period shall be from July 1 to June 30 of the previous license period.

Sec. 5. Section 8, chapter 33, Laws of 1971 ex. sess. and RCW 15.13-.320 are each amended to read as follows:

An advisory committee is hereby established to advise the director in the administration of the fruit tree certification and nursery improvement program.

(1) The committee shall consist of ~~((three))~~ five fruit tree nurserymen ~~((; one pome fruit producer, and one stone fruit producer,))~~ and the director or his designated appointee.

(2) The director shall appoint this committee from ~~((the following recommendations: Three))~~ names ~~((are to be))~~ submitted ~~((for each position:))~~ by the Washington state nurserymen's association ~~((is to submit names for the fruit tree nurserymen positions. The Washington state horticultural association is to furnish the names for the pome fruit producer and the stone fruit producer))~~.

(3) The terms of the members of the committee shall be staggered and the members shall serve a term of three years and until their successor has been appointed and qualified ~~((: PROVIDED, That the first appointments to this committee beginning July 30, 1971, shall be for the following terms:~~

- (a) Position no. 1 ~~====~~ fruit tree nurseryman, three year term.
- (b) Position no. 3 ~~====~~ pome fruit producer, three year term.
- (c) Position no. 2 ~~====~~ fruit tree nurseryman, two year term.

(d) ~~Position no. 4—stone fruit producer, one year term;~~
 (e) ~~Position no. 5—fruit tree nurseryman, one year term~~)).

In the event a committee member resigns, is disqualified, or vacates his position on the committee for any other reason the vacancy shall be filled by the director under the provisions of this section governing appointments.

NEW SECTION. Sec. 6. There is added to chapter 15.13 RCW a new section to read as follows:

An advisory committee is hereby established to advise the director in the administration of this chapter.

(1) The committee shall consist of the following members: The president, or an appointee designated by the president, of (a) the Washington state floricultural association, (b) the Washington state bulb association, and (c) the Washington state nursery association; and the director or his designated appointee.

(2) The terms of the members of the committee shall be the same as the terms of the officers for the association set forth in subsection (1) of this section.

NEW SECTION. Sec. 7. There is added to chapter 15.13 RCW a new section to read as follows:

(1) The director is hereby authorized to apply to the superior court of Thurston county for a prompt hearing on, and such court shall have jurisdiction upon, and for cause shown the court shall, without proof that an adequate remedy at law does not exist, grant, a temporary or permanent injunction restraining any person from operating as a nursery dealer without a valid license.

(2) An order restraining any person from operating as a nursery dealer without a valid license shall contain such provision for the payment of pertinent court costs and reasonable attorneys' fees and administrative expenses as is equitable and the court deems appropriate in the circumstances.

NEW SECTION. Sec. 8. Section 9, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.330 are each repealed.

Passed the Senate May 19, 1983.

Passed the House May 18, 1983.

Approved by the Governor June 14, 1983.

Filed in Office of Secretary of State June 14, 1983.

CHAPTER 74

[Second Substitute Senate Bill No. 4102]

MATH AND SCIENCE TEACHERS—HIGHER EDUCATION LOANS

AN ACT Relating to tuition and fees; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; and making an appropriation.

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

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 2 and 3 of this act.

(1) "Institution of higher education" or "institution" means a college or university in the state of Washington which is a member institution of an accrediting association recognized as such by rule of the council for post-secondary education.

(2) "Council" means the council for postsecondary education.

(3) "Eligible student" means a student registered for at least ten credit hours or the equivalent and demonstrates achievement of a 3.00 grade point average for each academic year, who is a resident student as defined by RCW 28B.15.012 through 28B.15.015, who is a "needy student" as defined in RCW 28B.10.802, and who has a declared major in a program leading to a degree in teacher education in a field of science or mathematics, or a certificated teacher who meets the same credit hour and "needy student" requirements and is seeking an additional degree in science or mathematics.

(4) "Public school" means a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(5) "Forgiven" or "to forgive" means to collect service as a teacher in a field of science or mathematics at a public school in the state of Washington in lieu of monetary payment.

(6) "Satisfied" means paid-in-full.

(7) "Borrower" means an eligible student who has received a loan under section 2 of this act.

NEW SECTION. Sec. 2. (1) The council may make long-term loans to eligible students at institutions of higher education from the funds appropriated to the council for this purpose. The amount of any such loan shall not exceed the demonstrated financial need of the student or two thousand five hundred dollars for each academic year whichever is less, and the total amount of such loans to an eligible student shall not exceed ten thousand dollars. The interest rates and terms of deferral of such loans shall be consistent with the terms of the guaranteed loan program established by 20 U.S.C. Sec. 1701 et seq. The period for repaying the loan principal and interest shall be ten years with payments accruing quarterly commencing nine months from the date the borrower graduated. The entire principal and interest of each loan payment shall be forgiven for each payment period in which the borrower teaches science or mathematics in a public school in this state until the entire loan is satisfied or the borrower ceases to teach science or mathematics at a public school in this state. Should the borrower cease to teach science or mathematics at a public school in this state before the time in which the principal and interest on the loan are satisfied, payments on the unsatisfied portion of the principal and interest on the loan shall begin the next payment period and continue until the remainder of the loan is paid.

(2) The council is responsible for collection of loans made under subsection (1) of this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Collection and servicing of loans under subsection (1) of this section shall be pursued using the full extent of the law, including wage garnishment if necessary, and shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency. The council is responsible to forgive all or parts of such loans under the criteria established in subsection (1) of this section and shall maintain all necessary records of forgiven payments.

(3) Receipts from the payment of principal or interest or any other subsidies to which the council as lender is entitled, which are paid by or on behalf of borrowers under subsection (1) of this section, shall be deposited with the council for postsecondary education and shall be used to cover the costs of making the loans under subsection (1) of this section, maintaining necessary records, and making collections under subsection (2) of this section. The council shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to make loans to eligible students.

(4) The council for postsecondary education shall adopt necessary rules to implement this section.

NEW SECTION. Sec. 3. The council for postsecondary education and institutions of higher education shall work cooperatively to implement section 2 of this act and to publicize this program to eligible students.

NEW SECTION. Sec. 4. No loans shall be made after 6 years of the effective date of this act until the program is reviewed by the Legislative Budget Committee and is reenacted by the Legislature.

NEW SECTION. Sec. 5. There is appropriated for the biennium ending June 30, 1985, from the state general fund to the council for postsecondary education the sum of five hundred thousand dollars, or so much thereof as may be necessary to carry out the purposes of this 1983 act. No more than fifty thousand dollars may be used for administrative costs by the council for postsecondary education.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. Sections 1 through 4 of this act are each added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15.RCW.

Passed the Senate May 24, 1983.

Passed the House May 24, 1983.

Approved by the Governor June 14, 1983.

Filed in Office of Secretary of State June 14, 1983.

CHAPTER 75

[Substitute Senate Bill No. 3248]

COMPARABLE WORTH—PUBLIC EMPLOYMENT

AN ACT Relating to comparable worth for salaries for persons in public employment; amending section 2, chapter 36, Laws of 1969 ex. sess. as last amended by section 14, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.020; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 16, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.100; amending section 1, chapter 12, Laws of 1970 ex. sess. as last amended by section 1, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.020; amending section 4, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.150; adding a new section to chapter 28B.16 RCW; and adding a new section to chapter 41.06 RCW.

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

Sec. 1. Section 2, chapter 36, Laws of 1969 ex. sess. as last amended by section 14, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.020 are each amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges;

(2) "Board" means the higher education personnel board established under the provisions of RCW 28B.16.060;

(3) "Related boards" means the state board for community college education and the higher education personnel board; and such other boards, councils and commissions related to higher education as may be established;

(4) "Classified service" means all positions at the institutions of higher education subject to the provisions of this chapter;

(5) "Comparable worth" means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions;

(6) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment;

((6)) (7) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required;

((7)) (8) "Management employees" mean those classified employees under this chapter specified as management by the higher education personnel board, but the board shall not go below range 49, as established in the October 1981 higher education personnel board compensation plan, or its equivalent range in a subsequent compensation plan publication.

Sec. 2. Section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 16, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.100 are each amended to read as follows:

The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(1) The dismissal, suspension, or demotion of an employee, and appeals therefrom;

(2) Certification of names for vacancies, including promotions and re-employment from layoff, with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists;

(3) Examination for all positions in the competitive and noncompetitive service;

(4) Appointments;

(5) Probationary periods of six to twelve months and rejections therein, depending on the job requirements of the class;

(6) Transfers;

(7) Sick leaves and vacations;

(8) Hours of work;

(9) Layoffs when necessary and subsequent reemployment;

(10) Determination of appropriate bargaining units within any institution or related boards: **PROVIDED**, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(11) Certification and decertification of exclusive bargaining representatives: **PROVIDED**, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such condition of employment constitutes cause for dismissal: **PROVIDED FURTHER**, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: **PROVIDED FURTHER**, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues

and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(12) Agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution or the related board may lawfully exercise discretion;

(13) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the institution and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his official duties;

(14) Adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;

(15) Allocation and reallocation of positions within the classification plan;

(16) Adoption and revision of salary schedules and compensation plans which reflect the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under section 3 of this 1983 act and which shall be competitive in the state or the locality in which the institution or related boards are located, such adoption, revision, and implementation subject to approval as to availability of funds by the director of financial management in accordance with the provisions of chapter 43.88 RCW, and after consultation with the chief financial officer of each institution or related board for that institution or board, or in the case of community colleges, by the chief financial officer of the state board for community college education for the various community colleges;

(17) Training programs including in-service, promotional, and supervisory;

(18) Increment or merit increases within the series of steps for each pay grade; and

(19) Providing for veteran's preference as provided by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken higher education service, as defined by the board, the veteran's service in the military not to exceed five years of such service. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

NEW SECTION. Sec. 3. There is added to chapter 28B.16 RCW a new section to read as follows:

Salary changes necessary to achieve comparable worth shall be implemented during the 1983-85 biennium under a schedule developed by the board in cooperation with the department of personnel. Adjustments in salaries and compensation solely for the purpose of achieving comparable worth shall be made at least annually. Comparable worth for the jobs of all employees under this chapter shall be fully achieved not later than June 30, 1993.

Sec. 4. Section 1, chapter 12, Laws of 1970 ex. sess. as last amended by section 1, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.020 are each amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Agency" means an office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

(2) "Board" means the state personnel board established under the provisions of RCW 41.06.110, except that this definition does not apply to the words "board" or "boards" when used in RCW 41.06.070.

(3) "Classified service" means all positions in the state service subject to the provisions of this chapter.

(4) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

(5) "Comparable worth" means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions.

(6) "Management employees" means those employees:

(a) Who are classified under this chapter and who are exempt employees under this chapter and have their salary and fringe benefits determined under RCW 41.06.070; and

(b) Who are specified as management by the state personnel board; but the board shall not go below range 49, as established in the October 1981 state personnel board compensation plan, or its equivalent range in a subsequent compensation plan publication.

~~((6))~~ (7) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required.

~~((7))~~ (8) "Department" means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board, or council, by law empowered to operate the agency responsible either to (a) no other public officer or (b) the governor.

~~((8))~~ (9) "Career development" means the progressive development of employee capabilities to facilitate productivity, job satisfaction, and upward mobility through work assignments as well as education and training that are both state-sponsored and are achieved by individual employee efforts, all of which shall be consistent with the needs and obligations of the state and its agencies.

~~((9))~~ (10) "Training" means activities designed to develop job-related knowledge and skills of employees.

~~((10))~~ (11) "Director" means the director of personnel appointed under the provisions of RCW 41.06.130.

Sec. 5. Section 4, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.150 are each amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions and reemployment from layoff, with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists;

(3) Examinations for all positions in the competitive and noncompetitive service;

(4) Appointments;

(5) Training and career development;

(6) Probationary periods of six to twelve months and rejections therein, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;

(7) Transfers;

(8) Sick leaves and vacations;

(9) Hours of work;

(10) Layoffs when necessary and subsequent reemployment;

(11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under section 6 of this 1983 act, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment or merit increases within the series of steps for each pay grade;

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with

twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency.

NEW SECTION. Sec. 6. There is added to chapter 41.06 RCW a new section to read as follows:

Salary changes necessary to achieve comparable worth shall be implemented during the 1983–85 biennium under a schedule developed by the department in cooperation with the higher education personnel board. Increases in salaries and compensation solely for the purpose of achieving comparable worth shall be made at least annually. Comparable worth for the jobs of all employees under this chapter shall be fully achieved not later than June 30, 1993.

Passed the Senate April 28, 1983.

Passed the House May 22, 1983.

Approved by the Governor June 15, 1983.

Filed in Office of Secretary of State June 15, 1983.

CHAPTER 76

[Engrossed House Bill No. 1079]

OPERATING BUDGET

AN ACT Relating to the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1983, and ending June 30, 1985; and declaring an emergency.

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

NEW SECTION. Sec. 1. A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1983, and ending June 30, 1985, except as otherwise provided, out of the several funds of the state hereinafter named.

INDEX

Accountancy Board, sec. 34

Administrative Hearings Office, sec. 48

Administrator for the Courts, sec. 11

Agriculture Department, sec. 90

Archaeology and Historic Preservation Office, sec. 84

Arts Commission, sec. 128
Asian-American Affairs Commission, sec. 17
Attorney General, sec. 21
Blind Commission, sec. 75
Boxing Commission, sec. 35
Cemetery Board, sec. 36
Central Washington University, sec. 121
Claims, Belated, sec. 139
Claims, Sundry, sec. 140
Columbia River Gorge Commission, sec. 79
Commerce and Economic Development Department, sec. 86
Community College Education Board, sec. 117
Conservation Commission, sec. 91
Corrections Department, sec. 51
Corrections Standards Board, sec. 76
Court of Appeals, sec. 10
Criminal Justice Training Commission, sec. 70
Data Processing Authority, sec. 26
Eastern Washington State Historical Society, sec. 130
Eastern Washington University, sec. 120
Ecology Department, sec. 80
Economic and Community Development Department, sec. 47
Economic and Revenue Forecasting Council, sec. 50
Emergency Services Department, sec. 43
Employment Security Department, sec. 74
Energy Facility Site Evaluation Council, sec. 82
Energy Office, sec. 78
Environmental Hearings Office, sec. 81
Financial Management Office, sec. 22
Fisheries Department, sec. 87
Game Department, sec. 88
General Administration Department, sec. 29
Governor, sec. 13
Governor, Special Appropriations, secs. 133-135
Higher Education, secs. 116-127
Higher Education Personnel Board, sec. 126
Horse Racing Commission, sec. 37
Hospital Commission, sec. 73
House of Representatives, sec. 2
Human Rights Commission, sec. 68
Indian Affairs, Governor's Office, sec. 18
Industrial Insurance Appeals Board, sec. 69
Insurance Commissioner, sec. 30
Interagency Committee for Outdoor Recreation, sec. 85

Investment Board, sec. 23
Judicial Qualifications Commission, sec. 12
Labor and Industries Department, sec. 71
Law Library, sec. 9
Legislative Budget Committee, sec. 4
Legislative Evaluation and Accountability Program Committee, sec. 5
Lieutenant Governor, sec. 14
Liquor Control Board, secs. 38–39
Licensing Department, sec. 94
Marine Employees' Commission, sec. 95
Mexican–American Affairs Commission, sec. 16
Military Department, sec. 44
Minority and Women's Business Enterprises Office, sec. 49
Municipal Research Council, sec. 33
Natural Resources Department, sec. 89
Parks and Recreation Commission, sec. 83
Personnel Appeals Board, sec. 25
Personnel Department, sec. 24
Pharmacy Board, sec. 40
Planning and Community Affairs Agency, sec. 67
Postsecondary Education Council, sec. 124
Presidential Electors, sec. 46
Prison Terms and Paroles Board, sec. 72
Public Disclosure Commission, sec. 31
Public Employment Relations Commission, sec. 45
Retirement Systems Department, secs. 32, 138
Retirement Contributions, sec. 136
Revenue Department, sec. 27
Secretary of State, sec. 15
Senate, sec. 3
Sentencing Guidelines Commission, sec. 77
Social and Health Services Department, secs. 52–65
 Administration and Supporting Services, sec. 62
 Community Services Administration, sec. 63
 Community Social Services, sec. 58
 Developmental Disabilities Program, sec. 55
 Income Maintenance Grants Program, sec. 57
 Juvenile Rehabilitation Program, sec. 53
 Medical Assistance Grants Program, sec. 59
 Mental Health Program, sec. 54
 Long–Term Care Program, sec. 56
 Public Health Program, sec. 60
 Reappropriations, sec. 65
 Revenue Collections Program, sec. 64

- Vocational Rehabilitation Program, sec. 61
- State Actuary, sec. 6
- State Auditor, sec. 20
- State Capitol Historical Association, sec. 131
- State Historical Society, sec. 129
- State Library, sec. 127
- State Patrol, sec. 93
- State Treasurer, sec. 19
 - Bond Retirement and Interest, sec. 143
 - Federal Revenues for Distribution, sec. 142
 - State Revenues for Distribution, sec. 141
 - Transfers, sec. 137
- Statute Law Committee, sec. 7
- Superintendent of Public Instruction, secs. 96-115
 - Basic Education Formula, sec. 97
 - Block Grants, sec. 110
 - Educational Clinics, sec. 115
 - Educational Service Districts, sec. 109
 - Encumbrance of Federal Grants, sec. 114
 - Enumerated Purposes, sec. 112
 - Food Service Programs, sec. 106
 - Handicapped Costs, sec. 107
 - Institutional Education Programs, sec. 111
 - Pupil Transportation, sec. 104
 - Retirement Contributions, sec. 133
 - Salary and Compensation, secs. 98-103, 113
 - Traffic Safety Program, sec. 108
 - Vocational-Technical Institutes, sec. 105
- Supreme Court, sec. 8
- Tax Appeals Board, sec. 28
- Temporary Committee on Educational Policy, Structure, and Management, sec. 132
- The Evergreen State College, sec. 122
- University of Washington, sec. 118
- Utilities and Transportation Commission, sec. 41
- Veterans Affairs Department, sec. 66
- Vocational Education Commission, sec. 125
- Volunteer Firemen Board, sec. 42
- Washington Centennial Commission, sec. 92
- Washington State University, sec. 119
- Western Washington University, sec. 123

NEW SECTION. Sec. 2. FOR THE HOUSE OF REPRESENTATIVES
 General Fund Appropriation \$ 22,425,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$400,000 or the portion thereof that is determined necessary by the house of representatives shall be allocated for, but not limited to, providing furnishings and equipment for new hearing room and office renovations.

(2) \$25,000 is provided solely for the joint committee on science and technology for the purposes of the production of an environmental study on the state-leased low-level radioactive waste site at Hanford, Washington.

NEW SECTION. Sec. 3. FOR THE SENATE

General Fund Appropriation \$ 20,111,000

The appropriation in this section is subject to the following conditions and limitations:

(1) 185,000 or the portion thereof that is determined necessary by the senate shall be allocated for, but not limited to, providing furnishings and equipment for new hearing room and office renovations.

(2) \$25,000 is provided solely for the joint committee on science and technology for the environmental study described in section 2(2) of this act.

NEW SECTION. Sec. 4. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ 1,387,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,000 is provided solely for a peer review of the state auditor's office.

(2) The legislative budget committee shall conduct a performance audit of the common school preschool handicapped program with respect to staffing and severity ratios and shall submit a report to the legislature before January 1, 1984.

NEW SECTION. Sec. 5. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ 1,531,000

NEW SECTION. Sec. 6. FOR THE OFFICE OF THE STATE ACTUARY

General Fund Appropriation \$ 346,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Any services related to the retirement systems established under RCW 28B.10.400 shall be billed to the requesting agency or higher education institution.

(2) Proposals shall be presented to the committees on ways and means of the senate and house of representatives not later than January 10, 1985, for (a) appropriate actuarial level funding methods which may be used for

the retirement systems established under chapters 2.10 and 2.12 RCW and the supplemental payments under the retirement systems established under RCW 28B.10.400 et seq., and (b) any modifications or basic reforms in the aforementioned judicial retirement systems.

(3) \$35,000 of the appropriation in this section shall be used solely for the process of filling the vacancy of the state actuary.

NEW SECTION. Sec. 7. FOR THE STATUTE LAW COMMITTEE
General Fund Appropriation \$ 5,120,000

NEW SECTION. Sec. 8. FOR THE SUPREME COURT
General Fund Appropriation \$ 7,126,000
General Fund—Judiciary Education Account
Appropriation \$ 1,378,000
Total Appropriation \$ 8,504,000

The appropriations in this section are subject to the following conditions and limitations: \$1,853,000 of the general fund appropriation and \$1,378,000 of the judiciary education account appropriation are provided solely for the indigent appeals program.

NEW SECTION. Sec. 9. FOR THE LAW LIBRARY
General Fund Appropriation \$ 2,036,000

The appropriation in this section is subject to the following conditions and limitations: All nonstate agency users of the Westlaw system shall be charged a service fee sufficient to cover the costs of their usage.

NEW SECTION. Sec. 10. FOR THE COURT OF APPEALS
General Fund Appropriation \$ 9,030,000

NEW SECTION. Sec. 11. FOR THE ADMINISTRATOR FOR THE COURTS
General Fund Appropriation \$ 21,555,000
General Fund—Judiciary Education Account
Appropriation \$ 1,310,000
Total Appropriation \$ 22,865,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$8,524,000 of the general fund appropriation may be spent for the superior court judges. Of this amount, \$330,000 is provided solely for criminal cost bills; \$300,000 is provided solely for mandatory arbitration costs; and \$135,000 is provided solely for judges pro tempore for the superior courts. The administrator for the courts shall authorize and approve all such expenditures.

(2) \$610,000 of the judiciary education account appropriation is provided solely for judicial and support staff education programs.

(3) \$195,000 of the judiciary education account appropriation is provided solely for staff support for the judiciary education program.

(4) \$225,000 of the judiciary education account appropriation is provided solely for fall judicial conferences.

(5) \$280,000 of the judiciary education account appropriation is provided solely for education and training for the supreme court, the court of appeals, the law library, and the administrator for the courts' office.

NEW SECTION. Sec. 12. FOR THE JUDICIAL QUALIFICATIONS COMMISSION

General Fund Appropriation \$ 426,000

NEW SECTION. Sec. 13. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation \$ 3,441,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$209,000 shall be used solely for extradition expenses to carry out the provisions of RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

(2) \$154,000 shall be used solely for mansion maintenance.

(3) \$3,078,000 shall be used solely for executive operations.

NEW SECTION. Sec. 14. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation \$ 249,000

NEW SECTION. Sec. 15. FOR THE SECRETARY OF STATE

General Fund Appropriation \$ 4,942,000

General Fund—Archives and Records Management Account Appropriation \$ 1,310,000

Total Appropriation \$ 6,252,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$920,000 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$1,558,000 is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

NEW SECTION. Sec. 16. FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 124,000

NEW SECTION. Sec. 17. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 124,000

NEW SECTION. Sec. 18. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation	\$	124,000
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NEW SECTION. Sec. 19. FOR THE STATE TREASURER

Motor Vehicle Fund Appropriation	\$	41,000
State Treasurer's Service Fund Appropriation	\$	6,417,000
Total Appropriation	\$	6,458,000

*NEW SECTION. Sec. 20. FOR THE STATE AUDITOR

General Fund Appropriation—State	\$	512,000
General Fund Appropriation—Federal	\$	398,000
Motor Vehicle Fund Appropriation	\$	290,000
Municipal Revolving Fund Appropriation	\$	13,293,000
Auditing Services Revolving Fund Appropria- tion	\$	7,083,000
Total Appropriation	\$	21,576,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If legislation is not enacted before July 1, 1983, permitting payment from the municipal revolving fund of the expenses of maintaining and operating the state auditor's office in connection with local government audits, the general fund appropriation in this section shall be increased by \$196,000 and the municipal revolving fund appropriation shall be reduced by \$196,000.

(2) The director of financial management shall approve sufficient payments to the state auditor in all cases of necessity under RCW 43.09.418, including but not limited to cases of suspected malfeasance, misfeasance, or fraud, notwithstanding the level of auditing activity supported by the appropriation in this section.

*Sec. 20 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 21. FOR THE ATTORNEY GENERAL

General Fund Appropriation	\$	4,288,000
Legal Services Revolving Fund Appropriation	\$	25,683,000
Total Appropriation	\$	29,971,000

The appropriations in this section are subject to the following conditions and limitations:

(1) No moneys appropriated in this section may be expended for the support of the crime watch program.

(2) No moneys appropriated in this section may be expended for the support of the law enforcement assistance program.

(3) A maximum of \$313,000 is provided solely for the criminal litigation unit.

(4) \$24,000 of the general fund appropriation is provided solely for a consumer protection hotline within the consumer protection division.

***NEW SECTION. Sec. 22. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund Appropriation—State	\$	11,616,000
General Fund Appropriation—Federal	\$	50,000
Medical Aid Fund Appropriation—State	\$	100,000
Data Processing Revolving Fund Appropriation	\$	1,368,000
Total Appropriation	\$	13,134,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than \$2,500,000, of which \$1,132,500 is from the state general fund and \$1,367,500 from the data processing revolving fund, is provided for expenses related to the agency financial reporting system (AFRS). The office of financial management shall allocate moneys to various state agencies on the basis of identified need. Whenever allocations are made to agencies financed in whole or in part by other than general fund moneys, the director of financial management shall direct the repayment of such allocated amount to the data processing revolving fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

(2) The director of financial management shall make every effort to limit equipment purchases by agencies so that total state general fund expenditures for equipment purchases by state agencies at the end of the 1983-85 biennium is two million dollars less than the amount appropriated for equipment in the 1983-85 biennium.

(3) \$20,000 is provided solely for a feasibility study of an offender-based corrections information system to serve the combined information needs of the department of corrections, board of prison terms and parole, sentencing guidelines commission, corrections standard board, and the administrator for the courts, to be delivered to the legislature by December 1, 1984.

(4) \$5,000 of the general fund—state appropriation is provided solely for payment of claims against the state of \$500 or less, pursuant to RCW 4.92.040.

(5) The office of financial management shall present to the legislature by December 1, 1984, a plan to have the state self-fund any or all portions of the insurance programs offered by the state. For purposes of this study, the reserves required by the self-funded programs shall be assumed to be held by the state treasurer in the originating funds until an obligation occurs. The state investment board shall act as the investor for the funds, and all of the earnings from these investments shall accrue directly to the originating funds.

*Sec. 22 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 23. FOR THE STATE INVESTMENT BOARD

General Fund—State Investment Board Expense Account Appropriation \$ 1,275,000

NEW SECTION. Sec. 24. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation \$ 8,625,000
 State Employees' Insurance Fund Appropriation \$ 1,542,000
 Total Appropriation \$ 10,167,000

The appropriations in this section are subject to the following conditions and limitations: If House Bill No. 134 is enacted before July 1, 1983, the department of personnel service fund appropriation shall be reduced by \$275,000.

NEW SECTION. Sec. 25. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund Appropriation \$ 779,000

NEW SECTION. Sec. 26. FOR THE DATA PROCESSING AUTHORITY

Data Processing Revolving Fund Appropriation \$ 877,000

The appropriation in this section is subject to the following conditions and limitations: The data processing authority shall develop and implement with the office of financial management an equitable billing structure to insure that all state agencies, as defined in RCW 43.88.020, pay a proportionate share of the data processing authority's operational costs.

NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation \$ 43,164,000
 General Fund—State Timber Tax Reserve Account Appropriation \$ 2,851,000
 Motor Vehicle Fund Appropriation \$ 115,000
 Total Appropriation \$ 46,130,000

The appropriations in this section are subject to the following conditions and limitations: If the state timber tax reserve account is abolished and a timber excise tax account is established, the appropriation from the state timber tax reserve account shall be made from the timber excise tax account to the extent that moneys in the state timber tax reserve account are insufficient for the appropriation.

NEW SECTION. Sec. 28. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation \$ 999,000

NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State	\$	6,038,000
General Fund Appropriation—Private/Local	\$	58,000
General Fund—Motor Transport Account		
Appropriation	\$	6,858,000
General Administration Facilities and Services		
Revolving Fund Appropriation	\$	16,180,000
Total Appropriation	\$	29,134,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The community college districts shall transfer to the motor transport account \$51,390 from the general local fund and \$157,389 from the local motor pool fund. These transfers shall be made in accordance with schedules provided by the office of financial management.

(2) The appropriation from the motor transport account may be used for the replacement of existing vehicles but shall not be used to expand the fleet.

NEW SECTION. Sec. 30. FOR THE INSURANCE COMMISSIONER

General Fund Appropriation	\$	7,902,000
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NEW SECTION. Sec. 31. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	976,000
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NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense		
Fund Appropriation	\$	10,458,000

The appropriation in this section is subject to the following conditions and limitations: The department of retirement systems is authorized to transfer from the applicable retirement system fund to the department of retirement systems expense fund amounts which represent each system's proportionate share of administrative expenses.

NEW SECTION. Sec. 33. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation	\$	1,495,000
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NEW SECTION. Sec. 34. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$	294,000
Certified Public Accountant Examination Account Appropriation	\$	351,000
Total Appropriation	\$	645,000

The appropriations in this section are subject to the following conditions and limitations: If Substitute House Bill No. 646 is not enacted by July 1, 1983, the general fund appropriation shall be increased by \$317,000.

NEW SECTION. Sec. 35. FOR THE BOXING COMMISSION

General Fund Appropriation \$ 73,000

NEW SECTION. Sec. 36. FOR THE CEMETERY BOARD

General Fund—Cemetery Account Appropriation \$ 74,000

NEW SECTION. Sec. 37. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation \$ 2,836,000

The appropriation in this section is subject to the following conditions and limitations: If there are more than seven hundred two racing days during the fiscal biennium ending June 30, 1985, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.

NEW SECTION. Sec. 38. FOR THE LIQUOR CONTROL BOARD—THE ADMINISTRATION PROGRAM, AND THE LICENSING AND ENFORCEMENT PROGRAM

Liquor Revolving Fund Appropriation \$ 14,491,000

NEW SECTION. Sec. 39. FOR THE LIQUOR CONTROL BOARD—MERCHANDISING PROGRAM

Liquor Revolving Fund Appropriation \$ 70,397,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The liquor control board shall maintain a minimum productivity of 43,821 bottles sold adjusted to retail per FTE staff year. As used in this section, "bottles sold adjusted to retail" has the same meaning and shall be calculated in the same manner as in the board's budget request for the fiscal biennium ending June 30, 1985. The board shall not permit a productivity less than that specified in this section for any reason, including but not limited to the sale of lottery tickets or decreases in the demand for liquor.

(2) The liquor control board is authorized to relocate stores during the fiscal biennium ending June 30, 1985, if necessary to conduct business in the most efficient and economical manner possible.

(3) The liquor control board is prohibited from opening any new retail sales outlets or to convert agencies to retail sales outlets during the fiscal biennium ending June 30, 1985.

(4) The liquor control board shall distribute and offer for sale lottery tickets for the Washington state lottery during the fiscal biennium ending June 30, 1985.

NEW SECTION. Sec. 40. FOR THE PHARMACY BOARD

General Fund Appropriation	\$	1,072,000
<u>NEW SECTION.</u> Sec. 41. FOR THE UTILITIES AND TRANSPORTATION COMMISSION		
Public Service Revolving Fund Appropriation—State	\$	17,351,000
Public Service Revolving Fund Appropriation—Federal	\$	452,000
Grade Crossing Protective Fund Appropriation	\$	516,000
Total Appropriation	\$	18,319,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$320,000 of the grade crossing protective fund appropriation shall be expended for obligations incurred in previous biennia.

(2) Not more than \$110,000 shall be expended for an additional assistant attorney general for increased workload in utility rate requests.

(3) \$150,000 from the public service revolving fund appropriation is provided solely for the joint select committee on telecommunications regulation for the purposes of reviewing the consequences of changes in the telecommunications industry, including the AT&T divestiture.

(4) \$700,000 is provided solely for costs of the attorney general associated with representation of the public before the commission, including but not limited to the costs of special attorneys general, expert witnesses, technical assistants, and consultants.

NEW SECTION. Sec. 42. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund		
Appropriation	\$	163,000

NEW SECTION. Sec. 43. FOR THE DEPARTMENT OF EMERGENCY SERVICES

General Fund Appropriation—State	\$	766,000
General Fund Appropriation—Federal	\$	3,862,000
Total Appropriation	\$	4,628,000

NEW SECTION. Sec. 44. FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State	\$	6,931,000
General Fund Appropriation—Federal	\$	1,723,000
Total Appropriation	\$	8,654,000

NEW SECTION. Sec. 45. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	1,422,000
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NEW SECTION. Sec. 46. FOR THE PRESIDENTIAL ELECTORS

General Fund Appropriation	\$	1,000
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NEW SECTION. Sec. 47. FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

General Fund Appropriation—State	\$	4,708,000
General Fund Appropriation—Federal	\$	53,649,000
Total Appropriation	\$	58,357,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are for expenditure in fiscal year 1985.

(2) Not more than \$437,000 of the general fund—state appropriation is provided for distribution to incorporated cities and towns for fire protection of state facilities.

(3) \$292,000 of the general fund—state appropriation, or so much thereof as may be necessary, shall be used for Mount St. Helens volcano zone enforcement patrol.

(4) \$125,000 of the general fund—state appropriation shall be provided solely for distribution to border areas within seven air miles of the Canadian border.

NEW SECTION. Sec. 48. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund Ap-

propriation	\$	7,019,000
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NEW SECTION. Sec. 49. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

General Fund Appropriation	\$	768,000
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The appropriation in this section is subject to the following conditions and limitations: If Second Substitute Senate Bill No. 3230 is not enacted before July 1, 1983, the appropriation in this section shall lapse.

***NEW SECTION. Sec. 50. FOR THE ECONOMIC AND REVENUE FORECASTING COUNCIL**

General Fund Appropriation	\$	804,000
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The appropriation in this section is subject to the following conditions and limitations: If House Bill No. 784 is not enacted by July 1, 1983, then the appropriation in this section shall lapse.

*Sec. 50. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 51. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

(a) \$2,153,000 is appropriated from the general fund for the continuation and expansion of the alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. \$38,000 of the appropriation in this subsection (1)(a) is provided solely for the current

Pierce county and Snohomish county treatment alternatives to street crime programs to implement the expansion program.

(b) \$51,803,000 is appropriated from the general fund, subject to the following conditions and limitations:

(i) \$236,000 is provided solely for community diversion programs.

(ii) \$200,000 is provided solely for a program to notify victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(iii) \$25,458,000 is provided for probation and parole, other than for drug and alcohol specialized officers in counties currently or proposed to be served by the treatment alternatives to street crime programs.

(iv) \$4,054,000 is provided for intensive parole.

(v) \$16,952,000 is provided to operate and/or contract with nonprofit corporations for work training release for convicted felons.

(vi) \$4,026,000 is provided to operate the Geiger community work release facility for convicted felons.

(vii) \$877,000 is provided for support of the state director's office of community services.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	206,860,000
General Fund Appropriation—Federal	\$	700,000
Total Appropriation	\$	207,560,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$712,000 of the general fund—state appropriation is provided solely for drug and alcohol rehabilitation treatment programs at appropriate state correctional institutions, as defined in RCW 72.01.050 for persons who: (i) Are defined as inmates under RCW 72.09.020; (ii) in the opinion of a qualified health professional designated by the department, are in need of such treatment; and (iii) have less than one year remaining in their confinement to a state correctional facility. Such programs may include facilities for both residential and outpatient treatment.

(b) The superintendents of each correctional institution, as defined in RCW 72.65.010, shall establish community-based volunteer alcohol and drug rehabilitation programs in their respective correctional institution. The superintendents shall encourage groups conducting such programs outside the institutions to participate in such programs inside the institution. An employee at each correctional institution shall be designated to coordinate the programs mandated in this subsection.

(c) The department shall contract with appropriate counties for the use of up to 200 beds in county jails. Contracted jail space shall be used for inmates who have not fully entered the state prison system and for inmates

who are nearing their release date who are not appropriate for parole, work release, or early release.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation—State	\$	13,278,000
General Fund—Institutional Impact Account Appropriation	\$	865,000
Total Appropriation	\$	14,143,000

The appropriations in this subsection are subject to the following conditions and limitations: \$1,480,000 is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	\$	5,463,000
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(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes and no transfer shall be made among said subsections.

***NEW SECTION** Sec. 52. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Appropriations made by this act to the department of social and health services shall be initially allotted as required by this act. The initial allotments of all appropriations made by this act to the department of social and health services shall not be modified before October 1, 1983. Except as otherwise provided in this act, these initial allotments may be modified on and after October 1, 1983, only with the approval of the office of financial management after consultation with the ways and means committees of the senate and house of representatives: PROVIDED, That the allotment modifications shall not include transfers of moneys between sections of this act, nor shall the allotment modifications permit moneys which are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services which will require expenditure of state general fund moneys except as expressly authorized in this act, unless the services were provided on July 1, 1983. The department of social and health services may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of the amounts anticipated in this act.

*Sec. 52 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 53. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	25,444,000
General Fund Appropriation—Federal	\$	54,000
Total Appropriation	\$	25,498,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$12,329,000 of the general fund—state appropriation is provided solely for consolidated juvenile services. The department shall use these moneys to reduce commitments to the department and promote alternatives to institutional bed usage. The department shall submit a report to the legislature by December 1, 1984, on the success of these services in preventing institutionalization and reducing recidivism.

(b) Vendor rate adjustments for fee-for-service providers shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	40,008,000
General Fund Appropriation—Federal	\$	788,000
Total Appropriation	\$	40,796,000

The appropriations in this subsection are subject to the following conditions and limitations: The appropriations in this subsection shall be initially allotted as follows:

(a) \$11,763,000, of which \$11,507,000 is from the general fund—state appropriation, and 390.0 FTE staff years for the Echo Glen Children's Center to operate at least eleven cottages.

(b) \$9,836,000, of which \$9,638,000 is from the general fund—state appropriation, and 320.0 FTE staff years for the Maple Lane School to operate at full bed capacity.

(c) \$10,356,000, of which \$10,212,000 is from the general fund—state appropriation, and 310.4 FTE staff years for the Green Hill School to operate at full bed capacity.

(d) \$5,436,000, of which \$5,318,000 is from the general fund—state appropriation, and 159.0 FTE staff years for the Naselle Youth Camp to operate at full bed capacity.

(e) \$3,405,000, of which \$3,333,000 is from the general fund—state appropriation, and 82.0 FTE staff years for the Mission Creek Youth Camp to operate at full bed capacity.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	2,207,000
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(4) The appropriations in subsections (1), (2), and (3) of this section are made solely for those purposes only and no transfer shall be made among said subsections.

NEW SECTION. Sec. 54. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	85,128,000
General Fund Appropriation—Federal	\$	14,095,000
General Fund Appropriation—Local	\$	264,000
Total Appropriation	\$	99,487,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department is directed to develop at least 55 new community residential involuntary treatment act (ITA) beds and submit a report to the legislature by January 1, 1984, describing its progress in complying with this requirement.

(b) \$436,000 of the general fund—state appropriation is provided solely for pilot school-based early intervention projects in at least three school districts. The department shall issue a request for proposals no later than September 1, 1983, and shall contract with school districts no later than January 1, 1984. School districts shall be required to provide in-kind matching equal in value to at least 43% of the funding provided in this subsection. At least 85% of children served in each participating district shall be in grades kindergarten through three. Parental consent shall be required before any child is involved in screening or accepted into a project. Each project staff shall include a children's mental health professional and a paraprofessional coordinator. The department shall plan and administer the projects in consultation with the superintendent of public instruction, local school districts, licensed community mental health providers, and other community representatives. Of the amount provided in this subsection, up to \$70,000 may be expended for administration, training, and consultation by the department.

(c) \$465,000 is provided solely for a community psychiatric training program at the University of Washington to provide the following:

(i) Placement of psychiatry residents and other postgraduate trainees in both state mental institutions and community mental health programs;

(ii) Technical assistance to the department of social and health services; and

(iii) Continuing educational opportunities for mental health professionals state-wide.

(d) Vendor rate adjustments for fee-for-service providers shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	107,845,000
General Fund Appropriation—Federal	\$	3,493,000
Total Appropriation	\$	111,338,000

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	2,854,000
General Fund Appropriation—Federal	\$	584,000

General Fund Appropriation—Local	\$	14,000
Total Appropriation	\$	3,452,000

(4) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	38,000
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(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes only and no transfer shall be made among said subsections.

NEW SECTION. Sec. 55. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	51,390,000
General Fund Appropriation—Federal	\$	41,765,000
Total Appropriation	\$	93,155,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$100,000 of the general fund—state appropriation is provided solely for a contract marketing project to ensure greater access for small agencies providing long-term employment to individuals with severe developmental disabilities. The department shall determine the criteria for small agencies that will benefit from this marketing project and enlist the support of business, industry, and government in developing work opportunities. The department shall monitor the contract and submit a report to the legislature by December 1, 1984. The report shall include changes in the workers' wages and commercial revenue of the agencies involved during the period of the project.

(b) The appropriations in this subsection shall be initially allotted as follows:

(i) \$14,664,000 of the general fund—state appropriation for group homes to serve an average monthly caseload of 936 clients.

(ii) \$24,759,000, of which \$2,772,000 is from the general fund—state appropriation, for county services to serve an average monthly caseload of 3,837 clients.

(iii) \$8,390,000, of which \$6,922,000 is from the general fund—state appropriation, for field services to serve an average monthly caseload of 9,575 clients.

(iv) \$2,652,000, of which \$536,000 is from the general fund—state appropriation, for home aid to serve an average monthly caseload of 1,066 clients.

(v) \$33,036,000, of which \$16,842,000 is from the general fund—state appropriation, for title XIX residential services to serve an average monthly caseload of 965 clients.

(vi) \$956,000 of the general fund—state appropriation for alternative living to serve an average monthly caseload of 322 clients.

(vii) \$8,423,000 of the general fund—state appropriation for tenant support to serve an average monthly caseload of 541 clients.

(c) Vendor rate adjustments for fee-for-service providers shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(d) \$175,000 of the general fund—state appropriation is provided solely for the dental education in care of the disabled graduate training program with the University of Washington.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	100,012,000
General Fund Appropriation—Federal	\$	62,045,000
Total Appropriation	\$	162,057,000

The appropriations in this subsection are subject to the following conditions and limitations: The appropriations in this subsection shall be initially allotted as follows:

(a) \$40,686,000 and 1,584.2 FTE staff years for the Fircrest School to operate at a biennial average daily population of 496.

(b) \$18,178,000 and 745.4 FTE staff years for the Interlake School to operate at a biennial average daily population of 250.

(c) \$43,959,000 and 1,670.4 FTE staff years for the Rainier School to operate at a biennial average daily population of 512.5.

(d) \$29,668,000 and 1,219.0 FTE staff years for the Lakeland Village School to operate at a biennial average daily population of 350.

(e) \$12,266,000 and 475.2 FTE staff years for the Yakima Valley School to operate at a biennial average daily population of 150.

(f) \$4,773,000 and 191.6 FTE staff years for the Frances Haddon Morgan Children's Center to operate at a biennial average daily population of 54.

(g) \$4,562,000 and 151.8 FTE staff years for the School for the Blind to operate at a biennial average daily population of 63.

(h) \$7,965,000 and 235.8 FTE staff years for the School for the Deaf to operate at a biennial average daily population of 205.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,742,000
General Fund Appropriation—Federal	\$	864,000
Total Appropriation	\$	4,606,000

(4) SPECIAL PROJECTS

General Fund Appropriation—State	\$	911,000
General Fund Appropriation—Federal	\$	1,152,000
Total Appropriation	\$	2,063,000

(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes only and no transfer shall be made among said subsections.

***NEW SECTION. Sec. 56. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LONG-TERM CARE SERVICES**

General Fund Appropriation—State	\$	217,084,000
General Fund Appropriation—Federal	\$	211,341,000
Total Appropriation	\$	428,425,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall provide a coherent system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. ***These services shall be provided in the least restrictive and most cost-effective manner appropriate for individual clients.***

(2) \$323,831,000, of which \$162,984,000 is from the general fund—state appropriation, is provided for nursing home services.

(a) Of the amounts provided in this subsection (2), \$8,000,000, of which \$4,000,000 is from the general fund—state appropriation, is provided solely for implementation of cost reimbursement rate reform pursuant to Substitute Senate Bill No. 3780 or Senate Bill No. 3920 and chapter 74.46 RCW. If Substitute Senate Bill No. 3780 and Senate Bill No. 3920 fail to become law by July 1, 1983, such portion of the appropriation shall lapse and a separate amount of \$6,000,000, of which \$3,000,000 is from the general fund—state appropriation, shall be provided solely for independent certified audits of nursing homes under RCW 74.46.120.

(b) Vendor rate adjustments for inflation under chapter 74.46 RCW shall be 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(3) \$8,000,000, of which \$4,000,000 is from the general fund—state appropriation, shall be placed in a reserve account. The department shall report not later than January 1, 1984, to the ways and means committees of the senate and house of representatives on efforts to divert clients from unnecessary nursing home placements through the use of the community options program entry system federal waiver. The report shall include data on the number of clients so diverted, the types of care and/or services provided to such clients as alternatives to nursing home placement, and the costs and savings associated with such diversions. No expenditure may be made from the reserve account established in this subsection unless specifically authorized by law.

(4) \$85,869,000, of which \$44,159,000 is from the general fund—state appropriation, is provided solely for community-based long-term care services including congregate care, adult family home care, chore services, home health care, nutrition services, transportation services, and case management services.

(a) \$452,000 of the general fund—state appropriation is provided solely for increased rates and respite care payments for adult family homes to promote participation in the program.

(b) Vendor rate adjustments shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(c) \$14,112,000 of the general fund—state appropriation is provided for implementation of the senior citizens services act. At least 7.0% of this amount shall be used for programs which utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the state chore service program and shall not be transferred or used for any other purpose.

(d) \$41,095,000, of which \$18,277,000 is from the general fund—state appropriation, is provided for chore services. The department shall report to the legislature by December 1, 1983, regarding the client impact of revisions to the chore services program resulting from the 1983 amendments to RCW 74.08.541.

(e) \$30,210,000, of which \$11,318,000 is from the general fund—state appropriation, is provided for the services outlined in subsections (4) (e) (i) through (v) of this section and shall be initially allotted as follows:

(i) \$18,301,000 from federal funds is provided for the federal older Americans act.

(ii) \$1,193,000, of which \$602,000 is from the general fund—state appropriation, is provided for adult day health services.

(iii) \$51,000 is provided for nursing home discharge payments.

(iv) \$8,454,000 is provided for congregate care services.

(v) \$2,211,000 is provided for adult family home services.

(5) \$10,725,000, of which \$5,941,000 is from the general fund—state appropriation, is provided for the administration of long-term care services and shall be initially allotted as follows:

(a) \$2,618,000, of which \$1,755,000 is from the general fund—state appropriation, is provided for the bureau of aging and adult services.

(b) \$8,107,000, of which \$4,186,000 is from the general fund—state appropriation, is provided for the bureau of nursing home affairs.

*Sec. 56 was partially vetoed, see message at end of chapter.

***NEW SECTION. Sec. 57. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM**

General Fund Appropriation—State	\$	359,127,000
General Fund Appropriation—Federal	\$	314,381,000
Total Appropriation	\$	673,508,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility determinations are consistent with statutory requirements and are based on clear, objective medical information.

(2) The department shall develop and submit to the federal department of health and human services a work incentive demonstration project proposal to allow administration of the work incentive program to be solely borne by the department of social and health services. Before implementation of the proposal, but not later than December 1, 1983, the department shall report to the ways and means and social and health services committees of the senate and house of representatives. The report shall advise the legislature regarding effects of the proposal on (a) the administration of the work incentive program, (b) the receipt of federal funds for the program, and (c) expected client outcomes under the proposal.

(3) Public assistance grants shall not be prorated or otherwise reduced solely because of the presence in the household of an individual not legally responsible for the support of the assistance unit, and the department shall not assume any contribution from such individual for the support of the assistance unit.

(4) \$25,536,800, of which \$12,768,400 is from the general fund—state appropriation, is provided solely for aid to families with dependent children for two-parent families beginning on July 1, 1983, and continuing through June 30, 1984. Additional funds appropriated in this section may be expended for the program during such period. The department shall amend its state plan under title IVA of the federal social security act in order to secure federal matching funds for the program during such period.

(5) \$2,982,000 of the general fund—state appropriation is provided solely for general assistance to pregnant women under the 1983 amendments to RCW 74.04.005.

(6) Grant payment standards will be increased 2.5% on July 1, 1983, and 3.0% on July 1, 1984, for aid to families with dependent children, general assistance, consolidated emergency assistance, and refugee assistance.

(7) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the high and rising costs of energy, and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$65,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$21	27	32	39	44	50	59	64

(8) The appropriations in this section shall be initially allotted as follows:

(a) \$18,133,000 from federal funds for refugee assistance.

(b) \$509,490,000, of which \$236,082,000 is from the general fund—state appropriation, for aid to families with dependent children—regular.

(c) \$25,536,000, of which \$12,768,000 is from the general fund—state appropriation, for aid to families with dependent children—employable.

(d) \$32,361,000 of the general fund—state appropriation for supplemental security income payments.

(e) \$66,332,000, of which \$65,127,000 is from the general fund—state appropriation, for general assistance to unemployable persons.

(f) \$2,982,000 of the general fund—state appropriation for general assistance to pregnant women.

(g) \$10,954,000, of which \$5,477,000 is from the general fund—state appropriation, for the consolidated emergency assistance program.

(h) \$3,061,000 of the general fund—state appropriation for burial assistance.

(i) \$1,871,000, of which \$990,000 is from the general fund—state appropriation, for employment and training support.

(j) \$2,788,000, of which \$279,000 is from the general fund—state appropriation, for work incentive payments.

*Sec. 57 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 58. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

General Fund Appropriation—State	\$	84,142,000
General Fund Appropriation—Federal	\$	23,918,000
General Fund Appropriation—Local	\$	91,000
Total Appropriation	\$	108,151,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall establish a vendor rate over and above the regular child day-care rate for therapeutic day care provided to abused or neglected children under the age of five years. A maximum of \$360,000 of moneys appropriated and allotted for child care payment may be expended for therapeutic day care.

(2) Vendor rate adjustments shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(3) \$1,185,000 of the general fund—state appropriation is provided solely for home-based social services to families with children in foster care or at risk of foster care because of family problems rather than child behavior problems.

(4) The appropriations in this section shall be initially allotted as follows:

(a) \$1,128,000 of the general fund—state appropriation for the victims of domestic violence program.

(b) \$41,390,000, of which \$36,086,000 is from the general fund—state appropriation, for foster care payments.

(c) \$8,605,000, of which \$5,847,000 is from the general fund—state appropriation, for child-care payments.

(d) \$4,688,000, of which \$3,609,000 is from the general fund—state appropriation, for adoption support.

(e) \$3,170,000, of which \$1,525,000 is from the general fund—state appropriation, for family reconciliation services.

(f) \$8,749,000, of which \$7,553,000 is from the general fund—state appropriation, for interim care.

(g) \$14,927,000, of which \$12,199,000 is from the general fund—state appropriation, for alcoholism grants.

(h) \$4,768,000, of which \$4,249,000 is from the general fund—state appropriation, for detoxification.

(i) \$9,072,000, of which \$4,092,000 is from the general fund—state appropriation, for substance abuse grants.

(j) \$7,854,000 of the general fund—state appropriation for congregate care for alcohol and substance abuse clients.

(k) \$3,800,000 of the general fund—federal appropriation for refugee services.

NEW SECTION. Sec. 59. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	358,388,000
General Fund Appropriation—Federal	\$	231,464,000
Total Appropriation	\$	589,852,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,355,800, of which \$6,677,900 is from the general fund—state appropriation, is provided solely for medical assistance and limited casualty program coverage for persons in two-parent families who are categorically related to the aid to families with dependent children program, between July 1, 1983, and June 30, 1984. Additional funds appropriated under this section may be expended for the coverage during such period. The department shall amend its state plan under title XIX of the federal social security act in order to secure federal matching funds for the coverage during such period.

(2) Vendor rate adjustments for fee-for-service providers shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(3) The legislature finds and declares that rising hospital costs are a vital concern. Therefore, it is essential that an effective cost control program be pursued. The department shall pay for inpatient hospital services under the federal medicaid program through the use of rates that are reasonable and adequate to meet the costs that must be incurred by efficiently and

economically operated providers to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

(4) \$7,000,000 of the general fund—state appropriation shall be placed in a reserve account. The department is directed to report to the legislature not later than January 1, 1984, on its methods for establishing inpatient hospital payment rates, the changes it anticipates in such rates during the fiscal year ending June 30, 1985, the reasons therefor, and any anticipated additional expenditures for inpatient hospital treatment during such fiscal year. No expenditure shall be made from the reserve account established in this subsection until specifically authorized by law.

(5) The department is directed to seek increased participation of 3,000 additional recipients over those currently enrolled in health maintenance organizations and individual practice associations. By December 31, 1984, the department shall report to the legislature on progress in these efforts.

(6) The department shall establish by rule a system to ensure that the appropriations in this section are not expended to cover persons who are already covered by private or other public programs.

(7) The department shall provide payment for chiropractic services under RCW 74.09.035 and 74.09.520.

(8) The department shall reimburse health care providers licensed under chapters 18.53, 18.71, 18.22, and 18.57 RCW for comparable services at equal rates.

NEW SECTION. Sec. 60. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

General Fund Appropriation—State	\$	38,988,000
General Fund Appropriation—Federal	\$	53,161,000
General Fund Appropriation—Local	\$	5,016,000
General Fund Appropriation—State and Local Improvements Revolving Account— Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Appropriation	\$	20,000,000
General Fund Appropriation—State and Local Improvements Revolving Account— Water Supply Facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27); chapter 258, Laws of 1979 ex. sess. (chapter 43.99D RCW); and chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Reappropriation	\$	21,826,000
Total Appropriation	\$	138,991,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If federal moneys are received for state health planning purposes for the fiscal year ending June 30, 1985, an equal amount of the general fund—state appropriation shall lapse.

(2) \$1,261,000 is provided solely for poison control centers.

(3) Vendor rate adjustments shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

NEW SECTION. Sec. 61. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund Appropriation—State	\$	14,051,000
General Fund Appropriation—Federal	\$	25,602,000
Total Appropriation	\$	39,653,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the general fund—state appropriation is provided solely for rehabilitation services to income assistance clients who are not severely disabled. Such services shall be provided through the use of available, unmatched state funds. The division of vocational rehabilitation shall facilitate rapid referral and eligibility determination and provide services to appropriate income assistance clients who do not meet federal regulations for priority services.

(2) Vendor rate adjustments shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

NEW SECTION. Sec. 62. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund Appropriation—State	\$	55,494,000
General Fund Appropriation—Federal	\$	41,060,000
General Fund—Institutional Impact Account		
Appropriation	\$	75,000
Total Appropriation	\$	96,629,000

The appropriations in this section are subject to the following conditions and limitations: \$4,667,000, of which \$1,780,000 is from the general fund—state appropriation, is provided solely for the information resource management plan. This plan shall include among its top priorities continuing development of a method for the identification of common client information and the tracking of clients through all human service programs provided by the department of social and health services. Under this plan, the department of social and health services shall:

(1) Maintain the capability to provide the legislature with reports that analyze client, services delivery, and service cost data across all systems

containing common client identifier information and provide unduplicated recipient counts and service histories;

(2) Incorporate the medicaid management information system into the common client identifier format;

(3) Develop rapid, flexible, and efficient data extraction and report generation; and

(4) Give priority to the following projects: (a) Community service management and operations system; (b) developmental disabilities management information system; (c) support enforcement management system; (d) automated birth certification system; and (e) mental health accounting system.

NEW SECTION. Sec. 63. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund Appropriation—State	\$	135,516,000
General Fund Appropriation—Federal	\$	140,640,000
General Fund Appropriation—Local	\$	100,000
Total Appropriation	\$	276,256,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the general fund—state appropriation is provided solely for the victims of sexual assault program.

(2) \$608,000 of the general fund—state appropriation is provided solely for additional child protective service workers. These moneys shall be used to provide an additional 12.5 full time equivalent positions for a total of at least 237.2 for the fiscal year ending June 30, 1984, and an additional 16.2 full time equivalent positions for a total of at least 240.9 for the fiscal year ending June 30, 1985. Not later than December 1, 1983, the department shall submit a report to the social and health services and ways and means committees of the senate and house of representatives describing its compliance with the requirements of this subsection, indicating the average caseload of child protective service workers by region and state-wide, and indicating what level of funds would be required to achieve an average caseload of 30 cases per worker.

(3) \$100,000 of the general fund—state appropriation is provided solely for grants to pay operating expenses of community-based private nonprofit social agencies that provide services to indigent families and senior citizens whose needs are not adequately met by government programs.

(4) \$427,000 of the general fund—state appropriation is provided solely for an increase in current staffing for family reconciliation services.

(5) \$2,181,000, of which \$1,283,000 is from the general fund—state appropriation, is provided solely for contracted training.

NEW SECTION. Sec. 64. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

General Fund Appropriation—State	\$	11,867,000
General Fund Appropriation—Federal	\$	23,094,000
Total Appropriation	\$	34,961,000

NEW SECTION. Sec. 65. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REAPPROPRIATIONS

General Fund Appropriation—State	\$	31,857,000
General Fund Appropriation—Federal	\$	16,875,000
General Fund Appropriation—Local	\$	66,000
Total Appropriation	\$	48,798,000

The appropriations in this section are subject to the following conditions and limitations: These general fund reappropriations shall be for services and supplies not in excess of the unexpended balances of the 1981–1983 appropriations for such purposes.

NEW SECTION. Sec. 66. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State	\$	15,840,000
General Fund Appropriation—Federal	\$	2,237,000
General Fund Appropriation—Local	\$	3,336,000
Total Appropriation	\$	21,413,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the general fund—state appropriation is provided solely for assistance to veterans of the Viet Nam conflict, including counseling on delayed stress syndrome, employment training and placement, discharge review, advocacy and representation, education, and other services appropriate to assist such veterans in overcoming employment barriers and readjusting to civilian life.

NEW SECTION. Sec. 67. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

General Fund Appropriation—State	\$	2,735,000
General Fund Appropriation—Federal	\$	53,568,000
Total Appropriation	\$	56,303,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are for fiscal year 1984. Contingent on the provisions of chapter ...(ESHB 796), Laws of 1983 and chapter 43.88 RCW, any unexpended funds at the end of this period shall be transferred to the department of economic and community development.

(2) Not more than \$419,000 of the general fund—state appropriation is provided for distribution to incorporated cities and towns for fire protection of state facilities.

(3) \$65,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ... (SSB 3035), Laws of 1983.

(4) \$292,000 of the general fund—state appropriation, or so much thereof as may be necessary, shall be used for Mount St. Helens volcano zone enforcement patrol.

(5) \$125,000 of the general fund—state appropriation shall be provided solely for distribution to border areas within seven air miles of the Canadian border.

NEW SECTION. Sec. 68. FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	2,968,000
General Fund Appropriation—Federal	\$	941,000
Total Appropriation	\$	3,909,000

NEW SECTION. Sec. 69. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

General Fund—Crime Victims Compensation

Account Appropriation	\$	266,000
Accident Fund Appropriation	\$	2,674,000
Medical Aid Fund Appropriation	\$	3,064,000
Total Appropriation	\$	6,004,000

The appropriations in this section are subject to the following conditions and limitations: \$12,000 of the accident fund appropriation is provided solely for an independent revalidation of the cost allocation study completed during the 1981-83 biennium. This revalidation cost study shall be transmitted to the legislature upon completion.

NEW SECTION. Sec. 70. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—Criminal Justice Training

Account Appropriation	\$	6,054,000
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The appropriation in this section is subject to the following conditions and limitations:

- (1) \$161,000 is provided solely for the crime watch program.
- (2) \$170,000 is provided solely for support of the programs of the Washington association of sheriffs and police chiefs in assisting the commission to carry out RCW 43.101.180.

NEW SECTION. Sec. 71. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation—State	\$	5,770,000
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General Fund—Crime Victims Compensation

Account Appropriation	\$	7,345,000
Accident Fund Appropriation—State	\$	50,539,000
Accident Fund Appropriation—Federal	\$	51,000
Electrical License Fund Appropriation	\$	5,347,000
Medical Aid Fund Appropriation	\$	48,354,000
Plumbing Certificate Fund Appropriation	\$	255,000
Pressure Systems Safety Fund Appropriation	\$	758,000
Total Appropriation	\$	118,419,000

The appropriations in this section are subject to the following conditions and limitations:

(1) General fund expenditures for the building and construction program together with associated indirect cost and salary increase costs shall not exceed general fund revenue from the building and construction program.

(2) Not more than \$50,000 of the accident fund appropriation and \$50,000 of the medical aid fund appropriation shall be expended for a study of the feasibility of consolidating the department's Olympia-area offices in one building, including the options of leasing, acquiring, or constructing such building. No state general fund moneys may be expended for this study. The department shall report to the legislature on the findings of the study by January 15, 1984.

NEW SECTION. Sec. 72. FOR THE BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation	\$	2,975,000
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NEW SECTION. Sec. 73. FOR THE HOSPITAL COMMISSION

General Fund Appropriation—State	\$	357,000
General Fund—Hospital Commission Account Appropriation	\$	1,086,000
Total Appropriation	\$	1,443,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission is directed to perform aggressive rate review of individual hospital services to ensure control of rising hospital costs and efficient and economic delivery of hospital health care services.

(2) Not later than December 1, 1983, the commission shall report to the legislature on current and anticipated hospital cost inflation. The report shall include an analysis of the components of hospital operating costs and changes in those costs, together with reasons for each major change. Special attention shall be given to cost components which increase at a rate greater than inflation in the general economy of the state.

NEW SECTION. Sec. 74. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State	\$	2,654,000
General Fund Appropriation—Federal	\$	133,049,000
General Fund Appropriation—Local	\$	17,159,000
Administrative Contingency Fund		
Appropriation—Federal	\$	6,638,000
Unemployment Compensation Administration		
Fund Appropriation	\$	92,543,000
Total Appropriation	\$	252,043,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$786,000 is provided solely for the ex-offender work orientation program to serve a minimum of 1,094 ex-offenders in the community, and provide work orientation to a minimum of 500 offenders pending release. Services to offenders in addition to those provided under the appropriations in this section may be provided upon reimbursement by the department of corrections at the rate of \$605 per participant.

(2) \$313,000 is provided solely for the career awareness program to provide services to 371 ex-offenders. Services may be provided to additional ex-offenders upon reimbursement by the department of corrections at the rate of \$844 per participant.

(3) The employment security department, through the youth employment exchange or other programs, shall provide for the recruitment of corps members and the receipt of federal funds for the conservation corps established under Engrossed Second Substitute Senate Bill No. 3624.

(4) \$600,000 from the general fund—state appropriation shall be used solely for contracting with other agencies for carrying out the purposes of chapter ___ (2SSB 3624), Laws of 1983.

NEW SECTION. Sec. 75. FOR THE COMMISSION FOR THE BLIND

General Fund Appropriation—State	\$	1,682,000
General Fund Appropriation—Federal	\$	3,415,000
Total Appropriation	\$	5,097,000

The appropriations in this section are subject to the following conditions and limitations: The commission for the blind shall report in writing by December 1, 1984, to the committees on ways and means of the senate and the house of representatives on the economy and effectiveness of the orientation and training center. The report shall include, but not be limited to, analysis of the characteristics of the clients and the target population, curriculum content and practices, client tracking after leaving the center, number of persons served, costs per client, and program costs.

NEW SECTION. Sec. 76. FOR THE CORRECTIONS STANDARDS BOARD

General Fund Appropriation—State	\$	512,000
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General Fund—Local Jail Improvement and	
Construction Account Appropriation	\$ 113,124,000
Total Appropriation	\$ 113,636,000

NEW SECTION. Sec. 77. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation	\$ 551,000
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NEW SECTION. Sec. 78. FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State	\$ 1,104,000
General Fund Appropriation—Federal	\$ 13,032,000
General Fund Appropriation—Private/Local	\$ 60,000
Total Appropriation	\$ 14,196,000

NEW SECTION. Sec. 79. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation—State	\$ 76,000
General Fund Appropriation—Private/Local	\$ 67,000
Total Appropriation	\$ 143,000

NEW SECTION. Sec. 80. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$ 20,937,000
General Fund Appropriation—Federal	\$ 9,910,000
General Fund—Special Grass Seed Burning	
Research Account Appropriation	\$ 68,000
General Fund—Reclamation Revolving Account	
Appropriation	\$ 999,000
General Fund—Litter Control Account	
Appropriation	\$ 4,310,000
Stream Gaging Basic Data Fund	
Appropriation	\$ 200,000
General Fund—State and Local	
Improvements Revolving Account—Waste	
Disposal Facilities: Appropriated pursuant to	
chapter 127, Laws of 1972 ex. sess. (Referendum	
26)	\$ 14,511,000
General Fund—State and Local	
Improvements Revolving Account—Waste	
Disposal Facilities: Reappropriation	
(Referendum 26)	\$ 60,923,000
General Fund—State and Local	
Improvements Revolving Account—Water Supply	
Facilities: Appropriated pursuant to chapter	
128, Laws of 1972 ex. sess. (Referendum	
27)	\$ 1,051,000

General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Reappropriation (Referendum 27)	\$	8,788,000
General Fund—Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$	1,926,000
General Fund—Emergency Water Project Revolving Account: Reappropriation	\$	9,343,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	16,711,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Reappropriation (Referendum 38)	\$	15,805,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	67,589,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Reappropriation (Referendum 39)	\$	265,858,000
Game Fund Appropriation	\$	76,000
Total Reappropriation	\$	360,717,000
Total New Appropriation	\$	138,288,000
Total Appropriation	\$	499,005,000

The appropriations in this section are subject to the following conditions and limitations:

(1) On or before October 1, 1983, the department of ecology shall file with the committees on ways and means of the senate and house of representatives and the office of financial management a master compilation by project type of those projects proposed for funding during the 1983-85 biennium from the appropriations for waste disposal facilities and water supply facilities. A separate compilation shall be supplied for each referendum bond issue. The department shall submit updates for the master compilation to the committees on ways and means and the office of financial management at six-month intervals during the 1983-85 biennium. The updates shall reflect project completions, deletions, substitutions, or additions made

during the course of administering the projects. If the department proposes to change or modify any project list on the master compilation, it shall give the committees on ways and means and the office of financial management thirty days' written notice of the change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall immediately inform the committees and the office of financial management of significant changes from historic federal funding levels for waste disposal facilities and water supply facilities. In the event that the department does not comply fully and in a timely manner with the several compilations, updates, and modification reports required by this subsection, the director of the office of financial management is authorized to place in reserve the second year funds allotted to the department until such time as the documents are produced and distributed as directed herein.

(2) The appropriation from the state and local improvements revolving account—water supply facilities (Referendum 27) may be expended to pay up to 50% of the eligible cost of any project, as a grant or loan or combination thereof. Also, the department may lend up to 100% of the eligible costs of preconstruction activities and the department may provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(3) The appropriation from the state and local improvements revolving account—waste disposal facilities (Referendum 26) may be expended by the department to pay for up to 50% of the eligible cost of any project, as a grant or up to 100% as a loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(4) The appropriation from the state and local improvements revolving account—waste disposal facilities 1980 (Referendum 39) may be expended by the department to pay up to 75% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(5) No grant or loan or combination thereof shall be made for preconstruction activities for projects which cannot be constructed without an increase in the remaining voter authorized bond capacity.

(6) \$985,000 of the general fund—state appropriation is provided for grants to activated air pollution control authorities.

(7) \$68,000 of the general fund—special grass seed burning research account appropriation shall be expended for funding of a grass burning research project by the University of Washington.

(8) \$1,500,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ___ (2SSB 3624), Laws of 1983.

(9) \$85,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ___ (SSB 3156), Laws of 1983.

(10) If House Bill No. 595 is enacted before July 1, 1983, the general fund—state and local improvements revolving account—water supply facilities appropriation shall be reduced by \$14,500,000.

(11) The department may operate, and seek and accept grants or gifts for the purpose of operating and maintaining, the Padilla Bay estuarine sanctuary and interpretive center.

(12) \$152,000, of which \$76,000 is from the game fund appropriation and \$76,000 is from the general fund—federal appropriation, shall be expended for the maintenance and security of Padilla Bay estuarine sanctuary.

(13) If either Substitute House Bill No. 712 or Second Substitute Senate Bill No. 3722 is enacted before July 1, 1983, the general fund—state appropriation shall be reduced by \$540,000.

NEW SECTION. Sec. 81. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation	\$	712,000
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NEW SECTION. Sec. 82. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

General Fund Appropriation—Private/Local	\$	3,473,000
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NEW SECTION. Sec. 83. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	27,927,000
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General Fund Appropriation—Private/Local	\$	566,000
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General Fund—Trust Land Purchase Account Appropriation	\$	7,694,000
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General Fund—Winter Recreation Parking Account Appropriation	\$	156,000
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General Fund—Snowmobile Account Appropriation	\$	681,000
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General Fund—Outdoor Recreation Account Appropriation	\$	152,000
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Motor Vehicle Fund Appropriation	\$	800,000
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Total Appropriation	\$	37,976,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall operate the state park system on a modified schedule that will allow for management closures that will facilitate maximum park maintenance efforts.

(2) \$600,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ___ (2SSB 3624), Laws of 1983.

NEW SECTION. Sec. 84. FOR THE OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund Appropriation—State	\$	307,000
General Fund Appropriation—Federal	\$	908,000
Total Appropriation	\$	1,215,000

NEW SECTION. Sec. 85. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund—Outdoor Recreation Account		
Appropriation—State	\$	12,025,000
General Fund—Outdoor Recreation Account		
Appropriation—Federal	\$	3,997,000
Total Appropriation	\$	16,022,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$86,000 of the outdoor recreation account—state appropriation shall be used by the committee to contract with the department of natural resources, or others, for the preparation of a comprehensive guide to public parks and recreational sites within Washington as required by RCW 43.99.142. Such guide shall coordinate site data of all state and federal agencies providing public recreational facilities in the state, except that the guide shall be sold for an amount sufficient to cover the costs involved, and to reimburse the outdoor recreation account.

(2) A maximum of \$1,520,000 may be expended for administration.

(3) No grant from the proceeds of general obligation bond sales may be made without matching federal moneys.

NEW SECTION. Sec. 86. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	3,086,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriations are for expenditure by the department of commerce and economic development in fiscal year 1984. Contingent on the provisions of chapter ___ (ESHB 796), Laws of 1983 and chapter 43.88 RCW, any unexpended funds at the end of this period shall be transferred to the department of economic and community development.

NEW SECTION. Sec. 87. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	38,614,000
General Fund Appropriation—Federal	\$	6,580,000
General Fund Appropriation—Private/Local	\$	2,083,000
Total Appropriation	\$	47,277,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$285,000 of the general fund appropriation, of which \$191,000 shall be from federal funds, or so much thereof as may be necessary, shall be expended for enhancement of the marine fish program.

(2) \$109,000 of the general fund—state appropriation shall be expended for the enhancement of the shellfish program.

(3) \$495,000 of the general fund—state appropriation shall be expended for additional salmon production.

(4) \$600,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ___ (2SSB 3624), Laws of 1983.

NEW SECTION. Sec. 88. FOR THE DEPARTMENT OF GAME

General Fund—ORV (Off-Road Vehicle)

Account Appropriation	\$	159,000
Game Fund Appropriation—State	\$	35,354,000
Game Fund Appropriation—Federal	\$	12,124,000
Game Fund Appropriation—Private/Local	\$	1,318,000
Game Fund—Special Wildlife Account Ap- propriation	\$	250,000
Total Appropriation	\$	49,205,000

The appropriations in this section are subject to the following conditions and limitations: If House Bill No. 105 is enacted before July 1, 1983, the game fund—state appropriation shall be reduced by \$352,000.

NEW SECTION. Sec. 89. FOR THE DEPARTMENT OF NATU-
RAL RESOURCES

General Fund Appropriation—State	\$	26,380,000
General Fund Appropriation—Federal	\$	451,000
General Fund—ORV (Off-Road Vehicle) Account Appropriation	\$	2,096,000
General Fund—Forest Development Account Appropriation	\$	10,373,000
General Fund—Landowner Contingency Forest Fire Suppression Account Appropri- ation	\$	1,539,000
General Fund—Survey and Maps Account Appropriation	\$	671,000
General Fund—Resource Management Cost Account Appropriation	\$	61,067,000

Total Appropriation \$ 102,577,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,727,000 of the general fund—state appropriation shall be expended for the general administration program. Of this amount, \$1,100,000 shall be used solely to carry out the purposes of chapter ___ (2SSB 3624), Laws of 1983; \$50,000 shall be used to conduct a study of the continuous transfer of material and products across state lands; and \$145,000 shall be used solely for the department of natural resources to vacate the first floor of the public lands building.

(2) Not more than \$11,239,000 of the general fund—state appropriation shall be expended for the forest fire control program.

(3) Not more than \$6,787,000 of the general fund—state appropriation shall be expended for the assistance and regulation program.

(4) Not more than \$3,627,000 of the general fund—state appropriation shall be expended for the services program. Of this amount, not more than \$843,000 shall be used to fund ten additional honor camp teams. Funds used within this program for surveying shall be limited to the establishment of boundaries of state property.

NEW SECTION. Sec. 90. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	10,166,000
General Fund Appropriation—Federal	\$	626,000
General Fund—Feed and Fertilizer Account		
Appropriation	\$	17,000
Fertilizer, Agricultural, Mineral and Lime		
Fund Appropriation	\$	364,000
Commercial Feed Fund Appropriation—		
State	\$	365,000
Commercial Feed Fund Appropriation—		
Federal	\$	13,000
Seed Fund Appropriation	\$	1,029,000
Nursery Inspection Fund Appropriation	\$	345,000
Total Appropriation	\$	12,925,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$156,000 from the general fund—state appropriation shall be used to enhance the pesticide field investigations.

(2) \$60,000 from the general fund—state appropriation shall be used to enhance consumer services within the agricultural development program.

(3) \$300,000 from the general fund—state appropriation shall be used to establish a marketing program for the Washington wine industry

and the department of agriculture shall present a proposal to the forty-ninth legislature which establishes a wine commodity commission.

(4) \$600,000 from the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ___ (2SSB 3624), Laws of 1983.

(5) \$104,000 is provided solely for a food bank coordinator and related costs.

NEW SECTION. Sec. 91. FOR THE CONSERVATION COMMISSION

General Fund Appropriation \$ 300,000

NEW SECTION. Sec. 92. FOR THE WASHINGTON CENTENNIAL COMMISSION

General Fund Appropriation \$ 226,000

NEW SECTION. Sec. 93. FOR THE STATE PATROL

General Fund Appropriation \$ 11,487,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,400,000 is provided solely for the narcotics section, as authorized by RCW 43.43.610 and 43.43.620 and shall be limited to providing information to law enforcement agencies in the state on narcotic and drug law violations and providing investigative assistance on matters of state-wide concern.

(2) \$600,000 is provided solely for the organized crime intelligence unit, as authorized by RCW 43.43.854 and shall be limited to intelligence gathering activities which assist law enforcement agencies and prosecutors in cases of state-wide significance.

NEW SECTION. Sec. 94. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation \$ 12,077,000

General Fund—Architects' License Account
Appropriation \$ 373,000

General Fund—Optometry Account Approp-
riation \$ 119,000

General Fund—Professional Engineers' Ac-
count Appropriation \$ 602,000

General Fund—Real Estate Commission Ac-
count Appropriation \$ 4,591,000

General Fund—Board of Psychological Ex-
aminers Account Appropriation \$ 66,000

Game Fund Appropriation \$ 187,000

Highway Safety Fund Appropriation \$ 36,582,000

Highway Safety Fund—Motorcycle Safety
Education Account Appropriation \$ 237,000

Motor Vehicle Fund Appropriation	\$	34,693,000
Total Appropriation	\$	89,527,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$450,000 of the general fund appropriation is provided solely for the design and development of a Uniform Commercial Code automated lien filing and search system. If other legislation authorizing expenditures for a Uniform Commercial Code automated lien filing and search system is enacted before July 1, 1983, the general fund—state appropriation in this section shall be reduced by the amount actually expended under the other legislation.

(2) \$66,446 is provided solely for the department of licensing to employ competent persons on a temporary basis to assist the dental hygiene examination committee in conducting examinations for dental hygiene licensure. The dental hygiene examination committee shall be reimbursed pursuant to RCW 43.03.050.

NEW SECTION. Sec. 95. FOR THE MARINE EMPLOYEES' COMMISSION

Motor Vehicle Fund—Puget Sound Ferry

Operations Account Appropriation	\$	50,000
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The appropriation made by this section is for the purpose of carrying out the provisions of chapter 15, Laws of 1983.

NEW SECTION. Sec. 96. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD FOR EDUCATION)

General Fund Appropriation—State	\$	13,381,000
General Fund Appropriation—Federal	\$	6,540,000
General Fund—Traffic Safety Education Account Appropriation	\$	460,000
Total Appropriation	\$	20,381,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than \$460,000 may be expended for the state office administration of the traffic safety education program, including inservice training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) Not more than \$244,882 of the general fund—state appropriation shall be expended for a program to provide additional inservice training for math, science, and computer technology instructors.

*NEW SECTION. Sec. 97. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION FORMULA FOR FISCAL YEARS 1984 AND 1985

General Fund Appropriation \$ 2,912,752,000

The appropriation in this section is subject to the following conditions and limitations:

(1) For purposes of this act and RCW 28A.58.095, the superintendent of public instruction shall ensure that no district provides salary and compensation increases in excess of the amount and/or percentage specified in this act for the 1984-85 school year. A school district may provide salary and compensation increases for the 1983-84 school year so long as the increase does not exceed for the biennium the salary and compensation increases provided in this act for the 1984-85 school year; PROVIDED, That for the 1983-84 and 1984-85 school year, a school district is only authorized to provide a salary increase no greater than 5.0% of the 1982-83 LEAP Document 5 state-wide average salary for state-supported basic education classified staff and 5.0% salary increase using the pertinent program state-wide average salary for the remaining state-supported classified staff; additionally, for the 1983-84 and 1984-85 school year, a school district is only authorized to provide a salary increase no greater than 5.0% of the 1982-83 LEAP Document 5 average state-wide derived base salary times each district's prior year staff mix factor for state-supported basic education certificated staff and also a 5.0% salary increase times the pertinent state-wide average derived base salary improved by the prior year staff mix factor for each district as regards the remaining state-supported certificated staff; PROVIDED FURTHER, That any salary increase greater than that authorized in this subsection shall be in violation of RCW 28A.58.095 and the superintendent of public instruction shall withhold the lesser of five percent or an amount equal to the level of the violation when applied to the district's respective basic education allocation, until such time as the school district comes into compliance.

(2) Formula allocation of certificated staff units shall be determined as follows:

(a) One certificated staff unit for each average annual twenty full time equivalent kindergarten, elementary, and secondary students, excluding secondary vocational full time equivalent students enrolled in a vocational program approved by the superintendent of public instruction.

(b) One certificated staff unit for each average annual eighteen and three-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction: PROVIDED, That in skill centers, the ratio shall be one certificated staff unit for each average annual sixteen and sixty-seven one-hundredths full time equivalent students enrolled in an approved vocational education program.

(c) For districts enrolling not more than one hundred average annual full time equivalent students (except as otherwise specified) and for small school plants within any school district, which small plants have been

judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollment above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(v) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a K-8 program or 1-8 program, an additional one-half of a certificated staff unit;

(vi) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a K-6 or 1-6 program, an additional one-half of a certificated staff unit.

(d) For districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students, certificated staff units shall be determined as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

(3) (a) For nonemployee related costs with each certificated staff unit determined under subsection (2) (a), (c), and (d) of this section, there shall be provided a maximum of \$5,287 per staff unit in the 1983-84 school year and a maximum of \$5,562 per staff unit in the 1984-85 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (2)(b) of this section, there shall be provided a maximum of \$10,074 per staff unit in the 1983-84 school year and a maximum of \$10,598 per staff unit in the 1984-85 school year.

(4) Formula allocation of classified staff units shall be determined as follows:

(a) One classified staff unit per each three certificated staff units determined under subsection (2) (a), (c), and (d) of this section;

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(5) The superintendent shall distribute a maximum of \$15,286,000 outside the basic education formula as follows:

(a) A maximum of \$620,000 may be distributed to school districts for fire protection at a rate of \$1.056 in fiscal year 1984 and \$1.119 in fiscal year 1985 for each student attending a school located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) A maximum of \$1,650,000 may be expended for operation of vocational programs at each of the skill centers during the summer months, beginning in 1983.

(c) A maximum of \$272,000 may be distributed for school district emergencies.

(d) A maximum of \$4,366,000 may be expended for districts which experience an enrollment decline of at least four percent or more than three hundred full time equivalent students, whichever is less, from the enrollment of the prior year. For a qualifying district, the superintendent of public instruction shall increase the enrollment as otherwise computed by twenty-five percent of the full time equivalent enrollment loss from the previous school year.

(e) A maximum of \$3,720,000 in fiscal year 1984 and \$4,658,000 in fiscal year 1985 may be expended for substitute teachers. Funds shall be distributed to school districts at a rate not to exceed \$150 per year per full time equivalent classroom teacher in the basic education and handicapped programs.

(6) For the 1982-83 school year, if a school district is in violation of RCW 28A.58.095 the superintendent shall withhold the lesser of five percent or an amount equal to the level of violation, applied to the district's basic education allocation.

*Sec. 97 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 98. SALARY AND COMPENSATION DEFINITIONS

For purposes of sections 99 through 111 of this act, the following definitions apply:

(1) "State-supported staff" means state-funded staff in the following programs: Basic education (program 00), general instructional support (program 94), general support (program 97), secondary vocational education (program 30), skill centers (program 45), handicapped (program 21), vocational-technical institutes/adult education (programs 47 and 48), state institutions (program 46), educational service districts, and transportation (program 99).

(2) "Incremental fringe benefits" means 7.0% for certificated staff and 14.0% for classified staff, which percentage shall be applied to salary increases and is for employer contributions to old age survivor's insurance, workers' compensation, unemployment compensation, and, with respect to classified staff, retirement benefits under the public employees' retirement system (chapter 41.40 RCW).

(3) "LEAP Document 5" means the computer tabulation of 1982-83 derived base salaries for basic education certificated staff and 1982-83 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on April 5, 1983, at 15:57 hours.

NEW SECTION. Sec. 99. DETERMINATION OF STAFF MIX FACTOR AND CERTIFICATED BASE SALARY

For purposes of determining the 1983-84, and 1984-85 school year staff mix factor and certificated base salary by district, the following definitions apply:

(1) Basic education certificated staff includes all full time equivalent certificated staff in the following programs:

- (a) Basic education (program 00);
- (b) Secondary vocational education (program 30);
- (c) Skill centers (program 45);
- (d) General instructional support (program 94);
- (e) General support (program 97).

(2) The 1982-83 certificated base salary to be used for basic education allocation purposes shall be that specified in LEAP Document 5.

(3) The staff mix factor table developed by the legislative evaluation and accountability program committee (LEAP) (reference LEAP Document 1) shall be employed to calculate each district's base salary for basic education certificated staff.

(4) The average staff mix factor for 1983-84, and 1984-85 for each district shall be calculated using the staff referenced in subsection (1) of this section for the respective school year and the table referenced in subsection (3) of this section.

NEW SECTION. Sec. 100. DETERMINATION OF CLASSIFIED SALARIES

The 1982-83 basic education average classified salary to be used for basic education allocation purposes shall be as specified for each district in LEAP Document 5 and shall be for the total number of such full time equivalent staff in the following programs:

- (1) Basic education (program 00);
- (2) Secondary vocational education (program 30);
- (3) Skill centers (program 45);
- (4) General instructional support (program 94);
- (5) General support (program 97).

NEW SECTION. Sec. 101. BASIC EDUCATION ALLOCATION—CALCULATION OF CERTIFICATED STAFF COMPENSATION

(1) The certificated compensation allocation for school year 1983–84 shall be the sum of the following subsections:

(a) Maintenance of compensation shall be calculated using each district's 1982–83 base salary established in LEAP Document 5 times the number of certificated staff units generated in section 97 (2) (a) through (d) of this act in each district times each district's particular 1982–83 average staff mix factor improved by 7.43%;

(b) Health benefits shall be calculated at the rate of \$137 per month per certificated full time equivalent staff units generated in section 97 (2) (a) through (d) of this act.

(2) The certificated compensation allocation for school year 1984–85 shall be the sum of the following subsections:

(a) Maintenance of compensation calculated by using each district's 1982–83 base salary established in LEAP Document 5 times the number of staff units generated in section 97 (2) (a) through (d) of this act times each district's particular 1983–84 average staff mix factor improved by 7.66%;

(b) Health benefits shall be calculated at the rate of \$137 per month per certificated full time equivalent staff units generated in section 97 (2) (a) through (d) of this act.

NEW SECTION. Sec. 102. BASIC EDUCATION ALLOCATION—CALCULATION OF CLASSIFIED STAFF COMPENSATION

(1) The 1983–84 basic education classified compensation allocation for each district shall be the sum of the following subsections:

(a) Maintenance of classified compensation shall be calculated using the staff units generated in section 97 (4) (a) through (c) of this act, times each district's 1982–83 average classified salary, established in LEAP Document 5, improved by 16.55%;

(b) Health benefits shall be calculated at the rate of \$137 per month per classified full time equivalent staff units generated in section 97 (4) (a) through (c) of this act.

(2) The 1984–85 basic education classified compensation allocation for each district shall be the sum of the following:

(a) Maintenance of classified compensation shall be calculated using the staff units generated in section 97 (4) (a) through (c) of this act times each district's 1982–83 average classified salary, established in LEAP Document 5, improved by 16.78%;

(b) Health benefits shall be calculated at the rate of \$137 per month per classified full time equivalent staff units generated in section 97 (4) (a) through (c) of this act.

***NEW SECTION. Sec. 103. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SALARY AND COMPENSATION INCREASES**

General Fund Appropriation \$ 71,983,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Increases provided by this section shall be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(2) Salary and insurance benefit increase funds provided by this section shall be distributed by the superintendent of public instruction as specified in this section on an allocation basis only and may be expended by school districts for any state-funded activity.

(3) A maximum of \$26,118,000 shall be distributed for insurance benefit increases for full time equivalent state-supported staff as defined in section 98(1) of this act at a rate of \$22 per month per full time equivalent staff unit in the 1983-84 school year and such amount shall be maintained in the 1984-85 school year.

(4) (a) A maximum of \$9,703,000 is provided, effective November 1, 1984, for incremental fringe benefits in section 98(2) of this act and 5.0% of the 1982-83 LEAP Document 5 state-wide average salary for state-supported basic education classified staff as defined in section 98(1) of this act. With respect to the remaining state-supported classified staff of a district as defined in section 98(1) of this act, the superintendent shall distribute a 5.0% salary increase using the pertinent program state-wide average salary for such staff.

(b) The salary increase authorized by subsection (4)(a) of this section shall be the maximum level of state-supported salary increase unless the legislature makes an upward adjustment in a subsequent legislative session.

(c) During the 1983-84 school year, the superintendent of public instruction, as part of the regular classified data reporting process, shall collect data regarding the length of service of each basic education classified employee in their particular job classification. The superintendent of public instruction shall submit a report to the legislature prior to March 1, 1984, regarding the proposed allocation methodology as required by subsection (4)(d) of this section. Such a report shall consider present practices by the state personnel board in granting increments.

(d) The superintendent of public instruction shall, during the 1984-85 school year, allocate \$400,000 of the funds allocated by subsection (4)(a) of this section to each district in accordance with its particular 1983-84 complement of staff.

(e) Pursuant to RCW 84.52.0531(3), any school district having an average classified salary as shown on LEAP Document 5 of less than \$16,513 for the 1982-83 school year may grant salary increases to classified staff in the 1983-84 school year to achieve a maximum average classified salary of

\$16,513. For purposes of allocating basic education funds in the 1984-85 school year, the superintendent shall modify LEAP Document 5 to reflect any increases given in accordance with this provision.

(5) (a) A maximum of \$36,162,000 is provided effective November 1, 1984, for incremental fringe benefits in section 98(2) of this act and 5.0% of the 1982-83 LEAP Document 5 average state-wide derived base salary times the district's 1993-84 staff mix factor (as defined in section 99(3) of this act) for state-supported basic education staff as defined in section 98(1) of this act. With respect to the remaining state-supported certificated staff of a district as defined in section 98(1) of this act, the superintendent shall distribute a 5.0% salary increase times the pertinent state-wide average derived base salary improved by the 1983-84 staff mix of each district for such staff.

(b) The salary increase authorized by subsection (5)(a) of this section shall be the maximum level of state-supported salary increase unless the legislature makes an upward adjustment in a subsequent legislative session.

(6) For purposes of RCW 28A.58.095, the following conditions and limitations apply:

(a) The sum of salary and insurance benefit increases granted by each school district for nonstate-supported staff shall not exceed those specified for state-supported staff of a district.

(b) Districts may grant increases in insurance benefits to achieve a rate of \$159.00 per individual employee in the 1983-84 and 1984-85 school years. For districts having rates greater than \$159.00 per individual employee in 1982-83, any increase granted in 1983-84 or 1984-85 shall constitute salary increase.

(c) Increments granted by school districts to certificated staff shall constitute salary increase only to the extent that the aggregate of increments granted by a district in accordance with its salary schedule exceeds the aggregate of increments pursuant to LEAP Document 1.

(7) The salary increases authorized in subsections (4) and (5) of this section shall not apply to any employee whose annual salary is \$40,000 or greater. Moneys saved pursuant to this subsection shall be placed in reserve.

*Sec. 103 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 104. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 168,874,000

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$73,364,000 may be expended in the 1983-84 fiscal year.

(2) A maximum of \$712,000 may be expended for regional transportation coordinators.

(3) A maximum of \$53,000 may be expended for driver training.

NEW SECTION. Sec. 105. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ 53,586,000

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) The 1983-84 school year appropriation is based on an enrollment of 10,638 full time equivalent students at a state support level per student of \$2,461, not including salary and insurance benefit increases.

(b) The 1984-85 school year appropriation is based on an enrollment of 11,255 full time equivalent students at a state support level per student of \$2,491, not including salary and insurance benefit increases.

(2) Not more than \$619,000 of this appropriation may be expended for adult education.

NEW SECTION. Sec. 106. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State \$ 6,000,000
General Fund Appropriation—Federal \$ 60,611,000
Total Appropriation \$ 66,611,000

NEW SECTION. Sec. 107. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED COSTS

General Fund Appropriation—State \$ 271,088,000
General Fund Appropriation—Federal \$ 27,641,000
Total Appropriation \$ 298,729,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$125,586,000 of the general fund—state appropriation may be expended in fiscal year 1983-84.

(2) The superintendent of public instruction shall allocate funds in accordance with LEAP Document 6 for school years 1983-84 and 1984-85.

(3) The superintendent shall establish a new system for district reporting of preschool handicapped enrollment which results in uniform reporting consistent with attendance laws and rules.

NEW SECTION. Sec. 108. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE TRAFFIC SAFETY PROGRAM

General Fund—Traffic Safety Education Account Appropriation \$ 17,141,000

The appropriation in this section is subject to the following condition or limitation: Not more than \$446,000 may be expended for traffic safety education coordinators.

NEW SECTION. Sec. 109. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation—State	\$	4,807,000
State Funding Sources	\$	3,664,000
Total Appropriation	\$	8,471,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Educational service districts shall be apportioned funds based upon the following schedule:

	General Fund—State	State Funding Sources
E.S.D. No. 101	\$609,000	\$610,000
E.S.D. No. 105	\$584,000	\$292,000
E.S.D. No. 112	\$491,000	\$492,000
E.S.D. No. 113	\$524,000	\$525,000
E.S.D. No. 114	\$451,000	\$226,000
E.S.D. No. 121	\$429,000	\$430,000
E.S.D. No. 123	\$569,000	\$285,000
E.S.D. No. 171	\$696,000	\$349,000
E.S.D. No. 189	\$454,000	\$455,000
Total	\$4,807,000	\$3,664,000

(2) School districts in the respective educational service districts shall provide the amounts specified from state funding sources accruing under section 97 of this act on a per capita enrollment basis prior to June 30th of each school year.

(3) Educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A-.21.088 (3) and (4).

NEW SECTION. Sec. 110. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR BLOCK GRANTS

General Fund Appropriation—State	\$	45,957,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$27,328,000 may be expended in fiscal year 1983–84.

(2) A maximum of \$4,148,000 may be allocated by the superintendent for the support of specific learning disabled programs for the 1983–84

school year as reassessment of the currently eligible students occurs as a result of changes in state regulations.

(3) Of the appropriation provided by this section, a minimum of \$28,632,000 shall be distributed as follows:

- (a) 30% on the basis of full time equivalent enrollment;
- (b) 18% on the basis of aid to families with dependent children income enrollment in the prior school year;
- (c) 12% on the basis of minority enrollment in the prior school year;
- (d) 12% on the basis of gifted enrollment in the prior school year;
- (e) 12% on the basis of racial isolation enrollment in the prior school year;
- (f) 6% on the basis of limited English speaking enrollment in the prior school year; and
- (g) 10% on the basis of Indochinese refugees as defined by federal regulation.

Except as otherwise provided, the categories of enrollment shall be defined in accordance with the allocation methodology developed by the governor's advisory committee for chapter 11 of the education consolidation and improvement act in effect for the 1982-83 school year.

(4) A maximum of \$12,900,000 may be distributed for the remaining months of the 1982-83 school year.

(5) The funds allocated by subsection (3) of this section may be expended by school districts for provision of special instructional programs, including but not limited to: Remediation assistance programs; cultural enrichment programs; transitional bilingual programs; preschool education programs; alternative education programs; community involvement programs (including PUSH-EXCEL); environmental education programs; education for superior students programs; Indian education programs; Pacific Science Center programs: PROVIDED, That school districts shall expend these funds so that any programs listed in this subsection required to be offered by law shall receive first priority.

(6) The superintendent of public instruction shall contract \$257,000 for services to support an approved gifted program to be conducted at Fort Worden state park.

(7) Salary and benefits increases are included in the funds allocated by this section.

NEW SECTION. Sec. 111. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State	\$	20,857,000
General Fund Appropriation—Federal	\$	5,450,000
Total Appropriation	\$	26,307,000

The appropriations in this section are subject to the following condition or limitation: Not more than \$3,355,783 shall be expended for support of basic education programs for juveniles confined in county detention centers.

NEW SECTION, Sec. 112. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

General Fund Appropriation—Federal	\$	93,956,000
(1) Education Consolidation and Improvement Act of 1981	\$	90,483,000
(2) Education of Indian Children	\$	367,000
(3) Adult Basic Education	\$	3,106,000

NEW SECTION, Sec. 113. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION IN 1982-83 SCHOOL YEAR SALARY INCREASES

General Fund Appropriation	\$	500,000
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The appropriation in this section is subject to the following conditions and limitations: \$500,000 shall be distributed to eligible school districts on the same basis as \$451,000 was distributed under section 74(10), chapter 50, Laws of 1982 1st ex. sess. (uncodified).

NEW SECTION, Sec. 114. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENCUMBRANCE OF FEDERAL GRANTS

General Fund Appropriation—Federal	\$	27,380,000
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NEW SECTION, Sec. 115. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS

General Fund Appropriation	\$	1,100,000
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NEW SECTION, Sec. 116. HIGHER EDUCATION

The appropriations in sections 117 through 123 of this act are subject to the following conditions and limitations:

- (1) The community colleges shall not expand ungraded offerings above the level estimated for 1981-82.
- (2) No funds may be used for the inauguration or operation of any new degree program until the program has been reviewed and favorably recommended by the council for postsecondary education.
- (3) Eastern Washington University shall not expand its enrollment or offerings in Spokane prior to the completion of the Spokane off-campus study by the office of financial management.
- (4) The research universities shall expand their self-sustaining continuing education activities for professional engineers.
- (5) The boards of regents of the University of Washington and Washington State University may waive all tuition, operating, and service and activities fees for foreign exchange students from Washington's sister

state, the Sichuan province of the People's Republic of China. Tuition and fees shall not be waived for more than a total of four students during each year of the biennium. The waiver shall not be subject to the limitations established in RCW 28B.15.740.

(6) As used in sections 117 through 123 of this act:

(a) "Comparable cost" has the meaning used in the calculation of table 2 of the Washington state higher education enrollment forecasts published by the office of financial management in January, 1983.

(b) "Regular academic year enrollments" excludes summer school enrollments except for the community colleges.

(7) The state board shall review and modify its allocation methods for enrollments to recognize any recent change in student demand and needs. In determining demand and needs, the state board shall consider the needs of new industries, with special reference to the semiconductor industry, and any other state economic growth that community college education can enhance in rural as well as metropolitan areas. In addition, reallocation of student enrollments that would maximize the highest quality educational offerings shall be considered. The state board shall report on its allocation method to the ways and means committees of the respective houses by September 1, 1983.

(8) Eastern Washington University, Central Washington University, The Evergreen State College and the state board for community college education shall expend up to \$25,000 each to conduct a program review in the manner of the recently completed review done by Western Washington University. The results of these reviews shall be reported to the ways and means committees of the respective houses by November 1, 1983.

NEW SECTION. Sec. 117. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

(1) General Fund Appropriation—Federal. \$ 9,000

(2) \$9,665,000 is appropriated from the general fund for the replacement and repair of instructional equipment.

(3) \$3,310,587 is appropriated from the general fund for the small school adjustment to Skagit Valley (fiscal year 1984 only), Whatcom, Olympia Technical, Big Bend, Peninsula, Grays Harbor, Wenatchee Valley, Centralia, Lower Columbia, and Walla Walla Community Colleges. The state board for community college education shall distribute such funds based on a ratio to be determined by the board for students below the 2,500 full time equivalent student enrollment level.

(4) \$232,526,606 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than \$1,400 per academic year averaged for the biennium. Faculty full time equivalent entitlements for direct instructional purposes shall be not less than 3,657 per year and shall not fall below the overall student-to-faculty ratio as calculated in the governor's budget request.

(5) \$75,086,000 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than \$452 per year averaged for the biennium. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of state-funded full time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment basic direct instruction.

(6) \$114,045,807 is appropriated from the general fund for general university purposes, including plant maintenance, institutional support, state board operations, and instruction.

(7) The appropriations in this section are subject to the following conditions and limitations: The community college system shall maximize enrollment opportunities for vocational students.

NEW SECTION. Sec. 118. FOR THE UNIVERSITY OF WASHINGTON

(1) Accident Fund Appropriation \$ 1,563,000

(2) Medical Aid Fund Appropriation \$ 1,563,000

(3) \$1,773,000 is appropriated from the general fund for family practice medicine education and residency programs provided for by chapter 70.112 RCW.

(4) \$163,868,272 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than \$3,147 per academic year averaged for the biennium. Faculty full time equivalent entitlements for direct instructional purposes shall be not less than 1,687 per year and shall not fall below the overall student-to-faculty ratio as calculated in the governor's budget request.

(5) \$65,387,000 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than \$1,108 per year averaged for the biennium. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of state-funded full time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment instruction.

(6) \$165,463,728 is appropriated from the general fund for general university purposes, including research, public service, hospitals, plant maintenance, institutional support, and instruction.

(7) \$6,368,000 is appropriated from the general fund for equipment replacement.

(8) \$3,900,000 is appropriated from the general fund as a special enhancement for enrichment of instructional resources in the undergraduate programs offered by the university.

NEW SECTION. Sec. 119. FOR WASHINGTON STATE UNIVERSITY

(1) \$80,069,896 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than \$2,679 per academic year averaged for the biennium. Faculty full time equivalent entitlements for direct instructional purposes shall be not less than 886 per year and shall not fall below the overall student-to-faculty ratio as calculated in the governor's budget request.

(2) \$31,692,000 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than \$990 per year averaged for the biennium. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of state-funded full time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment instruction.

(3) \$115,613,104 is appropriated from the general fund for general university purposes including research, public service, plant maintenance, institutional support, and instruction.

(4) \$120,000 is appropriated from the general fund for rodenticide research.

(5) \$2,474,000 is appropriated from the general fund for equipment.

(6) \$2,100,000 is appropriated from the general fund as a special enhancement for enrichment of instructional resources in the undergraduate programs offered by the university.

(7) The appropriations in this section are subject to the following conditions and limitations:

(a) Washington State University shall make available whatever resources are requested by the office of financial management and the council for postsecondary education pursuant to section 120(5)(b) of this act.

(b) Courses classified as "community service" in the public service program shall be provided on a self-supporting basis only.

NEW SECTION. Sec. 120. FOR EASTERN WASHINGTON UNIVERSITY

(1) \$33,304,063 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than \$2,461 per academic year averaged for the biennium. Faculty full time equivalent entitlements for direct instructional purposes shall be not less than 366 per year and shall not fall below the student-to-faculty ratio as calculated in the governor's budget request.

(2) \$11,675,000 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than \$833 per year averaged for the biennium. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of state-funded full time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment basic direct instruction.

(3) \$22,507,937 is appropriated from the general fund for general university purposes, including research, primary support, institutional support, and instruction.

(4) \$706,000 is appropriated from the general fund for equipment.

(5) The appropriations in this section are subject to the following conditions and limitations:

(a) No operating funds may be used for the lease or maintenance of the new Spokane Center Building.

(b) In order to best utilize facilities housing public university programs within the city of Spokane, the director of financial management shall provide a recommendation on the continuation and future needs of public higher education in the city of Spokane, specifically addressing opportunities for cooperative programs. The staff of the council for postsecondary education shall provide assistance as required by the office of financial management to conduct a program review of Spokane area higher education program needs. The office of financial management shall conduct a financial analysis of the Eastern Washington University Center for Higher Education located in Spokane as part of this recommendation. The office of financial management shall submit the recommendation to the legislature by October 1, 1983.

NEW SECTION. Sec. 121. FOR CENTRAL WASHINGTON UNIVERSITY

(1) \$27,676,185 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than \$2,385 per academic year averaged for the biennium. Faculty full time equivalent entitlements for direct instructional purposes shall be not less than 307 per year and shall not fall below the student-to-faculty ratio as calculated in the governor's budget request.

(2) \$11,051,000 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than \$952 per year averaged for the biennium. Support instructional resources shall be calculated as moneys identified as budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of state-funded full time equivalent regular academic

year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment basic direct instruction.

(3) \$17,509,815 is appropriated from the general fund for general university purposes, including research, plant maintenance, institutional support, and instruction.

(4) \$604,000 is appropriated from the general fund for regional university and college faculty resource equalization. These moneys may be used for faculty salary adjustments and staffing purposes.

(5) \$646,000 is appropriated from the general fund for equipment.

***NEW SECTION. Sec. 122. FOR THE EVERGREEN STATE COLLEGE**

(1) \$11,129,439 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than \$2,519 per academic year averaged for the biennium. Faculty full time equivalent entitlements for direct instructional purposes shall be not less than 125 per year and shall not fall below the overall student-to-faculty ratio as calculated in the governor's budget request.

(2) \$7,344,000 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than \$1,662 per year averaged for the biennium. Support instructional resources shall be calculated as moneys budgeted for libraries, primary support, and student services. Students shall be calculated on the basis of state-funded full time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment basic direct instruction.

(3) \$9,982,561 is appropriated from the general fund for general college purposes, including research, plant maintenance, institutional support, and instruction.

(4) \$462,000 is appropriated from the general fund for regional university and college faculty resource equalization. These moneys may be used for faculty salary adjustments and staffing purposes.

(5) \$579,000 is appropriated from the general fund for equipment.

(6) *The appropriations in this section are subject to the following conditions and limitations:*

(a) *The board of trustees of The Evergreen State College is directed to limit the use of campus space to that amount sufficient to serve enrollments of up to two thousand five hundred students during each year of the biennium.*

(b) *The board of trustees shall cooperate with the director of the department of general administration, who is directed to use such space in excess of that provided in subsection (6)(a) of this section to reduce the amount of*

leased space in Thurston County for offices, warehouses, and similar purposes as are required by elected state officials, institutions, departments, commissions, or other state agencies: PROVIDED, That this subsection (6)(b) shall not restrict the ability of The Evergreen State College from regaining that space if the college achieves an enrollment in excess of two thousand five hundred students.

*Sec. 122 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 123. FOR WESTERN WASHINGTON UNIVERSITY

(1) \$36,371,222 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than \$2,204 per academic year averaged for the biennium. Faculty full time equivalent entitlements for direct instructional purposes shall be not less than 421 per year and shall not fall below the overall student-to-faculty ratio as calculated in the governor's budget request.

(2) \$12,551,000 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than \$760 per year averaged for the biennium. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of state-funded full time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment basic direct instruction.

(3) \$17,960,778 is appropriated from the general fund for general university purposes including research, primary support, institutional support, and instruction.

(4) \$1,881,000 is appropriated from the general fund for regional university and college faculty resource equalization. These moneys may be used for faculty salary adjustments and staffing purposes.

(5) \$1,590,000 is appropriated from the general fund for equipment.

NEW SECTION. Sec. 124. FOR THE COUNCIL FOR POSTSECONDARY EDUCATION

General Fund Appropriation—State	\$	27,508,000
General Fund Appropriation—Federal	\$	3,526,000
State Educational Grant Appropriation	\$	40,000
Total Appropriation	\$	31,074,000

The appropriations in this section are subject to the following conditions and limitations:

(1) To the greatest extent possible, the council shall emphasize work study and other self-help programs in its financial assistance programs.

(2) The council staff shall provide assistance as required by the office of financial management to study the question of undergraduate and graduate education in Spokane.

(3) No less than \$24,265,713 shall be spent for student aid exclusive of agency administrative costs.

NEW SECTION. Sec. 125. FOR THE COMMISSION FOR VOCATIONAL EDUCATION

General Fund Appropriation—State	\$	1,986,000
General Fund Appropriation—Federal	\$	21,385,000
Total Appropriation	\$	23,371,000

The appropriations in this section are subject to the following conditions and limitations:

(1) No state funds may be used by the advisory council for vocational education.

(2) The commission for vocational education shall not require of the state board for community college education or the superintendent of public instruction any report or information which is not expressly required by state or federal law or rules. With any request for information, the commission for vocational education shall note on the request the specific citation of the state or federal requirement which requires the report. The commission shall keep its compliance auditing to the minimum required by federal law or rule.

(3) Before the convening of the 1984 regular session of the legislature, the director of the commission for vocational education shall submit a report to the secretary of the senate and the chief clerk of the house of representatives regarding planned improvement in administration, program planning, and program delivery. The secretary of the senate and the chief clerk of the house of representatives shall furnish the report to the appropriate standing committees of the legislature, which shall review and comment on the report's recommendations.

NEW SECTION. Sec. 126. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service		
Fund Appropriation	\$	1,309,000

NEW SECTION. Sec. 127. FOR THE STATE LIBRARY

General Fund Appropriation—State	\$	7,447,000
General Fund Appropriation—Federal	\$	2,297,000
General Fund Appropriation—Private/Local	\$	99,000
Washington Library Network Computer System Revolving Fund Appropriation—		
Private/Local	\$	7,672,000
Total Appropriation	\$	17,515,000

The appropriations in this section are subject to the following conditions and limitations: A minimum of \$75,000 of the general fund—state appropriation shall be expended for matching the costs of providing for the automation of the selection/circulation and inventory system for the Washington library for the blind and physically handicapped.

NEW SECTION. Sec. 128. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund Appropriation—State	\$	2,742,000
General Fund Appropriation—Federal	\$	800,000
Total Appropriation	\$	3,542,000

NEW SECTION. Sec. 129. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	561,000
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NEW SECTION. Sec. 130. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	471,000
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NEW SECTION. Sec. 131. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$	450,000
General Fund—State Capitol Historical Association Museum Account Appropriation	\$	90,000
Total Appropriation	\$	540,000

NEW SECTION. Sec. 132. FOR THE TEMPORARY COMMITTEE ON EDUCATION POLICY, STRUCTURE AND MANAGEMENT

General Fund Appropriation—State	\$	600,000
General Fund Appropriation—Private/Local	\$	34,000
Total Appropriation	\$	634,000

NEW SECTION. Sec. 133. FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation—State	\$	2,000,000
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The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

*NEW SECTION. Sec. 134. FOR THE GOVERNOR—SALARY AND INSURANCE CONTRIBUTION INCREASES

- (1) There is appropriated for the four-year institutions of higher education from the General Fund \$ 16,217,000
- (2) There is appropriated for the community college system from the General Fund \$ 9,179,000
- (3) There is appropriated for the department of corrections from the General Fund \$ 5,488,000

(4) There is appropriated for the department of social and health services from the:

General Fund—State	\$	11,453,000
General Fund—Federal	\$	6,951,000

(5) There is appropriated for other state agencies from the:

General Fund—State	\$	7,864,000
General Fund—Federal	\$	1,739,000

(6) There is appropriated for all state agencies from the Special Fund Salary and Insurance Contribution Increase

Revolving Fund	\$	20,354,000
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(7) The appropriations in this section shall be expended to implement:

(a) Salary increases effective not later than January 1, 1985, to implement such portion of the 1982 salary survey (catch-up results) as possible, rounded to the next range if the application results in a fractional range, for higher education classified employees, state personnel board classified and exempt employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education (excluding student employees not under the jurisdiction of the state or higher education personnel boards);

(b) Merit/market increases effective not later than January 1, 1985, and not to exceed \$3,140,000 (of which \$3,128,000 is from the general fund) for faculty and administrative exempt employees of the four-year institutions of higher education: PROVIDED, That excluding the regional university and college faculty resource equalization moneys under sections 121 through 123 of this act, no research university, regional university, or state college may grant from any fund source whatsoever any salary increases greater than that provided in this section. The increases are to be granted solely on the basis of formal merit evaluation procedures which may take into account critical market disparities in teaching disciplines. The council for postsecondary education shall report to the governor and the legislature on the implementation of the increases no later than February 15, 1985;

(c) Increases in the state's maximum contribution for employee insurance benefits effective July 1, 1983, from \$137.00 per month to \$159.00 per month per eligible employee for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and state personnel board classified and exempt employees (excluding student employees not under the jurisdiction of the state or higher education personnel boards). The monthly premium paid for insurance benefits shall not be more than the equivalent of \$159.00 per eligible employee effective July 1, 1983. Any return of funds

resulting from favorable claims experience during the 1983-85 biennium shall be held in reserve within the state employees' insurance fund.

(8) The community colleges may grant merit/market increases effective not later than January 1, 1985, and not to exceed \$2,038,000 of general fund moneys for faculty and administrative exempt employees: PROVIDED, That no community college district may grant from any fund source whatsoever any salary increase greater than that provided in this section. The council for postsecondary education shall report to the governor and the legislature on the implementation of any increases granted pursuant to this subsection no later than February 15, 1985.

(9) The compensation increases authorized in subsections (7) (a) and (b), and (8) of this section shall not apply to any state employee whose annual salary is \$40,000 or greater. Money saved pursuant to this subsection shall be placed in reserve.

(10) To facilitate payment of state employee salary increases from special funds and to facilitate payment of state employee insurance benefit increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

*Sec. 134 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 135. FOR THE GOVERNOR—SALARY INCREASES

General Fund Appropriation	\$	685,000
Special Fund Salary Increase Revolving Fund		
Appropriation	\$	825,000
Department of Personnel Service Fund Approp-		
riation	\$	14,000
Higher Education Personnel Board Service		
Fund Appropriation	\$	6,000
Total Appropriation	\$	1,530,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The state personnel board and the higher education personnel board shall develop a plan for effecting a salary increase of \$100 a year for all classes and employees indexed to salary survey benchmark classes or occupational groups averaging eight or more salary ranges below the comparable worth salary practice line as measured in the 1982 comparable worth study. Such plan shall be implemented on July 1, 1984.

(2) To facilitate payment of state employee salary increases from special funds, the state treasurer is directed to transfer sufficient amounts from each special fund to the special fund salary increase revolving fund hereby

created in accordance with schedules provided by the office of financial management.

(3) The state personnel board and the higher education personnel board shall conduct additional point evaluations as necessary.

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—RETIREMENT CONTRIBUTIONS

General Fund Appropriation \$ 506,450,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Not more than \$800,000 may be expended from the general fund appropriation for contributions to the judicial retirement system.

(2) Not more than \$550,000 may be expended from the general fund appropriation for contributions to the judges' retirement system.

(3) Not more than \$192,600,000 may be expended from the general fund appropriation for contribution to the law enforcement officers' and fire fighters' retirement system.

(4) Not more than \$312,500,000 may be expended from the general fund appropriation for contribution to the teachers' retirement system.

NEW SECTION. Sec. 137. FOR THE STATE TREASURER—TRANSFERS

General Fund—Criminal Justice Training Account Appropriation: For transfer: (1) To the Institutional Impact Account, an amount up to \$946,000; and (2) to the Crime Victims Compensation Account, an amount up to \$1,924,000, according to schedules provided by the office of financial management \$ 2,870,000

Motor Vehicle Fund Appropriation: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the Washington state patrol during the period July 1, 1983, through June 30, 1985 \$ 6,427,322

General Fund Appropriation: For transfer to the Tort Claims Revolving Fund to pay tort claim settlements for the department of corrections in the Berry case and for the commission for the blind in the Engles case \$ 529,000

Perpetual Maintenance Account Appropriation: For transfer to the Site Closure Account as authorized by the director of financial management for low-level nuclear waste site

closure purposes	\$	1,000,000
State Treasurer's Service Fund Appropriation: For transfer to the general fund on or before July 20, 1985, an amount up to \$11,450,000 in excess of the cash requirements in the State Treasurer's Service Fund for fiscal year 1986, for credit to the fiscal year in which earned.....	\$	11,450,000

NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Ex- pense Fund	\$	12,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	51,000
Teachers' Retirement Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund.....	\$	2,998,000

NEW SECTION. Sec. 139. FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for pay-
ment of supplies and services furnished in previous biennia, from the Gen-
eral Fund

	\$	905,000
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(2) The following sums, or so much thereof as shall severally be found
necessary, are hereby appropriated and authorized to be expended out of
the several funds indicated, for the period from the effective date of this act
to June 30, 1985, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims ap-
propriations to be disbursed on vouchers approved by the office of financial
management:

General Fund—Criminal Justice Training Account.....	\$	49,590
General Fund—Off-Road Vehicle Account.....	\$	141
General Fund—Snowmobile Account.....	\$	2,027
General fund—Institutional Impact Account.....	\$	13,400
General Fund—Hospital Commission Ac- count	\$	134
General Fund—State Timber Tax Reserve Account.....	\$	168
General Fund—Professional Engineers' Ac- count	\$	6,063
General Fund—Real Estate Commission Ac- count	\$	1,028

General Fund—Capital Building Construction Account	\$	1,046
General Fund—Motor Transport Account	\$	74,404
General Fund—Resource Management Cost Account	\$	1,728
General Fund—Litter Control Account	\$	18
General Fund—Traffic Safety Education Account	\$	379
General Fund—L.I.R. Waste Disposal Account	\$	11,079
General Fund—State Building Construction Account	\$	2,860
General Fund—Outdoor Recreation Account	\$	7,876
General Fund L.I.R. Water Supply Facilities Account	\$	1,715
General Fund—L.I.R. Account—Public Recreation Facilities	\$	3,173
Electrical License Fund	\$	4,489
State Game Fund	\$	15,414
Highway Safety Fund	\$	20,897
Motor Vehicle Fund	\$	55,381
Public Service Revolving Fund	\$	5,488
State Treasurer's Service Fund	\$	25,108
Legal Services Revolving Fund	\$	822
General Administration Facilities and Services Revolving Fund	\$	615
Liquor Revolving Fund	\$	15,589
Accident Fund	\$	11,904
Medical Aid Fund	\$	16,629
Plumbing Certificate Fund	\$	147
Washington Library Network Computer System Revolving Fund	\$	23
Pressure System Safety Fund	\$	13
Total Appropriation	\$	349,348

NEW SECTION. Sec. 140. FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

- (1) Michael Dittman, et al.; Payment of judgment in Dittman v. Western Washington

University, United States District Court, Western District of Washington, Cause No. C-79-1189V	\$	46,000
(2) Spokane Arcades, Inc., et al.; Payment of judgment in Spokane Arcades v. Ray, United States District Court, Eastern District of Washington, Cause No. C-77-353	\$	15,440
(3) Seattle School District No. 1, et al.; Pay- ment of judgment in Seattle School District No. 1 v. State of Washington, United States Court of Appeals, 9th Circuit, Cause Nos. 79-4643, 79-4655, 79-4676, 79-4740, 79- 4801, and 79-4802	\$	49,929
(4) Ray Beller, Compensation for damage to crops by game: PROVIDED, That payment shall be made from the Game Fund	\$	1,000
(5) Dean C. Farrens, Compensation for damage to crops by game: PROVIDED, That pay- ment shall be made from the Game Fund	\$	13,971.49
(6) Mrs. Tyler C. (Betty) Moffett, Payment in full of deceased husband's retirement con- tributions	\$	21,154.99
(7) King county, In settlement of all claims for witness fees pursuant to RCW 10.46.230 as set forth in King County v. State, Superior Court for King County, Cause No. 83-2- 02342-4	\$	37,995.07
(8) United Nursing Homes, Inc. et al.; Payment to be disbursed in accordance with settle- ment judgment in United Nursing Homes, Inc. v. Thompson, Superior Court for Thurston County, Cause No. 80-2-01170- 4	\$	1,663,355.00
(9) Jerry P. Huntley, In settlement of all claims for expenses in State v. Huntley, pursuant to RCW 9.01.200	\$	31,100.00

NEW SECTION, Sec. 141. FOR THE STATE TREASURER—
STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	4,672,212
General Fund Appropriation for refund of de- ferred property tax	\$	313,000
General Fund Appropriation for public utility district excise tax distribution	\$	22,038,408

General Fund Appropriation for prosecuting attorneys' salaries	\$	1,681,453
General Fund Appropriation for motor vehicle excise tax distribution	\$	37,458,038
General Fund Appropriation for local mass transit assistance	\$	124,194,643
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	1,509,071
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution	\$	653,749
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	20,624,310
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	204,721,141
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	51,000,000
State Timber Tax Account 'A' Appropriation for distribution to "Timber" counties	\$	15,920,000
State Timber Tax Reserve Account Appropriation for distribution to "Timber" counties	\$	14,750,000
General Fund—Municipal Sales and Use Tax Equalization Account Appropriation	\$	20,169,962
General Fund—County Sales and Use Tax Equalization Account Appropriation	\$	6,779,819
Total Appropriation	\$	526,484,806

NEW SECTION, Sec. 142. FOR THE STATE TREASURER—

FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for forest reserve fund distribution	\$	16,000,000
General Fund Appropriation for federal flood control funds distribution	\$	21,000
General Fund Appropriation for federal grazing fees distribution	\$	59,000
General Fund—Geothermal Account Appropriation	\$	253,000
Total Appropriation	\$	16,333,000

NEW SECTION, Sec. 143. FOR THE STATE TREASURER—

BOND RETIREMENT AND INTEREST

Loan Principal and Interest Fund Appropriation	\$	40,500,000
Fisheries Bond Redemption Fund 1977 Appropriation	\$	3,565,497

Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	4,240,466
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	8,778,253
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	1,641,000
Highway Bond Retirement Fund Appropria- tion	\$	124,040,434
Indian Cultural Center Construction Bond Re- demption Fund 1976 Appropriation	\$	238,000
Higher Education Bond Redemption Fund 1977 Appropriation	\$	6,489,282
Ferry Bond Retirement Fund 1977 Appropria- tion	\$	27,329,487
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,582,560
General Administration Building Bond Re- demption Fund Appropriation	\$	602,425
Juvenile Correctional Institutional Building Bond Redemption Fund 1963 Appropria- tion	\$	642,900
Public School Building Bond Redemption Fund 1965 Appropriation	\$	2,468,360
State Building and Higher Education Construc- tion Bond Redemption Fund 1965 Appropria- tion	\$	3,196,170
Spokane River Toll Bridge Account Appropria- tion	\$	883,763
Public School Building Bond Redemption Fund 1963 Appropriation	\$	8,817,239
Higher Education Bond Retirement Fund 1979 Appropriation	\$	23,378,935
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	144,440,039
Fisheries Bond Redemption Fund 1976 Appropria- tion	\$	764,596
State Building Bond Redemption Fund 1967 Appropriation	\$	656,310
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropria- tion	\$	16,102,085
Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,863,935

Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,239,010
Water Pollution Control Facilities Bond Re- demption Fund 1967 Appropriation	\$	3,949,873
State Building and Higher Education Construc- tion Bond Redemption Fund 1967 Appro- priation	\$	10,108,978
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,454,980
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	57,317,854
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,995,000
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,720,331
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,998,465
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,497,928
State Building Authority Bond Redemption Fund Appropriation	\$	9,660,830
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	270,870
University of Washington Hospital Bond Re- tirement Fund 1975 Appropriation	\$	1,156,976
Washington State University Bond Redemption Fund 1977 Appropriation	\$	561,675
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,165,125
State Building Bond Redemption Fund 1973 Appropriation	\$	3,845,698
State Building Bond Retirement Fund 1975 Appropriation	\$	1,363,500
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,279,878
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$	9,486,418
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	379,058
Community College Refunding Bond Retire- ment Fund 1974 Appropriation	\$	9,499,105
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,208,500
Total Appropriation	\$	581,381,788

NEW SECTION. Sec. 144. No appropriations in this act may be used for payment of contributions to the public employees' retirement system in excess of amounts necessary to offset the cost of benefits earned during the 1983-85 biennium. The director of the department of retirement systems shall establish contribution rates pursuant to chapter 41.40 RCW consistent with this section: PROVIDED, That the director may establish contribution rates for political subdivisions which include an allowance for the cost of any post-retirement adjustment granted in the 1983 regular session of the legislature under chapter 41.40 RCW.

NEW SECTION. Sec. 145. Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess., the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1983.

NEW SECTION. Sec. 146. Whenever allocations are made from the governor's emergency fund appropriation to an agency which is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 147. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 148. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 149. Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(1) "Provided solely" means that the specified amount may be spent only for the specified purpose. Unless otherwise stated in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

(2) "Lapse" means the termination of authority to spend an appropriation or portion of an appropriation.

(3) "FTE" means full time equivalent.

NEW SECTION. Sec. 150. 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. 151. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 20, 1983.

Passed the Senate May 20, 1983.

Approved by the Governor June 15, 1983, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State June 15, 1983.

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

"I am returning herewith without my approval as to several provisions HB 1079 entitled:

"AN ACT Relating to the budget."

The provisions I have vetoed and the reasons therefore are as follows:

1. State Auditor

On page 8, section 20, I have vetoed subsection (2), which states that:

The director of financial management shall approve sufficient payments to the state auditor in all cases of necessity under RCW 43.09.418, including but not limited to cases of suspected malfeasance, misfeasance, or fraud, notwithstanding the level of auditing activity supported by the appropriation in this section.

RCW 43.09.418 currently allows the director of the Office of Financial Management to approve payments to the State Auditor in excess of the legislative appropriation in cases of necessity. This proviso would require OFM to approve any additional payments required by the State Auditor. This proviso modifies RCW 43.09.418 and is therefore in conflict with legal findings that changes in substantive law must be made by amendment to that law and cannot be made through an appropriations act.

2. Office of Financial Management

On page 9, section 22, I have vetoed subsection (2), which states that:

The Director of Financial Management shall make every effort to limit equipment purchases by agencies so that total state general fund expenditures for equipment purchases by state agencies at the end of the 1983-85 biennium is two million dollars less than the amount appropriated for equipment in the 1983-85 biennium.

This is an example of the legislature's failure to properly address the budget issues that were before them. If the legislature felt the need to reduce the overall General Fund budget by \$2 million, it should have identified the agencies and programs it wanted to fund at a lower level. If the legislature felt the amounts requested for equipment were in excess of need, it should have identified those excesses and reduced agency budgets accordingly.

3. Economic and Revenue Forecasting Council

On page 15, I have vetoed Section 50, which states that:

NEW SECTION. Sec. 50. FOR THE ECONOMIC AND REVENUE FORECASTING COUNCIL

General Fund Appropriation \$ 804,000

The appropriation in this section is subject to the following conditions and limitations: If House Bill No. 784 is not enacted by July 1, 1983, then the appropriation in this section shall lapse.

This appropriation was contingent upon enactment of House Bill 784, which I vetoed.

4. Department of Social and Health Services (DSHS)

On page 17, I have vetoed subsection (1) of section 52 which states that:

Appropriations made by this act to the department of social and health services shall be initially allotted as required by this act. The initial allotments of all appropriations made by this act to the department of social and health services shall not be modified before October 1, 1983. Except as otherwise provided in this act, these initial allotments may be modified on and after October 1, 1983, only with the approval of the office of financial management after consultation with the ways and means committees of the senate and house of representatives: PROVIDED, That the allotment modifications shall not include transfers of moneys between sections of this act, nor shall the allotment modifications permit moneys which are provided solely for a specified purpose to be used for other than that purpose.

This proviso is a modification of substantive law and, as such, is not appropriate for an appropriations act. RCW 43.88 establishes and directs the allotment process, and any changes to that process should be incorporated into that statute.

5. DSHS - Long Term Care Services

On page 23, I have vetoed the second sentence of subsection (1) of section 56, which states that:

These services shall be provided in the least restrictive and most cost-effective manner appropriate for individual clients.

I am concerned that this section could create internal inconsistencies. It is not realistic to require any system-wide approach to be capable of responding to each client's individually perceived needs. While I expect the department to make every effort to provide a coherent system of long-term care services, the language in this section might result in individual client expectations that cannot be reasonably met, and thus expose the state to lawsuits. Directives such as this are modifications of substantive law, and, if added, should be amendments to statutes, not imposed by way of the appropriations act.

6. DSHS - Income Assistance

On page 26, I have vetoed subsection (2) of section 57, which states that:

The department shall develop and submit to the federal department of health and human services a work incentive demonstration project proposal to allow administration of the work incentive program to be solely borne by the department of social and health services. Before implementation of the proposal, but not later than December 1, 1983, the department shall report to the senate and house of

representatives. The report shall advise the legislature regarding effects of the proposal on (a) the administration of the work incentive program, (b) the receipt of federal funds for the program, and (c) expected client outcomes under the proposal.

Currently, the WIN program is a joint effort of the Employment Security Department and the Department of Social and Health Services. The program's goal is to achieve a reduction in welfare dependency by helping AFDC recipients to become self-sufficient. The WIN program has two essential elements, which are (1) to ensure the health and welfare of the participants and (2) to secure unsubsidized gainful employment for them. Because of these requirements, both agencies should be integral parts of the program.

7. K - 12 Compensation Increases

On page 49, I have vetoed subsection (1) of section 97, which permits the November, 1984, pay increase to be accelerated by up to fourteen months.

This portion of the act is flawed in several respects. First, it does not relate to the title of the act, having nothing to do with appropriations. The prior legislature's action in adopting House Bill 166 was intended to limit salary increases to funded increases properly included under an appropriation act title. Second, it authorizes salary increases at local districts but provides no funds. The vetoed language could cost local school districts or the state up to \$80 million, enough to employ over 2,400 classroom teachers during the fourteen-month period. It is possible that authorized but unfunded increases paid after Judge Doran's July 1, 1984, deadline would become an obligation of the state.

If the legislature wishes to grant salary increases, it must accept the responsibility for funding those increases. If it wishes to abolish salary controls or to increase average class sizes, it must amend existing state laws on these subjects.

In vetoing section 97 (1), I was forced to eliminate language imposing a penalty for violation of state salary guidelines. I expect the legislature to reenact such a penalty at its next session. In the interim, it should be remembered that any contract granting increases in excess of state guidelines violates RCW 28A.58.095 and is not a legal agreement. I expect local school boards to continue to obey the law.

8. K - 12 Health Insurance Benefits

On page 57, I have vetoed subsection 103 (6) (b), which would have permitted districts to increase health insurance benefits up to a rate of \$159 per individual. This language contains the same flaws as subsection 97 (1). The legislature has failed to provide the up-to-\$24 million needed to fund this increase. The most recent data available, for 1981-82, show that districts, on average, follow the state funding practice by providing benefits on a full-time-equivalent basis. While the intent is laudable, failure to provide the needed funding is fiscally irresponsible.

9. Salary Increase Lid

On page 58, section 103, I have vetoed subsection (7), which states that:

The salary increases authorized in subsections (4) and (5) of this section shall not apply to any employee whose annual salary is \$40,000 or greater. Money saved pursuant to this subsection shall be placed in reserve.

On page 75, section 134, I have vetoed subsection (9), which states that:

The compensation increases authorized in subsections (7) (a) and (b), and (8) of this section shall not apply to any state employee whose annual salary is \$40,000 or greater. Money saved pursuant to this section shall be placed in reserve.

This type of salary limit is unfair, arbitrary, and unnecessary. It is this type of salary-setting policy that causes the greatest difficulty in the recruitment and retention of quality state employees and faculty.

10. The Evergreen State College

On page 69, I have vetoed subsection (6) of section 122, which states that:

The appropriations in this section are subject to the following conditions and limitations:

(a) The board of trustees of The Evergreen State College is directed to limit the use of campus space to that amount sufficient to serve enrollments of up to two thousand five hundred students during each year of the biennium.

(b) The board of trustees shall cooperate with the director of the department of general administration, who is directed to use such space in excess of that provided in subsection (6) (a) of this section to reduce the amount of leased space in Thurston County for offices, warehouses, and similar purposes as are required by elected state officials, institutions, departments, commissions, or other state agencies: PROVIDED, That this subsection (6) (b) shall not restrict the ability of The Evergreen State College from regaining that space if the college achieves an enrollment in excess of two thousand five hundred students.

This proviso restricts Evergreen's use of its own campus and improperly delegates authority over the campus facilities to the Department of General Administration. The college currently rents space to state agencies and will continue this practice to the extent the trustees feel appropriate.

With the exceptions of the aforementioned sections, which I have vetoed, HB 1079 is approved."



WASHINGTON LAWS

1983 SECOND EXTRAORDINARY SESSION

CHAPTER 1

[Engrossed Substitute House Bill No. 605]

CONVENTION AND TRADE CENTER—AUTHORITY—BONDS—
CONTRACT SURETY BONDS—APPROPRIATION

AN ACT Relating to the state convention and trade center; amending section 1, chapter 34, Laws of 1982 and RCW 67.40.010; amending section 2, chapter 34, Laws of 1982 and RCW 67.40.020; amending section 3, chapter 34, Laws of 1982 and RCW 67.40.030; amending section 4, chapter 34, Laws of 1982 and RCW 67.40.040; amending section 6, chapter 34, Laws of 1982 and RCW 67.40.060; amending section 3, chapter 12, Laws of 1967 ex. sess. and RCW 48.30.270; making appropriations; and declaring an emergency.

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

Sec. 1. Section 1, chapter 34, Laws of 1982 and RCW 67.40.010 are each amended to read as follows:

The legislature finds and declares as the express purpose of this chapter:

(1) The convention and trade show business will provide both direct and indirect civic and economic benefits to the people of the state of Washington.

(2) The location of a state convention and trade center in the city of Seattle will particularly benefit and increase the occupancy of larger hotels and other lodging facilities in the city of Seattle and to a lesser extent in King county.

(3) Imposing a special excise tax on the price of lodging in Seattle, and at a lower rate elsewhere in King county, is an appropriate method of paying for a substantial part of the cost of constructing, maintaining, and operating a state convention and trade center.

Sec. 2. Section 2, chapter 34, Laws of 1982 and RCW 67.40.020 are each amended to read as follows:

The governor is authorized to form a public nonprofit corporation in the same manner as a private nonprofit corporation is formed under chapter 24.03 RCW. The public corporation shall be an instrumentality of the state and have all the powers and be subject to the same restrictions as are permitted or prescribed to private nonprofit corporations, but shall exercise those powers only for carrying out the purposes of this chapter and those purposes necessarily implied therefrom. The governor shall appoint a board of nine directors for the corporation who shall serve terms of six years, except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. The directors may provide for the payment of their expenses. The corporation may cause a state convention and trade center with an overall size of approximately three hundred thousand square feet to be designed and constructed on a site in the city of Seattle. In acquiring, designing, and constructing the state convention and trade center, the corporation shall consider the recommendations

and proposals issued on December 11, 1981, by the joint select committee on the state convention and trade center.

The corporation may acquire and transfer real and personal property by lease, purchase, or sale, and further acquire property by condemnation of privately owned ((land)) property or rights to and interests in such property pursuant to the procedure in chapter 8.04 RCW, or gift, accept grants, request the financing provided for in RCW 67.40.030, cause the state convention and trade center facilities to be constructed, and do whatever is necessary or appropriate to carry out those purposes. In order to allow the corporation flexibility to secure appropriate insurance by negotiation, the corporation is exempt from RCW 48.30.270. The corporation shall maintain, operate, promote, and manage the state convention and trade center.

Sec. 3. Section 3, chapter 34, Laws of 1982 and RCW 67.40.030 are each amended to read as follows:

For the purpose of providing funds for the state convention and trade center, the state finance committee is authorized to issue, upon request of the corporation formed under RCW 67.40.020 and in a single offering, general obligation bonds of the state of Washington in the sum of ninety-nine million dollars, or so much thereof as may be required, to finance this project and all costs incidental thereto, to capitalize all or a portion of interest during construction, to provide for expansion, renovation, and contingency costs of the center, and to reimburse the general fund for expenditures in support of the project. The state finance committee may make such bond covenants as it deems necessary to carry out the purposes of this section and this chapter. No bonds authorized in this section may be offered for sale without prior legislative appropriation.

Sec. 4. Section 4, chapter 34, Laws of 1982 and RCW 67.40.040 are each amended to read as follows:

The proceeds from the sale of the bonds authorized in RCW 67.40.030, earnings from the investment of the proceeds, proceeds of the tax imposed under RCW 67.40.090, and operating revenues of the state convention and trade center shall be deposited in the state convention and trade center account hereby created in the general fund, and in such subaccounts as are deemed appropriate by the directors of the corporation.

Moneys in the account shall be used exclusively for the following purposes in the following ((order)) priority:

- (1) For reimbursement of the state general fund under RCW 67.40.060;
- (2) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;
- (3) For acquisition, design, and construction of the state convention and trade center;
- (4) For operation and promotion of the center;
- (5) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center;

(6) ~~((For early retirement of the bonds issued under RCW 67.40.030: (7)))~~ To establish a ~~((sinking fund))~~ subaccount of up to fifty million dollars for expansion or renovation of the center;

(7) For early retirement of the bonds issued under RCW 67.40.030; and

(8) To reduce or eliminate the tax imposed under RCW 67.40.090.

PROVIDED, That no proceeds from the sale of bonds or earnings from the investment of the proceeds shall be used to fund subsection (4) or (8) of this section.

Sec. 5. Section 6, chapter 34, Laws of 1982 and RCW 67.40.060 are each amended to read as follows:

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in RCW 67.40.030.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on that payment date. On each date on which any interest or principal and interest is due, the state treasurer shall cause an identical amount to be paid out of the state convention and trade center account from the proceeds of the special excise tax imposed under RCW 67.40.090 ~~((and))~~, operating revenues of the state convention and trade center, and bond proceeds and earnings on the investment of bond proceeds, for deposit in the general fund of the state treasury. Any deficiency in such ~~((excise tax))~~ transfer shall be made up as soon as ~~((such))~~ special excise taxes are available for transfer and shall constitute a continuing obligation of the state convention and trade center account until all deficiencies are fully paid.

Bonds issued under RCW 67.40.030 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

Sec. 6. Section 3, chapter 12, Laws of 1967 ex. sess. and RCW 48.30-.270 are each amended to read as follows:

(1) No officer or employee of this state, or of any public agency, public authority or public corporation except a public corporation or public authority created pursuant to agreement or compact with another state, and no person acting or purporting to act on behalf of such officer or employee, or public agency or public authority or public corporation, shall, with respect to any public building or construction contract which is about to be, or which has been competitively bid, require the bidder to make application to, or to furnish financial data to, or to obtain or procure, any of the surety bonds or contracts of insurance specified in connection with such contract, or specified by any law, general, special or local, from a particular insurer or agent or broker.

(2) No such officer or employee or any person, acting or purporting to act on behalf of such officer or employee shall negotiate, make application for, obtain or procure any of such surety bonds or contracts of insurance, except contracts of insurance for builder's risk or owner's protective liability, which can be obtained or procured by the bidder, contractor or subcontractor.

(3) This section shall not be construed to prevent the exercise by such officer or employee on behalf of the state or such public agency, public authority, or public corporation of its right to approve the form, sufficiency or manner or execution of the surety bonds or contracts of insurance furnished by the insurer selected by the bidder to underwrite such bonds, or contracts of insurance.

(4) Any provisions in any invitation for bids, or in any of the contract documents, in conflict with this section are declared to be contrary to the public policy of this state.

(5) A violation of this section shall be subject to the penalties provided by RCW 48.01.080.

(6) This section shall not apply to the public nonprofit corporation authorized under RCW 67.40.020.

NEW SECTION. Sec. 7. There is reappropriated from the state convention and trade center account of the general fund to the state convention and trade center corporation for the biennium ending June 30, 1985, \$93,760,000 to carry out the purposes of chapter 34, Laws of 1982.

NEW SECTION. Sec. 8. There is appropriated from the state convention and trade center account of the general fund to the state convention and trade center corporation for the biennium ending June 30, 1985, \$2,024,360 for operational costs of the convention and trade center corporation.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the House May 25, 1983.

Passed the Senate May 25, 1983.

Approved by the Governor June 13, 1983.

Filed in Office of Secretary of State June 13, 1983.

CHAPTER 2

[Reengrossed Substitute Senate Bill No. 3290] AQUATIC LANDS—LEASES

AN ACT Relating to aquatic lands; creating new sections; repealing section 2, chapter 97, Laws of 1979 ex. sess., section 2, chapter 117, Laws of 1982, section 176, chapter 21, Laws of 1982 1st ex. sess and RCW 79.01.525; providing an expiration date; and declaring an emergency.

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

NEW SECTION. Sec. 1. From April 3, 1982, until September 30, 1984, the annual rent for an existing lease, renewed lease, or release of public tidelands, shorelands, beds of navigable waters, and harbor areas shall be the rent paid on such lease on January 1, 1981, which may be increased up to six percent per year, not compounded, from April 3, 1982, until September 30, 1984. From April 3, 1982 until September 30, 1984, the annual rent for a new lease entered into after January 1, 1981, shall be the rent paid January 1, 1981, for comparable public tidelands, shorelands, beds of navigable waters, and harbor areas leased for similar purposes. From April 3, 1982, until September 30, 1984, such rent on new leases may be increased up to six percent per year, not compounded, from the January 1, 1981 rent paid. The annual rent paid on January 1, 1981, means the actual rent paid on that date including any stair-stepped or other incremental rent payments of the full rental value. Any lessee of public tidelands, shorelands, beds of navigable waters and harbor areas paying more than the rent permitted under this section shall receive a credit, in the appropriate amount, on future rent owing for such lease or any other leases entered into by the lessee on public tidelands, shorelands, beds of navigable waters, and harbor areas: **PROVIDED**, That if any such leases terminate prior to the lessee being granted full credit for the overpaid rent, the lessee shall be reimbursed for the remaining overpayment in money. This section does not apply to geoduck harvesting, clam harvesting, or oyster bed leases which are established by a competitive bid process.

The department of natural resources shall adopt and implement rules to implement this section, including methods and procedures for establishing rent, within ninety days of the effective date of this act. This section shall have both retrospective and prospective effect. This section shall expire and have no further legal effect after September 30, 1984.

NEW SECTION. Sec. 2. The abutting residential owner to state-owned shorelands, tidelands, or related beds of navigable waters, other than harbor areas, may install and maintain without charge a dock on such areas if used exclusively for private recreational purposes and the area is not subject to prior rights. This permission is subject to applicable local regulation governing construction, size, and length of the dock. This permission may be revoked by the department upon finding of public necessity which is limited to the protection of waterward access or ingress rights of other landowners or public health and safety. The revocation may be appealed as a contested case under chapter 34.04 RCW. Nothing in this section prevents the abutting owner from obtaining a lease if otherwise provided by law.

NEW SECTION. Sec. 3. Section 2, chapter 97, Laws of 1979 ex. sess., section 2, chapter 117, Laws of 1982, section 176, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.01.525 are each repealed.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 25, 1983.

Passed the House May 25, 1983.

Approved by the Governor June 13, 1983.

Filed in Office of Secretary of State June 13, 1983.

CHAPTER 3

[2nd Reengrossed Senate Bill No. 3909]

TAXES—GENERAL REVISIONS—BORDER COUNTIES—TELEPHONE
SERVICES—AIRCRAFTS—BOATS—TIMBER

AN ACT Relating to revenue and taxation; amending section 3, chapter 65, Laws of 1970 ex. sess. as amended by section 1, chapter 9, Laws of 1983 and RCW 82.04.255; amending section 82.04.290, chapter 15, Laws of 1961 as last amended by section 2, chapter 9, Laws of 1983 and RCW 82.04.290; amending section 3, chapter 9, Laws of 1983 and RCW 82.04....; amending section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. as last amended by section 4, chapter 9, Laws of 1983 and RCW 82.04.2901; reenacting and amending section 16, chapter 10, Laws of 1982 as last amended by section 4, chapter ___ (SSB 3244), Laws of 1983 1st ex. sess. and by section 4, chapter ___ (SHB 72), Laws of 1983 1st ex. sess. and RCW 82.04.260; amending section 31, chapter 35, Laws of 1982 1st ex. sess. as last amended by section 8, chapter 7, Laws of 1983 and RCW 82.02.030; amending section .14.02, chapter 79, Laws of 1947 as last amended by section 1, chapter 10, Laws of 1982 2nd ex. sess. and RCW 48.14.020; amending section 2, chapter 278, Laws of 1957 as last amended by section 18, chapter 35, Laws of 1982 1st ex. sess. and RCW 54.28.020; amending section 6, chapter 366, Laws of 1977 ex. sess. as amended by section 19, chapter 35, Laws of 1982 1st ex. sess. and RCW 54.28.025; amending section 24—A added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 158, Laws of 1935 as last amended by section 23, chapter 35, Laws of 1982 1st ex. sess. and RCW 66.24.210; amending section 24, chapter 62, Laws of 1933 ex. sess. as last amended by section 24, chapter 35, Laws of 1982 1st ex. sess. and RCW 66.24.290; amending section 82.08.150, chapter 15, Laws of 1961 as last amended by section 3, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.08.150; amending section 82.16.020, chapter 15, Laws of 1961 as last

amended by section 1, chapter 5, Laws of 1982 2nd ex. sess. and RCW 82.16.020; amending section 82.20.010, chapter 15, Laws of 1961 as amended by section 7, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.20.010; amending section 82.24.020, chapter 15, Laws of 1961 as last amended by section 8, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.24.020; amending section 82.26.020, chapter 15, Laws of 1961 as last amended by section 9, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.26.020; amending section 2, chapter 98, Laws of 1980 as last amended by section 6, chapter 284, Laws of 1983 and RCW 82.27.020; amending section 3, chapter 61, Laws of 1975-'76 2nd ex. sess. as amended by section 11, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.29A.030; amending section 82.44.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 14, Laws of 1982 2nd ex. sess. and RCW 82.44.020; amending section 28A.45-.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 14, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.45.060; amending section 82.48.010, chapter 15, Laws of 1961 as last amended by section 239, chapter 158, Laws of 1979 and RCW 82.48.010 amending section 82.48.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.030 amending section 82.32.090, chapter 15, Laws of 1961 as last amended by section 32, chapter 7, Laws of 1983 and RCW 82.32.090; amending section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 3, chapter 144, Laws of 1981 and RCW 82.04.050; amending section 82.04.060, chapter 15, Laws of 1961 and RCW 82.04.060; amending section 82.04.190, chapter 15, Laws of 1961 as last amended by section 2, chapter 90, Laws of 1975 1st ex. sess. and RCW 82.04.190; amending section 82.04.460, chapter 15, Laws of 1961 as amended by section 9, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.460; amending section 82.04.470, chapter 15, Laws of 1961 as amended by section 43, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.04.470; amending section 3, chapter 94, Laws of 1970 ex. sess. as last amended by section 1, chapter 211, Laws of 1982 and RCW 82.14.020; amending section 82.16.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1982 2nd ex. sess. and RCW 82.16.010; amending section 6, chapter 134, Laws of 1972 ex. sess. as last amended by section 7, chapter 99, Laws of 1983 and RCW 35.21.710; amending section 7, chapter 134, Laws of 1972 ex. sess. as amended by section 7, chapter 144, Laws of 1981 and RCW 35A.82.050; amending section 8, chapter 144, Laws of 1981 and RCW 35.21.712; amending section 9, chapter 144, Laws of 1981 and RCW 35A.82.055; amending section 10, chapter 144, Laws of 1981 and RCW 35-.21.714; amending section 11, chapter 144, Laws of 1981 and RCW 35A.82.060; amending section 2, chapter 49, Laws of 1982 1st ex. sess. and RCW 35.21.860; amending section 80.04.270, chapter 14, Laws of 1961 as amended by section 5, chapter 144, Laws of 1981 and RCW 80.04.270; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 6, chapter 7, Laws of 1983 and RCW 82.08.020; amending section 9, chapter 7, Laws of 1983 and RCW 82.____; amending section 16, chapter 7, Laws of 1983 and RCW 88.____; amending section 18, chapter 7, Laws of 1983 and RCW 88.____; amending section 15, chapter 7, Laws of 1983 and RCW 88.____; amending section 22, chapter 7, Laws of 1983 and RCW 88.____; amending section 84.36.080, chapter 15, Laws of 1961 as amended by section 23, chapter 7, Laws of 1983 and RCW 84.36.080; amending section 33, chapter 7, Laws of 1983 and RCW 82.32.____; amending section 1, chapter 347, Laws of 1977 ex. sess. as last amended by section 2, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.071; amending section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. as last amended by section 4 of this 1983 act and RCW 82.04.2901; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 41 of this 1983 act and RCW 82.08.020; amending section 1, chapter 7, Laws of 1981 as last amended by section 27, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.32.045; adding a new section to chapter 39.64 RCW; adding a new section to chapter 43.06 RCW; adding a new section to chapter 43.51 RCW; adding new sections to chapter 82.____ RCW (sections 9 through 13, chapter 7, Laws of 1983); adding new sections to chapter 88.____ RCW (sections 14 through 22, chapter 7, Laws of 1983); adding a new section to chapter 82.02 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 84.09 RCW; repealing section 10, chapter 172, Laws of 1981 and RCW 82.04.265; making an appropriation; providing effective dates; and declaring an emergency.

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

Sec. 1. Section 3, chapter 65, Laws of 1970 ex. sess. as amended by section 1, chapter 9, Laws of 1983 and RCW 82.04.255 are each amended to read as follows:

Upon every person engaging within the state as a real estate broker; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ~~((two)) 1.50 percent ((until and including June 30, 1983, and one percent thereafter))~~; PROVIDED, That this tax shall be imposed only if all of the amendments contained in sections 2 through 4 of this 1983 act become law.

The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that portion of the commission paid to salesmen or associate brokers in the same office on a particular transaction: PROVIDED, HOWEVER, That where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each brokerage office shall pay the tax only upon their respective shares of said commission: AND PROVIDED FURTHER, That where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction.

Sec. 2. Section 82.04.290, chapter 15, Laws of 1961 as last amended by section 2, chapter 9, Laws of 1983 and RCW 82.04.290 are each amended to read as follows:

Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ~~((two)) 1.50 percent ((until and including June 30, 1983, and one percent thereafter))~~; PROVIDED, That this tax shall be imposed only if all of the amendments contained in sections 1, 3, and 4 of this 1983 act become law. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

Sec. 3. Section 3, chapter 9, Laws of 1983 and RCW 82.04.... are each amended to read as follows:

(1) 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 under RCW 82.04.220 through 82.04.240, inclusive, and RCW 82.04.260 through 82.04.280, inclusive, an additional tax equal to ~~((thirty=two))~~ ten percent multiplied by the tax payable under RCW 82.04.220 through 82.04.240, inclusive, and RCW 82.04.260 through 82.04.280, inclusive: PROVIDED, That this additional tax shall be imposed only if all of the amendments contained in sections 1, 2, and 4 of this 1983 act become law.

(2) There is also levied and shall be collected from every person for the act or privilege of engaging in the business activity of making sales at retail which are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261 ~~((or)),~~ 82.08.0262, or 82.08.0263, as a part of the tax imposed under RCW 82.04.250, an additional tax equal to ~~((thirty=two))~~ ten percent multiplied by the tax payable on those activities under RCW 82.04.250: PROVIDED, That this additional tax shall be imposed only if all of the amendments contained in sections 1, 2, and 4 of this 1983 act become law.

(3) To facilitate collection of these additional taxes, 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, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

~~((4) This section shall expire July 1, 1983;))~~

Sec. 4. Section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. as last amended by section 4, chapter 9, Laws of 1983 and RCW 82.04.2901 are each amended to read as follows:

~~((From and after the first day of April, 1982, until and including the thirtieth day of June, 1983;))~~ There is levied and shall be collected from every person, other than persons taxed under RCW 82.04.... (section 3 ~~((of this 1983 act)),~~ chapter 9, Laws of 1983), for the act or privilege of engaging in business activities, as a part of the tax imposed by the provisions of RCW 82.04.250, an additional tax equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under the provisions of RCW 82.04.250: PROVIDED, That as to such persons making sales at retail in border counties other than retail sales of telephone services, as defined in section 24 of this 1983 act, such additional tax shall be levied and collected from such persons ~~((making sales at retail in border counties))~~ with respect to such sales in border counties in an amount equal to thirty-two percent multiplied by the tax payable under the provisions of RCW 82.04.250: PROVIDED FURTHER, That the additional tax under this section shall be imposed only if all of the amendments contained in sections 1 through 3 of this 1983 act become law.

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, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

Sec. 5. Section 16, chapter 10, Laws of 1982 as last amended by section 4, chapter ___ (SSB 3244), Laws of 1983 1st ex. sess. and by section 4, chapter ___ (SHB 72), Laws of 1983 1st ex. sess. and RCW 82.04.260 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the

tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three one-hundredths of one percent.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further

movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.21F RCW, multiplied by the rate of thirty percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of one percent.

Sec. 6. Section 31, chapter 35, Laws of 1982 1st ex. sess. as last amended by section 8, chapter 7, Laws of 1983 and RCW 82.02.030 are each amended to read as follows:

(1) The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.290(1), 82.16.020(2), 82.20.010(2), 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.44.020(5), and 82.45.060(2) shall be seven percent (~~(-PROVIDED, That the additional tax imposed by RCW 82.44.020(5) shall be continued at the rate of three percent for the period July 1 through September 30, 1983));~~

(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent;

(3) The rate of the additional taxes under RCW 82.24.020(2) shall be fifteen percent; and

(4) The rate of the additional taxes under RCW 48.14.020(3) shall be four percent.

Sec. 7. Section .14.02, chapter 79, Laws of 1947 as last amended by section 1, chapter 10, Laws of 1982 2nd ex. sess. and RCW 48.14.020 are each amended to read as follows:

(1) Subject to other provisions of this chapter, each authorized insurer except title insurers shall on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax on premiums. Except as provided in subsection (2) of this section, such tax shall be in the amount of two and sixteen one-hundredths percent of all premiums,

excluding amounts returned to or the amount of reductions in premiums allowed to holders of industrial life policies for payment of premiums directly to an office of the insurer, collected or received by the insurer during the preceding calendar year in the case of foreign and alien insurers, and in the amount of one and sixteen one-hundredths percent of all such premiums in the case of domestic insurers, for direct insurances, other than ocean marine and foreign trade insurances, after deducting premiums paid to policyholders as returned premiums, upon risks or property resident, situated, or to be performed in this state. For the purposes of this section the consideration received by an insurer for the granting of an annuity shall not be deemed to be a premium.

(2) In the case of insurers which require the payment by their policyholders at the inception of their policies of the entire premium thereon in the form of premiums or premium deposits which are the same in amount, based on the character of the risks, regardless of the length of term for which such policies are written, such tax shall be in the amount of two and sixteen one-hundredths percent of the gross amount of such premiums and premium deposits upon policies on risks resident, located, or to be performed in this state, in force as of the thirty-first day of December next preceding, less the unused or unabsorbed portion of such premiums and premium deposits computed at the average rate thereof actually paid or credited to policyholders or applied in part payment of any renewal premiums or premium deposits on one-year policies expiring during such year.

(3) ~~((From and after the first day of April, 1982, until and including the thirtieth day of June, 1983;))~~ An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the taxes payable under subsections (1) ~~((and))~~, (2), and (4) of this section. All revenues from this additional tax shall be deposited in the state general fund.

(4) Each authorized insurer shall with respect to all ocean marine and foreign trade insurance contracts written within this state during the preceding calendar year, on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax of ninety-one one-hundredths of one percent on its gross underwriting profit. Such gross underwriting profit shall be ascertained by deducting from the net premiums (i.e., gross premiums less all return premiums and premiums for reinsurance) on such ocean marine and foreign trade insurance contracts the net losses paid (i.e., gross losses paid less salvage and recoveries on reinsurance ceded) during such calendar year under such contracts. In the case of insurers issuing participating contracts, such gross underwriting profit shall not include, for computation of the tax prescribed by this subsection, the amounts refunded, or paid as participation dividends, by such insurers to the holders of such contracts.

(5) The state does hereby preempt the field of imposing excise or privilege taxes upon insurers or their agents, other than title insurers, and no

county, city, town or other municipal subdivision shall have the right to impose any such taxes upon such insurers or their agents.

(6) If an authorized insurer collects or receives any such premiums on account of policies in force in this state which were originally issued by another insurer and which other insurer is not authorized to transact insurance in this state on its own account, such collecting insurer shall be liable for and shall pay the tax on such premiums.

(7) This section shall be effective as to and shall govern the payment of all taxes due for calendar year 1982 and thereafter.

Sec. 8. Section 2, chapter 278, Laws of 1957 as last amended by section 18, chapter 35, Laws of 1982 1st ex. sess. and RCW 54.28.020 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every district a tax for the act or privilege of engaging within this state in the business of operating works, plants or facilities for the generation, distribution and sale of electric energy. With respect to each such district, except with respect to thermal electric generating facilities taxed under RCW 54.28-.025, such tax shall be the sum of the following amounts: (a) Two percent of the gross revenues derived by the district from the sale of all electric energy which it distributes to consumers who are served by a distribution system owned by the district; (b) five percent of the first four mills per kilowatt-hour of wholesale value of self-generated energy distributed to consumers by a district; (c) five percent of the first four mills per kilowatt-hour of revenue obtained by the district from the sale of self-generated energy for resale.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section ~~((for April, 1982, through June, 1983)).~~

Sec. 9. Section 6, chapter 366, Laws of 1977 ex. sess. as amended by section 19, chapter 35, Laws of 1982 1st ex. sess. and RCW 54.28.025 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every district operating a thermal electric generating facility, as defined in RCW 54.28.010 as now or hereafter amended, having a design capacity of two hundred fifty thousand kilowatts or more, located on a federal reservation, which is placed in operation after September 21, 1977, a tax for the act or privilege of engaging within the state in the business of generating electricity for use or sale, equal to one and one-half percent of wholesale value of energy produced for use or sale, except energy used in the operation of component parts of the power plant and associated transmission facilities under control of the person operating the power plant.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section ~~((for April, 1982, through June, 1983)).~~

Sec. 10. Section 24-A added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 158, Laws of 1935 as last amended by section 23, chapter 35, Laws of 1982 1st ex. sess. and RCW 66.24.210 are each amended to read as follows:

(1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) ~~((From and after the first day of May, 1982, until and including the thirtieth day of June, 1983,))~~ An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

Sec. 11. Section 24, chapter 62, Laws of 1933 ex. sess. as last amended by section 24, chapter 35, Laws of 1982 1st ex. sess. and RCW 66.24.290 are each amended to read as follows:

(1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the

beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps herein provided for need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) (~~From and after the first day of May, 1982, until and including the thirtieth day of June, 1983,)~~ An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) The tax imposed under this section shall not apply to "strong beer" as defined in this title.

Sec. 12. Section 82.08.150, chapter 15, Laws of 1961 as last amended by section 3, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.08.150 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to class H licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits, or strong beer in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to class H licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(4) (~~From and after the first day of May, 1982, until and including the thirtieth day of June, 1983,)~~ An additional tax is imposed equal to the rate

specified in RCW 82.02.030 multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) The tax imposed in RCW 82.08.020, as now or hereafter amended, shall not apply to sales of spirits or strong beer in the original package.

(6) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

(7) As used in this section, the terms, "spirits," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 13. Section 82.16.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 5, Laws of 1982 2nd ex. sess. and RCW 82.16.020 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Railroad, express, railroad car, water distribution, light and power, ((telephone)) and telegraph businesses: Three and six-tenths percent;

(b) Gas distribution business: Three and six-tenths percent;

(c) Urban transportation business: Six-tenths of one percent;

(d) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(e) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent.

(2) ~~((From and after the first day of April, 1982, until and including the thirtieth day of June, 1983,))~~ An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 14. Section 82.20.010, chapter 15, Laws of 1961 as amended by section 7, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.20.010 are each amended to read as follows:

(1) There is levied and there shall be collected a tax upon conveyances as follows: On any deed, instrument, or writing (unless deposited in escrow before May 1, 1935), whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser, or any other person by his direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds one hundred dollars and does not exceed five hundred dollars or fractional part

thereof, fifty cents; and for each additional five hundred dollars or fractional part thereof, fifty cents.

(2) (~~From and after the first day of May, 1982, until and including the thirtieth day of June, 1983;~~) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) This section shall not apply to any instrument or writing, given to secure a debt, nor to any conveyance to the state.

Sec. 15. Section 82.24.020, chapter 15, Laws of 1961 as last amended by section 8, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.24.020 are each amended to read as follows:

(1) There is levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eight and one-half mills per cigarette. For purposes of this chapter and RCW 28A.47.440, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his designee by a person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

(2) (~~From and after the first day of May, 1982, until and including the thirtieth day of June, 1983;~~) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section, RCW 82.24.025, and 28A.47.440.

Sec. 16. Section 82.26.020, chapter 15, Laws of 1961 as last amended by section 9, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.26.020 are each amended to read as follows:

(1) From and after June 1, 1971, there is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of forty-five percent of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

(2) (~~From and after the first day of May, 1982, until and including the thirtieth day of June, 1983;~~) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 17. Section 2, chapter 98, Laws of 1980 as last amended by section 6, chapter 284, Laws of 1983 and RCW 82.27.020 are each amended to read as follows:

(1) In addition to all other taxes, licenses, or fees provided by law there is established an excise tax on the commercial possession of food fish, shellfish, and anadromous game fish as provided in this chapter. The tax is levied upon and shall be collected from the owner of the food fish, shellfish, or anadromous game fish whose possession constitutes the taxable event. The taxable event is the first possession by an owner after the food fish, shellfish, or anadromous game fish have been landed. Processing and handling of food fish, shellfish, and anadromous game fish by a person who is not the owner is not a taxable event to the processor or handler.

(2) A person in possession of food fish, shellfish, and anadromous game fish and liable to this tax may deduct from the price paid to the person from which the food fish, shellfish (except oysters), or anadromous game fish are purchased an amount equal to a tax at one-half the rate levied in this section upon these products.

(3) The measure of the tax is the price paid by the first person in possession of the food fish, shellfish, or anadromous game fish. If the food fish, shellfish, or anadromous game fish are acquired other than by purchase or are purchased under conditions where the purchase price does not represent the value of the food fish, shellfish, or anadromous game fish or these products are transferred outside the state without sale, the measure of the tax shall be determined as nearly as possible according to the selling price of similar products of like quality and character under rules adopted by the department of revenue.

(4) The tax shall be equal to the measure of the tax multiplied by the rates for food fish, shellfish, and anadromous game fish as follows:

(a) Chinook, coho, and chum salmon and anadromous game fish: Five percent.

(b) Pink and sockeye salmon: Three percent.

(c) Other food fish and shellfish, except oysters: Two percent.

(d) Oysters: Seven one-hundredths of one percent.

(5) (~~From and after the first day of July, 1982, until and including the thirtieth day of June, 1983,~~) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (4) of this section.

Sec. 18. Section 3, chapter 61, Laws of 1975-'76 2nd ex. sess. as amended by section 11, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.29A.030 are each amended to read as follows:

(1) 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 RCW 82.29A.040.

(2) (~~From and after the first day of April, 1982, until and including the thirtieth day of June, 1983,)~~ An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 19. Section 82.44.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 14, Laws of 1982 2nd ex. sess. and RCW 82.44.020 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under reciprocal agreements, the provisions of RCW 46.16.160 as now or hereafter amended, or dealer's licenses. The annual amount of such excise tax shall be two percent of the fair market value of such vehicle.

(2) From and after August 1, 1978, and until August 1, 2008, an additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise shall be two-tenths of one percent of the fair market value of such vehicle.

(3) The department of licensing and county auditors shall collect the additional tax imposed by subsection (2) of this section for any registration year for the months of that registration year in which such additional tax is effective, and in the same manner and at the same time as the tax imposed by subsection (1) of this section.

(4) In no case shall the total tax be less than two dollars except for proportionally registered vehicles.

(5) (~~From and after the first day of July, 1982, until and including the thirtieth day of September, 1983,)~~ An additional tax is imposed equal to the taxes payable under subsections (1) and (2) of this section multiplied by the rate (~~of tax applicable to the periods shown as follows:~~

July 1 - September 30, 1982	4%	specified in RCW 82.02.030.
October 1 - June 30, 1983	7%	
July 1 - September 30, 1983	3%	

Sec. 20. Section 28A.45.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 14, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.45.060 are each amended to read as follows:

(1) There is imposed an excise tax upon each sale of real property at the rate of one percent of the selling price.

(2) (~~From and after the first day of May, 1982, until and including the thirtieth day of June, 1983,)~~ An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 21. Section 82.48.010, chapter 15, Laws of 1961 as last amended by section 239, chapter 158, Laws of 1979 and RCW 82.48.010 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Aircraft" means any weight-carrying device or structure for navigation of the air(;) which is designed to be supported by the air((;but which is heavier than air));

(2) "Director" means the director of licensing; ((and))

(3) "Person" includes a firm, partnership or corporation;

(4) "Small multi-engine fixed wing" means any piston-driven multi-engine fixed wing aircraft with a maximum gross weight as listed by the manufacturer of less than seventy-five hundred pounds; and

(5) "Large multi-engine fixed wing" means any piston-driven multi-engine fixed wing aircraft with a maximum gross weight as listed by the manufacturer of seventy-five hundred pounds or more.

Sec. 22. Section 82.48.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.030 are each amended to read as follows:

(1) ~~The amount of the tax imposed by this chapter for each calendar year shall be ((fifteen dollars for each single engine aircraft, and twenty-five dollars for each multi-engine aircraft, irrespective of make, type, year of manufacture or any other type of classification: PROVIDED, That the calendar year))~~ as follows:

<u>Type of aircraft</u>	<u>Registration fee</u>
<u>Single engine fixed wing</u>	<u>\$ 50</u>
<u>Small multi-engine fixed wing</u>	<u>65</u>
<u>Large multi-engine fixed wing</u>	<u>80</u>
<u>Turboprop multi-engine fixed wing</u>	<u>100</u>
<u>Turbojet multi-engine fixed wing</u>	<u>125</u>
<u>Helicopter</u>	<u>75</u>
<u>Sailplane</u>	<u>20</u>
<u>Lighter than air</u>	<u>20</u>
<u>Home built</u>	<u>20</u>

(2) The amount of tax imposed under subsection (1) of this section for each calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the excise tax upon an aircraft registered for the first time in this state after the last day of any month shall only be levied for the remaining months of the calendar year including the month in which the aircraft is being registered: PROVIDED ((FURTHER)), That the minimum amount payable shall be three dollars.

An aircraft shall be deemed registered for the first time in this state when such aircraft was not previously registered by this state for the year immediately preceding the year in which application for registration is made.

Sec. 23. Section 82.32.090, chapter 15, Laws of 1961 as last amended by section 32, chapter 7, Laws of 1983 and RCW 82.32.090 are each amended to read as follows:

If payment of any tax due is not received by the department of revenue by the due date, there shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not received within thirty days after the due date, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than two dollars.

If payment of any tax is received within the first ten days of the month next succeeding the month in which the tax is payable, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during, the fiscal year which includes the month preceding the month in which such due date falls. Effective June 30, 1985, and thereafter if the payment of any tax is received during the first ten days in ~~((the month in which the tax is payable))~~ July, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during, the preceding fiscal year ~~((which includes the month preceding the month in which such due date falls))~~.

If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than five dollars.

Notwithstanding the foregoing, the aggregate of penalties imposed under this chapter for failure to file a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

NEW SECTION. Sec. 24. There is added to chapter 82.04 RCW a new section to read as follows:

(1) "Competitive telephone service" means the providing by any person of telecommunications equipment or apparatus, or service related to that equipment or apparatus such as repair or maintenance service, if the equipment or apparatus is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 80 RCW and for which a separate charge is made.

(2) "Network telephone service" means the providing by any person of access to a local telephone network, local telephone network switching service, toll service, or coin telephone services, or the providing of telephonic, video, data, or similar communication or transmission for hire, via a local

telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Network telephone service" includes interstate service, including toll service, originating from or received on telecommunications equipment or apparatus in this state if the charge for the service is billed to a person in this state. "Network telephone service" does not include the providing of competitive telephone service, the providing of cable television service, nor the providing of broadcast services by radio or television stations.

(3) "Telephone service" means competitive telephone service or network telephone service, or both, as defined in subsections (1) and (2) of this section.

(4) "Telephone business" means the business of providing network telephone service, as defined in subsection (2) of this section. It includes cooperative or farmer line telephone companies or associations operating an exchange.

Sec. 25. Section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 3, chapter 144, Laws of 1981 and RCW 82.04.050 are each amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale, or (d) purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in (~~RCW 82.16.010~~) section 24 of this 1983 act. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), or (d) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsections (2) and (7) and RCW 82.04.290.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting; (d) the sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (f) the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), and (e) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be

construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities((:)); (a) Amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

(4) The term shall also include the renting or leasing of tangible personal property to consumers.

(5) The term shall also include the providing of ((competitive)) telephone service, as defined in ((~~RCW 82.16.010~~)) section 24 of this 1983 act, to consumers.

(6) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

(7) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

Sec. 26. Section 82.04.060, chapter 15, Laws of 1961 and RCW 82.04.060 are each amended to read as follows:

"Sale at wholesale" or "wholesale sale" means any sale of tangible personal property, or any sale of telephone service as defined in section 24 of this 1983 act, which is not a sale at retail and means any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property, if such charge is expressly defined as a retail sale by RCW 82.04.050 when rendered to or for consumers: PROVIDED, That the term "real or personal property" as used in this section shall not include any natural products named in RCW 82.04.100.

Sec. 27. Section 82.04.190, chapter 15, Laws of 1961 as last amended by section 2, chapter 90, Laws of 1975 1st ex. sess. and RCW 82.04.190 are each amended to read as follows:

"Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of ((his)) the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale;

(2) Any person engaged in any business activity taxable under RCW 82.04.290 and any person who purchases, acquires, or uses any telephone service as defined in section 24 of this 1983 act, other than for resale in the regular course of business;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right of way of such street, place, road, highway,

easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business, excluding only (a) municipal corporations or political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalities thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW in respect to labor and services rendered to their real property. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer";

(5) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

(6) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Any such person shall be a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person.

Sec. 28. Section 82.04.460, chapter 15, Laws of 1961 as amended by section 9, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.460 are each amended to read as follows:

(1) Any person rendering services taxable under RCW 82.04.290 and maintaining places of business both within and without this state which contribute to the rendition of such services shall, for the purpose of computing tax liability under RCW 82.04.290, apportion to this state that portion of his gross income which is derived from services rendered within this state. Where such apportionment cannot be accurately made by separate accounting methods, the taxpayer shall apportion to this state that proportion of his total income which the cost of doing business within the state bears to the total cost of doing business both within and without the state.

(2) Notwithstanding the provision of subsection (1) of this section, persons doing business both within and without the state who receive gross income from service charges, as defined in RCW 63.14.010(8) (relating to amounts charged for granting the right or privilege to make deferred or installment payments) or who receive gross income from engaging in business as financial institutions within the scope of chapter 82.14A RCW (relating

to city taxes on financial institutions) shall apportion or allocate gross income taxable under RCW 82.04.290 to this state pursuant to rules promulgated by the department consistent with uniform rules for apportionment or allocation developed by the states.

(3) The department shall by rule provide a method or methods of apportioning or allocating gross income derived from sales of telephone services taxed under this chapter, if the gross proceeds of sales subject to tax under this chapter do not fairly represent the extent of the taxpayer's income attributable to this state. The rules shall be, so far as feasible, consistent with the methods of apportionment contained in this section and shall require the consideration of those facts, circumstances, and apportionment factors as will result in an equitable and constitutionally permissible division of the services.

Sec. 29. Section 82.04.470, chapter 15, Laws of 1961 as amended by section 43, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.04.470 are each amended to read as follows:

Unless a seller has taken from the purchaser a resale certificate signed by, and bearing the name and address and registration number of the purchaser to the effect that the property or service was purchased for resale, or unless the nature of the transaction is clearly shown as a sale at wholesale by the books and records of the taxpayer in such other manner as the department of revenue shall by regulation provide, the burden of proving that a sale of tangible personal property, or of telephone service as defined in section 24 of this 1983 act, was not a sale at retail shall be upon the person who made it.

NEW SECTION. Sec. 30. There is added to chapter 82.08 RCW a new section to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of:

(a) Network telephone service, other than toll service, to residential customers.

(b) Network telephone service which is paid for by inserting coins in coin-operated telephones.

(2) As used in this section:

(a) "Network telephone service" has the meaning given in section 24 of this act.

(b) "Residential customer" means an individual subscribing to a residential class of telephone service.

(c) "Toll service" does not include customer access line charges for access to a toll calling network.

Sec. 31. Section 3, chapter 94, Laws of 1970 ex. sess. as last amended by section 1, chapter 211, Laws of 1982 and RCW 82.14.020 are each amended to read as follows:

For purposes of this chapter:

(1) A retail sale consisting solely of the sale of tangible personal property shall be deemed to have occurred at the retail outlet at or from which delivery is made to the consumer;

(2) A retail sale consisting essentially of the performance of personal business or professional services shall be deemed to have occurred at the place at which such services were primarily performed;

(3) A retail sale consisting of the rental of tangible personal property shall be deemed to have occurred (a) in the case of a rental involving periodic rental payments, at the primary place of use by the lessee during the period covered by each payment, or (b) in all other cases, at the place of first use by the lessee;

(4) A retail sale within the scope of the second paragraph of RCW 82.04.050, and a retail sale of taxable personal property to be installed by the seller shall be deemed to have occurred at the place where the labor and services involved were primarily performed;

(5) A retail sale consisting of the providing to a consumer of ((competitive)) telephone service, as defined in ((RCW 82.16.010)) section 24 of this 1983 act, other than a sale of tangible personal property under subsection (1) of this section or a rental of tangible personal property under subsection (3) of this section, shall be deemed to have occurred at the situs of the ((primary)) telephone or other instrument through which the ((competitive)) telephone service is rendered;

(6) "City" means a city or town;

(7) The meaning ascribed to words and phrases in chapters 82.04, 82.08 and 82.12 RCW, as now or hereafter amended, insofar as applicable, shall have full force and effect with respect to taxes imposed under authority of this chapter;

(8) "Taxable event" shall mean any retail sale, or any use of an article of tangible personal property, upon which a state tax is imposed pursuant to chapter 82.08 or 82.12 RCW, as they now exist or may hereafter be amended: PROVIDED, HOWEVER, That the term shall not include a retail sale taxable pursuant to RCW 82.08.150, as now or hereafter amended;

(9) "Treasurer or other legal depository" shall mean the treasurer or legal depository of a county or city.

Sec. 32. Section 82.16.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1982 2nd ex. sess and RCW 82.16.010 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.

(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

(3) "Railroad car business" means the business of renting, leasing or operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.

(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale.

~~(6) ("Telephone business" means the business of providing access to a local telephone network, local telephone network switching service, toll service, or coin telephone services, or providing telephonic, video, data, or similar communication or transmission for hire, via a local telephone network, toll line or channel, or similar communication or transmission system. It includes cooperative or farmer line telephone companies or associations operating an exchange. "Telephone business" does not include the providing of competitive telephone service, nor the providing of cable television service.~~

~~(7))~~ "Telegraph business" means the business of affording telegraphic communication for hire.

~~((8))~~ (7) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

~~((9))~~ (8) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010: PROVIDED, That "motor transportation business" shall not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

~~((+0))~~ (9) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate

limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

~~((+1))~~ (10) "Public service business" means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), and ~~((+and~~ ~~(+0))~~ or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business as defined in section 24 of this 1983 act. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, log patrol, pipe line, warehouse, toll bridge, toll logging road, water transportation and wharf businesses.

~~((+2))~~ (11) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

~~((+3))~~ (12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses: PROVIDED, That gross income of a light and power business means those amounts or value accruing to a taxpayer from the last distribution of electrical energy which is a taxable event within this state.

~~((+4))~~ (13) The meaning attributed, in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

~~((+5) "Competitive telephone service" means the providing by any person of telephone equipment, apparatus, or service, other than toll service, which is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 80 RCW and for which a separate charge is made:))~~

Sec. 33. Section 6, chapter 134, Laws of 1972 ex. sess. as last amended by section 7, chapter 99, Laws of 1983 and RCW 35.21.710 are each amended to read as follows:

Any city which imposes a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which

are measured by gross receipts or gross income from such sales, shall impose such tax at a single uniform rate upon all such business activities. The taxing authority granted to cities for taxes upon business activities measured by gross receipts or gross income from sales shall not exceed a rate of .0020; except that any city with an adopted ordinance at a higher rate, as of January 1, 1982 shall be limited to a maximum increase of ten percent of the January 1982 rate, not to exceed an annual incremental increase of two percent of current rate: PROVIDED, That any adopted ordinance which classifies according to different types of business or services shall be subject to both the ten percent and the two percent annual incremental increase limitation on each tax rate: PROVIDED FURTHER, That all surtaxes on business and occupation classifications in effect as of January 1, 1982, shall expire no later than December 31, 1982, or by expiration date established by local ordinance. Cities which impose a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales shall be required to submit an annual report to the state auditor identifying the rate established and the revenues received from each fee or tax. This section shall not apply to any business activities subject to the tax imposed by chapter 82.16 RCW. For purposes of this section, the providing to consumers of competitive telephone service, as defined in (~~RCW 82.16.010~~) section 24 of this 1983 act, shall be deemed to be the retail sale of tangible personal property.

Sec. 34. Section 7, chapter 134, Laws of 1972 ex. sess. as amended by section 7, chapter 144, Laws of 1981 and RCW 35A.82.050 are each amended to read as follows:

Any code city which imposes a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales, shall impose such tax at a single uniform rate upon all such business activities. This section shall not apply to any business activities subject to the tax imposed by chapter 82.16 RCW. For purposes of this section, the providing to consumers of competitive telephone service, as defined in (~~RCW 82.16.010~~) section 24 of this 1983 act, shall be deemed to be the retail sale of tangible personal property.

Sec. 35. Section 8, chapter 144, Laws of 1981 and RCW 35.21.712 are each amended to read as follows:

Any city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in (~~RCW 82.16.010~~) section 24 of this 1983 act, which is measured by gross receipts or gross income from the business shall impose the tax at a uniform rate on all persons engaged in the telephone business in the city.

This section does not apply to the providing of competitive telephone service as defined in (~~RCW 82.16.010~~) section 24 of this 1983 act.

Sec. 36. Section 9, chapter 144, Laws of 1981 and RCW 35A.82.055 are each amended to read as follows:

Any code city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in (~~RCW 82.16-010~~) section 24 of this 1983 act, which is measured by gross receipts or gross income from the business shall impose the tax at a uniform rate on all persons engaged in the telephone business in the code city.

This section does not apply to the providing of competitive telephone service as defined in (~~RCW 82.16.010~~) section 24 of this 1983 act.

Sec. 37. Section 10, chapter 144, Laws of 1981 and RCW 35.21.714 are each amended to read as follows:

Any city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in (~~RCW 82.16.010~~) section 24 of this 1983 act, which is measured by gross receipts or gross income may impose the fee or tax, if it desires, on one hundred percent of the total gross revenue derived from intrastate toll telephone services subject to the fee or tax: PROVIDED, That the city shall not impose the fee or tax on that portion of network telephone service, as defined in section 24 of this 1983 act, which represents access to, or charges for, interstate services for which rates are contained in tariffs filed with the federal communications commission.

Sec. 38. Section 11, chapter 144, Laws of 1981 and RCW 35A.82.060 are each amended to read as follows:

Any code city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in (~~RCW 82.16-010~~) section 24 of this 1983 act, which is measured by gross receipts or gross income may impose the fee or tax, if it desires, on one hundred percent of the total gross revenue derived from intrastate toll telephone services subject to the fee or tax: PROVIDED, That the city shall not impose the fee or tax on that portion of network telephone service, as defined in section 24 of this 1983 act, which represents access to, or charges for, interstate services for which rates are contained in tariffs filed with the federal communications commission.

Sec. 39. Section 2, chapter 49, Laws of 1982 1st ex. sess. and RCW 35.21.860 are each amended to read as follows:

(1) No city or town may impose a franchise fee or any other fee or charge of whatever nature or description upon the light and power, (~~telephone~~) or gas distribution businesses, as defined in RCW 82.16.010, or telephone business, as defined in section 24 of this 1983 act, except that (a) a tax authorized by RCW 35.21.865 may be imposed and (b) a fee may be charged to such businesses that recovers actual administrative expenses incurred by a city or town that are directly related to receiving and approving

a permit, license, and franchise, to inspecting plans and construction, or to the preparation of a detailed statement pursuant to chapter 43.21C RCW.

(2) Subsection (1) of this section does not prohibit franchise fees imposed on an electrical energy, natural gas, or telephone business, by contract existing on April 20, 1982, with a city or town, for the duration of the contract, but the franchise fees shall be considered taxes for the purposes of the limitations established in RCW 35.21.865 and 35.21.870 to the extent the fees exceed the costs allowable under subsection (1) of this section.

Sec. 40. Section 80.04.270, chapter 14, Laws of 1961 as amended by section 5, chapter 144, Laws of 1981 and RCW 80.04.270 are each amended to read as follows:

Any public service company engaging in the sale of merchandise or appliances or equipment shall keep separate accounts, as prescribed by the commission, of its capital employed in such business and of its revenues therefrom and operating expenses thereof. The capital employed in such business shall not constitute a part of the fair value of said company's property for rate making purposes, nor shall the revenues from or operating expenses of such business constitute a part of the operating revenues and expenses of said company as a public service company. For purposes of this section, the providing of competitive telephone service, as defined in ~~((RCW 82.16.010))~~ section 24 of this 1983 act, shall not constitute the sale of merchandise, appliances, or equipment, unless the commission determines that it would be in the public interest to hold otherwise.

Sec. 41. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 6, chapter 7, Laws of 1983 and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price: PROVIDED, That for retail sales other than retail sales of telephone services, as defined in section 24 of this 1983 act, such tax shall be levied and collected in border counties in an amount equal to five and four-tenths percent of the selling price.

(2) The tax imposed under this chapter shall apply to successive retail sales of the same property.

(3) The rate provided in this section applies to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 42. Section 9, chapter 7, Laws of 1983 and RCW 82.____ are each amended to read as follows:

An excise tax is imposed for the privilege of using a vessel ~~((for which registration is required under chapter 88.____ RCW (sections 14 through 22 of this act)))~~ upon the waters of this state, except vessels ((covered by a dealer's registration number under this chapter)) exempt under section 43 of this 1983 act. The annual amount of the excise tax is one-half of one

percent of fair market value, as determined under this chapter, or five dollars, whichever is greater.

The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88.—.— (section 18 ((of this act)), chapter 7, Laws of 1983). A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year. The excise tax on vessels required to be registered in this state on the effective date of this section shall be paid by June 30, 1983.

NEW SECTION, Sec. 43. There is added to chapter 82, RCW (sections 9 through 13, chapter 7, Laws of 1983) a new section to read as follows:

The following are exempt from the tax imposed under this chapter:

- (1) Vessels exempt from the registration requirements of chapter 88, RCW (sections 14 through 22, chapter 7, Laws of 1983);
- (2) Vessels used exclusively for commercial fishing purposes;
- (3) Vessels owned and operated by the United States, a state of the United States, or any municipality or political subdivision thereof;
- (4) Vessels owned by a nonprofit organization or association engaged in character building of boys and girls under eighteen years of age and solely used for such purposes, as determined by the department for the purposes of RCW 84.36.030; and
- (5) Vessels owned and held for sale by a dealer, but not rented on a regular commercial basis.

*Sec. 44. Section 16, chapter 7, Laws of 1983 and RCW 88, . . . are each amended to read as follows:

Vessel registration is required under this chapter except for the following:

- (1) ~~((Vessels owned and operated by the United States, another state, or a political subdivision thereof))~~ Military or public vessels of the United States, except recreational-type public vessels;
- (2) ~~Vessels owned ((and operated by this state, or by any municipality or political subdivision thereof))~~ by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;
- (3) Vessels owned by a resident of a country other than the United States or Canada if the vessel is not physically located upon the waters of this state for a period of more than sixty days;
- (4) Vessels owned by a resident of another state or a Canadian province if the vessel is registered in accordance with the laws of the state or province in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state or province for

vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state or a Canadian province and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;

(5) Vessels used as a ship's ~~((tender or))~~ lifeboat;

(6) Vessels equipped with propulsion machinery of less than ten horse power that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

(7) Vessels under sixteen feet in overall length ((or whose primary propulsion is human power)) which have no propulsion machinery of any type;

~~((7))~~ (8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;

(9) Vessels which are temporarily in this state undergoing repair or alteration ((and vessels which are designed and used exclusively for racing));

~~((8) Vessels used exclusively for commercial fishing purposes; and~~

~~(9))~~ (10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States ((and which are primarily engaged in commerce)); and

(11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States.

*Sec. 44 was partially vetoed, see message at end of chapter.

Sec. 45. Section 18, chapter 7, Laws of 1983 and RCW 88.____ are each amended to read as follows:

Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of six dollars per year and the excise tax imposed under chapter 82.____ RCW (sections 9 through 13 ~~((of this act))~~, chapter 7, Laws of 1983). Any fees required for licensing agents under RCW 46.01-.140 shall be in addition to the six-dollar annual registration fee.

Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefor, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee and excise tax. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

NEW SECTION. Sec. 46. There is added to chapter 88, RCW (sections 14 through 22, chapter 7, Laws of 1983) a new section to read as follows:

(1) The department shall provide for the issuance of vessel certificates of title through the agents appointed under RCW 88.____ (section 17, chapter 7, Laws of 1983). The fee for a vessel certificate of title is five dollars. Fees for vessel certificates of title shall be deposited in the general fund. The provisions of chapters 46.12 and 46.16 RCW relating to motor vehicle certificates of registration, titles, certificate issuance, ownership transfer, and perfection of security interests, and other provisions which may be applied to vessels subject to this chapter, may be so applied by rule of the department if they are not inconsistent with this chapter.

(2) Whenever a vessel is to be registered for the first time as required by this chapter, application shall be made at the same time for a certificate of title. Any person who purchases or otherwise obtains majority ownership of any vessel subject to the provisions of this chapter shall within fifteen days thereof apply for a new certificate of title which shows the vessel's change of ownership.

(3) Security interests may be released or acted upon as provided by the law under which they arose or were perfected. No new security interest or renewal or extension of an existing security interest is affected except as provided under the terms of this chapter and RCW 46.12.095.

(4) Notice shall be given to the issuing authority by the owner indicated on the certificate of registration within fifteen days of the occurrence of any of the following: Transfer of any part or all of the ownership of a vessel registered under this chapter; any change of address of owner; destruction, loss, abandonment, theft, or recovery of the vessel; or loss or destruction of a valid certificate of registration on the vessel.

Sec. 47. Section 15, chapter 7, Laws of 1983 and RCW 88.____ are each amended to read as follows:

(1) Except as provided in this chapter, no person may own or operate any vessel on the waters of this state unless the vessel has been registered and displays a registration number and a valid decal in accordance with this chapter, except that a vessel which has or is required to have a valid marine document as a vessel of the United States is only required to display a valid decal.

(2) No person may use any vessel to which this chapter applies:

(a) In a negligent manner so as to endanger the life, limb, or property of any person; or

(b) While under the influence of alcohol, narcotic drugs, hallucinogens, or other controlled substances.

NEW SECTION. Sec. 48. There is added to chapter 88.____ RCW (sections 14 through 22, chapter 7, Laws of 1983) a new section to read as follows:

(1) The operator of a vessel involved in a collision, accident, or other casualty, to the extent the operator can do so without serious danger to the operator's own vessel or persons aboard, shall render all practical and necessary assistance to persons affected by the collision, accident, or casualty to save them from danger caused by the incident. Under no circumstances may the rendering of assistance or other compliance with this section be evidence of the liability of such operator for the collision, accident, or casualty. The operator shall also give his or her name, address, and the identification of the operator's vessel to the commission and any person injured and to the owner of any property damaged. These duties are in addition to any duties otherwise imposed by law.

(2) Any person who complies with subsection (1) of this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty, without objection of the person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance, where the assisting person acts as any reasonably prudent person would have acted under the same or similar circumstances.

*NEW SECTION. Sec. 49. There is added to chapter 82.____ RCW (sections 9 through 13, chapter 7, Laws of 1983) a new section to read as follows:

(1) Any county may impose a tax, by ordinance or resolution, upon the privilege of using a vessel taxable under RCW 82.____ (section 9, chapter 7, Laws of 1983) which is moored or stored in the county, if the population of the unincorporated area of the county together with the population of the cities which are parties to an interlocal agreement under chapter 39.34 RCW equal or exceed two-thirds of the total population of the county:

PROVIDED, That such agreement shall take into consideration any marine patrols provided as of the effective date of this section. The annual amount of the tax shall be up to fifty cents per foot of the vessel per calendar year, or part thereof.

(2) The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88.____ (section 18, chapter 7, Laws of 1983). A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year.

(3) The tax imposed under this section is due and payable to the department of licensing or its agents at the time of registration of a vessel.

(4) The moneys collected under this section shall be distributed by the county monthly to the parties to the interlocal agreement according to the terms of the agreement. Moneys collected under this section shall be used only for administration and enforcement of boating safety, search and rescue operations concerning boating, and boating patrols.

*Sec. 51 was partially vetoed, see message at end of chapter.

Sec. 50. Section 22, chapter 7, Laws of 1983 and RCW 88.____ are each amended to read as follows:

(1) A violation of this chapter is a misdemeanor punishable only by a fine not to exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:

(a) For the second violation, a fine of two hundred dollars per vessel;

(b) For the third and successive violations, a fine of four hundred dollars per vessel.

(2) After subtraction of court costs and administrative collection fees, moneys collected under this section shall be ((used by the jurisdiction collecting the fine exclusively for law enforcement purposes)) credited to the current expense fund of the arresting jurisdiction.

(3) All law enforcement officers shall have the authority to enforce this chapter within their respective jurisdictions.

Sec. 51. Section 84.36.080, chapter 15, Laws of 1961 as amended by section 23, chapter 7, Laws of 1983 and RCW 84.36.080 are each amended to read as follows:

All ships and vessels which are exempt from excise tax under subsection ~~((s (8) and (9) of section 16 of this 1983 act))~~ (2) of section 43 of this 1983 act and subsection (10) of RCW 88.____ (section 44 of this 1983 act) shall be and are hereby made exempt from all ad valorem taxes, except taxes levied for any state purpose.

NEW SECTION. Sec. 52. There is added to chapter 43.51 RCW a new section to read as follows:

The state parks and recreation commission shall:

(1) Coordinate a state-wide program of boating safety education using to the maximum extent possible existing programs offered by the United States power squadron and the United States coast guard auxiliary;

(2) Adopt rules in accordance with chapter 34.04 RCW, consistent with United States coast guard regulations, standards, and precedents, as needed for the efficient administration and enforcement of this section;

(3) Develop by January 31, 1984, a state-wide inventory of marine state parks and recreational facilities operated by other state and local agencies that are available for marine-related use by persons owning boats in this state;

(4) Enter into agreements aiding the administration of this chapter;

(5) Adopt and administer a casualty and accident reporting program consistent with United States coast guard regulations;

(6) Coordinate with local and state agencies the development of biennial plans and programs for the enhancement of boating safety, safety education, and enforcement of safety rules and laws; allocate money appropriated to the commission for these programs as necessary; and accept and administer any public or private grants or federal funds which are obtained for these purposes under chapter 43.88 RCW; and

(7) Take additional actions necessary to gain acceptance of a program of boating safety for this state under the federal boating safety act of 1971.

***NEW SECTION.** Sec. 53. *(1) One-half of the tax paid for a vessel under section 9, chapter 7, Laws of 1983, before its amendment under this act, shall be allowed as a credit against tax due for the vessel in 1984 under section 42 of this act.*

(2) An owner of a vessel covered by a valid certificate of registration issued under federal law may continue to operate the vessel in this state under that federal registration until January 31, 1984. The provisions of chapter 82.____ RCW (sections 9 through 13, chapter 7, Laws of 1983) and chapter 88.____ RCW (sections 14 through 22, chapter 7, Laws of 1983) shall apply to all such vessels after January 31, 1984, except that the excise tax imposed under chapter 82.____ RCW (sections 9 through 13, chapter 7, Laws of 1983) shall be assessed as if such vessels had been required to be registered on June 30, 1983.

***Sec. 53 was partially vetoed, see message at end of chapter.**

NEW SECTION. Sec. 54. There is added to chapter 39.64 RCW a new section to read as follows:

Nothing in this chapter may be deemed to grant to any operating agency organized under chapter 43.52 RCW, or a project of any such operating agency, the authority to levy any tax or assessment not otherwise authorized by law.

NEW SECTION, Sec. 55. There is added to chapter 82.02 RCW a new section to read as follows:

Nothing in this title may be deemed to grant to any operating agency organized under chapter 43.52 RCW, or a project of any such operating agency, the authority to levy any tax or assessment not otherwise authorized by law.

NEW SECTION, Sec. 56. There is added to chapter 84.09 RCW a new section to read as follows:

Nothing in this title may be deemed to grant to any operating agency organized under chapter 43.52 RCW, or a project of any such operating agency, the authority to levy any tax or assessment not otherwise authorized by law.

Sec. 57. Section 33, chapter 7, Laws of 1983 and RCW 82.32. . . . are each amended to read as follows:

The revenue accrual account is hereby created in the state general fund. At the close of each fiscal biennium, the state treasurer shall transfer the balance in the state general fund, other than amounts reappropriated for the next fiscal biennium, to this account. Moneys in this account may only be spent after appropriation by statute for the purpose of decreasing the unfunded liability of a state retirement system.

NEW SECTION, Sec. 58. Section 10, chapter 172, Laws of 1981 and RCW 82.04.265 are each repealed.

Sec. 59. Section 1, chapter 347, Laws of 1977 ex. sess. as last amended by section 2, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.071 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 imposed with respect to such business shall be equal to the stumpage value of timber harvested between July 1, 1983, through June 30, 1984, for sale or for commercial or industrial use multiplied by the ((appropriate)) rate ((as follows:

~~For timber harvested between October 1, 1974 and June 30, 1983, inclusive,))~~ of six and one-half percent.

(2) For purposes of this section:

(a) "Harvester" means every person who from his own land or from the 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 or publicly 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) 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. 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. 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 account A and a state timber tax reserve account 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 on timber harvested from privately owned land shall be deposited in state timber tax account A and state timber tax reserve account as follows:

YEAR OF COLLECTION	ACCOUNT A	RESERVE ACCOUNT
1973 and thereafter	100%	0%

The revenues from the tax imposed by subsection (1) of this section on timber harvested from publicly owned land shall be deposited in the state general fund.

(6) 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.

(7) 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 82.32.045 shall not apply to the taxes imposed by this section.

(8) 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. 60. There is added to chapter 43.06 RCW a new section to read as follows:

Beginning in January, 1984, and in January of every even-numbered year thereafter, the department of revenue shall submit to the legislature prior to the regular session a listing of the amount of reduction for the current and next biennium in the revenues of the state or the revenues of local government collected by the state as a result of tax exemptions. The listing shall include an estimate of the revenue lost from the tax exemption, the purpose of the tax exemption, the persons, organizations, or parts of the population which benefit from the tax exemption, and whether or not the

tax exemption conflicts with another state program. The listing shall include but not be limited to the following revenue sources:

- (1) Real and personal property tax exemptions under Title 84 RCW;
- (2) Business and occupation tax exemptions, deductions, and credits under chapter 82.04 RCW;
- (3) Retail sales and use tax exemptions under chapters 82.08, 82.12, and 82.14 RCW;
- (4) Public utility tax exemptions and deductions under chapter 82.16 RCW;
- (5) Conveyance tax exemptions under chapter 82.20 RCW;
- (6) Food fish and shellfish tax exemptions under chapter 82.27 RCW;
- (7) Leasehold excise tax exemptions under chapter 82.29A RCW;
- (8) Motor vehicle and special fuel tax exemptions and refunds under chapters 82.36 and 82.38 RCW;
- (9) Aircraft fuel tax exemptions under chapter 82.42 RCW;
- (10) Motor vehicle excise tax exclusions under chapter 82.44 RCW; and
- (11) Insurance premiums tax exemptions under chapter 48.14 RCW.

The department of revenue shall prepare the listing required by this section with the assistance of any other agencies or departments as may be required.

The department of revenue shall present the listing to the ways and means committees of each house in public hearings.

Beginning in January, 1984, and every four years thereafter the governor is requested to review the report from the department of revenue and may submit recommendations to the legislature with respect to the repeal or modification of any tax exemption. The ways and means committees of each house and the appropriate standing committee of each house shall hold public hearings and take appropriate action on the recommendations submitted by the governor.

As used in this section, "tax exemption" means an exemption, exclusion, or deduction from the base of a tax; a credit against a tax; a deferral of a tax; or a preferential tax rate.

Sec. 61. Section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. as last amended by section 4 of this 1983 act and RCW 82.04.2901 are each amended to read as follows:

Until and including the thirtieth day of June, 1985, there is levied and shall be collected from every person, other than persons taxed under RCW 82.04.... (section 3, chapter 9, Laws of 1983), for the act or privilege of engaging in business activities, as a part of the tax imposed by the provisions of RCW 82.04.250, an additional tax equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under the provisions of RCW 82.04.250(~~PROVIDED, That as to such persons making sales at retail in border counties other than retail sales of telephone services, as defined in section 24 of this 1983 act, such additional tax shall be levied and collected~~

~~from such persons with respect to such sales in border counties in an amount equal to thirty-two percent multiplied by the tax payable under the provisions of RCW 82.04.250): PROVIDED ((FURTHER)), That the additional tax under this section shall be imposed only if all of the amendments contained in sections 1 through 3 of this 1983 act become law.~~

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, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

Sec. 62. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 41 of this 1983 act and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price(~~: PROVIDED, That for retail sales other than retail sales of telephone services, as defined in section 24 of this 1983 act, such tax shall be levied and collected in border counties in an amount equal to five and four-tenths percent of the selling price~~)).

(2) The tax imposed under this chapter shall apply to successive retail sales of the same property.

(3) The rate provided in this section applies to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 63. Section 1, chapter 7, Laws of 1981 as last amended by section 27, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.32.045 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, and 82.16 RCW, along with reports and returns on forms prescribed by the department, are due monthly within ~~((the number of))~~ twenty-five days ~~((specified in the following table))~~ after the end of the month in which the taxable activities occur.

((For activities occurring in	_____	Days
October, 1981 through March, 1982	_____	25
April, 1982 through March, 1983	_____	20
April, 1983 and thereafter	_____	15))

(2) ~~((A monthly taxpayer may elect to remit an estimated amount of the tax due for each month on or before the due date set forth in subsection (1) of this section. The estimated amount of tax remitted shall be at least the greater of ninety percent of the tax actually due for the month or one-third of the tax due during the corresponding quarter of the previous year.~~

~~Each taxpayer filing an estimated return shall file a separate quarterly return on the last day of the month after the end of each calendar quarter. Each quarterly return shall be on forms prescribed by the department, include such information as the department may require to correctly determine tax liability during the quarter, and be accompanied by a remittance of the balance of the tax actually due for the quarter.~~

(3)) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. For these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

((4)) (3) The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

NEW SECTION. Sec. 64. There is appropriated from the general fund to the parks and recreation commission for the fiscal year ending June 30, 1984, the sum of seventy-nine thousand dollars, or so much thereof as may be necessary, for the operation of a boating safety and education program established under section 52 of this act.

NEW SECTION. Sec. 65. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 66. 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. 67. (1) This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect July 1, 1983, except that:

(a) Sections 42 through 50, and 52, 53, 65, and 66 of this act shall take effect June 30, 1983;

(b) Sections 1 through 4 of this act shall take effect July 1, 1983, except as provided in subsection (2) of this section;

(c) Sections 21, 22, and 51 of this act shall take effect January 1, 1984. Section 51 of this act shall be effective for property taxes levied in 1983 and due in 1984, and thereafter; and

(d) Section 63 of this act shall take effect April 1, 1985, and shall be effective in respect to taxable activities occurring on and after April 1, 1985; and

(e) The extension under this act of the retail sales tax to certain sales of telephone service shall apply to telephone service billed on or after July 1, 1983, whether or not such service was rendered before that date.

(f) Sections 61 and 62 of this act shall take effect on the day either of the following events occurs, whichever is earlier:

(i) A temporary or permanent injunction or order becomes effective which prohibits in whole or in part the collection of taxes at the rates specified in section 6, chapter 7, Laws of 1983; or

(ii) A decision of a court in this state invalidating in whole or in part section 6, chapter 7, Laws of 1983, becomes final.

(2) The legislature finds that the amendments contained in sections 1 through 4 of this act constitute an integrated and inseparable entity and if any one or more of those sections does not become law, the remaining sections shall not take effect. If sections 1 through 4 of this act do not become law, the governor shall in that event reduce approved allotments under RCW 43.88.110 for the 1983-85 biennium by four percent.

Passed the Senate May 25, 1983.

Passed the House May 25, 1983.

Approved by the Governor June 15, 1983, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State June 15, 1983.

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

"I am returning herewith without my approval as to subsections 44(7), 49(3), and 53(1) of Senate Bill 3909 entitled:

"AN ACT Relating to revenue and taxation."

Subsection 44(7) amends the existing law that defines certain exemptions to the boat tax. Existing law appropriately exempts all vessels under 16 feet in length. This subsection would exempt only those boats under 16 feet in length that have no motors, but tax those boats within that length limitation that have motors. In order to provide for equity and ease of administration, I have vetoed subsection 44(7). The result of my action is a simple exemption for all boats under 16 feet in length.

Subsection 49(3) provides that any local option boat tax shall be payable to the Department of Licensing. A program of state collection and distribution of a non-uniform local option tax is fraught with administrative problems for both state and local governments. I have vetoed this subsection so that the collection of any local option boat tax becomes the responsibility of local government.

Subsection 53(1) requires that one-half of any boat tax paid under existing law (SB 3258; now Chapter 7, Laws of 1983) be applied as a credit against the taxes now due under this measure. The existing law, by its own terms, will not become effective until June 30, 1983. This measure negates the tax specified by that law. Because some boat owners have already tendered payment for that tax, which will not now come into effect, they should receive a refund of their entire payment, rather than just a credit for one-half of that payment. The Departments of Revenue and Licensing can make the necessary refunds pursuant to RCW 43.01.072.

With the exceptions noted above, Senate Bill 3909 is approved."

SSJR 103 PROPOSED CONSTITUTIONAL AMENDMENTS

**PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT
THE 1983
REGULAR SESSION FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1983
SUBSTITUTE SENATE JOINT RESOLUTION No. 103**

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 repealing Article II, section 3 and Article XXVII, section 13 thereof and adding a new section to Article II thereof to read as follows:

Article II, section ____. (1) In January of each year ending in one, a commission shall be established to provide for the redistricting of state legislative and congressional districts.

(2) The commission shall be composed of five members to be selected as follows: The legislative leader of the two largest political parties in each house of the legislature shall appoint one voting member to the commission by January 15th of each year ending in one. By January 31st of each year ending in one, the four appointed members, by an affirmative vote of at least three, shall appoint the remaining member. The fifth member of the commission, who shall be nonvoting, shall act as its chairperson. If any appointing authority fails to make the required appointment by the date established by this subsection, within five days after that date the supreme court shall make the required appointment.

(3) No elected official and no person elected to legislative district, county, or state political party office may serve on the commission. A commission member shall not have been an elected official and shall not have been an elected legislative district, county, or state political party officer within two years of his or her appointment to the commission. The provisions of this subsection do not apply to the office of precinct committee person.

(4) The legislature shall enact laws providing for the implementation of this section, to include additional qualifications for commissioners and additional standards to govern the commission. The legislature shall appropriate funds to enable the commission to carry out its duties.

(5) Each district shall contain a population, excluding nonresident military personnel, as nearly equal as practicable to the population of any other district. To the extent reasonable, each district shall contain contiguous territory, shall be compact and convenient, and shall be separated from adjoining districts by natural geographic barriers, artificial barriers, or political subdivision boundaries. The commission's plan shall not provide for

PROPOSED CONSTITUTIONAL AMENDMENTS SSJR 103

a number of legislative districts different than that established by the legislature. The commission's plan shall not be drawn purposely to favor or discriminate against any political party or group.

(6) The commission shall complete redistricting as soon as possible following the federal decennial census, but no later than January 1st of each year ending in two. At least three of the voting members shall approve such a redistricting plan. If three of the voting members of the commission fail to approve a plan within the time limitations provided in this subsection, the supreme court shall adopt a plan by April 30th of the year ending in two in conformance with the standards set forth in subsection (5) of this section.

(7) The legislature may amend the redistricting plan but must do so by a two-thirds vote of the legislators elected or appointed to each house of the legislature. Any amendment must have passed both houses by the end of the thirtieth day of the first session convened after the commission has submitted its plan to the legislature. After that day, the plan, with any legislative amendments, constitutes the state districting law.

(8) The legislature shall enact laws providing for the reconvening of a commission for the purpose of modifying a districting law adopted under this section. Such reconvening requires a two-thirds vote of the legislators elected or appointed to each house of the legislature. The commission shall conform to the standards prescribed under subsection (5) of this section and any other standards or procedures that the legislature may provide by law. At least three of the voting members shall approve such a modification. Any modification adopted by the commission may be amended by a two-thirds vote of the legislators elected and appointed to each house of the legislature. The state districting law shall include the modifications with amendments, if any.

(9) The legislature shall prescribe by law the terms of commission members and the method of filling vacancies on the commission.

(10) The supreme court has original jurisdiction to hear and decide all cases involving congressional and legislative redistricting.

(11) Legislative and congressional districts may not be changed or established except pursuant to this section. A districting plan and any legislative amendments to the plan are not subject to Article III, section 12 of this Constitution.

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 22, 1983.

Passed the House March 18, 1983.

Filed in Office of Secretary of State March 23, 1983.

SJR 105 PROPOSED CONSTITUTIONAL AMENDMENTS

**PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT
THE 1983
REGULAR SESSION FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1983
SENATE JOINT RESOLUTION No. 105**

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 XV, section 2, of the Constitution of the state of Washington to read as follows:

Article XV, section 2. The legislature shall provide general laws for the leasing of the right to build and maintain wharves, docks and other structures, upon the areas mentioned in section one of this article, but no lease shall be made for any term longer than ~~((thirty))~~ fifty-five years, or the legislature may provide by general laws for the building and maintaining upon such area wharves, docks, and other structures.

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 February 2, 1983.

Passed the House April 21, 1983.

Filed in Office of Secretary of State April 24, 1983.

**PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT
THE 1983
REGULAR SESSION FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1983
SUBSTITUTE SENATE JOINT RESOLUTION No. 112**

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 VIII, section 10, of the Constitution of the state of Washington to read as follows:

PROPOSED CONSTITUTIONAL AMENDMENTS SSJR 112

Article VIII, section 10. Notwithstanding the provisions of sections 5 and 7 of this Article, until January 1, ~~((1990))~~ 2005 any county, city, town, quasi municipal corporation, municipal corporation, or political subdivision of the state which is engaged in the sale or distribution of energy may, as authorized by the legislature, use public moneys or credit derived from operating revenues from the sale of energy ~~((to assist the owners of residential structures in financing the acquisition and installation of materials and equipment for the conservation or more efficient use of energy in such structures))~~, or lend its credit financed by the issuance of debt instruments secured solely by revenues, to provide financing to individuals, associations, companies, or corporations to be used for the purposes of conserving energy. Except as provided in section 7 of this Article, an appropriate charge back to the recipient shall be made for such extension of public moneys or credit and the same ~~((shall))~~ may be a lien against the ~~((residential))~~ structure or equipment benefited, or against such other adequate security as specified by implementing legislation that the legislature is hereby authorized to enact.

Activities authorized by this section are deemed to be for a public purpose.

Except as to ~~((contracts entered into))~~ bonds and loans issued prior ~~((thereto, this amendment to the state Constitution shall be null and void as of January 1, 1990 and shall have no further force or effect after that date))~~ to January 1, 2005, this section shall expire on January 1, 2005.

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 April 23, 1983.

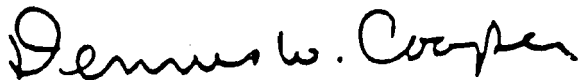
Passed the House April 21, 1983.

Filed in Office of Secretary of State April 24, 1983.

AUTHENTICATION

I, Dennis W. Cooper, 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 in these volumes are a true and correct reproduction of the copies of the enrolled laws of the 1983 regular, 1st extraordinary, and 2nd extraordinary sessions (48th Legislature) as certified and transmitted to the Statute Law Committee by the Secretary of State pursuant to RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this fifteenth day of July, 1983.

A handwritten signature in black ink that reads "Dennis W. Cooper". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

DENNIS W. COOPER
Code Reviser

TABLE: BILL NO. TO CHAPTER NO.

Bill Number	Chapter Number Laws of 1983	Bill Number	Chapter Number Laws of 1983
SENATE			
SSB 3006	117	SB 3162	25 E1
SSB 3007	118	SSB 3163	15 E1
SB 3009	73	SSB 3164	46
SB 3018	121	SB 3165	79
SSB 3022	239	SSB 3166	214
SSB 3026	205	SB 3167	131
SSB 3034	240	SB 3172	80
SSB 3035	231	SSB 3174	81
SB 3036	2	SB 3182	157
SB 3037	3	SB 3184	244
SB 3038	4	SB 3185	156
SB 3039	5	SB 3188	22 E1
SSB 3043	122	SSB 3197	113
SSB 3052	123	SB 3198	18
SSB 3053	74	SB 3203	215
SSB 3054	124	SSB 3206	155
SSB 3055	206	SB 3211	49
SSB 3056	2 E1	SSB 3217	245
SSB 3066	153	SB 3221	34
SSB 3067	35 E1	SB 3224	216
SSB 3068	241	2SSB 3230	120
SB 3076	68	SSB 3239	132
SSB 3079	37 E1	SSB 3244	66 E1
SSB 3081	75	2SSB 3245	161
SB 3084	76	SSB 3248	75 E1
2SSB 3085	13 E1	SB 3250	133
SSB 3087	207	SSB 3251	134
SSB 3088	208	SB 3252	135
SB 3089	125	SSB 3253	246
SB 3090	47 E1	SB 3255	247
SSB 3094	126	SB 3258	7
SB 3096	14	SSB 3266	3 E1
SB 3097	77	2SSB 3272	16 E1
2SSB 3100	12	SSB 3273	19 E1
SSB 3101	160	SB 3282	82
SB 3106	164	SSB 3290	2 E2
SSB 3108	15	SB 3297	248
SSB 3110	48	SSB 3299	158
SSB 3112	16	SSB 3308	249
SB 3120	11	SSB 3311	23 E1
SB 3123	209	SB 3314	6 E1
SSB 3124	210	SB 3363	250
SSB 3127	211	SB 3364	83
SB 3130	127	SSB 3372	8 E1
SB 3134	212	SSB 3380	50
SB 3140	128	SB 3383	51
SB 3142	213	SB 3390	24 E1
SB 3144	78	SB 3392	217
SB 3145	242	SB 3393	218
SSB 3151	129	SB 3413	38 E1
2SSB 3155	72 E1	SB 3416	163
SSB 3156	243	SB 3426	251
SSB 3161	130	SSB 3433	169
		SB 3442	219

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

TABLE: BILL NO. TO CHAPTER NO.

Bill Number	Chapter Number Laws of 1983	Bill Number	Chapter Number Laws of 1983
HB 77	24	SHB 241	98
HB 78	38	2SHB 245	60 E1
SHB 81	91	SHB 251	50 E1
HB 83	23	HB 256	41
HB 87	92	HB 259	142
SHB 95	138	HB 260	184
SHB 99	25	SHB 263	99
HB 102	70	SHB 266	143
HB 106	56	HB 269	185
HB 107	174	HB 270	145
HB 111	57	HB 274	42
HB 112	93	HB 275	44
SHB 114	94	SHB 278	46 E1
SHB 116	282	HB 284	186
SHB 118	95	HB 285	43
HB 125	175	HB 288	31
SHB 126	233	SHB 289	165
SHB 127	29 E1	2SHB 295	28 E1
SHB 129	283	SHB 296	61 E1
HB 136	58	SHB 297	115
SHB 139	32 E1	HB 300	187
SHB 143	26	HB 304	144
HB 144	27	HB 305	100
HB 146	119	SHB 309	116
HB 147	10	HB 312	45
SHB 148	59	HB 313	146
HB 150	176	HB 318	188
HB 153	96	SHB 323	101
HB 164	177	SHB 325	189
HB 174	28	SHB 328	147
HB 175	97	SHB 334	285
SHB 177	178	SHB 336	286
SHB 179	179	HB 348	32
HB 180	139	HB 357	102
HB 183	140	SHB 359	168
HB 184	29	SHB 366	62
HB 185	180	HB 371	63
SHB 187	60	HB 373	148
SHB 189	61	SHB 383	149
SHB 197	181	HB 387	71
HB 198	39	SHB 390	167
HB 203	182	SHB 393	103
SHB 207	19	HB 399	12 E1
HB 208	141	SHB 409	104
HB 216	30	HB 413	64
HB 219	40	HB 419	190
2SHB 226	20 E1	HB 420	5 E1
2SHB 231	21 E1	HB 428	45 E1
SHB 232	183	HB 430	105
SHB 233	284	SHB 431	191
SHB 234	53 E1	SHB 433	192
SHB 235	49 E1	SHB 434	287
HB 239	33 E1	HB 436	193
SHB 240	71 E1	HB 441	13

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

TABLE: BILL NO. TO CHAPTER NO.

Bill Number	Chapter Number of Laws of 1983	Bill Number	Chapter Number of Laws of 1983
SHB 452	194	HB 817	111
SHB 458	288	SHB 848	307
SHB 463	195	SHB 855	112
SHB 466	62 E1	SHB 865	308
SHB 470	17 E1	HB 867	204
HB 471	9 E1	SHB 882	309
SHB 476	196	SHB 888	162
HB 479	289	HB 905	310
SHB 482	72	SHB 906	311
SHB 484	290	HB 919	312
HB 487	33	HB 925	152
SHB 488	106	SHB 1011	313
SHB 493	197	SHB 1038	17
SHB 496	11 E1	HB 1075	9
SHB 498	150	HB 1079	76 E1
HB 511	291	HB 1082	36 E1
HB 520	198	SHB 1089	314
SHB 522	199	SHB 1093	315
SHB 533	107	HB 1094	48 E1
HB 534	65		
SHB 539	108		
SHB 540	151		
SHB 546	200		
SHB 547	66		
SHB 548	292		
HB 555	293		
HB 569	294		
HB 570	34 E1		
SHB 576	295		
SHB 579	296		
HB 585	297		
HB 588	63 E1		
HB 595	18 E1		
SHB 605	1 E2		
HB 643	201		
SHB 646	234		
HB 653	298		
SHB 661	299		
SHB 667	202		
HB 674	300		
HB 683	301		
2SHB 693	64 E1		
SHB 712	65 E1		
SHB 719	109		
HB 725	10 E1		
SHB 740	26 E1		
HB 741	110		
HB 747	302		
HB 753	303		
HB 765	203		
HB 787	67		
SHB 790	304		
SHB 793	305		
HB 804	306		

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.	
1.08.025	AMD	52	2	6.12.110	AMD 251	1
1.12.025	AMD	244	1	6.16.020	AMD 45	E1 8
2.12	ADD	56	E1 1	6.32.010	AMD 45	E1 6
2.32.200	AMD	3	1	7.25.010	AMD 263	1
2.32.240	AMD	3	2	7.25.020	AMD 263	2
2.36.100	AMD	181	1	7.33.250	AMD 41	E1 4
2.42.010	AMD	222	1	7.68.020	AMD 239	4
2.42.020	AMD	222	2	7.68.035	AMD 239	1
2.52.010	REP	197	53	7.68.070	AMD 239	2
	(Effective 6/30/88)			7.68.080	AMD 239	3
2.52.020	REP	197	53	7.70.040	AMD 149	2
	(Effective 6/30/88)			8.04.092	AMD 140	1
2.52.030	REP	197	53	8.12.400	AMD 167	12
	(Effective 6/30/88)			8.12.410	AMD 167	13
2.52.040	REP	197	53	8.12.440	AMD 167	14
	(Effective 6/30/88)			8.12.460	AMD 167	15
2.52.050	REP	197	53	9.04	ADD 114	1
	(Effective 6/30/88)			9.41	ADD 232	5,6,12
2.52.060	REP	197	53	9.41.010	AMD 232	1
	(Effective 6/30/88)			9.41.025	REP 2	20
2.52.070	REP	197	53		(Effective 7/1/84)	
	(Effective 6/30/88)			9.41.040	AMD 232	2
2.52.080	REP	197	53	9.41.070	AMD 232	3
	(Effective 6/30/88)			9.41.090	AMD 232	4
2.56.100	AMD	9	E1 1	9.41.160	AMD 3	7
3.20.040	AMD	46	E1 175	9.41.160	AMD 232	11
3.34.040	AMD	195	1	9.45.230	AMD 3	8
3.34.130	AMD	195	2	9.47.130	REP 3	9
3.50.320	AMD	156	5	9.92.150	AMD 276	1
3.50.330	AMD	156	6	9.94A	ADD 115	1-17
3.50.340	AMD	156	7	9.94A	ADD 163	3,5
3.58.010	AMD	186	2		(Effective 7/1/84)	
3.58.040	AMD	3	3	9.94A.030	AMD 163	1
3.66.060	AMD	46	E1 176		(Effective 7/1/84)	
3.66.067	AMD	156	1	9.94A.030	AMD 164	9
3.66.068	AMD	156	2	9.94A.120	AMD 163	2
3.66.069	AMD	156	3		(Effective 7/1/84)	
3.66.070	AMD	165	32	9.94A.160	AMD 163	4
3.66.110	AMD	186	3		(Effective 7/1/84)	
4	ADD	152	1-7	9.95.052	AMD 196	1
4.12.025	AMD	31	1	9.95.124	AMD 196	2
4.16	ADD	41	E1 13	9.95.190	AMD 3	10
4.24.050	AMD	3	4	9.95.210	AMD 156	4
4.24.060	AMD	3	5	9.95.390	AMD 162	1
4.24.290	AMD	149	1	9A.32.010	AMD 10	1
4.56.100	AMD	28	1	9A.32.900	REP 3	11
4.56.110	AMD	147	1	9A.32.901	REP 3	11
4.56.115	AMD	147	2	9A.44.040	AMD 73	1
4.56.190	AMD	45	E1 5	9A.44.040	AMD 118	1
4.64.030	AMD	28	2	9A.44.050	AMD 118	2
4.64.050	REP	45	E1 9	9A.48.070	AMD 4	E1 1
4.84	ADD	127	1	9A.76.170	AMD 4	E1 3
4.84.010	AMD	45	E1 7	10.05.120	AMD 165	45
4.84.280	AMD	282	1	10.40	ADD 199	1
4.92.040	AMD	161	28		(Effective 9/1/83)	
6.04.050	AMD	45	E1 1	10.40.070	AMD 3	12
6.04.100	AMD	3	6	10.77	AMD 122	2,3
6.12.050	AMD	45	E1 4	10.77.010	AMD 122	1

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
10.77.110	AMD	25	1	14.20.090	AMD 3 18
10.77.200	AMD	25	2	14.20.090	AMD 135 3
10.77.210	AMD	196	3	15.13	ADD 73 E1 6,7
10.79	ADD	42 E1	1-6	15.13.270	AMD 73 E1 2
10.82.030	AMD	276	2	15.13.280	AMD 73 E1 3
10.95.170	AMD	255	1	15.13.310	AMD 73 E1 4
10.99.040	AMD	232	7	15.13.320	AMD 73 E1 5
10.99.045	AMD	232	8	15.13.330	REP 73 E1 8
10.99.055	AMD	232	9	15.14.010	AMD 3 19
11.20.021	DECOD	3	13	15.24.090	AMD 95 1
11.28.111	DECOD	3	13	15.26	ADD 281 3
11.36.010	AMD	3	14	15.26.020	AMD 281 1
11.36.010	AMD	51	1	15.26.030	AMD 281 2
11.40.011	AMD	201	1	15.28.180	AMD 73 E1 1
11.88.100	AMD	271	1	15.32.100	AMD 3 20
12.24	ADD	254	4	15.49.910	REP 3 21
	(Effective 1/1/84)			15.49.920	REP 3 21
12.40	ADD	254	2	15.58.070	AMD 95 2
	(Effective 1/1/84)			15.58.080	AMD 95 3
12.40.100	AMD	254	1	15.58.180	AMD 95 4
	(Effective 1/1/84)			15.58.210	AMD 95 5
12.40.110	AMD	254	3	15.60.080	AMD 3 22
	(Effective 1/1/84)			15.66.010	AMD 288 6
13.04	ADD	98	1,2	15.76.170	REP 197 36
13.04.040	AMD	191	14		(Effective 6/30/87)
13.04.130	AMD	267	1	15.80.520	AMD 95 6
13.04.135	AMD	98	2	16.36.095	AMD 3 23
13.04.300	AMD	3	15	16.65	ADD 298 2-4
13.06.010	AMD	191	1	16.65.010	AMD 298 1
13.06.020	AMD	191	2	16.65.020	AMD 298 5
13.06.030	AMD	191	3	16.65.040	AMD 298 6
13.06.040	AMD	191	4	16.65.060	AMD 298 7
13.06.050	AMD	191	5	16.65.090	AMD 298 8
13.06.060	REP	191	13	16.65.100	AMD 298 9
13.34.030	AMD	311	2	16.65.150	AMD 298 10
13.34.060	AMD	246	1	16.65.180	AMD 298 11
13.34.070	AMD	3	16	16.65.190	AMD 298 12
13.34.070	AMD	311	3	16.65.200	AMD 298 13
13.34.110	AMD	311	4	16.65.260	AMD 298 14
13.34.130	AMD	246	2	16.65.400	AMD 298 15
13.34.130	AMD	311	5	16.65.423	AMD 298 16
13.40	ADD	191	10,22,23	17.21.170	AMD 95 7
13.40.020	AMD	191	7	17.28.260	AMD 167 18
13.40.030	AMD	191	6	18	ADD 168 1-4
13.40.070	AMD	191	18	18.04	ADD 234 2-13
13.40.080	AMD	191	16		15,16
13.40.160	AMD	191	8		23-29
13.40.190	AMD	191	9	18.04.020	REP 234 32
13.40.200	AMD	191	15	18.04.030	REP 234 32
13.40.210	AMD	191	11	18.04.040	REP 234 32
13.40.300	AMD	191	17	18.04.050	REP 234 32
13.50.050	AMD	191	19	18.04.060	REP 234 32
13.50.100	AMD	191	20	18.04.070	REP 234 32
14.08.112	AMD	167	16	18.04.080	AMD 234 22
14.08.114	AMD	167	17	18.04.090	REP 234 32
14.20.020	AMD	135	1	18.04.100	REP 234 32
14.20.070	AMD	3	17	18.04.120	REP 234 32
14.20.070	AMD	135	2	18.04.130	REP 234 32

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
18.04.160	REP	234	32	18.15.120	REP 75 19
18.04.170	REP	234	32	18.15.125	REP 75 19
18.04.190	REP	234	32	18.15.130	AMD 75 14
18.04.200	REP	234	32	18.15.130	REP 75 19
18.04.220	REP	234	32	18.15.140	REP 75 19
18.04.240	REP	234	32	18.15.150	REP 75 19
18.04.250	REP	234	32	18.15.160	REP 75 19
18.04.260	REP	234	32	18.15.200	REP 75 19
18.04.270	REP	234	32	18.15.210	AMD 75 15
18.04.280	REP	234	32	18.15.210	REP 75 19
18.04.290	REP	234	32	18.15.220	AMD 75 16
18.04.300	REP	234	32	18.15.220	REP 75 19
18.04.310	REP	234	32	18.15.230	REP 75 19
18.04.320	AMD	234	14	18.15.240	REP 75 19
18.04.330	REP	234	32	18.15.250	REP 75 19
18.04.340	REP	234	32	18.15.900	REP 75 19
18.04.350	AMD	234	17	18.18.010	AMD 208 2
18.04.360	AMD	234	18	18.18.010	REP 208 7
18.04.370	AMD	234	19		(Effective 6/30/84)
18.04.380	AMD	234	20	18.18.020	REP 208 7
18.04.390	AMD	234	21		(Effective 6/30/84)
18.04.400	REP	234	32	18.18.030	REP 208 7
18.04.900	REP	234	32		(Effective 6/30/84)
18.15.	ADD	75	1	18.18.040	REP 208 7
18.15.—	REP	75	19		(Effective 6/30/84)
18.15.—	REP	75	19	18.18.050	REP 208 7
18.15.010	REP	75	19		(Effective 6/30/84)
18.15.020	AMD	75	3	18.18.065	REP 208 7
18.15.020	REP	75	19		(Effective 6/30/84)
18.15.040	REP	75	19	18.18.070	REP 208 7
18.15.045	REP	75	19		(Effective 6/30/84)
18.15.050	AMD	75	4	18.18.075	REP 208 7
18.15.050	REP	75	19		(Effective 6/30/84)
18.15.051	AMD	75	5	18.18.078	REP 208 7
18.15.051	REP	75	19		(Effective 6/30/84)
18.15.052	REP	75	19	18.18.085	REP 208 7
18.15.053	REP	75	19		(Effective 6/30/84)
18.15.054	REP	75	19	18.18.090	REP 208 7
18.15.055	REP	75	19		(Effective 6/30/84)
18.15.056	REP	75	19	18.18.100	REP 208 7
18.15.060	AMD	75	6		(Effective 6/30/84)
18.15.060	REP	75	19	18.18.102	AMD 208 3
18.15.065	AMD	75	7	18.18.102	REP 208 7
18.15.065	REP	75	19		(Effective 6/30/84)
18.15.070	AMD	75	8	18.18.104	REP 208 7
18.15.070	REP	75	19		(Effective 6/30/84)
18.15.080	AMD	75	9	18.18.106	REP 208 7
18.15.080	REP	75	19		(Effective 6/30/84)
18.15.090	REP	75	19	18.18.108	REP 208 7
18.15.095	AMD	75	10		(Effective 6/30/84)
18.15.095	REP	75	19	18.18.110	REP 208 7
18.15.096	REP	75	19		(Effective 6/30/84)
18.15.097	AMD	75	11	18.18.120	REP 208 7
18.15.097	REP	75	19		(Effective 6/30/84)
18.15.100	AMD	75	12	18.18.130	REP 208 7
18.15.100	REP	75	19		(Effective 6/30/84)
18.15.110	AMD	75	13	18.18.140	AMD 208 4
18.15.110	REP	75	19	18.18.140	REP 208 7

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
18.18.150	(Effective 6/30/84) REP 208	7	18.26.100	(Effective 6/30/88) REP 197	47
18.18.160	(Effective 6/30/84) REP 208	7	18.26.110	(Effective 6/30/88) REP 197	47
18.18.170	(Effective 6/30/84) REP 208	7	18.26.120	(Effective 6/30/88) REP 197	47
18.18.180	(Effective 6/30/84) REP 208	7	18.26.130	(Effective 6/30/88) REP 197	47
18.18.190	(Effective 6/30/84) REP 208	7	18.26.140	(Effective 6/30/88) REP 197	47
18.18.200	(Effective 6/30/84) REP 208	7	18.26.150	(Effective 6/30/88) REP 197	47
18.18.210	(Effective 6/30/84) REP 208	7	18.26.160	(Effective 6/30/88) REP 197	47
18.18.220	(Effective 6/30/84) REP 208	7	18.26.170	(Effective 6/30/88) REP 197	47
18.18.230	(Effective 6/30/84) REP 208	7	18.26.180	(Effective 6/30/88) REP 197	47
18.18.251	(Effective 6/30/84) REP 208	7	18.26.190	(Effective 6/30/88) REP 197	47
18.18.260	AMD 208	5	18.26.200	(Effective 6/30/88) REP 197	47
18.18.260	(Effective 6/30/84) REP 208	7	18.26.210	(Effective 6/30/88) REP 197	47
18.18.270	(Effective 6/30/84) REP 208	7	18.26.220	(Effective 6/30/88) REP 197	47
18.18.275	(Effective 6/30/84) REP 208	7	18.26.230	(Effective 6/30/88) REP 197	47
18.18.290	(Effective 6/30/84) REP 208	7	18.26.240	(Effective 6/30/88) REP 197	47
18.18.300	(Effective 6/30/84) REP 208	7	18.26.250	(Effective 6/30/88) REP 197	47
18.18.900	(Effective 6/30/84) REP 208	7	18.26.270	(Effective 6/30/88) REP 197	47
18.18.910	(Effective 6/30/84) REP 208	7	18.26.280	(Effective 6/30/88) REP 197	47
18.22.215	AMD 3	24	18.26.290	(Effective 6/30/88) REP 197	47
18.26.010	(Effective 6/30/88) REP 197	47	18.26.300	(Effective 6/30/88) REP 197	47
18.26.020	(Effective 6/30/88) REP 197	47	18.26.310	(Effective 6/30/88) REP 197	47
18.26.030	(Effective 6/30/88) REP 197	47	18.26.900	(Effective 6/30/88) REP 197	47
18.26.035	(Effective 6/30/88) REP 197	47	18.27	ADD 74	2
18.26.037	(Effective 6/30/88) REP 197	47	18.27	ADD 2 E1	1-16
18.26.040	(Effective 6/30/88) REP 197	47		(Effective 1/1/84)	
18.26.050	(Effective 6/30/88) REP 197	47	18.27.020	AMD 2 E1	17
18.26.060	(Effective 6/30/88) REP 197	47		(Effective 1/1/84)	
18.26.070	(Effective 6/30/88) REP 197	47	18.27.040	AMD 2 E1	18
18.26.080	(Effective 6/30/88) REP 197	47	18.27.060	AMD 2 E1	19
18.26.090	(Effective 6/30/88) REP 197	47	18.27.070	AMD 74	1
			18.27.090	AMD 4	1
			18.27.120	AMD 2 E1	20
			18.27.140	AMD 2 E1	21
			18.29	ADD 168	14
			18.29.030	REP 168	15

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
18.34.130	REP	168	13	18.50.150	REP 197 48
18.35	ADD	39	13,15-21		(Effective 6/30/88)
18.35.010	AMD	39	1	18.51.010	AMD 236 1
18.35.020	AMD	39	2	18.51.091	AMD 236 2
18.35.030	AMD	39	3	18.51.100	REP 197 50
18.35.040	AMD	39	4		(Effective 6/30/88)
18.35.050	AMD	39	5	18.51.110	REP 197 50
18.35.060	AMD	39	6		(Effective 6/30/88)
18.35.090	AMD	39	7	18.51.145	AMD 67 E1 45
18.35.100	AMD	39	8	18.52A.010	REP 197 52
18.35.110	AMD	39	9		(Effective 6/30/88)
18.35.120	AMD	39	10	18.52A.020	REP 197 52
18.35.130	REP	39	25		(Effective 6/30/88)
18.35.140	AMD	39	11	18.52A.030	REP 197 52
18.35.150	AMD	39	12		(Effective 6/30/88)
18.35.160	REP	39	25	18.52A.040	REP 197 52
18.35.190	AMD	39	14		(Effective 6/30/88)
18.36.010	REP	197	46	18.52A.050	REP 197 52
					(Effective 6/30/88)
18.36.020	REP	197	46	18.52A.060	REP 197 52
					(Effective 6/30/88)
18.36.030	REP	197	46	18.53.050	AMD 168 8
					(Effective 6/30/88)
18.36.040	REP	197	46	18.54.140	AMD 168 9
					(Effective 6/30/88)
18.36.050	REP	197	46	18.71	ADD 112 4
					(Effective 6/30/88)
18.36.060	REP	197	46	18.71.030	REEN 2 1
					(Effective 6/30/88)
18.36.115	REP	197	46	18.71.030	AMD 2 1
					(Effective 6/30/88)
18.36.120	REP	197	46	18.71.200	AMD 112 1
					(Effective 6/30/88)
18.36.130	REP	197	46	18.71.205	AMD 112 2
					(Effective 6/30/88)
18.36.140	REP	197	46	18.71.210	AMD 112 3
					(Effective 6/30/88)
18.36.150	REP	197	46	18.72	ADD 71 1-3
					(Effective 6/30/88)
18.36.165	REP	197	46	18.73	ADD 112 6-8
					(Effective 6/30/88)
18.36.170	REP	197	46	18.73.030	AMD 112 5
					(Effective 6/30/88)
18.36.200	REP	197	46	18.73.040	REP 197 51
					(Effective 6/30/88)
18.36.210	REP	197	46	18.73.050	REP 197 51
					(Effective 6/30/88)
18.36.220	REP	197	46	18.74	ADD 116 1,4,5,11
					(Effective 6/30/88)
18.36.230	REP	197	46		14-17,22
					(Effective 6/30/88)
18.36.240	REP	197	46	18.74.010	AMD 116 2
					(Effective 6/30/88)
18.36.245	REP	197	46	18.74.020	AMD 116 3
					(Effective 6/30/88)
18.44.210	REP	27 E1	15	18.74.030	AMD 116 6
18.50.140	REP	197	48	18.74.035	AMD 116 7
					(Effective 6/30/88)
				18.74.040	AMD 116 8
				18.74.050	AMD 116 9
				18.74.060	AMD 116 10
				18.74.070	AMD 116 12
				18.74.080	AMD 116 13
				18.74.090	AMD 116 18
				18.74.095	AMD 116 19
				18.74.100	AMD 116 20
				18.74.110	REP 116 23
				18.74.120	AMD 116 21
				18.78	ADD 55 1,7,13
					(Effective 6/30/88)
					14,18,20
				18.78.010	AMD 55 2
				18.78.010	REP 197 52
					(Effective 6/30/88)
				18.78.020	AMD 55 3

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
18.78.020	REP 197	52		(Effective 6/30/88)	
	(Effective 6/30/88)		18.88.030	REP 197	52
18.78.030	AMD 55	4		(Effective 6/30/88)	
18.78.030	REP 197	52	18.88.050	REP 197	52
	(Effective 6/30/88)			(Effective 6/30/88)	
18.78.040	AMD 55	5	18.88.060	REP 197	52
18.78.040	REP 197	52		(Effective 6/30/88)	
	(Effective 6/30/88)		18.88.070	REP 197	52
18.78.050	AMD 55	6		(Effective 6/30/88)	
18.78.050	REP 197	52	18.88.080	REP 197	52
	(Effective 6/30/88)			(Effective 6/30/88)	
18.78.060	AMD 55	8	18.88.090	REP 197	52
18.78.060	REP 197	52		(Effective 6/30/88)	
	(Effective 6/30/88)		18.88.100	REP 197	52
18.78.070	AMD 55	9		(Effective 6/30/88)	
18.78.070	REP 197	52	18.88.110	REP 197	52
	(Effective 6/30/88)			(Effective 6/30/88)	
18.78.080	REP 197	52	18.88.120	REP 197	52
	(Effective 6/30/88)			(Effective 6/30/88)	
18.78.090	AMD 55	10	18.88.130	REP 197	52
18.78.090	REP 197	52		(Effective 6/30/88)	
	(Effective 6/30/88)		18.88.140	REP 197	52
18.78.100	AMD 55	11		(Effective 6/30/88)	
18.78.100	REP 197	52	18.88.150	REP 197	52
	(Effective 6/30/88)			(Effective 6/30/88)	
18.78.110	AMD 55	12	18.88.160	REP 197	52
18.78.110	REP 197	52		(Effective 6/30/88)	
	(Effective 6/30/88)		18.88.170	REP 197	52
18.78.120	REP 55	21		(Effective 6/30/88)	
18.78.120	REP 197	52	18.88.180	REP 197	52
	(Effective 6/30/88)			(Effective 6/30/88)	
18.78.130	REP 55	21	18.88.185	REP 197	52
18.78.130	REP 197	52		(Effective 6/30/88)	
	(Effective 6/30/88)		18.88.190	REP 197	52
18.78.140	REP 55	21		(Effective 6/30/88)	
18.78.140	REP 197	52	18.88.200	REP 197	52
	(Effective 6/30/88)			(Effective 6/30/88)	
18.78.150	REP 55	21	18.88.210	REP 197	52
18.78.150	REP 197	52		(Effective 6/30/88)	
	(Effective 6/30/88)		18.88.220	REP 197	52
18.78.160	AMD 55	15		(Effective 6/30/88)	
18.78.160	REP 197	52	18.88.230	REP 197	52
	(Effective 6/30/88)			(Effective 6/30/88)	
18.78.170	AMD 55	16	18.88.240	REP 197	52
18.78.170	REP 197	52		(Effective 6/30/88)	
	(Effective 6/30/88)		18.88.250	REP 197	52
18.78.175	AMD 55	17		(Effective 6/30/88)	
18.78.175	REP 197	52	18.88.260	REP 197	52
	(Effective 6/30/88)			(Effective 6/30/88)	
18.78.182	AMD 55	19	18.88.265	REP 197	52
18.78.182	REP 197	52		(Effective 6/30/88)	
	(Effective 6/30/88)		18.88.270	REP 197	52
18.78.900	REP 197	52		(Effective 6/30/88)	
	(Effective 6/30/88)		18.88.280	REP 197	52
18.83.051	AMD 168	10		(Effective 6/30/88)	
18.88.010	REP 197	52	18.88.285	REP 197	52
	(Effective 6/30/88)			(Effective 6/30/88)	
18.88.020	REP 197	52	18.88.290	REP 197	52

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
	(Effective 6/30/88)		18.100.090	AMD	51 4
18.88.300	REP 197	52	18.100.110	AMD	51 5
	(Effective 6/30/88)		18.100.130	AMD	51 6
18.88.900	REP 197	52	18.100.135	REP	51 13
	(Effective 6/30/88)		18.104.020	AMD	27 E1 14
18.92	ADD 102	3	18.104.090	REP	27 E1 15
18.92.015	AMD 102	1	18.104.120	AMD	93 1
18.92.021	REEN 2	2	18.106	ADD 124	5-16
18.92.030	AMD 102	2		(Effective 1/1/84)	
18.92.040	AMD 102	4	18.106	ADD 124	17
18.92.125	AMD 102	5	18.106.010	AMD	124 1
18.92.140	AMD 102	6	18.106.020	AMD	124 4
18.92.142	REP 102	10		(Effective 1/1/84)	
18.92.145	AMD 102	7	18.106.050	AMD	124 2
18.92.160	AMD 102	8	18.106.060	REP	124 19
18.92.180	AMD 102	9	18.106.070	AMD	124 3
18.96.010	REP 197	32	18.106.160	REP	124 20
	(Effective 6/30/86)		19	ADD 137	1-3
18.96.020	REP 197	32	19	ADD 240	1-7
	(Effective 6/30/86)		19.09	ADD 265	3-8,14
18.96.030	REP 197	32			15,17,18
	(Effective 6/30/86)			(Effective 1/1/84)	
18.96.040	REP 197	32	19.09.020	AMD 265	1
	(Effective 6/30/86)			(Effective 1/1/84)	
18.96.050	REP 197	32	19.09.030	AMD 265	2
	(Effective 6/30/86)			(Effective 1/1/84)	
18.96.060	REP 197	32	19.09.050	AMD 265	13
	(Effective 6/30/86)			(Effective 1/1/84)	
18.96.070	REP 197	32	19.09.100	AMD 265	9
	(Effective 6/30/86)			(Effective 1/1/84)	
18.96.080	REP 197	32	19.09.190	AMD 265	16
	(Effective 6/30/86)			(Effective 1/1/84)	
18.96.090	REP 197	32	19.09.210	AMD 265	10
	(Effective 6/30/86)			(Effective 1/1/84)	
18.96.100	REP 197	32	19.09.275	AMD 265	11
	(Effective 6/30/86)			(Effective 1/1/84)	
18.96.110	REP 197	32	19.09.340	AMD 265	12
	(Effective 6/30/86)			(Effective 1/1/84)	
18.96.120	REP 197	32	19.16.250	AMD 107	1
	(Effective 6/30/86)		19.27	ADD 134	2-6
18.96.130	REP 197	32	19.27	ADD 178	2
	(Effective 6/30/86)		19.28	ADD 206	1,3
18.96.140	REP 197	32	19.28.010	AMD 206	2
	(Effective 6/30/86)		19.28.060	AMD 206	4
18.96.150	REP 197	32	19.28.120	AMD 206	5
	(Effective 6/30/86)		19.28.125	AMD 206	6
18.96.160	REP 197	32	19.28.210	AMD 206	7
	(Effective 6/30/86)		19.28.250	AMD 206	8
18.96.170	REP 197	32	19.28.260	AMD 206	9
	(Effective 6/30/86)		19.28.270	REP 206	23
18.96.180	REP 197	32	19.28.300	AMD 206	10
	(Effective 6/30/86)		19.28.310	AMD 206	11
18.96.900	REP 197	32	19.28.350	AMD 206	12
	(Effective 6/30/86)		19.28.500	REP 206	23
18.100	ADD 51	7-12	19.28.510	AMD 206	13
18.100.030	AMD 51	2	19.28.530	AMD 206	14
18.100.050	AMD 100	1	19.28.540	AMD 206	15
18.100.060	AMD 51	3	19.28.550	AMD 206	16

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
19.28.570	AMD	206	17	22.09.060	AMD	305	24
19.28.580	AMD	206	18	22.09.070	AMD	305	25
19.28.590	AMD	206	19	22.09.090	AMD	305	27
19.28.600	AMD	206	20	22.09.100	AMD	305	28
19.28.610	AMD	206	21	22.09.110	AMD	305	29
19.28.620	AMD	206	22	22.09.130	AMD	305	30
19.29.040	AMD	4	2	22.09.150	AMD	305	31
19.52.010	AMD	158	6	22.09.170	AMD	305	32
19.52.010	AMD	309	1	22.09.180	AMD	305	34
19.83.040	AMD	40	1	22.09.190	AMD	305	35
19.86	ADD	288	5	22.09.195	AMD	305	36
19.86.090	AMD	288	3	22.09.200	AMD	305	37
19.86.140	AMD	288	2	22.09.210	AMD	305	38
19.86.920	AMD	3	25	22.09.210	DECOD	305	65
19.86.920	AMD	288	4	22.09.210	RECOD	305	65
19.90.010	REP	288	7	22.09.230	AMD	305	39
19.90.020	AMD	4	3	22.09.240	AMD	305	40
19.90.020	REP	288	7	22.09.250	AMD	305	41
19.90.030	REP	288	7	22.09.260	AMD	305	42
19.90.040	REP	288	7	22.09.270	DECOD	305	70
19.90.050	REP	288	7	22.09.270	RECOD	305	70
19.90.060	REP	288	7	22.09.280	DECOD	305	69
19.90.070	REP	288	7	22.09.280	RECOD	305	69
19.90.080	REP	288	7	22.09.290	AMD	305	43
19.90.090	REP	288	7	22.09.310	AMD	305	44
19.90.100	REP	288	7	22.09.330	AMD	305	45
19.90.110	REP	288	7	22.09.340	AMD	305	46
19.90.120	AMD	4	4	22.09.350	AMD	305	48
19.90.120	REP	288	7	22.09.360	REP	305	77
19.90.130	REP	288	7	22.09.370	AMD	305	53
19.90.140	REP	288	7	22.09.370	DECOD	305	61
19.90.150	REP	288	7	22.09.370	RECOD	305	61
19.90.160	REP	288	7	22.09.380	DECOD	305	66
19.90.900	REP	288	7	22.09.380	RECOD	305	66
19.90.901	REP	288	7	22.09.390	DECOD	305	66
19.90.910	REP	288	7	22.09.390	RECOD	305	66
19.90.920	REP	288	7	22.09.400	DECOD	305	66
19.91.010	REEN	2	3	22.09.400	RECOD	305	66
19.91.140	REEN	2	4	22.09.410	DECOD	305	66
19.91.150	REEN	2	5	22.09.410	RECOD	305	66
19.92.100	AMD	89	1	22.09.420	AMD	305	54
19.92.110	AMD	89	2	22.09.420	DECOD	305	67
20.01	ADD	305	7-14	22.09.420	RECOD	305	67
20.01.010	AMD	305	1	22.09.430	DECOD	305	68
20.01.030	AMD	305	2	22.09.430	RECOD	305	68
20.01.040	AMD	305	3	22.09.440	DECOD	305	68
20.01.210	AMD	305	4	22.09.440	RECOD	305	68
20.01.211	AMD	305	5	22.09.450	DECOD	305	68
20.01.290	AMD	305	6	22.09.450	RECOD	305	68
22.09	ADD	305	16,19,21 23,26,33 47,49 50-52,64	22.09.460	DECOD	305	68
				22.09.460	RECOD	305	68
				22.09.470	DECOD	305	68
				22.09.470	RECOD	305	68
22.09.010	REP	305	77	22.09.480	DECOD	305	68
22.09.020	AMD	305	17	22.09.480	RECOD	305	68
22.09.030	AMD	305	18	22.09.490	DECOD	305	68
22.09.040	AMD	305	20	22.09.490	RECOD	305	68
22.09.050	AMD	305	22	22.09.500	DECOD	305	68

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.			
22.09.500	RECOD	305	68	26.44.056	AMD	246	3	
22.09.530	DECOD	305	68	27	ADD	91	1-19	
22.09.530	RECOD	305	68	27.12.060	AMD	167	19	
22.09.540	DECOD	305	71	27.12.223	AMD	167	20	
22.09.540	RECOD	305	71	27.16.010	REP	56	15	
22.09.550	AMD	305	55	27.16.020	REP	56	15	
22.09.550	DECOD	305	72	27.16.030	REP	56	15	
22.09.550	RECOD	305	72	27.16.040	REP	56	15	
22.09.560	DECOD	305	73	27.16.050	REP	56	15	
22.09.560	RECOD	305	73	27.16.060	REP	56	15	
22.09.570	AMD	305	56	27.26.010	REP	197	44	
22.09.580	AMD	305	57		(Effective 6/30/86)			
22.09.590	AMD	305	58	27.26.020	REP	197	44	
22.09.600	AMD	305	59		(Effective 6/30/86)			
22.09.610	AMD	305	60	27.28.010	REP	91	24	
22.09.620	AMD	305	62	27.28.020	REP	91	24	
22.09.650	AMD	305	63	27.28.021	RECOD	91	21	
22.09.950	DECOD	305	74	27.28.022	RECOD	91	21	
22.09.951	DECOD	305	74	27.28.030	REP	91	24	
22.28.020	AMD	3	26	27.28.040	REP	91	24	
22.28.040	AMD	289	1	27.32.010	REP	91	24	
22.28.060	AMD	289	2	27.32.020	REP	91	24	
23A.28	ADD	32	2,3,5	27.32.030	REP	91	24	
23A.28.125	AMD	32	1	27.36.010	REP	91	24	
23A.28.250	AMD	32	4	27.36.015	REP	91	24	
23A.32.050	REEN	2	6	27.36.020	RECOD	91	21	
23A.32.050	AMD	2	6	27.36.030	REP	91	24	
23A.32.160	AMD	32	7	27.36.040	REP	91	24	
23A.32.170	AMD	32	8	27.36.050	REP	91	24	
23A.44.100	AMD	32	9	27.36.060	REP	91	24	
24.03.015	AMD	106	22	27.36.070	REP	91	24	
24.36.060	AMD	3	27	27.40.010	REP	197	31	
24.36.090	AMD	3	28		(Effective 6/30/86)			
25.10.200	AMD	302	1	27.40.020	REP	91	24	
25.10.240	AMD	302	2	27.40.020	REP	197	31	
26.04.050	AMD	186	1		(Effective 6/30/86)			
26.09.020	AMD	45	E1	27.40.030	REP	197	31	
26.09.060	AMD	232	10		(Effective 6/30/86)			
26.09.060	AMD	41	E1	27.40.034	REP	197	31	
26.09.120	AMD	45	E1		(Effective 6/30/86)			
26.12.010	AMD	219	1	27.40.036	REP	197	31	
26.12.090	AMD	219	2		(Effective 6/30/86)			
26.12.100	AMD	219	3	27.40.040	REP	197	31	
26.12.120	AMD	219	4		(Effective 6/30/86)			
26.12.170	AMD	219	5	27.48.030	REP	91	24	
26.12.180	AMD	219	6	27.53.030	AMD	91	20	
26.12.190	AMD	219	7	28A.02.201	AMD	56	1	
26.12.200	AMD	219	8	28A.02.240	AMD	3	29	
26.12.210	AMD	219	9	28A.03	ADD	34	E1	1,2
26.16.200	AMD	41	E1	28A.04.350	REP	61	E1	8
26.26	ADD	41	E1	28A.10.080	AMD	41	E1	16
26.26.060	AMD	41	E1	28A.21.088	AMD	56	2	
26.26.090	AMD	41	E1	28A.21.090	AMD	56	3	
26.26.100	AMD	41	E1	28A.21.140	AMD	56	4	
26.26.130	AMD	41	E1	28A.21.180	REP	56	16	
26.26.180	AMD	41	E1	28A.24.055	AMD	61	E1	1
26.26.200	AMD	41	E1	28A.41.130	AMD	3	30	
26.26.902	REP	41	E1	28A.41.140	AMD	229	1	

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.	
28A.41.505	AMD	61	E1	2	28A.47.748	REP	189	1
28A.41.510	AMD	61	E1	3	28A.47.750	REP	189	1
28A.41.515	AMD	61	E1	4	28A.48.030	AMD	56	5
28A.41.520	AMD	61	E1	5	28A.51.010	AMD	167	21
28A.41.525	AMD	61	E1	6	28A.51.030	AMD	167	22
28A.44.045	AMD	3		31	28A.51.055	AMD	167	23
28A.44.060	REP	56		16	28A.51.070	AMD	167	24
28A.44.070	REP	56		16	28A.51.180	AMD	167	25
28A.44.095	AMD	3		32	28A.51.190	AMD	167	26
28A.44.220	AMD	61	E1	7	28A.51.220	AMD	167	27
28A.47.130	REP	189		1	28A.52.050	AMD	167	28
28A.47.140	REP	189		1	28A.52.055	AMD	167	29
28A.47.170	REP	189		1	28A.52.060	AMD	167	30
28A.47.180	REP	189		1	28A.57.020	AMD	3	33
28A.47.210	REP	189		1	28A.57.120	AMD	3	34
28A.47.220	REP	189		1	28A.57.255	AMD	56	6
28A.47.230	REP	189		1	28A.57.290	AMD	56	7
28A.47.420	REP	189		1	28A.57.324	AMD	3	35
28A.47.435	REP	189		1	28A.57.435	AMD	3	36
28A.47.440	AMD	189		2	28A.58	ADD	98	3
28A.47.450	REP	189		1	28A.58	ADD	109	2,3
28A.47.460	REP	189		1	28A.58	ADD	275	2,3
28A.47.470	REP	189		1	28A.58.035	AMD	59	15
28A.47.480	REP	189		1	28A.58.0461	AMD	59	14
28A.47.490	REP	189		1	28A.58.055	AMD	204	7
28A.47.500	REP	189		1	28A.58.095	AMD	275	1
28A.47.510	REP	189		1	28A.58.097	REP	275	4
28A.47.520	REP	189		1	28A.58.100	REP	275	4
28A.47.530	REP	189		1	28A.58.107	AMD	125	1
28A.47.540	REP	189		1	28A.58.150	AMD	56	8
28A.47.560	REP	189		1	28A.58.230	AMD	3	37
28A.47.570	REP	189		1	28A.58.440	AMD	66	1
28A.47.580	REP	189		1	28A.58.441	AMD	59	13
28A.47.590	REP	189		1	28A.59.150	AMD	56	9
28A.47.600	REP	189		1	28A.59.180	REEN	2	7
28A.47.610	REP	189		1	28A.59.185	AMD	59	16
28A.47.620	REP	189		1	28A.60.328	AMD	56	10
28A.47.630	REP	189		1	28A.61	ADD	187	4,6
28A.47.640	REP	189		1	28A.61.030	AMD	187	1
28A.47.650	REP	189		1	28A.61.050	AMD	187	2
28A.47.660	REP	189		1	28A.61.060	REP	187	7
28A.47.680	REP	189		1	28A.65.400	AMD	59	1
28A.47.690	REP	189		1	28A.65.405	AMD	59	2
28A.47.700	REP	189		1	28A.65.420	AMD	59	3
28A.47.710	REP	189		1	28A.65.425	AMD	59	4
28A.47.720	REP	189		1	28A.65.435	AMD	59	5
28A.47.722	REP	189		1	28A.65.440	AMD	59	6
28A.47.724	REP	189		1	28A.65.445	AMD	59	7
28A.47.726	REP	189		1	28A.65.450	AMD	59	8
28A.47.728	REP	189		1	28A.65.460	AMD	59	9
28A.47.730	REP	189		1	28A.65.465	AMD	59	10
28A.47.732	REP	189		1	28A.65.480	AMD	59	11
28A.47.734	REP	189		1	28A.65.485	AMD	59	12
28A.47.736	REP	189		1	28A.65.495	REP	59	18
28A.47.738	REP	189		1	28A.66.060	REP	56	16
28A.47.742	REP	189		1	28A.66.100	REP	56	16
28A.47.744	REP	189		1	28A.67.040	REP	56	17
28A.47.746	REP	189		1	28A.67.070	AMD	56	11

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
28A.67.070	AMD	83			1
28A.70.130	AMD	56			12
28A.70.140	AMD	56	28B.05.240	REP	197 45
28A.87.030	REP	56			(Effective 6/30/87)
28A.87.050	REP	56	28B.05.900	REP	197 45
28A.87.080	REP	56			(Effective 6/30/87)
28A.87.100	REP	56	28B.05.950	REP	197 45
28A.87.110	REP	56			(Effective 6/30/87)
28A.87.170	REP	56	28B.10	ADD	120 10
28A.97.010	AMD	3	28B.10	ADD	204 9
28B	ADD	169	28B.10	ADD	56 E1 2
28B	ADD	72	28B.10.025	AMD	204 8
28B.05.010	REP	197	28B.10.205	REP	3 39
			28B.10.310	AMD	167 31
			28B.10.315	AMD	167 32
28B.05.020	REP	197	28B.10.560	AMD	221 1
			28B.10.565	REP	221 3
28B.05.030	REP	197	28B.14F	ADD	58 E1 1-5
			28B.15	ADD	166 1-5
28B.05.040	REP	197	28B.15	ADD	74 E1 1-4
			28B.15.012	AMD	285 1
28B.05.040	AMD	266	28B.15.535	AMD	220 1
28B.05.050	REP	197	28B.15.600	AMD	256 1
			28B.15.620	AMD	307 1
28B.05.060	REP	197	28B.15.730	AMD	104 1
			28B.15.736	AMD	104 2
28B.05.070	REP	197	28B.15.820	AMD	64 E1 1
			28B.15.825	AMD	64 E1 2
28B.05.080	REP	197	28B.15.825	DECOD	64 E1 3
			28B.16	ADD	75 E1 3
28B.05.090	REP	197	28B.16.020	AMD	75 E1 1
			28B.16.070	AMD	23 1
28B.05.100	REP	197	28B.16.100	AMD	75 E1 2
			28B.20	ADD	72 E1 10,11
28B.05.110	REP	197	28B.20.396	AMD	167 33
			28B.20.398	AMD	167 34
28B.05.120	REP	197	28B.30	ADD	72 E1 12-14
			28B.50.095	AMD	3 40
28B.05.130	REP	197	28B.50.100	AMD	224 1
			28B.80	ADD	304 1,2
28B.05.140	REP	197	28B.80.010	REP	197 29
					(Effective 6/30/86)
28B.05.150	REP	197	28B.80.020	REP	197 29
					(Effective 6/30/86)
28B.05.160	REP	197	28B.80.030	REP	197 29
					(Effective 6/30/86)
28B.05.170	REP	197	28B.80.035	REP	197 29
					(Effective 6/30/86)
28B.05.180	REP	197	28B.80.040	REP	197 29
					(Effective 6/30/86)
28B.05.190	REP	197	28B.80.050	REP	197 29
					(Effective 6/30/86)
28B.05.200	REP	197	28B.80.060	REP	197 29
					(Effective 6/30/86)
28B.05.210	REP	197	28B.80.070	REP	197 29
					(Effective 6/30/86)
28B.05.220	REP	197	28B.80.080	REP	197 29
					(Effective 6/30/86)
28B.05.230	REP	197	28B.80.090	REP	197 29

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
28B.80.110	(Effective 6/30/86) REP 197	29	28C.04.090	(Effective 6/30/87) REP 197	43
28B.80.120	(Effective 6/30/86) REP 197	29	28C.04.140	(Effective 6/30/87) REP 197	43
28B.80.130	(Effective 6/30/86) REP 197	29	28C.04.150	(Effective 6/30/87) REP 197	43
28B.80.130	(Effective 6/30/86) REP 72 E1	16	28C.04.160	(Effective 6/30/87) REP 197	43
28B.80.140	(Effective 6/30/86) REP 197	29	28C.04.200	(Effective 6/30/87) REP 197	43
28B.80.140	(Effective 6/30/86) REP 72 E1	16	28C.04.210	(Effective 6/30/87) REP 197	43
28B.80.150	(Effective 6/30/86) REP 197	29	28C.04.220	(Effective 6/30/87) REP 197	43
28B.80.160	(Effective 6/30/86) REP 197	29	28C.04.230	(Effective 6/30/87) AMD 3	41
28B.80.170	(Effective 6/30/86) REP 197	29	28C.04.230	(Effective 6/30/87) REP 197	43
28B.80.200	(Effective 6/30/86) REP 197	29	28C.04.240	(Effective 6/30/87) REP 197	43
28B.80.210	(Effective 6/30/86) REP 197	29	28C.04.300	(Effective 6/30/87) REP 197	43
28B.80.220	(Effective 6/30/86) REP 197	29	28C.04.310	(Effective 6/30/87) REP 197	43
28B.80.230	(Effective 6/30/86) REP 197	29	28C.04.500	(Effective 6/30/87) REP 197	43
28B.80.240	(Effective 6/30/86) REP 197	29	28C.04.510	(Effective 6/30/87) REP 197	43
28B.80.250	(Effective 6/30/86) REP 197	29	28C.50.010	(Effective 6/30/87) REP 197	43
28B.80.260	(Effective 6/30/86) REP 197	29	28C.50.020	(Effective 6/30/87) REP 197	43
28B.80.270	(Effective 6/30/86) REP 197	29	28C.50.030	(Effective 6/30/87) REP 197	43
28B.80.900	(Effective 6/30/86) REP 197	29	28C.50.040	(Effective 6/30/87) REP 197	43
28B.80.910	(Effective 6/30/86) REP 197	29	28C.50.050	(Effective 6/30/87) REP 197	43
28C.04	ADD 21 E1	1-10	28C.50.060	(Effective 6/30/87) REP 197	43
28C.04.010	(Effective 6/30/87) REP 197	43	28C.50.900	(Effective 6/30/87) REP 197	43
28C.04.020	(Effective 6/30/87) REP 197	43	28C.51.010	(Effective 6/30/87) REP 197	43
28C.04.025	(Effective 6/30/87) REP 197	43	28C.51.020	(Effective 6/30/87) REP 197	43
28C.04.026	(Effective 6/30/87) REP 197	43	28C.51.030	(Effective 6/30/87) REP 197	43
28C.04.030	(Effective 6/30/87) REP 197	43	28C.51.040	(Effective 6/30/87) REP 197	43
28C.04.040	(Effective 6/30/87) REP 197	43	28C.51.050	(Effective 6/30/87) REP 197	43
28C.04.040	(Effective 6/30/87) AMD 21 E1	3	28C.51.060	(Effective 6/30/87) REP 197	43
28C.04.050	(Effective 6/30/87) REP 197	43	29	ADD 17	1-13
28C.04.060	(Effective 6/30/87) REP 197	43	29.07	ADD 294	2
28C.04.070	(Effective 6/30/87) REP 197	43	29.10	ADD 30 E1	1-3
28C.04.080	(Effective 6/30/87) REP 197	43	29.10.090	AMD 110	1

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
29.10.130	AMD	30	E1 4	30.04.140	AMD	157	6
29.10.140	AMD	30	E1 5	30.04.150	REP	157	10
29.13.015	REP	3	42	30.04.160	AMD	157	7
29.13.021	AMD	3	43	30.04.215	AMD	157	8
29.21.085	AMD	3	44	30.04.230	AMD	157	9
29.27.010	AMD	3	45	30.12.190	AMD	3	47
29.34	ADD	143	1	30.42.020	AMD	3	48
29.36	ADD	71	E1 2-4	30.99.010	AMD	3	49
			6,8,9	30.99.100	AMD	3	50
29.36.075	AMD	136	1	31.08.160	AMD	227	1
29.36.120	AMD	71	E1 1	31.08.170	AMD	227	2
29.36.130	AMD	71	E1 5	31.12	ADD	37	6-13
29.36.140	REP	71	E1 10	31.12.160	AMD	37	1
29.45.010	AMD	71	E1 7	31.12.180	AMD	37	2
29.51.020	AMD	33	E1 1	31.12.240	AMD	37	3
29.59.010	REP	30	E1 7	31.12.325	AMD	37	4
29.59.020	REP	30	E1 7	31.12.330	AMD	37	5
29.59.030	REP	30	E1 7	31.12A.010	AMD	48	1
29.59.040	REP	30	E1 7	31.12A.050	AMD	48	2
29.59.060	REP	30	E1 7	31.24.030	AMD	3	51
29.65.010	AMD	30	E1 6	31.24.150	AMD	3	52
29.68.120	AMD	3	46	32	ADD	45	1,2
29.69.001	REP	17	15	32.12.020	AMD	3	53
29.69.002	REP	17	15	32.12.050	AMD	44	1
29.69.003	REP	17	15	32.12.090	AMD	44	2
29.69.004	REP	17	15	32.12.100	REP	66	23
29.69.005	REP	17	15	32.32.495	AMD	44	3
29.69.006	REP	17	15	32.32.525	AMD	44	4
29.69.007	REP	17	15	33.08.030	AMD	42	1
29.69.010	REP	17	15	33.52.010	REP	66	23
29.69.020	REP	17	15	34.04	ADD	6	11
29.69.030	REP	17	15	34.04.210	AMD	53	1
29.69.040	REP	17	15	34.08.020	REEN	2	8
29.69.050	REP	17	15	35	ADD	126	1-4
29.69.060	REP	17	15	35	ADD	216	1-13
29.69.070	REP	17	15	35.13.180	AMD	68	E1 1
29.69.080	REP	17	15	35.13.280	AMD	3	54
29.69.900	REP	17	15	35.20.255	AMD	156	8
29.70.010	REP	16	16	35.20.900	AMD	3	55
29.70.020	REP	16	16	35.21	ADD	87	1
29.70.030	REP	16	16	35.21	ADD	99	6
29.70.040	REP	16	16	35.21	ADD	103	1
29.70.050	REP	16	16	35.21	ADD	165	40
29.70.060	REP	16	16	35.21	ADD	48	E1 1
29.70.070	REP	16	16	35.21.070	AMD	173	1
29.70.080	REP	16	16	35.21.705	REP	99	8
29.70.090	REP	16	16	35.21.710	AMD	99	7
29.70.100	AMD	16	15	35.21.710	AMD	3	E2 33
29.70.110	REP	16	16	35.21.712	AMD	3	E2 35
29.70.120	REP	16	16	35.21.714	AMD	3	E2 37
29.70.130	REP	16	16	35.21.775	AMD	146	1
29.70.900	REP	16	16	35.21.860	AMD	3	E2 39
29.70.910	REP	16	16	35.21.865	AMD	99	4
30.04	ADD	157	1,2	35.21.870	AMD	99	5
30.04.020	AMD	42	2	35.22.590	AMD	167	35
30.04.060	AMD	157	3	35.22.640	AMD	217	1
30.04.110	AMD	157	4	35.28.2721	AMD	167	46
30.04.128	AMD	157	5	35.37.090	AMD	167	36

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
35.37.100	AMD	167	37	35.92.360	AMD	62	2
35.37.120	AMD	167	38	35A.12.010	AMD	128	1
35.38.120	REP	66	23	35A.13.010	AMD	128	2
35.38.130	REP	66	23	35A.20.150	AMD	3	58
35.38.140	REP	66	23	35A.21.161	AMD	3	59
35.39.050	AMD	3	56	35A.27.010	AMD	3	60
35.41.030	AMD	167	39	35A.28.010	AMD	3	61
35.41.040	REP	167	270	35A.37.010	AMD	3	62
35.41.050	AMD	167	40	35A.40.040	AMD	3	63
35.43.040	AMD	291	1	35A.40.050	AMD	3	64
35.43.130	AMD	303	1	35A.40.050	AMD	66	2
35.43.150	AMD	303	2	35A.40.200	AMD	3	65
35.43.180	AMD	303	3	35A.41.020	AMD	3	66
35.45.030	AMD	167	41	35A.42.050	AMD	3	67
35.45.040	AMD	167	42	35A.47.020	AMD	3	68
35.45.050	AMD	167	43	35A.47.030	AMD	3	69
35.45.150	AMD	167	44	35A.58.030	AMD	3	70
35.45.150	REEN	167	44	35A.69.010	AMD	3	71
35.48.020	AMD	167	45	35A.69.010	AMD	46	E1 177
35.50.030	AMD	303	18				(Effective 1/1/84)
35.50.230	AMD	303	19	35A.79.010	AMD	3	72
35.50.250	AMD	303	20	35A.81.010	AMD	3	73
35.50.260	AMD	303	21	35A.82.010	AMD	3	74
35.50.270	AMD	303	22	35A.82.050	AMD	3	E2 34
35.58.120	AMD	92	1	35A.82.055	AMD	3	E2 36
35.58.450	AMD	167	47	35A.82.060	AMD	3	E2 38
35.58.460	AMD	167	48	35A.88.030	AMD	3	75
35.59.060	AMD	167	49	36	ADD	130	1-10
35.59.070	AMD	167	50	36	ADD	303	8-15
35.60.040	AMD	167	51	36	ADD	49	E1 1-7
35.61.100	AMD	61	1				9-18
35.61.160	AMD	61	2	36.26.090	AMD	3	76
35.61.160	AMD	167	53	36.32	ADD	165	41
35.61.170	AMD	167	54	36.32.200	AMD	129	1
35.61.180	AMD	167	55	36.32.240	AMD	3	77
35.61.200	AMD	167	56	36.39.060	AMD	290	13
35.67	ADD	315	1	36.48.160	REP	66	23
35.67.080	AMD	167	57	36.48.170	REP	66	23
35.67.080	REP	167	270	36.48.180	REP	66	23
35.67.090	AMD	167	58	36.57A	ADD	65	4
35.67.140	AMD	167	59	36.57A.010	AMD	65	1
35.67.150	AMD	167	60	36.57A.040	AMD	65	2
35.67.180	AMD	167	61	36.57A.050	AMD	65	3
35.73.060	AMD	167	62	36.57A.130	AMD	151	1
35.73.070	AMD	167	63	36.57A.140	AMD	65	5
35.81.100	AMD	167	64	36.58.080	AMD	171	1
35.82.020	AMD	225	1	36.58.150	AMD	167	71
35.82.070	AMD	225	2	36.62.070	AMD	167	72
35.82.080	AMD	225	3	36.62.080	AMD	167	73
35.82.140	AMD	167	65	36.64.060	AMD	3	78
35.89.020	AMD	167	66	36.67.030	AMD	3	79
35.92	ADD	315	2	36.67.030	AMD	167	74
35.92.080	AMD	167	67	36.67.040	AMD	167	75
35.92.100	AMD	3	57	36.67.050	AMD	167	76
35.92.100	AMD	167	68	36.67.060	AMD	167	77
35.92.150	AMD	167	69	36.67.070	AMD	167	78
35.92.160	AMD	167	70	36.67.510	AMD	167	79
35.92.355	AMD	62	1	36.67.530	AMD	167	80

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
36.67.540	AMD	167	81	39.52.030	AMD 167 114
36.67.560	AMD	167	82	39.52.040	REP 167 270
36.68.520	AMD	167	83	39.53.050	AMD 69 E1 1
36.68.520	AMD	167	271	39.58	ADD 66 4,10
			(Effective 7/1/85)	39.58.010	AMD 66 3
36.69.140	AMD	167	84	39.58.020	AMD 66 5
36.69.200	AMD	3	80	39.58.030	AMD 66 6
36.69.200	AMD	167	85	39.58.040	AMD 66 7
36.69.370	AMD	167	86	39.58.050	AMD 66 8
36.69.380	AMD	167	87	39.58.060	AMD 66 9
36.69.390	AMD	167	88	39.58.080	AMD 66 11
36.69.400	AMD	167	89	39.58.100	AMD 66 12
36.75	ADD	103	2	39.58.103	AMD 66 13
36.76.080	AMD	167	90	39.58.105	AMD 66 14
36.76.090	AMD	167	91	39.58.108	AMD 66 15
36.76.120	AMD	167	92	39.58.110	REP 66 23
36.77.070	AMD	3	81	39.58.130	AMD 66 16
36.78.070	AMD	49 E1	19	39.64	ADD 3 E2 54
36.81.121	AMD	49 E1	20	39.84.020	AMD 51 E1 1
36.86.100	AMD	19	1	39.84.100	AMD 167 115
36.88.190	AMD	167	93	40.06.070	AMD 3 83
36.88.200	AMD	167	94	40.14.020	AMD 84 1
36.88.210	AMD	167	95	40.14.080	AMD 3 84
36.88.230	AMD	167	96	40.14.180	AMD 3 85
36.88.240	AMD	167	97	41	ADD 15 E1 2-5
36.88.470	AMD	167	98	41.04	ADD 28 E1 4
36.89	ADD	315	3	41.04.005	AMD 230 1
36.89.040	AMD	167	99	41.04.036	AMD 28 E1 2
36.89.100	AMD	167	100	41.04.040	AMD 3 86
36.93.100	AMD	76	1	41.04.050	AMD 3 87
36.94	ADD	315	4	41.04.190	AMD 37 E1 1
36.94.180	AMD	3	82	41.04.220	AMD 3 88
36.94.200	AMD	167	101	41.04.230	AMD 28 E1 3
36.95.130	AMD	167	102	41.04.235	AMD 3 89
36.95.160	AMD	167	103	41.04.260	AMD 226 1
37.14.010	AMD	54 E1	7	41.05.010	AMD 3 90
38.12.030	AMD	218	1	41.05.025	AMD 3 91
38.20.010	AMD	268	1	41.05.050	REEN 2 9
38.40.170	REP	197	33	41.05.050	AMD 15 20
			(Effective 6/30/86)	41.06	ADD 120 14
38.40.180	REP	197	33	41.06	ADD 177 6
			(Effective 6/30/86)	41.06	ADD 187 5
38.40.190	REP	197	33	41.06	ADD 248 11
			(Effective 6/30/86)	41.06	ADD 75 E1 6
39	ADD	120	1-9	41.06.020	AMD 75 E1 4
39	ADD	167	1-8	41.06.070	AMD 15 21
39.04	ADD	120	11,12	41.06.071	AMD 175 1
39.42.030	AMD	167	104	41.06.150	AMD 75 E1 5
39.42.060	AMD	36 E1	1	41.06.166	REP 15 31
39.44.010	AMD	167	105	41.20.160	AMD 3 92
39.44.030	AMD	167	106	41.26	ADD 283 2
39.44.100	AMD	167	107	41.26.150	AMD 106 23
39.44.110	AMD	167	108	41.28.080	AMD 3 93
39.44.120	AMD	167	109	41.32	ADD 283 3
39.44.130	AMD	167	110	41.32	ADD 56 E1 3
39.44.140	AMD	167	111	41.32.010	AMD 5 1
39.50.030	AMD	167	112	41.32.420	AMD 56 14
39.52.020	AMD	167	113	41.32.500	AMD 233 1

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
41.40	ADD	81			
41.40	ADD	283			
41.40	ADD	56	E1		
41.40.010	AMD	69			
41.40.150	AMD	233			
41.40.193	AMD	3		94	
41.40.260	AMD	3		95	
41.40.450	AMD	69		2	
41.40.515	AMD	3		96	
41.48	ADD	6	E1		
41.50.090	AMD	3		97	
41.56.020	AMD	3		98	
41.56.160	AMD	58		1	
41.56.170	AMD	58		2	
41.56.400	REP	197		35	
	(Effective 6/30/87)				
41.56.405	REP	197		35	
	(Effective 6/30/87)				
41.56.410	AMD	52		3	
41.56.410	REP	197		35	
	(Effective 6/30/87)				
41.56.415	AMD	52		4	
41.56.415	REP	197		35	
	(Effective 6/30/87)				
41.56.420	AMD	3		99	
41.56.420	AMD	52		5	
41.56.420	REP	197		35	
	(Effective 6/30/87)				
41.56.450	AMD	287		2	
41.56.452	AMD	287		3	
41.56.460	AMD	287		4	
41.56.905	AMD	287		5	
41.58	ADD	15		22	
41.59.150	AMD	58		3	
41.60.010	AMD	54		1	
41.60.015	AMD	54		2	
41.60.050	AMD	54		3	
42.16.010	AMD	28	E1	1	
42.16.017	AMD	28	E1	6	
42.17	ADD	176		1	
42.17	ADD	294		1	
42.17.010	REP	197		34	
	(Effective 6/30/87)				
42.17.030	REP	197		34	
	(Effective 6/30/87)				
42.17.040	REP	197		34	
	(Effective 6/30/87)				
42.17.050	REP	197		34	
	(Effective 6/30/87)				
42.17.060	REP	197		34	
	(Effective 6/30/87)				
42.17.065	REP	197		34	
	(Effective 6/30/87)				
42.17.067	REP	197		34	
	(Effective 6/30/87)				
42.17.070	REP	197		34	
	(Effective 6/30/87)				
42.17.080	REP	197		34	
	(Effective 6/30/87)				
	(Effective 6/30/87)				
42.17.090	AMD	96		1	
42.17.090	REP	197		34	
	(Effective 6/30/87)				
42.17.095	REP	197		34	
	(Effective 6/30/87)				
42.17.100	REP	197		34	
	(Effective 6/30/87)				
42.17.110	REP	197		34	
	(Effective 6/30/87)				
42.17.120	REP	197		34	
	(Effective 6/30/87)				
42.17.125	REP	197		34	
	(Effective 6/30/87)				
42.17.150	REP	197		34	
	(Effective 6/30/87)				
42.17.155	REP	197		34	
	(Effective 6/30/87)				
42.17.160	REP	197		34	
	(Effective 6/30/87)				
42.17.170	REP	197		34	
	(Effective 6/30/87)				
42.17.180	REP	197		34	
	(Effective 6/30/87)				
42.17.190	REP	197		34	
	(Effective 6/30/87)				
42.17.200	REP	197		34	
	(Effective 6/30/87)				
42.17.210	REP	197		34	
	(Effective 6/30/87)				
42.17.220	REP	197		34	
	(Effective 6/30/87)				
42.17.230	REP	197		34	
	(Effective 6/30/87)				
42.17.240	AMD	161		27	
42.17.240	REP	197		34	
	(Effective 6/30/87)				
42.17.241	REP	197		34	
	(Effective 6/30/87)				
42.17.242	REP	197		34	
	(Effective 6/30/87)				
42.17.243	REP	197		34	
	(Effective 6/30/87)				
42.17.245	REP	197		34	
	(Effective 6/30/87)				
42.17.245	AMD	213		1	
42.17.310	AMD	133		10	
42.17.350	REP	197		34	
	(Effective 6/30/87)				
42.17.360	REP	197		34	
	(Effective 6/30/87)				
42.17.370	REP	197		34	
	(Effective 6/30/87)				
42.17.380	REP	197		34	
	(Effective 6/30/87)				
42.17.395	REP	197		34	
	(Effective 6/30/87)				
42.17.397	REP	197		34	

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
	(Effective 6/30/87)		43.03.060	AMD	29 E1 2
42.17.405	REP 197	34	43.03.063	REP	29 E1 4
	(Effective 6/30/87)		43.03.080	REP	197 39
42.17.420	REP 197	34		(Effective 6/30/87)	
	(Effective 6/30/87)		43.03.090	REP	197 39
42.17.430	REP 197	34		(Effective 6/30/87)	
	(Effective 6/30/87)		43.03.100	REP	197 39
42.17.450	REP 197	34		(Effective 6/30/87)	
	(Effective 6/30/87)		43.06	ADD	255 9
42.23.030	AMD 44 E1	1	43.06	ADD	3 E2 60
42.23.030	REEN 44 E1	1	43.08.135	AMD	3 100
42.28.010	REP 197	49	43.17	ADD	204 3,5
	(Effective 6/30/88)		43.17	ADD	306 1
42.28.020	REP 197	49	43.17.200	AMD	204 4
	(Effective 6/30/88)		43.19	ADD	120 13
42.28.030	REP 197	49	43.19	ADD	183 1-3
	(Effective 6/30/88)		43.19	ADD	296 5
42.28.035	REP 197	49	43.19.015	AMD	3 101
	(Effective 6/30/88)		43.19.1901	AMD	3 102
42.28.040	REP 197	49	43.19.1906	AMD	141 1
	(Effective 6/30/88)		43.19.1911	AMD	183 4
42.28.050	REP 197	49	43.19.455	AMD	204 6
	(Effective 6/30/88)		43.19.560	AMD	187 3
42.28.060	REP 197	49	43.19.680	AMD	313 1
	(Effective 6/30/88)		43.20A	ADD	41 E1 17
42.28.070	REP 197	49			20,25
	(Effective 6/30/88)		43.20A.300	AMD	194 28
42.28.090	REP 197	49	43.20A.605	AMD	41 E1 21
	(Effective 6/30/88)		43.20A.630	AMD	16 E1 11
42.28.090	AMD 214	1	43.21A	ADD	270 3,4
42.28.100	REP 197	49	43.21A	ADD	18 E1 1
	(Effective 6/30/88)		43.21A.500	AMD	1 E1 6
42.28.110	REP 197	49	43.21C	ADD	109 1
	(Effective 6/30/88)		43.21C	ADD	117 1,4
42.28.120	REP 197	49			5,9
	(Effective 6/30/88)		43.21C	ADD	161 29
42.28.130	REP 197	49	43.21C.032	REP	117 10
	(Effective 6/30/88)		43.21C.037	AMD	117 2
42.30.020	AMD 155	1	43.21C.060	AMD	117 3
42.30.070	AMD 155	2		(Effective 10/20/83)	
42.30.110	AMD 155	3	43.21C.070	DECOD	117 11
43	ADD 161	1-9	43.21C.085	REP	117 10
43	ADD 161	10	43.21C.100	AMD	117 6
	(Effective 1/1/84)		43.21C.100	RECOD	117 12
43	ADD 161	11-23	43.21C.105	RECOD	117 13
43	ADD 177	1-5	43.21C.110	AMD	117 7
43	ADD 290	1-12	43.21C.120	AMD	117 8
43	ADD 16 E1	1-9	43.21C.140	REP	117 10
43	ADD 19 E1	1-8,14	43.21C.200	DECOD	117 11
43	ADD 20 E1	1-6	43.21C.202	DECOD	117 11
43	ADD 40 E1	1-21	43.21C.204	DECOD	117 11
43.01	ADD 20	2	43.21C.500	AMD	1 E1 4
43.01	ADD 283	1	43.21F.075	REP	19 E1 13
43.01	ADD 1 E1	8	43.23	ADD	248 1,12
43.01.200	AMD 1 E1	1	43.23.005	AMD	248 2
43.01.210	AMD 1 E1	2	43.23.010	AMD	248 3
43.03.010	AMD 29 E1	3	43.23.015	AMD	248 4
43.03.050	AMD 29 E1	1	43.23.020	REP	248 14

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC
43.23.030	AMD	248			5
43.23.040	REP	248			14
43.23.050	AMD	248	43.31.350	REP	197
43.23.060	REP	248			6
43.23.070	AMD	248	43.31.360	REP	197
43.23.080	REP	248			14
43.23.090	AMD	248	43.31.370	REP	197
43.23.100	REP	248			7
43.23.110	AMD	248	43.31.400	REP	197
43.23.150	REP	248			14
43.23.160	AMD	248	43.31.405	REP	197
43.24	ADD	168			8
43.24.085	REEN	2	43.31.410	REP	197
43.24.085	AMD	75			10
43.24.085	REP	168	43.31.415	REP	197
43.27A.075	REP	3			13
43.27A.080	AMD	3	43.31.420	REP	197
43.30.090	AMD	3			103
43.30.140	REP	3	43.31.790	REP	197
43.31.010	REP	197			104
					105
			43.31.800	REP	197
					106
					28
43.31.020	REP	197			(Effective 6/30/86)
			43.31.810	REP	197
					28
					(Effective 6/30/86)
43.31.030	REP	197	43.31.820	REP	197
					28
					(Effective 6/30/86)
43.31.040	REP	197	43.31.830	REP	197
					28
					(Effective 6/30/86)
43.31.050	REP	197	43.31.831	REP	197
					28
					(Effective 6/30/86)
43.31.060	REP	197	43.31.832	REP	197
					28
					(Effective 6/30/86)
43.31.070	REP	197	43.31.833	REP	197
					28
					(Effective 6/30/86)
43.31.080	REP	197	43.31.834	REP	197
					28
					(Effective 6/30/86)
43.31.110	REP	197	43.31.840	REP	197
					28
					(Effective 6/30/86)
43.31.120	REP	197	43.31.850	REP	197
					28
					(Effective 6/30/86)
43.31.130	REP	197	43.31.860	REP	197
					28
					(Effective 6/30/86)
43.31.140	REP	197	43.31.870	REP	197
					28
					(Effective 6/30/86)
43.31.150	REP	197	43.31.880	REP	197
					28
					(Effective 6/30/86)
43.31.160	REP	197	43.31.885	REP	197
					28
					(Effective 6/30/86)
43.31.170	REP	197	43.31.890	REP	197
					28
					(Effective 6/30/86)
43.31.180	REP	197	43.31.895	REP	197
					28
					(Effective 6/30/86)
43.31.200	REP	197	43.31.900	REP	197
					28
					(Effective 6/30/86)
43.31.210	REP	197	43.31.910	REP	197
					28
					(Effective 6/30/86)
43.31.220	REP	197	43.31.915	REP	197
					28
					(Effective 6/30/86)
43.31.230	REP	197	43.31.920	REP	197
					28

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.	
	(Effective 6/30/86)		43.51	ADD	193	1
43.31.925	REP 197	28	43.51	ADD	3 E2	52
	(Effective 6/30/86)		43.51.390	REP	193	2
43.31.930	REP 197	28	43.51.675	AMD	3	109
	(Effective 6/30/86)		43.51.680	AMD	3	110
43.31.935	REP 197	28	43.51A.010	REP	91	25
	(Effective 6/30/86)		43.51A.020	REP	91	25
43.31.940	REP 197	28	43.51A.030	REP	91	25
	(Effective 6/30/86)		43.51A.040	REP	91	25
43.31.942	REP 197	28	43.51A.050	REP	91	25
	(Effective 6/30/86)		43.51A.060	REP	91	25
43.31.944	REP 197	28	43.51A.070	REP	91	25
	(Effective 6/30/86)		43.51A.080	REP	91	25
43.31.946	REP 197	28	43.51A.090	REP	91	25
	(Effective 6/30/86)		43.51A.100	REP	91	25
43.31.948	REP 197	28	43.51A.110	REP	91	25
	(Effective 6/30/86)		43.51A.120	REP	91	25
43.31.956	REP 197	28	43.51A.130	REP	91	25
	(Effective 6/30/86)		43.51A.140	REP	91	25
43.31.958	REP 197	28	43.52	ADD	3 E1	4
	(Effective 6/30/86)		43.52.290	AMD	3 E1	1
43.31.960	REP 197	28	43.52.3411	AMD	167	116
	(Effective 6/30/86)		43.52.370	AMD	3 E1	2
43.31.962	REP 197	28	43.52.374	AMD	3 E1	3
	(Effective 6/30/86)		43.52.410	AMD	308	1
43.31.964	REP 197	28	43.52.440	AMD	46 E1	178
	(Effective 6/30/86)			(Effective 1/1/84)		
43.38.010	REEN 2	11	43.59	ADD	165	42
43.43	ADD 283	5	43.59.040	AMD	14 E1	1
43.43	ADD 56 E1	5	43.59.090	REP	14 E1	3
43.43.020	AMD 144	1	43.59.100	DECOD	3	111
43.43.120	AMD 81	1	43.59.100	REP	14 E1	3
43.43.130	AMD 81	2	43.59.110	DECOD	3	111
43.43.610	AMD 3	107	43.59.110	REP	14 E1	3
43.43.760	AMD 184	1	43.59.120	DECOD	3	111
43.43.765	AMD 3	108	43.59.120	REP	14 E1	3
43.46	ADD 204	2	43.60A.080	AMD	34	1
43.46.010	REP 197	30	43.60A.905	AMD	3	112
	(Effective 6/30/86)		43.61.030	AMD	260	1
43.46.020	REP 197	30	43.63A.130	AMD	52	6
	(Effective 6/30/86)		43.79	ADD	189	8
43.46.030	REP 197	30	43.79	ADD	16 E1	18
	(Effective 6/30/86)		43.80	ADD	167	11
43.46.045	REP 197	30	43.80.110	AMD	167	117
	(Effective 6/30/86)		43.83	ADD	54 E1	1-6
43.46.050	REP 197	30	43.83H.172	AMD	54 E1	8
	(Effective 6/30/86)		43.83I	ADD	59 E1	1-6
43.46.055	REP 197	30	43.85.010	REP	66	23
	(Effective 6/30/86)		43.85.030	REP	66	23
43.46.060	REP 197	30	43.85.190	AMD	3	113
	(Effective 6/30/86)		43.85.190	AMD	66	17
43.46.070	REP 197	30	43.85.210	AMD	66	18
	(Effective 6/30/86)		43.85.230	AMD	66	19
43.46.080	REP 197	30	43.85.250	REP	66	23
	(Effective 6/30/86)		43.85.260	REP	66	23
43.46.090	REP 197	30	43.86A.010	AMD	66	20
	(Effective 6/30/86)		43.88	ADD	22	2
43.46.090	AMD 204	1	43.88	ADD	47 E1	2

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
43.88.110	AMD	47 E1	1	43.131.030	AMD 27 E1 1
43.88.113	REP	47 E1	4	43.131.040	AMD 27 E1 2
43.99.120	AMD	3	114	43.131.080	AMD 27 E1 3
43.99F.010	AMD	269	1	43.131.090	AMD 27 E1 4
43.101.090	REP	197	55	43.131.115	DECOD 27 E1 10
	(Effective 6/30/87)			43.131.120	AMD 27 E1 7
43.101.090	AMD	16 E1	12	43.131.140	REP 27 E1 9
43.101.100	REP	197	55	43.131.145	REP 27 E1 9
	(Effective 6/30/87)			43.131.150	AMD 27 E1 8
43.101.100	AMD	16 E1	13	43.131.151	DECOD 27 E1 10
43.101.110	REP	197	55	43.131.152	DECOD 27 E1 10
	(Effective 6/30/87)			43.131.156	DECOD 27 E1 10
43.101.120	REP	197	55	43.131.157	DECOD 27 E1 10
	(Effective 6/30/87)			43.131.158	DECOD 27 E1 10
43.101.130	REP	197	55	43.131.161	DECOD 27 E1 10
	(Effective 6/30/87)			43.131.163	DECOD 27 E1 10
43.101.140	REP	197	55	43.131.164	DECOD 27 E1 10
	(Effective 6/30/87)			43.131.165	DECOD 27 E1 10
43.101.150	REP	197	55	43.131.166	DECOD 27 E1 10
	(Effective 6/30/87)			43.131.167	DECOD 27 E1 10
43.101.160	REP	197	55	43.131.168	DECOD 27 E1 10
	(Effective 6/30/87)			43.131.171	DECOD 27 E1 10
43.105.041	AMD	3	115	43.131.172	DECOD 27 E1 10
43.105.043	AMD	52	11	43.131.175	DECOD 27 E1 10
43.105.080	AMD	3	116	43.131.176	DECOD 27 E1 10
43.110.010	AMD	22	1	43.131.183	DECOD 27 E1 10
43.117.010	AMD	119	1	43.131.184	DECOD 27 E1 10
43.117.010	REP	119	4	43.131.191	DECOD 27 E1 10
	(Effective 6/30/89)			43.131.192	DECOD 27 E1 10
43.117.020	REP	119	4	43.131.193	DECOD 27 E1 10
	(Effective 6/30/89)			43.131.194	DECOD 27 E1 10
43.117.030	REP	119	4	43.131.195	REP 91 24
	(Effective 6/30/89)			43.131.196	REP 91 24
43.117.040	REP	119	4	43.131.197	REP 91 24
	(Effective 6/30/89)			43.131.198	REP 91 24
43.117.050	REP	119	4	43.131.199	REP 91 24
	(Effective 6/30/89)			43.131.200	REP 91 24
43.117.060	REP	119	4	43.131.201	REP 159 1
	(Effective 6/30/89)			43.131.202	REP 159 1
43.117.070	REP	119	4	43.131.203	REP 91 25
	(Effective 6/30/89)			43.131.204	REP 91 25
43.117.080	REP	119	4	43.131.207	REP 187 7
	(Effective 6/30/89)			43.131.208	REP 187 7
43.117.090	REP	119	4	43.131.211	AMD 22 3
	(Effective 6/30/89)			43.131.212	AMD 22 4
43.117.100	REP	119	4	43.131.213	AMD 235 16
	(Effective 6/30/89)			43.131.214	AMD 235 17
43.117.900	REP	119	4	43.131.215	AMD 119 3
	(Effective 6/30/89)			43.131.216	AMD 119 4
43.117.910	AMD	119	2	43.131.217	REP 14 E1 3
43.117.910	REP	119	4	43.131.218	REP 14 E1 3
	(Effective 6/30/89)			43.131.219	REP 208 6
43.126	ADD	273	1-8	43.131.220	REP 208 6
43.126.030	REP	273	10	43.131.223	REP 75 18
43.131	ADD	91	22,23	43.131.224	REP 75 18
43.131	ADD	197	1-55	43.131.225	REP 194 30
43.131	ADD	234	30	43.131.226	REP 194 30
43.131	ADD	27 E1	5,6	43.131.231	REP 74 3

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.				
43.131.232	REP	74	3	44.36.080	REP	52	10		
43.131.233	DECOD	27	E1	10	44.36.090	REP	52	10	
43.131.234	DECOD	27	E1	10	44.36.100	REP	52	10	
43.131.247	REP	234		32	44.36.110	REP	52	10	
43.131.248	REP	234		32	44.36.120	REP	52	10	
43.160	ADD	60	E1	5	44.36.130	REP	52	10	
43.160.020	AMD	60	E1	1	44.36.140	REP	52	10	
43.160.030	AMD	60	E1	2	44.36.150	REP	52	10	
43.160.060	AMD	60	E1	3	44.36.160	REP	52	10	
43.160.070	AMD	60	E1	4	44.40	ADD	212	2	
43.160.080	AMD	60	E1	6	46.01	ADD	168	11	
44	ADD	16		1-13	46.01.040	AMD	3	117	
44.04	ADD	20		3	46.01.140	AMD	26	1	
44.24.010	REP	52		7	46.01.140	AMD	77	1	
44.24.020	REP	52		7	46.04	ADD	68	1	
44.24.030	REP	52		7	46.04	ADD	200	1	
44.24.040	REP	52		7	46.04.480	AMD	165	14	
44.24.050	REP	52		7		(1/1/85)			
44.24.060	REP	52		7	46.10.220	AMD	139	1	
44.24.070	REP	52		7	46.16	ADD	72	1	
44.24.900	REP	52		7	46.16	ADD	200	2	
44.28.010	AMD	52		1	46.16.006	AMD	27	1	
44.30.010	REP	52		8	46.16.015	AMD	237	3	
44.30.015	REP	52		8	46.16.015	AMD	238	1	
44.30.020	REP	52		8	46.16.290	AMD	27	2	
44.30.025	REP	52		8	46.16.370	AMD	27	3	
44.30.030	REP	52		8	46.16.565	AMD	27	4	
44.30.035	REP	52		8	46.16.570	AMD	24	E1	1
44.30.040	REP	52		8		(Effective 7/1/84)			
44.30.045	REP	52		8	46.16.605	AMD	3	118	
44.30.050	REP	52		8	46.16.605	AMD	24	E1	2
44.30.055	REP	52		8	46.20	ADD	165	3	
44.30.060	REP	52		8		(Effective 1/1/85)			
44.30.065	REP	52		8	46.20	ADD	165	4-11	
44.30.070	REP	52		8				12,22	
44.30.075	REP	52		8				25,26	
44.33.200	REP	52		9		(Effective 1/1/85)			
44.33.210	REP	52		9	46.20	ADD	200	3	
44.33.220	REP	52		9	46.20.285	AMD	165	15	
44.33.230	REP	52		9	46.20.285	AMD	165	16	
44.33.240	REP	52		9		(Effective 1/1/85)			
44.33.250	REP	52		9	46.20.308	AMD	165	1	
44.33.260	REP	52		9	46.20.308	AMD	165	2	
44.33.270	REP	52		9		(Effective 1/1/85)			
44.33.280	REP	52		9	46.20.311	AMD	165	17	
44.33.290	REP	52		9	46.20.311	AMD	165	18	
44.33.300	REP	52		9		(Effective 1/1/85)			
44.33.310	REP	52		9	46.20.391	AMD	164	4	
44.33.320	REP	52		9	46.20.391	AMD	165	23	
44.33.330	REP	52		9	46.20.391	AMD	165	24	
44.33.340	REP	52		9		(Effective 1/1/85)			
44.36.010	REP	52		10	46.21.010	AMD	164	5	
44.36.020	REP	52		10	46.32.010	REP	197	37	
44.36.030	REP	52		10		(Effective 6/30/87)			
44.36.040	REP	52		10	46.32.020	REP	197	37	
44.36.050	REP	52		10		(Effective 6/30/87)			
44.36.060	REP	52		10	46.32.030	REP	197	37	
44.36.070	REP	52		10		(Effective 6/30/87)			

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
46.32.040	REP 197	37	46.90.335	AMD 3	124
	(Effective 6/30/87)		47	ADD 82	1
46.32.050	REP 197	37	47	ADD 303	4-6
	(Effective 6/30/87)		47.01	ADD 205	2
46.32.060	REP 197	37	47.01.041	AMD 53	EI 28
	(Effective 6/30/87)		47.01.061	AMD 53	EI 29
46.32.070	REP 197	37	47.01.101	AMD 53	EI 30
	(Effective 6/30/87)		47.01.260	AMD 29	1
46.37	ADD 200	4	47.05.070	AMD 53	EI 31
46.37	ADD 215	1	47.10.780	REP 189	6
46.37	ADD 237	2	47.10.781	REP 189	6
46.37.540	AMD 3	119	47.10.782	REP 189	6
46.44.010	AMD 278	1	47.10.783	REP 189	6
46.44.030	AMD 278	2	47.10.784	REP 189	6
46.44.038	AMD 3	120	47.10.785	REP 189	6
46.44.0941	AMD 278	3	47.10.786	REP 189	6
46.44.095	AMD 68	2	47.10.787	REP 189	6
46.44.150	AMD 3	121	47.10.788	REP 189	6
46.52	ADD 274	4	47.10.802	AMD 53	EI 23
46.52.090	AMD 142	1	47.12	ADD 140	2
46.52.100	REEN 2	12	47.12.063	AMD 3	125
46.52.111	AMD 274	1	47.17.055	AMD 180	1
46.52.118	AMD 274	2	47.17.085	AMD 79	1
46.52.1194	AMD 274	3	47.17.200	AMD 180	2
46.52.1196	AMD 274	5	47.17.470	REP 180	5
46.52.150	AMD 274	6	47.17.525	AMD 180	4
46.52.190	AMD 274	7	47.17.755	AMD 131	1
46.52.200	AMD 274	8	47.20.660	REP 3	126
46.61	ADD 164	2	47.26.270	AMD 49	EI 22
46.61	ADD 165	27,28,33	47.26.4252	AMD 49	EI 23
46.61	ADD 200	5	47.26.4254	AMD 49	EI 24
46.61	ADD 215	2	47.28.030	AMD 120	15
46.61.024	AMD 80	1	47.28.050	AMD 120	16
46.61.515	AMD 150	1	47.28.090	AMD 120	17
46.61.515	AMD 165	21	47.32.140	AMD 19	2
46.61.520	AMD 164	1	47.48	ADD 205	1
46.61.690	AMD 247	1	47.52.080	AMD 3	127
46.63.020	AMD 164	6	47.56.140	AMD 167	118
46.63.040	AMD 221	2	47.56.220	AMD 3	128
46.65.020	AMD 164	7	47.56.243	AMD 167	119
46.65.030	AMD 209	1	47.56.270	AMD 3	129
46.68	ADD 165	19,20	47.56.271	AMD 3	130
46.68.030	AMD 3	122	47.56.705	AMD 3	131
46.68.030	AMD 15	23	47.56.706	AMD 3	132
46.68.090	AMD 49	EI 21	47.60	ADD 15	26
46.68.115	AMD 43	1	47.60	ADD 133	1-9
46.70.090	AMD 3	123	47.60.045	REP 3	133
46.72.100	AMD 164	8	47.60.115	AMD 3	134
46.79	ADD 142	8	47.60.150	AMD 3	135
46.79.010	AMD 142	2	47.60.290	AMD 3	136
46.79.020	AMD 142	3	47.60.310	AMD 3	137
46.79.050	AMD 142	4	47.60.310	AMD 15	24
46.79.070	AMD 142	5	47.60.325	REP 15	31
46.79.090	AMD 142	6	47.60.326	AMD 15	25
46.79.110	AMD 142	7	47.60.380	AMD 3	138
46.80.150	AMD 142	9	47.60.440	AMD 3	139
46.90.200	AMD 30	1	47.60.650	AMD 3	140
46.90.300	AMD 30	2	47.60.660	REP 133	12

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
47.64	ADD	15	1-19	48.31A	ADD	46	1
47.64.010	REP	15	31	48.31A.020	AMD	46	2
47.64.031	REP	15	31	48.31A.030	AMD	46	3
47.64.040	REP	15	31	48.31A.050	AMD	46	4
47.64.090	AMD	15	27	48.34.060	AMD	32	E1 23
47.64.100	REP	15	31	48.36.370	AMD	3	155
47.64.110	REP	15	31	48.44	ADD	35	2
47.68.140	AMD	3	141	48.44	ADD	113	3
47.68.160	AMD	3	142	48.44	ADD	154	1,2,5
47.68.233	AMD	3	143	48.44	ADD	202	6
47.68.236	AMD	3	144	48.44	ADD	249	3
47.68.240	AMD	3	145		(Effective 7/1/84)		
47.68.330	AMD	3	146	48.44	ADD	286	1,2
47.68.360	AMD	3	147	48.44.010	AMD	154	3
48	ADD	36	1-5	48.44.010	AMD	286	3
48.05.250	AMD	85	1	48.44.011	AMD	202	1
48.09.350	AMD	32	E1 1	48.44.015	AMD	202	2
48.10.300	AMD	3	148	48.44.020	AMD	286	4
48.11.140	AMD	3	149	48.44.045	REP	202	17
48.13.020	AMD	32	E1 2	48.44.095	AMD	202	3
48.14.020	AMD	3	E2 7	48.44.145	AMD	63	1
48.15.020	AMD	32	E1 3	48.44.162	REP	202	17
48.15.040	AMD	32	E1 4	48.44.166	AMD	202	4
48.15.070	AMD	32	E1 24	48.44.212	AMD	202	5
48.15.130	AMD	32	E1 5	48.44.220	AMD	154	4
48.17	ADD	202	7	48.44.230	AMD	32	E1 11
48.18.296	AMD	32	E1 6	48.46	ADD	35	3
48.18A.035	AMD	32	E1 7	48.46	ADD	106	8-21
48.18A.050	AMD	3	150	48.46	ADD	113	4
48.19.020	AMD	32	E1 13	48.46	ADD	202	8,9
48.19.040	AMD	32	E1 14				12-15
48.19.120	AMD	32	E1 15	48.46.020	AMD	106	1
48.19.410	AMD	32	E1 8	48.46.030	AMD	106	2
48.20	ADD	113	1	48.46.040	AMD	106	3
48.20	ADD	32	E1 16	48.46.050	REP	106	25
48.20.013	AMD	32	E1 9	48.46.060	AMD	106	4
48.20.052	AMD	32	E1 17	48.46.070	AMD	106	5
48.20.182	REP	32	E1 25	48.46.080	AMD	106	6
48.20.430	AMD	32	E1 18	48.46.080	AMD	202	10
48.21	ADD	35	1	48.46.110	AMD	202	11
48.21	ADD	113	2	48.46.120	AMD	63	2
48.21	ADD	249	1	48.46.170	AMD	106	7
	(Effective 7/1/84)			48.48	ADD	258	1
48.21.155	AMD	32	E1 20	48.62.030	AMD	59	17
48.21.200	AMD	106	24	48.66.120	AMD	32	E1 12
48.21.200	AMD	202	16	49.04.075	REP	90	1
48.21A	ADD	249	2	49.12.123	AMD	3	156
	(Effective 7/1/84)			49.44.090	AMD	293	2
48.21A.050	AMD	3	151	49.46.080	AMD	3	157
48.22.030	AMD	182	1	49.60.250	AMD	293	1
48.22.040	AMD	182	2	49.60.330	AMD	5	2
48.23.300	AMD	32	E1 21	50	ADD	207	1-14
48.23.380	AMD	32	E1 10	50	ADD	50	E1 1-14
48.24.150	AMD	32	E1 22	50.04.070	AMD	13	E1 9
48.25.100	AMD	3	152	50.04.072	AMD	13	E1 10
48.25.110	AMD	3	153	50.04.073	AMD	23	E1 1
48.30.157	AMD	3	154	50.04.090	AMD	23	E1 2
48.30.270	AMD	1	E2 6	50.04.115	AMD	23	E1 3

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
50.04.145	AMD	23 E1	25	51.41.030	AMD 86 1
50.04.165	AMD	23 E1	4	51.41.040	AMD 86 2
		(Effective 10/1/83)		51.41.060	AMD 86 3
50.04.210	AMD	23 E1	5	51.44.034	DECOD 3 160
50.04.320	AMD	67	1	51.44.070	AMD 312 1
50.04.320	AMD	23 E1	6	51.52	ADD 301 1
50.04.323	AMD	23 E1	7	52.12.110	AMD 3 161
		(Effective 10/1/83)		52.16.020	AMD 167 120
50.12.070	AMD	23 E1	8	52.16.050	AMD 167 121
50.12.080	AMD	23 E1	9	52.16.061	AMD 167 122
50.16	ADD	13 E1	6,7	52.16.070	AMD 167 123
50.16.010	AMD	13 E1	5	52.16.100	AMD 167 124
50.16.020	AMD	23 E1	10	52.16.110	AMD 167 125
50.16.030	AMD	7 E1	1	52.16.130	AMD 167 126
50.20.115	AMD	3	158	52.16.140	AMD 167 127
50.20.120	AMD	23 E1	11	52.16.160	AMD 167 128
		(Effective 10/1/83)		52.20.060	AMD 167 129
50.20.130	AMD	23 E1	12	52.34.010	AMD 167 130
		(Effective 10/1/83)		52.34.060	AMD 167 131
50.22.010	AMD	1	1	53.08	ADD 188 1,2
50.22.040	AMD	23 E1	13	53.08.010	AMD 24 1
		(Effective 10/1/83)		53.08.050	AMD 167 132
50.22.100	AMD	13 E1	1	53.08.080	AMD 64 1
50.22.110	AMD	13 E1	2	53.12.150	AMD 11 1
50.22.120	AMD	13 E1	3	53.18	ADD 287 1
50.24.020	AMD	23 E1	14	53.34.030	AMD 167 133
50.24.060	AMD	23 E1	15	53.34.040	AMD 167 134
50.24.115	AMD	23 E1	16	53.34.050	AMD 167 135
50.29.010	AMD	23 E1	17	53.36.010	AMD 250 1
50.29.040	REP	13 E1	12	53.36.040	AMD 167 136
50.29.050	REP	13 E1	12	53.36.070	AMD 3 162
50.29.060	AMD	23 E1	18	53.39.010	REP 167 270
50.29.070	AMD	23 E1	19	53.39.020	REP 167 270
50.29.140	REP	13 E1	12	53.39.030	REP 167 270
50.32.030	AMD	23 E1	20	53.39.040	REP 167 270
50.32.050	AMD	23 E1	21	53.39.050	REP 167 270
50.44.035	AMD	23 E1	22	53.39.060	REP 167 270
50.44.050	AMD	23 E1	23	53.39.070	REP 167 270
50.44.060	AMD	23 E1	24	53.39.080	REP 167 270
51.08.173	AMD	174	1	53.39.900	REP 167 270
51.08.180	AMD	97	1	53.39.910	REP 167 270
51.12	ADD	170	2	53.39.920	REP 167 270
51.12	ADD	252	2	53.39.930	REP 167 270
51.12.020	AMD	252	1	53.40.030	AMD 167 137
51.12.090	AMD	170	1	53.40.040	AMD 167 138
51.14	ADD	21	2	53.40.110	AMD 167 139
51.14.090	AMD	21	1	53.40.130	AMD 167 140
51.14.150	AMD	174	2	53.43.030	AMD 167 141
51.14.160	AMD	174	3	53.43.040	AMD 167 142
51.24.050	AMD	211	1	53.44.020	AMD 167 143
51.24.060	AMD	211	2	54.04	ADD 101 1
51.32	ADD	111	1	54.04.100	AMD 4 5
51.32.040	REEN	2	13	54.12	ADD 48 E1 2
51.32.060	AMD	3	159	54.16.070	AMD 167 144
51.32.075	AMD	203	1	54.16.130	AMD 167 145
51.32.095	AMD	70	2	54.16.280	AMD 62 3
51.32.250	AMD	70	3	54.24.018	AMD 167 146
51.41	ADD	70	1	54.24.030	AMD 167 147

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
54.24.040	AMD	167	148	59.18.340	AMD	264	12
54.24.050	AMD	167	149	60.08.020	AMD	33	1
54.24.060	AMD	167	150	60.08.060	AMD	33	2
54.24.100	AMD	167	151	62A.9-104	AMD	305	75
54.24.200	AMD	167	152	62A.9-310	AMD	305	76
54.24.220	AMD	167	153	63	ADD	158	1-5,8
54.24.250	AMD	167	154	63	ADD	179	1-42
54.28.020	AMD	3 E2	8	63	ADD	52 E1	1-6
54.28.025	AMD	3 E2	9	63.14.010	AMD	158	7
56.04	ADD	88	1	63.28.070	REP	179	46
56.08	ADD	315	5	63.28.080	REP	179	46
56.08	ADD	198	1	63.28.090	REP	179	46
56.08.070	AMD	38	1	63.28.100	REP	179	46
56.16	ADD	57	2	63.28.110	REP	179	46
56.16.040	AMD	167	155	63.28.120	REP	179	46
56.16.040	AMD	167	272	63.28.130	REP	179	46
	(Effective 7/1/85)			63.28.140	REP	179	46
56.16.060	AMD	167	156	63.28.150	REP	179	46
56.16.080	AMD	167	157	63.28.160	REP	179	46
56.16.130	AMD	167	158	63.28.170	REP	179	46
56.16.140	AMD	57	1	63.28.180	REP	179	46
56.16.160	AMD	66	21	63.28.190	REP	179	46
56.20.015	AMD	167	159	63.28.200	REP	179	46
57.08	ADD	198	2	63.28.210	REP	179	46
57.08.050	AMD	38	2	63.28.220	REP	179	46
57.16.030	AMD	167	160	63.28.225	REP	179	46
57.16.050	AMD	167	161	63.28.230	REP	179	46
57.20	ADD	57	4	63.28.240	REP	179	46
57.20.010	AMD	167	162	63.28.250	REP	179	46
57.20.015	AMD	167	163	63.28.260	REP	179	46
57.20.020	AMD	167	164	63.28.270	REP	179	46
57.20.080	AMD	167	165	63.28.280	REP	179	46
57.20.090	AMD	167	166	63.28.290	REP	179	46
57.20.100	AMD	3	163	63.28.300	REP	179	46
57.20.130	AMD	167	167	63.28.310	REP	179	46
57.20.140	AMD	57	3	63.28.320	REP	179	46
57.20.160	AMD	66	22	63.28.330	REP	179	46
57.28.160	AMD	167	168	63.28.340	REP	179	46
58.17.020	AMD	121	1	63.28.350	REP	179	46
58.17.020	REEN	121	1	63.28.360	REP	179	46
58.17.040	AMD	121	2	63.28.900	REP	179	46
58.17.040	REEN	121	2	63.28.910	REP	179	46
58.17.140	AMD	121	3	63.28.920	REP	179	46
58.17.150	AMD	121	4	64	ADD	22 E1	1-32
58.17.180	AMD	121	5	66.08.026	AMD	160	2
58.24.060	AMD	272	1	66.08.050	AMD	160	1
58.24.070	AMD	272	2	66.20.010	AMD	13	1
58.24.080	REP	272	3	66.24.010	AMD	160	3
59.12.030	AMD	264	1	66.24.210	AMD	3 E2	10
59.12.040	AMD	264	2	66.24.290	AMD	3 E2	11
59.18	ADD	264	5,11,13	66.24.410	AMD	3	164
59.18.130	AMD	264	3	66.28.040	AMD	3	165
59.18.230	AMD	264	4	66.28.040	AMD	13	2
59.18.240	AMD	264	9	66.44.240	AMD	165	29
59.18.250	AMD	264	10	66.44.250	AMD	165	30
59.18.260	AMD	264	6	67.16.170	AMD	228	1
59.18.280	AMD	264	7	67.16.180	REEN	2	14
59.18.310	AMD	264	8	67.38.110	AMD	167	169

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
67.38.120	AMD	167	170	70.38.105	AMD	235	7
67.40.010	AMD	1 E2	1	70.38.115	AMD	235	8
67.40.020	AMD	1 E2	2	70.38.125	AMD	235	9
67.40.030	AMD	1 E2	3	70.38.135	AMD	235	10
67.40.040	AMD	1 E2	4	70.38.905	AMD	235	12
67.40.060	AMD	1 E2	5	70.38.910	AMD	235	13
68.05.230	AMD	5 E1	1	70.44.060	AMD	167	172
68.08	ADD	16 E1	15-17	70.44.120	AMD	167	173
68.08.104	AMD	16 E1	14	70.48	ADD	165	35,36
68.08.107	AMD	16 E1	10	70.48.020	AMD	165	34
68.08.290	REP	3	166	70.48.180	AMD	165	37
68.12.010	AMD	16 E1	19	70.48.190	AMD	165	38
68.20.020	AMD	3	167	70.48.210	AMD	165	39
68.46.090	AMD	190	1	70.48A.020	AMD	63 E1	1
69	ADD	241	1-6	70.58.095	AMD	41 E1	14
69.04.120	AMD	95	8	70.79.090	AMD	3	174
69.04.385	REP	241	7	70.87	ADD	123	10,15
69.04.930	AMD	46 E1	179				18-20,23
69.07.100	AMD	3	168	70.87.010	AMD	123	1
69.32.010	DECOD	3	169	70.87.020	AMD	123	2
69.32.030	DECOD	3	169	70.87.030	AMD	123	3
69.32.060	DECOD	3	169	70.87.040	AMD	123	4
69.32.096	DECOD	3	169	70.87.050	AMD	123	5
69.32.900	DECOD	3	169	70.87.060	AMD	123	6
69.32.910	DECOD	3	169	70.87.070	AMD	123	7
69.32.920	DECOD	3	169	70.87.080	AMD	123	8
69.32.930	DECOD	3	169	70.87.090	AMD	123	9
69.32.940	DECOD	3	169	70.87.100	AMD	123	11
69.32.950	DECOD	3	169	70.87.110	AMD	123	12
69.32.960	DECOD	3	169	70.87.120	AMD	123	13
69.41.070	AMD	4 E1	4	70.87.140	AMD	123	14
69.50.505	REEN	2	15	70.87.150	REP	123	25
69.52.030	AMD	4 E1	5	70.87.160	REP	123	25
69.54.120	AMD	148	1	70.87.170	AMD	123	16
70	ADD	249	4-9	70.87.180	AMD	123	17
	(Effective 7/1/84)			70.87.190	AMD	123	21
70	ADD	65 E1	1-9	70.87.200	AMD	123	22
70.05	ADD	39 E1	5,6	70.87.900	AMD	123	24
70.05.040	AMD	39 E1	1	70.93.060	AMD	277	1
70.05.050	AMD	39 E1	2	70.93.070	AMD	277	2
70.05.053	AMD	39 E1	3	70.93.180	AMD	277	3
70.05.080	AMD	39 E1	4	70.93.230	AMD	277	4
70.12.040	AMD	3	170	70.94.041	AMD	3	175
70.33.010	AMD	3	171	70.94.181	AMD	3	176
70.33.020	AMD	3	172	70.94.232	AMD	3	177
70.33.030	AMD	3	173	70.95A.040	AMD	167	174
70.37.020	AMD	210	3	70.95A.050	AMD	167	175
70.37.030	AMD	210	1	70.95A.070	AMD	167	176
70.37.050	AMD	167	171	70.98.030	AMD	19 E1	9
70.37.050	AMD	210	2	70.104.040	AMD	3	178
70.38	ADD	235	14	70.105	ADD	172	1,4
70.38.015	AMD	235	1	70.105	ADD	270	2
70.38.025	AMD	235	2	70.105	ADD	70 E1	1-4
70.38.025	AMD	41 E1	43	70.105.080	AMD	172	2
70.38.035	AMD	235	3	70.105.090	AMD	172	3
70.38.045	AMD	235	4	70.119.010	AMD	292	1
70.38.065	AMD	235	5	70.119.020	AMD	292	2
70.38.085	AMD	235	6	70.119.030	AMD	292	3

"E1" Denotes 1st ex. sess.
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RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
70.119.050	AMD	292	4	72.99.100	REP	189	4
70.119.070	AMD	292	5	72.99.110	REP	189	4
70.119.080	AMD	292	6	72.99.120	AMD	3	188
70.119.090	AMD	292	7	72.99.120	REP	189	4
70.119.100	AMD	292	8	72.99.130	REP	189	4
70.119.110	AMD	292	9	72.99.140	REP	189	4
70.119.130	AMD	292	10	72.99.150	REP	189	4
70.120.090	REP	238	2	72.99.160	REP	189	4
70.124.050	AMD	41	E1 24	73.04.110	AMD	230	2
70.132.020	AMD	257	1	73.08.010	AMD	295	1
71	ADD	145	1-3	73.08.030	AMD	295	2
71.05.030	AMD	3	179	73.08.050	AMD	295	3
71.05.390	AMD	196	4	73.08.060	AMD	295	4
71.06	ADD	196	5	73.08.070	AMD	295	5
71.12.590	AMD	3	180	73.08.080	AMD	295	6
71.20.016	AMD	41	E1 19	74	ADD	192	1
71.20.030	AMD	3	181	74	ADD	192	2-4
71.20.040	AMD	3	182				
71.20.110	AMD	3	183		(Effective 1/1/84)		
72	ADD	255	12-18	74	ADD	194	1-25
72.01	ADD	255	2,4	74.04	ADD	41	E1 33-35
72.01.060	AMD	41	E1 26				41,42
72.01.260	AMD	3	184	74.04.005	AMD	41	E1 36
72.01.370	AMD	255	3	74.04.017	REP	194	30
72.05.130	AMD	191	12	74.04.060	AMD	41	E1 32
72.09.100	AMD	255	5	74.04.290	AMD	41	E1 22
72.13.070	REP	191	21	74.04.620	AMD	41	E1 37
72.15.060	AMD	3	185	74.04.770	AMD	41	E1 38
72.18.010	REP	41	E1 45	74.08.541	AMD	41	E1 39
72.18.040	REP	41	E1 45	74.08.550	AMD	3	189
72.18.050	REP	41	E1 45	74.08.560	AMD	3	190
72.18.060	REP	41	E1 45	74.09	ADD	194	26
72.18.070	REP	41	E1 45	74.09.035	AMD	43	E1 2
72.18.080	REP	41	E1 45	74.09.120	AMD	67	E1 44
72.19.030	AMD	41	E1 27	74.09.290	AMD	41	E1 23
72.23.030	AMD	41	E1 28	74.09.550	REP	67	E1 48
72.30.030	AMD	41	E1 29	74.09.560	REP	67	E1 48
72.33.040	AMD	41	E1 30	74.09.570	REP	67	E1 48
72.33.125	AMD	60	1	74.09.580	REP	67	E1 48
72.33.161	AMD	50	1	74.09.610	REP	67	E1 48
72.33.165	AMD	60	2	74.09.620	REP	67	E1 48
72.33.815	AMD	310	1	74.09.700	AMD	43	E1 1
72.60.102	AMD	52	E1 7	74.12.010	AMD	41	E1 40
72.62.030	AMD	255	6	74.12.280	AMD	3	191
72.66.016	AMD	255	8	74.13.031	AMD	246	4
72.66.036	AMD	255	7	74.15.010	AMD	3	192
72.68.010	AMD	255	10	74.16.030	REP	194	30
72.68.080	AMD	255	11	74.16.040	REP	194	30
72.70.060	AMD	3	186	74.16.170	REP	194	30
72.72.020	AMD	279	1	74.16.181	REP	194	30
72.72.030	AMD	279	2	74.16.183	REP	194	30
72.72.040	AMD	279	3	74.16.300	REP	194	30
72.72.050	AMD	279	4	74.16.400	REP	194	30
72.72.060	AMD	279	5	74.16.410	REP	194	30
72.99.070	REP	189	4	74.16.420	REP	194	30
72.99.080	REP	189	4	74.16.430	REP	194	30
72.99.090	REP	189	4	74.16.440	REP	194	30
72.99.100	AMD	3	187	74.16.450	REP	194	30
				74.16.460	REP	194	30

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.				
74.16.470	REP	194	30	74.46.780	AMD	67	E1	40	
74.16.480	REP	194	30	74.46.810	REP	67	E1	48	
74.16.490	REP	194	30	74.46.820	AMD	67	E1	41	
74.16.500	REP	194	30	74.46.840	AMD	67	E1	42	
74.16.510	REP	194	30	74.46.850	REP	67	E1	48	
74.16.520	REP	194	30	74.46.901	AMD	67	E1	49	
74.16.530	REP	194	30	74.47.170	AMD	67	E1	10	
74.16.540	REP	194	30	75.04.010	DECOD	46	E1	3	
74.17.010	REP	194	30		(Effective 1/1/84)				
74.17.020	REP	194	30	75.04.010	RECOD	46	E1	3	
74.17.030	REP	194	30		(Effective 1/1/84)				
74.17.040	REP	194	30	75.04.010	AMD	46	E1	4	
74.20	ADD	41	E1	31		(Effective 1/1/84)			
74.20.280	AMD	41	E1	15	75.04.020	REP	46	E1	184
74.20A.120	AMD	41	E1	3		(Effective 1/1/84)			
74.38.040	AMD	290	14	75.04.030	REP	46	E1	184	
74.38.050	AMD	290	15		(Effective 1/1/84)				
74.46	ADD	67	E1	5,6	75.04.040	REP	46	E1	184
			14,15			(Effective 1/1/84)			
			23,24	75.04.050	REP	46	E1	184	
			26,27,43		(Effective 1/1/84)				
74.46.040	AMD	67	E1	1	75.04.060	REP	46	E1	184
74.46.060	AMD	67	E1	2		(Effective 1/1/84)			
74.46.070	REP	67	E1	48	75.04.070	REP	46	E1	184
74.46.080	AMD	67	E1	3		(Effective 1/1/84)			
74.46.100	AMD	67	E1	4	75.04.080	REP	46	E1	184
74.46.110	REP	67	E1	48		(Effective 1/1/84)			
74.46.120	REP	67	E1	48	75.04.090	REP	46	E1	184
74.46.130	AMD	67	E1	7		(Effective 1/1/84)			
74.46.140	REP	67	E1	48	75.04.100	REP	46	E1	184
74.46.150	AMD	67	E1	8		(Effective 1/1/84)			
74.46.160	AMD	67	E1	9	75.04.110	REP	46	E1	184
74.46.180	AMD	67	E1	11		(Effective 1/1/84)			
74.46.190	AMD	67	E1	12	75.08.010	AMD	46	E1	2
74.46.270	AMD	67	E1	13		(Effective 1/1/84)			
74.46.310	AMD	67	E1	16	75.08.012	AMD	46	E1	5
74.46.400	REP	67	E1	48		(Effective 1/1/84)			
74.46.410	AMD	67	E1	17	75.08.014	AMD	46	E1	6
74.46.420	AMD	67	E1	18		(Effective 1/1/84)			
74.46.430	AMD	67	E1	19	75.08.020	AMD	46	E1	7
74.46.450	AMD	67	E1	20		(Effective 1/1/84)			
74.46.460	AMD	67	E1	21	75.08.021	REP	46	E1	185
74.46.470	AMD	67	E1	22		(Effective 1/1/84)			
74.46.480	REP	67	E1	48	75.08.022	REP	46	E1	185
74.46.490	AMD	67	E1	25		(Effective 1/1/84)			
74.46.530	AMD	67	E1	28	75.08.024	DECOD	46	E1	21
			(Effective 1/1/85)			(Effective 1/1/84)			
74.46.550	AMD	67	E1	29	75.08.024	RECOD	46	E1	21
74.46.560	AMD	67	E1	30		(Effective 1/1/84)			
74.46.570	AMD	67	E1	31	75.08.024	AMD	46	E1	22
74.46.580	AMD	67	E1	32		(Effective 1/1/84)			
74.46.610	AMD	67	E1	33	75.08.025	AMD	46	E1	8
74.46.640	AMD	67	E1	34		(Effective 1/1/84)			
74.46.670	AMD	67	E1	35	75.08.027	REP	46	E1	185
74.46.690	AMD	67	E1	36		(Effective 1/1/84)			
74.46.710	AMD	67	E1	37	75.08.030	REP	46	E1	185
74.46.720	AMD	67	E1	38		(Effective 1/1/84)			
74.46.770	AMD	67	E1	39	75.08.040	AMD	46	E1	9

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
75.08.050	(Effective 1/1/84) REP 46 E1	185	75.08.180	(Effective 1/1/84) RECOD 46 E1	31
75.08.054	(Effective 1/1/84) DECOD 46 E1	86	75.08.180	(Effective 1/1/84) AMD 46 E1	40
75.08.054	(Effective 1/1/84) RECOD 46 E1	86	75.08.190	(Effective 1/1/84) REP 46 E1	185
75.08.054	(Effective 1/1/84) AMD 46 E1	87	75.08.200	(Effective 1/1/84) DECOD 46 E1	31
75.08.056	(Effective 1/1/84) DECOD 46 E1	86	75.08.200	(Effective 1/1/84) RECOD 46 E1	31
75.08.056	(Effective 1/1/84) RECOD 46 E1	86	75.08.200	(Effective 1/1/84) AMD 46 E1	35
75.08.056	(Effective 1/1/84) AMD 46 E1	88	75.08.203	(Effective 1/1/84) REP 46 E1	185
75.08.060	(Effective 1/1/84) DECOD 46 E1	86	75.08.206	(Effective 1/1/84) AMD 46 E1	20
75.08.060	(Effective 1/1/84) RECOD 46 E1	86	75.08.210	(Effective 1/1/84) DECOD 46 E1	65
75.08.060	(Effective 1/1/84) AMD 46 E1	89	75.08.210	(Effective 1/1/84) RECOD 46 E1	65
75.08.070	(Effective 1/1/84) AMD 46 E1	14	75.08.210	(Effective 1/1/84) AMD 46 E1	67
75.08.080	(Effective 1/1/84) AMD 46 E1	15	75.08.220	(Effective 1/1/84) DECOD 46 E1	65
75.08.085	(Effective 1/1/84) REP 46 E1	185	75.08.220	(Effective 1/1/84) RECOD 46 E1	65
75.08.090	(Effective 1/1/84) AMD 46 E1	16	75.08.220	(Effective 1/1/84) AMD 46 E1	68
75.08.100	(Effective 1/1/84) REP 46 E1	185	75.08.230	(Effective 1/1/84) AMD 46 E1	23
75.08.110	(Effective 1/1/84) AMD 46 E1	17	75.08.240	(Effective 1/1/84) REP 46 E1	185
75.08.120	(Effective 1/1/84) AMD 46 E1	18	75.08.250	(Effective 1/1/84) REP 46 E1	185
75.08.130	(Effective 1/1/84) DECOD 46 E1	65	75.08.260	(Effective 1/1/84) DECOD 46 E1	31
75.08.130	(Effective 1/1/84) RECOD 46 E1	65	75.08.260	(Effective 1/1/84) RECOD 46 E1	31
75.08.130	(Effective 1/1/84) AMD 46 E1	66	75.08.260	(Effective 1/1/84) AMD 46 E1	42
75.08.140	(Effective 1/1/84) REP 46 E1	185	75.08.270	(Effective 1/1/84) REP 46 E1	185
75.08.150	(Effective 1/1/84) DECOD 46 E1	31	75.08.275	(Effective 1/1/84) DECOD 46 E1	31
75.08.150	(Effective 1/1/84) RECOD 46 E1	31	75.08.275	(Effective 1/1/84) RECOD 46 E1	31
75.08.150	(Effective 1/1/84) AMD 46 E1	32	75.08.275	(Effective 1/1/84) AMD 46 E1	41
75.08.160	(Effective 1/1/84) AMD 46 E1	19	75.08.280	(Effective 1/1/84) DECOD 46 E1	31
75.08.170	(Effective 1/1/84) DECOD 46 E1	31	75.08.280	(Effective 1/1/84) RECOD 46 E1	31
75.08.170	(Effective 1/1/84) RECOD 46 E1	31	75.08.280	(Effective 1/1/84) AMD 46 E1	36
75.08.170	(Effective 1/1/84) AMD 46 E1	33	75.08.290	(Effective 1/1/84) REP 46 E1	185
75.08.180	(Effective 1/1/84) DECOD 46 E1	31	75.12	(Effective 1/1/84) ADD 245	1

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
75.12	ADD	46 E1	58	75.12.290	REP 46 E1 186 (Effective 1/1/84)
75.12.010	AMD	46 E1	46	75.12.300	AMD 46 E1 62 (Effective 1/1/84)
75.12.020	AMD	46 E1	49	75.12.300	DECOD 46 E1 182 (Effective 1/1/84)
75.12.040	AMD	46 E1	52	75.12.310	DECOD 46 E1 24 (Effective 1/1/84)
75.12.050	REP	46 E1	186	75.12.310	RECOD 46 E1 24 (Effective 1/1/84)
75.12.060	REP	46 E1	186	75.12.310	AMD 46 E1 27 (Effective 1/1/84)
75.12.070	AMD	46 E1	53	75.12.320	AMD 46 E1 63 (Effective 1/1/84)
75.12.080	REP	46 E1	186	75.12.400	AMD 46 E1 64 (Effective 1/1/84)
75.12.090	AMD	46 E1	54	75.12.650	AMD 46 E1 69 (Effective 1/1/84)
75.12.100	AMD	46 E1	55	75.16.010	DECOD 46 E1 24 (Effective 1/1/84)
75.12.110	REP	46 E1	186	75.16.010	RECOD 46 E1 24 (Effective 1/1/84)
75.12.115	AMD	46 E1	56	75.16.010	AMD 46 E1 28 (Effective 1/1/84)
75.12.120	AMD	46 E1	57	75.16.020	DECOD 46 E1 24 (Effective 1/1/84)
75.12.130	DECOD	46 E1	24	75.16.020	RECOD 46 E1 24 (Effective 1/1/84)
75.12.130	RECOD	46 E1	24	75.16.020	AMD 46 E1 30 (Effective 1/1/84)
75.12.130	AMD	46 E1	26	75.16.030	DECOD 46 E1 24 (Effective 1/1/84)
75.12.140	AMD	46 E1	59	75.16.030	RECOD 46 E1 24 (Effective 1/1/84)
75.12.150	REP	46 E1	186	75.16.030	AMD 46 E1 29 (Effective 1/1/84)
75.12.160	REP	46 E1	186	75.16.040	REP 46 E1 187 (Effective 1/1/84)
75.12.200	DECOD	46 E1	182	75.16.050	DECOD 46 E1 10 (Effective 1/1/84)
75.12.210	AMD	46 E1	60	75.16.050	RECOD 46 E1 10 (Effective 1/1/84)
75.12.220	REP	46 E1	186	75.16.050	AMD 46 E1 11 (Effective 1/1/84)
75.12.230	AMD	46 E1	61	75.16.060	DECOD 46 E1 10 (Effective 1/1/84)
75.12.232	REP	46 E1	186	75.16.060	RECOD 46 E1 10 (Effective 1/1/84)
75.12.240	REP	46 E1	186	75.16.060	AMD 46 E1 12 (Effective 1/1/84)
75.12.250	REP	46 E1	186	75.16.070	DECOD 46 E1 10 (Effective 1/1/84)
75.12.260	REP	46 E1	186	75.16.070	RECOD 46 E1 10 (Effective 1/1/84)
75.12.270	REP	46 E1	186	75.16.070	AMD 46 E1 13 (Effective 1/1/84)
75.12.280	REP	46 E1	186	75.16.100	DECOD 46 E1 123 (Effective 1/1/84)

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
75.16.100	RECOD 46 E1	123	75.20.060	AMD 46 E1	72
	(Effective 1/1/84)			(Effective 1/1/84)	
75.16.100	AMD 46 E1	124	75.20.061	AMD 46 E1	73
	(Effective 1/1/84)			(Effective 1/1/84)	
75.16.110	REP 46 E1	187	75.20.070	DECOD 46 E1	50
	(Effective 1/1/84)			(Effective 1/1/84)	
75.16.120	DECOD 46 E1	24	75.20.070	RECOD 46 E1	50
	(Effective 1/1/84)			(Effective 1/1/84)	
75.16.120	RECOD 46 E1	24	75.20.070	AMD 46 E1	51
	(Effective 1/1/84)			(Effective 1/1/84)	
75.16.120	AMD 46 E1	25	75.20.080	REP 46 E1	188
	(Effective 1/1/84)			(Effective 1/1/84)	
75.18.005	REP 46 E1	187	75.20.090	AMD 46 E1	74
	(Effective 1/1/84)			(Effective 1/1/84)	
75.18.010	REP 46 E1	187	75.20.100	AMD 46 E1	75
	(Effective 1/1/84)			(Effective 1/1/84)	
75.18.020	DECOD 46 E1	47	75.20.110	AMD 46 E1	76
	(Effective 1/1/84)			(Effective 1/1/84)	
75.18.020	RECOD 46 E1	47	75.20.120	REP 46 E1	188
	(Effective 1/1/84)			(Effective 1/1/84)	
75.18.020	AMD 46 E1	48	75.20.300	AMD 1 E1	7
	(Effective 1/1/84)		75.20.300	AMD 46 E1	77
75.18.030	REP 46 E1	187		(Effective 1/1/84)	
	(Effective 1/1/84)		75.24.010	AMD 46 E1	78
75.18.040	REP 46 E1	187		(Effective 1/1/84)	
	(Effective 1/1/84)		75.24.020	REP 46 E1	188
75.18.050	REP 46 E1	187		(Effective 1/1/84)	
	(Effective 1/1/84)		75.24.030	AMD 46 E1	79
75.18.060	REP 46 E1	187		(Effective 1/1/84)	
	(Effective 1/1/84)		75.24.040	REP 46 E1	188
75.18.070	REP 46 E1	187		(Effective 1/1/84)	
	(Effective 1/1/84)		75.24.050	AMD 46 E1	80
75.18.080	DECOD 46 E1	114		(Effective 1/1/84)	
	(Effective 1/1/84)		75.24.060	AMD 46 E1	81
75.18.080	RECOD 46 E1	114		(Effective 1/1/84)	
	(Effective 1/1/84)		75.24.070	AMD 46 E1	82
75.18.080	AMD 46 E1	115		(Effective 1/1/84)	
	(Effective 1/1/84)		75.24.080	AMD 46 E1	83
75.18.090	REP 46 E1	187		(Effective 1/1/84)	
	(Effective 1/1/84)		75.24.090	AMD 46 E1	84
75.18.100	DECOD 46 E1	182		(Effective 1/1/84)	
	(Effective 1/1/84)		75.24.100	AMD 3	193
75.18.110	DECOD 46 E1	172	75.24.100	AMD 46 E1	85
	(Effective 1/1/84)			(Effective 1/1/84)	
75.18.110	RECOD 46 E1	172	75.25	ADD 31 E1	1
	(Effective 1/1/84)			(Effective 1/1/84)	
75.18.110	AMD 46 E1	173	75.25	ADD 46 E1	99
	(Effective 1/1/84)			(Effective 1/1/84)	
75.20.010	REP 46 E1	188	75.25.010	DECOD 46 E1	182
	(Effective 1/1/84)			(Effective 1/1/84)	
75.20.020	REP 46 E1	188	75.25.020	AMD 46 E1	90
	(Effective 1/1/84)			(Effective 1/1/84)	
75.20.030	REP 46 E1	188	75.25.030	REP 46 E1	188
	(Effective 1/1/84)			(Effective 1/1/84)	
75.20.040	AMD 46 E1	70	75.25.040	AMD 46 E1	91
	(Effective 1/1/84)			(Effective 1/1/84)	
75.20.050	AMD 46 E1	71	75.25.050	REP 46 E1	188
	(Effective 1/1/84)			(Effective 1/1/84)	

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
75.25.060	REP 46 E1	188	75.28.120	AMD 46 E1	117
	(Effective 1/1/84)			(Effective 1/1/84)	
75.25.070	REP 46 E1	188	75.28.130	AMD 46 E1	120
	(Effective 1/1/84)			(Effective 1/1/84)	
75.25.080	AMD 46 E1	92	75.28.140	AMD 46 E1	121
	(Effective 1/1/84)			(Effective 1/1/84)	
75.25.900	DECOD 46 E1	182	75.28.150	REP 46 E1	189
	(Effective 1/1/84)			(Effective 1/1/84)	
75.25.910	DECOD 46 E1	182	75.28.160	REP 46 E1	189
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28	ADD 300	2	75.28.170	REP 46 E1	189
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28	ADD 31 E1	2	75.28.180	REP 46 E1	189
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.010	AMD 46 E1	101	75.28.190	REP 46 E1	189
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.012	AMD 46 E1	102	75.28.210	REP 46 E1	189
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.013	REP 46 E1	189	75.28.220	REP 46 E1	189
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.014	AMD 46 E1	103	75.28.230	REP 46 E1	189
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.020	AMD 46 E1	104	75.28.240	REP 46 E1	189
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.030	AMD 46 E1	105	75.28.250	REP 46 E1	189
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.040	AMD 46 E1	108	75.28.255	AMD 46 E1	122
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.050	REP 46 E1	189	75.28.260	REP 46 E1	189
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.060	AMD 46 E1	109	75.28.270	REP 46 E1	189
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.070	AMD 46 E1	110	75.28.274	REP 46 E1	189
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.081	AMD 46 E1	111	75.28.275	DECOD 46 E1	145
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.083	REP 46 E1	189	75.28.275	RECOD 46 E1	145
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.085	DECOD 46 E1	118	75.28.275	AMD 46 E1	147
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.085	RECOD 46 E1	118	75.28.276	REP 46 E1	189
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.085	AMD 46 E1	119	75.28.277	REP 46 E1	189
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.087	REP 46 E1	189	75.28.280	AMD 46 E1	125
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.095	AMD 46 E1	112	75.28.281	REP 46 E1	189
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.097	REP 46 E1	189	75.28.282	AMD 46 E1	126
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.100	DECOD 46 E1	106	75.28.283	REP 46 E1	189
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.100	RECOD 46 E1	106	75.28.285	AMD 31 E1	3
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.100	AMD 46 E1	107	75.28.285	AMD 46 E1	127
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.110	AMD 46 E1	113	75.28.286	DECOD 46 E1	128
	(Effective 1/1/84)			(Effective 1/1/84)	

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
75.28.286	RECOD 46 E1	128	75.28.455	RECOD 46 E1	145
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.286	AMD 46 E1	129	75.28.455	AMD 46 E1	146
	(Effective 1/1/84)			(Effective 1/1/84)	
75.28.287	AMD 46 E1	130	75.28.460	AMD 297	1
	(Effective 1/1/84)		75.28.460	DECOD 46 E1	114
75.28.288	DECOD 46 E1	31		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.460	RECOD 46 E1	114
75.28.288	RECOD 46 E1	31		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.460	AMD 46 E1	116
75.28.288	AMD 46 E1	45		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.465	REP 46 E1	189
75.28.290	AMD 46 E1	131		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.470	REP 46 E1	189
75.28.300	AMD 46 E1	132		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.475	REP 46 E1	189
75.28.350	AMD 46 E1	133		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.480	REP 46 E1	189
75.28.370	AMD 46 E1	134		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.500	DECOD 46 E1	182
75.28.375	REP 46 E1	189		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.505	DECOD 46 E1	154
75.28.377	REP 46 E1	18		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.505	RECOD 46 E1	154
75.28.380	DECOD 46 E1	31		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.505	AMD 46 E1	155
75.28.380	RECOD 46 E1	31		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.510	DECOD 46 E1	154
75.28.380	AMD 46 E1	43		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.510	RECOD 46 E1	154
75.28.384	DECOD 46 E1	31		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.510	AMD 46 E1	156
75.28.384	RECOD 46 E1	31		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.515	DECOD 46 E1	154
75.28.384	AMD 46 E1	44		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.515	RECOD 46 E1	154
75.28.390	REP 46 E1	185		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.515	AMD 46 E1	157
75.28.400	AMD 46 E1	135		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.520	DECOD 46 E1	154
75.28.400	DECOD 46 E1	182		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.520	RECOD 46 E1	154
75.28.410	REP 46 E1	189		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.520	AMD 46 E1	158
75.28.420	DECOD 46 E1	145		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.525	REP 46 E1	189
75.28.420	RECOD 46 E1	145		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.530	DECOD 46 E1	154
75.28.420	AMD 46 E1	148		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.530	RECOD 46 E1	154
75.28.440	REP 46 E1	189		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.530	AMD 46 E1	159
75.28.450	AMD 46 E1	136		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.535	DECOD 46 E1	154
75.28.450	DECOD 46 E1	182		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.535	RECOD 46 E1	154
75.28.455	DECOD 46 E1	145		(Effective 1/1/84)	
	(Effective 1/1/84)		75.28.535	AMD 46 E1	160

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
75.28.540	(Effective 1/1/84) DECOD 46 E1	154	75.30.030	(Effective 1/1/84) REP 46 E1	190
75.28.540	(Effective 1/1/84) RECOD 46 E1	154	75.30.040	(Effective 1/1/84) REP 46 E1	190
75.28.540	(Effective 1/1/84) AMD 46 E1	161	75.30.050	(Effective 1/1/84) AMD 46 E1	138
75.28.600	(Effective 1/1/84) DECOD 46 E1	182	75.30.060	(Effective 1/1/84) AMD 46 E1	139
75.28.610	(Effective 1/1/84) DECOD 46 E1	93	75.30.070	(Effective 1/1/84) AMD 46 E1	142
75.28.610	(Effective 1/1/84) RECOD 46 E1	93	75.30.080	(Effective 1/1/84) REP 46 E1	190
75.28.610	(Effective 1/1/84) AMD 46 E1	94	75.30.090	(Effective 1/1/84) AMD 46 E1	143
75.28.620	(Effective 1/1/84) DECOD 46 E1	93	75.30.100	(Effective 1/1/84) AMD 46 E1	144
75.28.620	(Effective 1/1/84) RECOD 46 E1	93	75.36.010	(Effective 1/1/84) DECOD 46 E1	31
75.28.620	(Effective 1/1/84) AMD 46 E1	97	75.36.010	(Effective 1/1/84) RECOD 46 E1	31
75.28.630	(Effective 1/1/84) DECOD 46 E1	93	75.36.010	(Effective 1/1/84) AMD 46 E1	34
75.28.630	(Effective 1/1/84) RECOD 46 E1	93	75.36.020	(Effective 1/1/84) REP 46 E1	190
75.28.630	(Effective 1/1/84) AMD 46 E1	95	75.36.030	(Effective 1/1/84) DECOD 46 E1	31
75.28.640	(Effective 1/1/84) REP 46 E1	189	75.36.030	(Effective 1/1/84) RECOD 46 E1	31
75.28.650	(Effective 1/1/84) DECOD 46 E1	93	75.36.030	(Effective 1/1/84) AMD 46 E1	38
75.28.650	(Effective 1/1/84) RECOD 46 E1	93	75.36.040	(Effective 1/1/84) DECOD 46 E1	31
75.28.650	(Effective 1/1/84) AMD 46 E1	98	75.36.040	(Effective 1/1/84) RECOD 46 E1	31
75.28.660	(Effective 1/1/84) DECOD 46 E1	93	75.36.040	(Effective 1/1/84) AMD 46 E1	37
75.28.660	(Effective 1/1/84) RECOD 46 E1	93	75.36.050	(Effective 1/1/84) DECOD 46 E1	31
75.28.660	(Effective 1/1/84) AMD 46 E1	100	75.36.050	(Effective 1/1/84) RECOD 46 E1	31
75.28.670	(Effective 1/1/84) DECOD 46 E1	93	75.36.050	(Effective 1/1/84) AMD 46 E1	39
75.28.670	(Effective 1/1/84) RECOD 46 E1	93	75.40.010	(Effective 1/1/84) AMD 46 E1	149
75.28.670	(Effective 1/1/84) AMD 46 E1	96	75.40.020	(Effective 1/1/84) AMD 46 E1	150
75.28.690	(Effective 1/1/84) AMD 46 E1	137	75.40.030	(Effective 1/1/84) AMD 46 E1	151
75.28.800	(Effective 1/1/84) REP 46 E1	189	75.40.040	(Effective 1/1/84) AMD 46 E1	152
75.30.010	(Effective 1/1/84) DECOD 46 E1	182	75.40.050	(Effective 1/1/84) REP 46 E1	190
75.30.020	(Effective 1/1/84) DECOD 46 E1	140	75.40.060	(Effective 1/1/84) AMD 46 E1	153
75.30.020	(Effective 1/1/84) RECOD 46 E1	140	75.40.070	(Effective 1/1/84) REP 46 E1	190
75.30.020	(Effective 1/1/84) AMD 46 E1	141	75.44.010	(Effective 1/1/84) REP 46 E1	190

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
	(Effective 1/1/84)			(Effective 6/30/87)	
75.44.020	REP 46	E1 190	76.24.040	REP 197	42
	(Effective 1/1/84)			(Effective 6/30/87)	
75.44.030	REP 46	E1 190	76.28.010	REP 197	40
	(Effective 1/1/84)			(Effective 6/30/87)	
75.44.040	REP 46	E1 190	76.28.020	REP 197	40
	(Effective 1/1/84)			(Effective 6/30/87)	
75.44.050	REP 46	E1 190	76.28.030	REP 197	40
	(Effective 1/1/84)			(Effective 6/30/87)	
75.44.060	REP 46	E1 190	76.28.040	REP 197	40
	(Effective 1/1/84)			(Effective 6/30/87)	
75.44.070	REP 46	E1 190	76.28.050	REP 197	40
	(Effective 1/1/84)			(Effective 6/30/87)	
75.44.080	REP 46	E1 190	76.28.060	REP 197	40
	(Effective 1/1/84)			(Effective 6/30/87)	
75.48.010	DECOD 46	E1 182	76.28.070	REP 197	40
	(Effective 1/1/84)			(Effective 6/30/87)	
75.48.020	AMD 46	E1 162	76.28.080	REP 197	40
	(Effective 1/1/84)			(Effective 6/30/87)	
75.48.030	AMD 46	E1 163	76.28.090	REP 197	40
	(Effective 1/1/84)			(Effective 6/30/87)	
75.48.040	AMD 46	E1 164	76.32.010	REP 197	41
	(Effective 1/1/84)			(Effective 6/30/87)	
75.48.050	AMD 46	E1 165	76.32.020	REP 197	41
	(Effective 1/1/84)			(Effective 6/30/87)	
75.48.060	AMD 46	E1 166	76.32.030	REP 197	41
	(Effective 1/1/84)			(Effective 6/30/87)	
75.48.070	AMD 46	E1 167	76.32.040	REP 197	41
	(Effective 1/1/84)			(Effective 6/30/87)	
75.48.080	AMD 46	E1 168	76.32.050	REP 197	41
	(Effective 1/1/84)			(Effective 6/30/87)	
75.48.090	AMD 46	E1 169	76.32.060	REP 197	41
	(Effective 1/1/84)			(Effective 6/30/87)	
75.48.100	AMD 46	E1 170	76.32.070	REP 197	41
	(Effective 1/1/84)			(Effective 6/30/87)	
75.48.110	AMD 46	E1 171	76.32.080	REP 197	41
	(Effective 1/1/84)			(Effective 6/30/87)	
75.98.010	DECOD 46	E1 182	77.12.170	AMD 284	1
	(Effective 1/1/84)			(Effective 6/30/87)	
75.98.020	DECOD 46	E1 182	77.12.170	AMD 8	E1 2
	(Effective 1/1/84)			(Effective 6/30/87)	
75.98.030	AMD 46	E1 174	77.16.020	AMD 3	196
	(Effective 1/1/84)			(Effective 6/30/87)	
75.98.040	DECOD 46	E1 182	77.21	ADD 8	E1 3
	(Effective 1/1/84)			(Effective 6/30/87)	
75.98.050	DECOD 46	E1 182	77.32.010	AMD 284	2
	(Effective 1/1/84)			(Effective 6/30/87)	
75.98.060	DECOD 46	E1 182	77.32.211	AMD 284	3
	(Effective 1/1/84)			(Effective 6/30/87)	
76.01.060	AMD 3	194	77.32.220	AMD 284	4
	(Effective 1/1/84)			(Effective 6/30/87)	
76.04.360	AMD 299	1	77.32.230	AMD 280	1
	(Effective 1/1/84)			(Effective 6/30/87)	
76.04.515	AMD 299	2	78.08.075	AMD 3	197
	(Effective 1/1/84)			(Effective 6/30/87)	
76.12.072	AMD 3	195	78.08.080	AMD 3	198
	(Effective 1/1/84)			(Effective 6/30/87)	
76.24.010	REP 197	42	78.08.115	AMD 3	199
	(Effective 6/30/87)			(Effective 6/30/87)	
76.24.020	REP 197	42	78.52	ADD 253	4,9,10 13,18 20-26 29,30
	(Effective 6/30/87)			(Effective 6/30/87)	
76.24.030	REP 197	42	78.52.001	AMD 253	1
	(Effective 6/30/87)			(Effective 6/30/87)	
			78.52.010	AMD 253	2
			78.52.020	AMD 253	31
			78.52.025	AMD 253	3
			78.52.031	AMD 253	5
			78.52.040	AMD 253	6

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 "E2" Denotes 2nd ex. sess.

RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
78.52.050	AMD	253	7	81.53.220	AMD	3	210
78.52.100	AMD	253	8	82	ADD	7	9-13
78.52.120	AMD	253	11	82.02	ADD	3 E2	55
78.52.160	REP	253	33	82.02.030	AMD	7	8
78.52.170	REP	253	33	82.02.030	AMD	3 E2	6
78.52.180	REP	253	33	82.03.190	AMD	3	211
78.52.190	REP	253	33	82.04	ADD	7	3
78.52.200	AMD	253	12	82.04	ADD	9	3,5
78.52.210	AMD	253	14	82.04	ADD	161	25
78.52.220	AMD	253	15	82.04	ADD	66 E1	2,3,5
78.52.230	AMD	253	16	82.04	ADD	3 E2	24
78.52.240	AMD	253	17	82.04.050	AMD	3 E2	25
78.52.250	AMD	253	19	82.04.060	AMD	3 E2	26
78.52.340	REP	253	33	82.04.190	AMD	3 E2	27
78.52.350	REP	253	33	82.04.255	AMD	9	1
78.52.360	REP	253	33	82.04.255	AMD	3 E2	1
78.52.370	REP	253	33	82.04.260	AMD	55 E1	4
78.52.380	REP	253	33	82.04.260	AMD	66 E1	4
78.52.390	REP	253	33	82.04.260	AMD	3 E2	5
78.52.400	REP	253	33	82.04.265	REP	3 E2	58
78.52.410	REP	253	33	82.04.280	AMD	132	1
78.52.420	REP	253	33	82.04.290	AMD	3	212
78.52.430	REP	253	33	82.04.290	AMD	9	2
78.52.440	REP	253	33	82.04.290	AMD	3 E2	2
78.52.470	AMD	253	27	82.04.2901	AMD	9	4
78.52.480	AMD	253	28	82.04.2901	AMD	3 E2	4
78.52.490	AMD	253	32	82.04.2901	AMD	3 E2	61
78.52.500	REP	253	33	82.04.300	AMD	3	213
78.52.510	REP	253	33	82.04.420	REP	3	214
78.52.520	REP	253	33	82.04.431	AMD	66 E1	1
79.01.126	AMD	12 E1	1	82.04.442	REP	62 E1	14
79.01.132	REEN	2	16				(Effective 1/1/84)
79.01.184	REEN	2	17	82.04.443	AMD	62 E1	2
79.01.324	AMD	4	6	82.04.443	RECOD	62 E1	2
79.01.525	REP	2 E2	3	82.04.450	AMD	55 E1	3
79.01.618	AMD	3	200	82.04.460	AMD	3 E2	28
79.08.170	AMD	3	201	82.04.470	AMD	3 E2	29
79.08.180	AMD	261	1	82.08	ADD	55 E1	5
79.28.050	AMD	3	202	82.08	ADD	3 E2	30
79.36.240	AMD	4	7	82.08.010	AMD	55 E1	1
79.36.270	AMD	4	8	82.08.020	AMD	7	6
79.36.280	AMD	4	9	82.08.020	AMD	3 E2	41
79.64.060	AMD	3	203	82.08.020	AMD	3 E2	62
79.64.070	AMD	3	204	82.08.0255	AMD	108	1
79.92.070	AMD	259	1	82.08.0255	AMD	35 E1	2
79.92.080	AMD	259	2	82.08.150	AMD	3 E2	12
79.92.110	AMD	153	1	82.08.170	AMD	3	215
79.94.390	AMD	46 E1	181	82.12	ADD	55 E1	6,7
			(Effective 1/1/84)	82.12.010	AMD	55 E1	2
80	ADD	94	1-8	82.12.020	AMD	7	7
80.04.270	AMD	3 E2	40	82.12.0251	AMD	26	2
80.08.105	AMD	4	10	82.12.0256	AMD	108	2
80.50.175	AMD	3	205	82.12.0256	AMD	35 E1	3
81.08.105	AMD	4	11	82.12.045	AMD	77	2
81.24.050	AMD	3	206	82.14	ADD	99	2
81.40.030	AMD	3	207	82.14.020	AMD	3 E2	31
81.44.050	AMD	3	208	82.14.035	REP	99	8
81.44.060	AMD	3	209	82.14.045	AMD	3	216

"E1" Denotes 1st ex. sess.

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RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
82.14.200	AMD	99	1	82.50.520	AMD	26	4
82.16.010	AMD	3 E2	32	84.09	ADD	62 E1	4
82.16.020	AMD	3 E2	13	84.09	ADD	3 E2	56
82.20.010	AMD	3 E2	14	84.33	ADD	62 E1	8
82.24.020	AMD	3 E2	15		(Effective 1/1/84)		
82.24.260	AMD	3	217	84.33	ADD	62 E1	9
82.24.260	AMD	189	3	84.33.040	AMD	62 E1	7
82.26.020	AMD	3 E2	16		(Effective 1/1/84)		
82.26.100	AMD	3	218	84.33.071	AMD	3 E2	59
82.27.010	AMD	284	5	84.33.080	AMD	8	1
82.27.010	AMD	46 E1	180	84.33.100	AMD	3	224
82.27.020	AMD	284	6	84.33.160	AMD	3	225
82.27.020	AMD	3 E2	17	84.33.170	AMD	3	226
82.27.070	AMD	284	7	84.34.020	AMD	3	227
82.29A.030	AMD	3 E2	18	84.34.108	AMD	41	1
82.32	ADD	7	33	84.36	ADD	161	26
82.32	ADD	55 E1	9	84.36	ADD	55 E1	12
82.32.010	AMD	3	219		(Effective 1/1/84)		
82.32.020	AMD	3	220	84.36	ADD	62 E1	3
82.32.045	AMD	3 E2	63	84.36	ADD	62 E1	6
	(Effective 4/1/85)				(Effective 1/1/84)		
82.32.070	AMD	3	221	84.36.030	AMD	25 E1	1
82.32.090	AMD	7	32	84.36.080	AMD	7	23
82.32.090	AMD	3 E2	23		(Effective 1/1/84)		
82.32.210	AMD	55 E1	8	84.36.080	AMD	3 E2	51
82.32.220	AMD	55 E1	10		(Effective 1/1/84)		
82.32.230	AMD	55 E1	11	84.36.090	AMD	7	24
82.32.300	AMD	3	222		(Effective 1/1/84)		
82.36	ADD	108	3	84.36.381	AMD	11 E1	2
82.36.010	AMD	49 E1	25	84.36.381	AMD	11 E1	5
82.36.020	AMD	49 E1	26	84.36.383	AMD	11 E1	4
82.36.025	AMD	49 E1	27	84.36.385	AMD	11 E1	3
82.36.100	AMD	49 E1	28	84.36.385	AMD	11 E1	6
82.37.020	AMD	3	223	84.36.810	AMD	185	1
82.37.030	AMD	49 E1	29	84.40.031	AMD	3	228
82.38.030	AMD	49 E1	30	84.40.032	AMD	3	229
82.38.050	AMD	242	1	84.40.400	REP	62 E1	14
82.38.075	AMD	212	1		(Effective 1/1/84)		
82.38.080	AMD	108	4	84.40.405	AMD	62 E1	10
82.38.100	AMD	78	1	84.52	ADD	62 E1	5
82.38.110	AMD	242	2	84.52.052	REEN	2	19
82.38.150	AMD	242	3	84.52.052	AMD	130	11
82.38.170	AMD	242	4	84.52.052	AMD	303	16
82.38.220	AMD	242	5	84.52.052	AMD	315	10
82.42.010	AMD	49	1	84.55	ADD	223	1
82.42.025	AMD	49	2	84.55	ADD	62 E1	11,12
82.44	ADD	200	6	85.05.290	AMD	167	177
82.44.020	AMD	3 E2	19	85.05.300	AMD	167	178
82.44.070	REP	26	5	85.05.340	AMD	167	179
82.44.120	AMD	26	3	85.05.350	REP	167	270
82.45.060	AMD	3 E2	20	85.05.480	AMD	167	180
82.46	ADD	99	3	85.05.510	AMD	167	181
82.46.020	REP	99	8	85.05.520	AMD	167	182
82.48.010	AMD	3 E2	21	85.05.530	AMD	167	183
	(Effective 1/1/84)			85.06.260	AMD	167	184
82.48.020	AMD	7	27	85.06.270	AMD	167	185
82.48.030	AMD	3 E2	22	85.06.310	AMD	167	186
	(Effective 1/1/84)			85.06.320	REP	167	270

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RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
85.06.321	AMD	167	187	87.03.510	AMD 167 224
85.06.327	AMD	167	188	87.03.515	AMD 167 225
85.07.060	AMD	167	189	87.03.522	AMD 167 226
85.07.070	AMD	167	190	87.19.010	AMD 167 227
85.07.080	AMD	167	191	87.19.030	AMD 167 228
85.07.080	REP	167	270	87.19.070	REP 167 270
85.07.110	AMD	167	192	87.22.020	AMD 167 229
85.08.240	AMD	167	193	87.22.030	AMD 167 230
85.08.280	AMD	167	194	87.22.145	AMD 167 231
85.08.410	AMD	3	230	87.22.150	AMD 167 232
85.08.430	AMD	167	195	87.22.175	AMD 167 233
85.09.010	AMD	167	196	87.22.190	AMD 167 234
85.16.030	AMD	167	197	87.22.195	REP 167 270
85.16.180	AMD	167	198	87.22.275	AMD 167 235
85.24.160	AMD	167	199	87.28.015	AMD 167 236
85.24.230	AMD	167	200	87.28.020	AMD 167 237
86.09.325	AMD	167	201	87.28.040	AMD 167 238
86.09.562	AMD	167	202	87.28.070	AMD 167 239
86.09.571	AMD	167	203	87.28.100	AMD 167 240
86.09.580	AMD	167	204	87.28.105	REP 167 270
86.09.583	AMD	167	205	87.28.110	AMD 167 241
86.09.586	AMD	167	206	87.28.150	AMD 167 242
86.09.598	AMD	167	207	87.64.010	AMD 167 243
86.09.604	AMD	167	208	87.64.020	AMD 167 244
86.09.607	AMD	167	209	88	ADD 7 14-22
86.09.613	AMD	167	210	88.16.180	AMD 3 231
86.15	ADD	315	6,7	88.32.140	AMD 167 245
86.15.010	AMD	315	11	88.32.160	AMD 167 246
86.15.020	AMD	315	12	88.32.170	AMD 167 247
86.15.080	AMD	315	13	89.08.030	AMD 248 13
86.15.100	AMD	315	14	89.16.050	AMD 167 248
86.15.110	AMD	315	15	89.16.500	AMD 1 E1 5
86.15.120	AMD	315	16	89.30.325	AMD 167 249
86.15.140	AMD	315	17	89.30.412	AMD 167 250
86.15.150	AMD	315	18	89.30.415	AMD 167 251
86.15.160	AMD	315	19	89.30.418	AMD 167 252
86.15.165	AMD	315	20	89.30.421	AMD 167 253
86.15.170	AMD	167	211	89.30.427	AMD 167 254
86.15.170	AMD	315	21	89.30.433	AMD 167 255
86.15.176	AMD	315	22	89.30.517	AMD 167 256
86.15.178	AMD	167	212	89.30.520	AMD 167 257
86.15.178	AMD	315	23	89.30.544	AMD 167 258
86.15.190	AMD	315	24	89.30.547	AMD 167 259
86.15.210	AMD	315	25	89.30.556	AMD 167 260
87.03	ADD	47	1-6	89.30.559	REP 167 270
87.03	ADD	48	E1 3	89.30.562	REP 167 270
87.03.115	AMD	262	1	89.30.616	AMD 167 261
87.03.200	AMD	167	213	89.30.778	AMD 167 262
87.03.210	AMD	167	214	89.30.781	AMD 167 263
87.03.215	AMD	167	215	89.30.784	AMD 167 264
87.03.260	AMD	167	216	90	ADD 243 1-6
87.03.430	AMD	167	217	90.03	ADD 315 8,9
87.03.440	AMD	167	218	90.28.030	REP 197 38
87.03.441	AMD	167	219		(Effective 6/30/87)
87.03.470	AMD	167	220	90.48.260	AMD 270 1
87.03.475	AMD	167	221	90.58	ADD 138 1,2
87.03.485	AMD	167	222	90.58.220	AMD 138 3
87.03.490	AMD	167	223	90.58.500	AMD 1 E1 3

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RCW SECTIONS AFFECTED BY 1983 STATUTES

RCW		CH.	SEC.
91.08.465	AMD	167	265
91.08.480	AMD	167	266
91.08.485	AMD	167	267
91.08.490	AMD	167	268
91.08.510	AMD	167	269

"E1" Denotes 1st ex. sess.

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SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1854			LAWS 1983		
Ch.	Sec.	Action	Ch.	Sec.	
124(pg)	147	AMD	276		2
178(pg)	253	AMD	45 E1		8
201(pg)	367	AMD	45 E1		7
404(pg)	4	AMD	186		1

LAWS 1860			LAWS 1983		
Ch.	Sec.	Action	Ch.	Sec.	
279(pg)	171	AMD	46 E1		175
		(Effective 1/1/84)			

LAWS 1862			LAWS 1983		
Ch.	Sec.	Action	Ch.	Sec.	
52(pg)	1	REP	197		49

LAWS 1865			LAWS 1983		
Ch.	Sec.	Action	Ch.	Sec.	
501(pg)	1	REP	197		49
		(Effective 6/30/88)			

LAWS 1869			LAWS 1983		
Ch.	Sec.	Action	Ch.	Sec.	
75(pg)	307	AMD	28		2
91(pg)	351	AMD	3		6
375(pg)	1	REP	197		49
		(Effective 6/30/88)			

LAWS 1873			LAWS 1983		
Ch.	Sec.	Action	Ch.	Sec.	
452(pg)	10	AMD	41 E1		2
467(pg)	3	REP	197		49
		(Effective 6/30/88)			

LAWS 1877			LAWS 1983		
Ch.	Sec.	Action	Ch.	Sec.	
255(pg)	10	REP	197		49
		(Effective 6/30/88)			
300(pg)	5	AMD	3		4
300(pg)	6	AMD	3		5

LAWS 1881			LAWS 1983		
Ch.	Sec.	Action	Ch.	Sec.	
	305	AMD	28		2
	505	AMD	45 E1		7
	1046	AMD	3		12
	1228	AMD	3		4
	1229	AMD	3		5
	2615	REP	197		49
		(Effective 6/30/88)			
	2623	REP	197		49
		(Effective 6/30/88)			

LAWS 1888			LAWS 1983		
Ch.	Sec.	Action	Ch.	Sec.	
208(pg)	1	AMD	295		1
208(pg)	2	AMD	295		2

LAWS 1888 (cont.)			LAWS 1983		
Ch.	Sec.	Action	Ch.	Sec.	
209(pg)	4	AMD	295		3
209(pg)	5	AMD	295		4
209(pg)	6	AMD	295		5
210(pg)	7	AMD	295		6

LAWS 1889			LAWS 1983		
Ch.	Sec.	Action	Ch.	Sec.	
711(pg)	21	REP	197		38
		(Effective 6/30/87)			

LAWS 1889-90			LAWS 1983		
Ch.	Sec.	Action	Ch.	Sec.	
677(pg)	11	AMD	262		1
679(pg)	15	AMD	167		213
681(pg)	16	AMD	167		214
681(pg)	17	AMD	167		215
683(pg)	22	AMD	167		216
688(pg)	34	AMD	167		217
692(pg)	41	AMD	167		220
693(pg)	42	AMD	167		221

LAWS 1890			LAWS 1983		
Ch.	Sec.	Action	Ch.	Sec.	
90(pg)	1,2	REP	197		49
		(Effective 6/30/88)			
91(pg)	1	REP	197		49
		(Effective 6/30/88)			
99(pg)	4	AMD	3		8
470(pg)	1,2	REP	197		40
		(Effective 6/30/87)			
471(pg)	3,4	REP	197		40
		(Effective 6/30/87)			
472(pg)	5-8	REP	197		40
		(Effective 6/30/87)			
473(pg)	1-3	REP	197		49
		(Effective 6/30/88)			
473(pg)	9	REP	197		40
		(Effective 6/30/87)			
474(pg)	4-6	REP	197		49
		(Effective 6/30/88)			
475(pg)	9	REP	197		49
		(Effective 6/30/88)			
476(pg)	10	REP	197		49
		(Effective 6/30/88)			

LAWS 1891			LAWS 1983		
Ch.	Sec.	Action	Ch.	Sec.	
38	4	REP	45 E1		9
96	5	AMD	264		2

LAWS 1893			LAWS 1983		
Ch.	Sec.	Action	Ch.	Sec.	
133	1	AMD	45 E1		6

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SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

<u>LAWS 1895</u>			<u>LAWS 1983</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
64	6	AMD	251	1
64	24	AMD	45 E1	4
72	1-8	REP	197	41
		(Effective 6/30/87)		
95	4	AMD	161	28
115	26	AMD	167	184
115	27	AMD	167	185
115	31	AMD	167	186
115	32	REP	167	270
117	29	AMD	167	177
117	30	AMD	167	178
117	34	AMD	167	179
117	35	REP	167	270
136	4	AMD	147	1
170	2	AMD	167	113
170	3	AMD	167	114
170	5	REP	167	270

<u>LAWS 1897</u>			<u>LAWS 1983</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
31	1	REP	197	41
		(Effective 6/30/87)		

<u>LAWS 1899</u>			<u>LAWS 1983</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
30	1	REP	197	31
		(Effective 6/30/86)		
30	2	REP	91	24
30	2-4	REP	197	31
		(Effective 6/30/86)		
45	4	AMD	3	197
45	5	AMD	3	198
45	12	AMD	3	199
80	1	AMD	158	6
80	1	AMD	309	1

<u>LAWS 1901</u>			<u>LAWS 1983</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
140	1	REP	197	41
		(Effective 6/30/87)		
172	8	AMD	75	12
172	8	REP	75	19
		(Effective 6/30/84)		

<u>LAWS 1903</u>			<u>LAWS 1983</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
104	27	REP	56	15
104	28	REP	56	15
177	2	REP	91	24
177	3	REP	91	24

<u>LAWS 1905</u>			<u>LAWS 1983</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
57	1	REP	197	41
		(Effective 6/30/87)		
72	2	AMD	33	1

<u>LAWS 1905 (cont.)</u>			<u>LAWS 1983</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
72	5	AMD	33	2
82	1-4	REP	197	42
		(Effective 6/30/87)		
119	1	REP	197	41
		(Effective 6/30/87)		

<u>LAWS 1907</u>			<u>LAWS 1983</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
52	1	REP	197	40
		(Effective 6/30/87)		
56	1	REP	197	49
		(Effective 6/30/88)		
56	1	AMD	214	1
124	13	AMD	102	4
137	1	REP	197	49
		(Effective 6/30/88)		
236	10	AMD	167	245
236	11	AMD	167	246
236	12	AMD	167	247

<u>LAWS 1909</u>			<u>LAWS 1983</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
97	1-6	REP	56	15
98	1	AMD	46 E1	175
		(Effective 1/1/84)		
192	19	REEN	2	1
192	19	AMD	2	1
204	1	AMD	167	114
225	16	AMD	167	200
225	17	AMD	167	199
229	1	REP	197	41
		(Effective 6/30/87)		
249	228	REP	3	9
249	441	AMD	165	30
249	442	AMD	165	29

<u>LAWS 1911</u>			<u>LAWS 1983</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
23	45	AMD	167	265
23	46	AMD	167	266
23	47	AMD	167	267
23	48	AMD	167	268
23	50	AMD	167	269
26	1	AMD	264	2
57	7	AMD	181	1
92	12	AMD	167	136

<u>LAWS 1913</u>			<u>LAWS 1983</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
32	1	REP	197	49
		(Effective 6/30/88)		
126	2	REP	3	1
126	5	AMD	3	2
130	4	AMD	4	2
156	1	AMD	167	180
160	3	AMD	191	14

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SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1927			LAWS 1983		LAWS 1929 (cont.)			LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
173	1	AMD	31	1	121	2	AMD	167	243
174	1	AMD	167	187	121	3	AMD	167	244
174	1	AMD	167	188	209	1	REP	75	19
194	10	AMD	89	1			(Effective 6/30/84)		
211	1	REP	75	19	209	3	REP	75	19
		(Effective 6/30/84)					(Effective 6/30/84)		
211	5	REP	75	19	209	4	REP	75	19
		(Effective 6/30/84)					(Effective 6/30/84)		
211	6	REP	75	19	209	6	REP	75	19
		(Effective 6/30/84)					(Effective 6/30/84)		
211	9-12	REP	75	19	209	7	AMD	75	13
		(Effective 6/30/84)			209	7	REP	75	19
254	109	AMD	167	249			(Effective 6/30/84)		
254	138	AMD	167	250	209	8	REP	75	19
254	139	AMD	167	251			(Effective 6/30/84)		
254	140	AMD	167	252	211	1	AMD	167	196
254	141	AMD	167	253					
254	143	AMD	167	254					
254	145	AMD	167	255					
254	173	AMD	167	256					
254	174	AMD	167	257					
254	182	AMD	167	258					
254	183	AMD	167	259					
254	186	AMD	167	260					
254	187	REP	167	270					
254	188	REP	167	270					
254	206	AMD	167	261					
254	260	AMD	167	262					
254	261	AMD	167	263					
254	262	AMD	167	264					
255	33	REEN	2	16					
255	46	REEN	2	17					
255	81	AMD	4	6					
312	2	AMD	4	7					
312	5	AMD	4	8					
312	7	AMD	4	9					

LAWS 1929			LAWS 1983		LAWS 1931			LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
25	5	AMD	45	E1	42	7	AMD	167	235
60	1	AMD	45	E1					
60	6	AMD	28	1					
114	9	AMD	167	161					
114	11	AMD	167	162					
114	18	AMD	3	163					
114	21	AMD	38	2					
114	22	AMD	167	167					
114	23	AMD	57	3					
120	2	AMD	167	229					
120	3	AMD	167	230					
120	19	AMD	167	231					
120	20	AMD	167	232					
120	24	AMD	167	235					
120	25	REP	167	270					
120	26	AMD	167	234					
120	27	REP	167	270					
120	37	AMD	167	235					

LAWS 1933			LAWS 1983		LAWS 1933 EX.			LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
43	2	AMD	167	214	38	1	AMD	167	196
125	1	AMD	167	193	62	12	AMD	13	1
149	15	AMD	167	254	62	24	AMD	3	E2
173	12	AMD	37	1	62	24-A	AMD	3	E2
173	14	AMD	37	2	62	27	AMD	160	3
173	21	AMD	37	3	62	30	AMD	13	165
173	27	AMD	37	5	62	69	AMD	160	1

LAWS 1935			LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.
82	2	AMD	167	165
82	3	AMD	167	166
103	1	AMD	167	189
103	2	AMD	167	190
103	3	AMD	167	191
103	3	REP	167	270
103	6	AMD	167	192
128	2	AMD	167	224
169	1	AMD	206	2
169	2	AMD	206	9
169	7	AMD	206	11
169	8	AMD	206	7

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1935 (cont.)			LAWS 1983		LAWS 1939 (cont.)			LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
169	9	AMD	206	8	34	39	AMD	167	123
169	10	AMD	206	4	34	45	AMD	167	129
169	12	REP	206	23	72	109	AMD	167	201
169	13	AMD	206	10	128	3	AMD	167	164
169	14	AMD	206	12	153	1	AMD	263	1
172	1	AMD	232	1	153	2	AMD	263	2
172	4	AMD	232	2	207	9	AMD	3	93
172	7	AMD	232	3	221	1	REP	288	7
172	9	AMD	232	4	221	2	AMD	4	3
172	16	AMD	3	7	221	2-11	REP	288	7
172	16	AMD	232	11	221	12	AMD	4	4
					221	12-16	REP	288	7
LAWS 1937			LAWS 1983		LAWS 1941			LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
6	1	REP	197	49	7	3	AMD	167	141
		(Effective 6/30/88)			7	4	AMD	167	142
72	188	AMD	167	202	39	1	AMD	167	243
72	191	AMD	167	203	39	3	AMD	167	244
72	194	AMD	167	204	44	1	REP	91	24
72	195	AMD	167	205	44	2	REP	91	24
72	196	AMD	167	206	44	4	REP	91	24
72	200	AMD	167	207	44	5	REP	91	24
72	202	AMD	167	208	44	5	REP	91	24
72	203	AMD	167	209	52	1	AMD	167	107
72	205	AMD	167	210	71	4	AMD	102	2
99	1	AMD	276	1	71	13	AMD	102	8
102	2	AMD	167	165	71	14	AMD	102	9
102	3	AMD	167	166	71	16	AMD	102	6
199	1-4	REP	75	19	71	17	REP	102	10
		(Effective 6/30/84)			71	19	AMD	102	7
215	1	REP	208	7	71	21	AMD	102	1
		(Effective 6/30/84)			182	2	AMD	167	147
215	4	REP	208	7	182	3	AMD	167	149
		(Effective 6/30/84)			182	4	AMD	167	150
215	6	REP	208	7	182	5	AMD	167	148
		(Effective 6/30/84)			182	9	AMD	167	151
215	7	REP	208	7	208	13	AMD	227	1
		(Effective 6/30/84)			208	14	AMD	227	2
215	8	REP	208	7	210	18	AMD	167	155
		(Effective 6/30/84)			210	18	AMD	167	272
215	14	REP	208	7			(Effective 7/1/85)		
		(Effective 6/30/84)			210	19	AMD	167	156
215	15	REP	208	7	210	21	AMD	167	157
		(Effective 6/30/84)			210	44	AMD	38	1
215	16	REP	208	7	210	45	AMD	167	158
		(Effective 6/30/84)			210	46	AMD	57	1
215	18	REP	208	7	218	1-9	REP	167	270
		(Effective 6/30/84)							
215	19	REP	208	7					
		(Effective 6/30/84)							
215	20	REP	208	7					
		(Effective 6/30/84)							
LAWS 1939			LAWS 1983		LAWS 1943			LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
34	34	AMD	167	120	33	1-6	REP	167	270
34	37	AMD	167	121	97	1	REP	197	49
							(Effective 6/30/88)		
					130	21	AMD	218	1
					130	93	AMD	268	1
					190	2	AMD	3	170
					247	43	AMD	3	167

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

<u>LAWS 1949 (cont.)</u>			<u>LAWS 1983</u>		<u>LAWS 1949 (cont.)</u>			<u>LAWS 1983</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>	
214	24	AMD	23	E1	21	226	18	REP	234	
222	1	AMD	55		2	226	19	REP	234	
222	1	REP	197		52	226	21	REP	234	
		(Effective 6/30/88)				226	23-30	REP	234	
222	2	AMD	55		3	226	31	AMD	234	
222	2	REP	197		52	226	32	REP	234	
		(Effective 6/30/88)				226	33	REP	234	
222	3	AMD	55		4	226	34	AMD	234	
222	3	REP	197		52	226	35	AMD	234	
		(Effective 6/30/88)				226	36	AMD	234	
222	4	AMD	55		5	226	37	AMD	234	
222	4	REP	197		52	226	38	AMD	234	
		(Effective 6/30/88)				226	39	REP	234	
222	5	AMD	55		6	226	40	REP	234	
222	5	REP	197		52	239	1	AMD	116	
		(Effective 6/30/88)				239	2	AMD	116	
222	6	AMD	55		8	239	3	AMD	116	
222	6	REP	197		52	239	4	AMD	116	
		(Effective 6/30/88)				239	5	AMD	116	
222	7	AMD	55		9	239	6	AMD	116	
222	7	REP	197		52	239	7	AMD	116	
		(Effective 6/30/88)				239	8	AMD	116	
222	9	REP	197		52	239	9	AMD	116	
		(Effective 6/30/88)				239	10	AMD	116	
222	10	AMD	55		10	239	11	REP	116	
222	10	REP	197		52	239	12	AMD	116	
		(Effective 6/30/88)								
222	11	AMD	55		11	<u>LAWS 1951</u>			<u>LAWS 1983</u>	
222	11	REP	197		52	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
		(Effective 6/30/88)				6	1	REP	66	23
222	12	AMD	55		12	16	1	REP	75	19
222	12	REP	197		52			(Effective 6/30/84)		
		(Effective 6/30/88)				16	2	REP	75	19
222	13	REP	55		21			(Effective 6/30/84)		
222	13	REP	197		52	16	3	REP	75	19
		(Effective 6/30/88)						(Effective 6/30/84)		
222	14	REP	55		21	16	4	AMD	75	9
222	14	REP	197		52	16	4	REP	75	19
		(Effective 6/30/88)						(Effective 6/30/84)		
222	15	REP	55		15	32	9	AMD	3	174
222	15	REP	197		52	43	1	AMD	52	1
		(Effective 6/30/88)				51	7	REP	197	49
222	16	REP	55		21			(Effective 6/30/88)		
222	16	REP	197		52	117	2	AMD	236	1
		(Effective 6/30/88)				117	11	REP	197	50
222	17	AMD	55		15			(Effective 6/30/88)		
222	17	REP	197		52	117	12	REP	197	50
		(Effective 6/30/88)						(Effective 6/30/88)		
222	18	AMD	55		16	142	1	REP	52	7
222	18	REP	197		52	146	1	AMD	253	1
		(Effective 6/30/88)				146	3	AMD	253	2
222	19	REP	197		52	146	4	AMD	253	31
		(Effective 6/30/88)				146	5	AMD	253	3
226	1-9	REP	234		32	146	7	AMD	253	5
226	11	REP	234		32	146	10	AMD	253	6
226	12	REP	234		32	146	11	AMD	253	7
226	15	REP	234		32	146	13	AMD	253	8
226	16	REP	234		32					

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

<u>LAWS 1951 (cont.)</u>			<u>LAWS 1983</u>		<u>LAWS 1953</u>			<u>LAWS 1983</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>		
146	14	AMD	253	11	83		1 REP	197	46		
146	18	REP	253	33			(Effective 6/30/88)				
146	19	REP	253	33	106		1 AMD	264	1		
146	20	REP	253	33	123		1 REP	197	40		
146	21	REP	253	33			(Effective 6/30/87)				
146	22	AMD	253	12	124		1 REP	197	41		
146	23	AMD	253	14			(Effective 6/30/87)				
146	24	AMD	253	15	168		1 AMD	208	3		
146	25	AMD	253	16	168		1 REP	208	7		
146	26	AMD	253	17			(Effective 6/30/84)				
146	27	AMD	253	19	168		2 REP	208	7		
146	36	REP	253	33			(Effective 6/30/84)				
146	38	REP	253	33	168		3 REP	208	7		
146	39	REP	253	33			(Effective 6/30/84)				
146	40	REP	253	33	168		4 REP	208	7		
146	41	REP	253	33			(Effective 6/30/84)				
146	42	REP	253	33	176		1 AMD	3	161		
146	43	REP	253	33	176		3 AMD	167	122		
146	44	REP	253	33	188		7 AMD	16 E1	14		
146	45	REP	253	33	188		13 AMD	16 E1	10		
146	46	REP	253	33	207		10 AMD	46 E1	6		
146	47	REP	253	33	207		13 REP	46 E1	185		
146	50	AMD	253	27			(Effective 1/1/84)				
146	51	AMD	253	28	207		14 AMD	46 E1	20		
146	52	AMD	253	32			(Effective 1/1/84)				
146	53	REP	253	33	251		16 AMD	167	163		
146	54	REP	253	33	290		51 AMD	5 E1	1		
146	55	REP	253	33							
157	11	AMD	52	2							
177	2	AMD	140	1							
180	2	REP	208	7							
		(Effective 6/30/84)									
180	4	REP	208	7							
		(Effective 6/30/84)									
180	5	REP	208	7							
		(Effective 6/30/84)									
180	6	REP	208	7							
		(Effective 6/30/84)									
180	7	AMD	208	4							
180	7	REP	208	7							
		(Effective 6/30/84)									
180	8	REP	208	7							
		(Effective 6/30/84)									
180	9	REP	208	7							
		(Effective 6/30/84)									
215	2	AMD	23 E1	9							
229	6	AMD	32 E1	17							
229	19	REP	32 E1	25							
265	12	AMD	3	158							
<u>LAWS 1951 2ND EX.</u>				<u>LAWS 1983</u>		<u>LAWS 1953</u>			<u>LAWS 1983</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>		
24	5	AMD	167	124	12	75.04.010	AMD	46 E1	4		
24	6	AMD	167	125	12	75.04.020	REP	46 E1	184		
24	8	AMD	167	126	12	75.04.030	REP	46 E1	184		
24	9	AMD	167	127	12	75.04.040	REP	46 E1	184		
					12	75.04.050	REP	46 E1	184		
					12	75.04.060	REP	46 E1	184		
					12	75.04.070	REP	46 E1	184		
					12	75.04.080	REP	46 E1	184		
					12	75.04.090	REP	46 E1	184		
					12	75.04.100	REP	46 E1	184		
					12	75.04.110	REP	46 E1	184		
					12	75.08.010	AMD	46 E1	2		
					12	75.08.020	AMD	46 E1	7		
					12	75.08.025	AMD	46 E1	8		

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1955 (cont.)			LAWS 1983			LAWS 1955 (cont.)			LAWS 1983		
Ch.	Sec.	Action	Ch.	Sec.		Ch.	Sec.	Action	Ch.	Sec.	
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.030	REP	46	E1	185	12	75.12.020	AMD	46	E1	49
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.040	AMD	46	E1	9	12	75.12.040	AMD	46	E1	52
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.050	REP	46	E1	185	12	75.12.050	REP	46	E1	180
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.054	AMD	46	E1	87	12	75.12.060	REP	46	E1	186
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.056	AMD	46	E1	88	12	75.12.070	AMD	46	E1	53
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.060	AMD	46	E1	89	12	75.12.080	REP	46	E1	186
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.070	AMD	46	E1	14	12	75.12.090	AMD	46	E1	54
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.080	AMD	46	E1	15	12	75.12.110	REP	46	E1	186
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.090	AMD	46	E1	16	12	75.12.100	AMD	46	E1	55
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.100	REP	46	E1	185	12	75.12.120	AMD	46	E1	57
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.110	AMD	46	E1	17	12	75.12.130	AMD	46	E1	26
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.120	AMD	46	E1	18	12	75.16.010	AMD	46	E1	28
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.130	AMD	46	E1	66	12	75.16.020	AMD	46	E1	30
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.140	REP	46	E1	185	12	75.16.030	AMD	46	E1	29
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.150	AMD	46	E1	32	12	75.16.040	REP	46	E1	187
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.160	AMD	46	E1	19	12	75.16.050	AMD	46	E1	11
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.170	AMD	46	E1	33	12	75.16.060	AMD	46	E1	12
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.180	AMD	46	E1	40	12	75.18.005	REP	46	E1	187
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.190	REP	46	E1	185	12	75.18.010	REP	46	E1	187
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.200	AMD	46	E1	35	12	75.18.020	AMD	46	E1	48
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.210	AMD	46	E1	67	12	75.18.030	REP	46	E1	187
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.220	AMD	46	E1	68	12	75.18.040	REP	46	E1	187
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.230	AMD	46	E1	23	12	75.18.050	REP	46	E1	187
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.240	REP	46	E1	185	12	75.18.060	REP	46	E1	187
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.250	REP	46	E1	185	12	75.18.070	REP	46	E1	187
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.260	AMD	46	E1	42	12	75.18.080	AMD	46	E1	115
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.270	REP	46	E1	185	12	75.18.090	REP	46	E1	187
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.08.280	AMD	46	E1	36	12	75.20.010	REP	46	E1	188
		(Effective 1/1/84)						(Effective 1/1/84)			
12	75.12.010	AMD	46	E1	46	12	75.20.020	REP	46	E1	188

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1955 (cont.)				LAWS 1983		LAWS 1955 (cont.)				LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.
		(Effective 1/1/84)									
12	75.20.030	REP	46	E1 188	12	75.28.150	REP	46	E1 189		
		(Effective 1/1/84)									
12	75.20.040	AMD	46	E1 70	12	75.28.160	REP	46	E1 189		
		(Effective 1/1/84)									
12	75.20.050	AMD	46	E1 71	12	75.28.170	REP	46	E1 189		
		(Effective 1/1/84)									
12	75.20.060	AMD	46	E1 72	12	75.28.180	REP	46	E1 189		
		(Effective 1/1/84)									
12	75.20.070	AMD	46	E1 51	12	75.28.190	REP	46	E1 189		
		(Effective 1/1/84)									
12	75.20.080	REP	46	E1 188	12	75.28.210	REP	46	E1 189		
		(Effective 1/1/84)									
12	75.20.090	AMD	46	E1 74	12	75.28.220	REP	46	E1 189		
		(Effective 1/1/84)									
12	75.20.100	AMD	46	E1 75	12	75.28.230	REP	46	E1 189		
		(Effective 1/1/84)									
12	75.24.010	AMD	46	E1 78	12	75.28.240	REP	46	E1 189		
		(Effective 1/1/84)									
12	75.24.020	REP	46	E1 188	12	75.28.250	REP	46	E1 189		
		(Effective 1/1/84)									
12	75.24.030	AMD	46	E1 79	12	75.28.260	REP	46	E1 189		
		(Effective 1/1/84)									
12	75.24.040	REP	46	E1 188	12	75.28.270	REP	46	E1 189		
		(Effective 1/1/84)									
12	75.24.050	AMD	46	E1 80	12	75.28.280	AMD	46	E1 125		
		(Effective 1/1/84)									
12	75.24.060	AMD	46	E1 81	12	75.28.285	AMD	31	E1 3		
		(Effective 1/1/84)			12	75.28.285	AMD	46	E1 127		
12	75.24.070	AMD	46	E1 82							
		(Effective 1/1/84)			12	75.28.290	AMD	46	E1 131		
12	75.24.080	AMD	46	E1 83							
		(Effective 1/1/84)			12	75.28.300	AMD	46	E1 132		
12	75.24.090	AMD	46	E1 84							
		(Effective 1/1/84)			12	75.28.350	AMD	46	E1 133		
12	75.28.010	AMD	46	E1 101							
		(Effective 1/1/84)			12	75.28.370	AMD	46	E1 134		
12	75.28.020	AMD	46	E1 104							
		(Effective 1/1/84)			12	75.28.380	AMD	46	E1 43		
12	75.28.030	AMD	46	E1 105							
		(Effective 1/1/84)			12	75.36.010	AMD	46	E1 34		
12	75.28.040	AMD	46	E1 108							
		(Effective 1/1/84)			12	75.36.020	REP	46	E1 190		
12	75.28.050	REP	46	E1 189							
		(Effective 1/1/84)			12	75.36.030	AMD	46	E1 38		
12	75.28.060	AMD	46	E1 109							
		(Effective 1/1/84)			12	75.36.040	AMD	46	E1 37		
12	75.28.070	AMD	46	E1 110							
		(Effective 1/1/84)			12	75.36.050	AMD	46	E1 39		
12	75.28.100	AMD	46	E1 107							
		(Effective 1/1/84)			12	75.40.010	AMD	46	E1 149		
12	75.28.110	AMD	46	E1 113							
		(Effective 1/1/84)			12	75.40.020	AMD	46	E1 150		
12	75.28.120	AMD	46	E1 117							
		(Effective 1/1/84)			12	75.40.030	AMD	46	E1 151		
12	75.28.130	AMD	46	E1 120							
		(Effective 1/1/84)			12	75.40.040	AMD	46	E1 152		
12	75.28.140	AMD	46	E1 121							
		(Effective 1/1/84)									

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

<u>LAWS 1955 (cont.)</u>			<u>LAWS 1983</u>		<u>LAWS 1955 (cont.)</u>			<u>LAWS 1983</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>
12	75.40.060	AMD	46	E1 153	212	2	AMD	46	E1 108
		(Effective 1/1/84)					(Effective 1/1/84)		
12	75.40.070	REP	46	E1 190	212	5	AMD	46	E1 122
		(Effective 1/1/84)					(Effective 1/1/84)		
12	75.70.050	REP	46	E1 190	212	7	AMD	46	E1 84
		(Effective 1/1/84)					(Effective 1/1/84)		
12	75.98.030	AMD	46	E1 174	212	9	REP	46	E1 189
		(Effective 1/1/84)					(Effective 1/1/84)		
13	32.12.020	AMD	3	53	212	10	AMD	46	E1 126
13	32.12.050	AMD	44	1			(Effective 1/1/84)		
13	32.12.090	AMD	44	2	270	17	AMD	293	1
17	75.16.070	AMD	46	E1 13	276	2	AMD	46	E1 59
		(Effective 1/1/84)					(Effective 1/1/84)		
33	30.04.020	AMD	42	2	276	3	REP	46	E1 186
33	30.04.060	AMD	157	3			(Effective 1/1/84)		
33	30.04.110	AMD	157	4	276	4	REP	46	E1 186
33	30.04.140	AMD	157	6			(Effective 1/1/84)		
33	30.04.150	REP	157	10	286	5	AMD	23	E1 14
33	30.04.160	AMD	157	7	304	3	AMD	248	13
33	30.04.230	AMD	157	9	313	3	REP	208	7
33	30.12.190	AMD	3	47			(Effective 6/30/84)		
36	77.12.170	AMD	284	1	313	4	REP	208	7
36	77.12.170	AMD	8	E1 2			(Effective 6/30/84)		
36	77.16.020	AMD	3	196	313	5	REP	208	7
36	77.32.010	AMD	284	2			(Effective 6/30/84)		
36	77.32.220	AMD	284	4	313	6	REP	208	7
36	77.32.230	AMD	280	1			(Effective 6/30/84)		
40	1	REP	197	53	348	5	AMD	250	1
		(Effective 6/30/88)			385	1-32	REP	179	46
59	2	AMD	167	20	390	8	AMD	167	144
59	6	AMD	167	19	390	14	AMD	167	145
61	1	AMD	89	1					
61	3	AMD	89	2					
62	1	REP	197	52					
		(Effective 6/30/88)							
65	2	AMD	24	1					
65	6	AMD	167	132					
65	9	AMD	64	1					
133	18	AMD	3	10					
149	14	AMD	3	24					
150	2	AMD	135	1					
150	7	AMD	3	17					
150	7	AMD	135	2					
150	9	AMD	3	18					
150	9	AMD	135	3					
155	1	AMD	140	1					
162	1	AMD	244	1					
163	1	REP	56	15					
163	2	REP	56	15					
163	3	REP	56	15					
163	4	REP	56	15					
163	5	REP	56	15					
184	1	AMD	3	201					
206	1	REP	52	7					
206	2	REP	52	7					
206	3	REP	52	7					
212	1	AMD	46	E1 9					
		(Effective 1/1/84)							

<u>LAWS 1955 EX.</u>			<u>LAWS 1983</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
11	1	REP	179	46

<u>LAWS 1957</u>			<u>LAWS 1983</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
10	1	AMD	3	12
33	1	REP	197	40
		(Effective 6/30/87)		
34	1	REP	197	41
		(Effective 6/30/87)		
43	13	REP	168	13
47	3	REP	91	24
52	1	REP	75	19
		(Effective 6/30/84)		
52	3	REP	208	7
		(Effective 6/30/84)		
52	5	REP	208	7
		(Effective 6/30/84)		
52	6	REP	208	7
		(Effective 6/30/84)		
52	7	REP	208	7
		(Effective 6/30/84)		
52	8	REP	208	7
		(Effective 6/30/84)		

"E1" Denotes 1st ex. sess.
"E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1957 (cont.)			LAWS 1983		LAWS 1957 (cont.)			LAWS 1983			
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.
52	9	REP	208	7	171	3	AMD	46	E1	103	
		(Effective 6/30/84)			208	2	AMD	28	E1	2	
52	10	REP	208	7	216	1	AMD	46	E1	22	
		(Effective 6/30/84)			221	3	AMD	40		1	
52	11	AMD	208	5	246	2	AMD	84		1	
52	11	REP	208	7	246	8	AMD	3		84	
		(Effective 6/30/84)			263	2	AMD	3		164	
52	12	REP	208	7	278	2	AMD	3	E2	8	
		(Effective 6/30/84)			286	1	REEN	2		3	
53	1	AMD	167	16	286	14	REEN	2		4	
53	2	AMD	167	17	286	15	REEN	2		5	
59	4	AMD	167	137	290	1	AMD	261		1	
101	1	REP	75	19	298	1	REP	189		4	
		(Effective 6/30/84)			298	2	REP	189		4	
101	2	REP	75	19	298	3	REP	189		4	
		(Effective 6/30/84)			298	4	AMD	3		187	
101	4	AMD	75	14	298	4	REP	189		4	
101	4	REP	75	19	298	5	REP	189		4	
		(Effective 6/30/84)			298	6	AMD	3		188	
101	5	REP	75	19	298	6	REP	189		4	
		(Effective 6/30/84)			298	7	REP	189		4	
101	6	REP	75	19	298	8	REP	189		4	
		(Effective 6/30/84)			298	9	REP	189		4	
101	7	AMD	75	5	298	10	REP	189		4	
101	7	REP	75	19							
		(Effective 6/30/84)									
101	9	REP	75	19							
		(Effective 6/30/84)									
101	10	REP	75	19							
		(Effective 6/30/84)									
101	11	REP	75	19							
		(Effective 6/30/84)									
101	12	REP	75	19							
		(Effective 6/30/84)									
101	13	REP	75	19							
		(Effective 6/30/84)									
101	14	REP	75	19							
		(Effective 6/30/84)									
108	3	AMD	46	E1	60						
108	4	REP	46	E1	186						
		(Effective 1/1/84)									
108	5	AMD	46	E1	61						
108	6	REP	46	E1	186						
		(Effective 1/1/84)									
108	7	REP	46	E1	186						
		(Effective 1/1/84)									
108	8	REP	46	E1	186						
		(Effective 1/1/84)									
108	9	REP	46	E1	186						
		(Effective 1/1/84)									
150	1	AMD	167	152							
150	3	AMD	167	153							
150	6	AMD	167	154							
153	26	AMD	167	18							
160	2	AMD	3	23							
171	1	AMD	46	E1	102						
171	2	REP	46	E1	189						
		(Effective 1/1/84)									

LAWS 1959			LAWS 1983			
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.
17	8	AMD	11		1	
18	8	AMD	167		160	
25	71.12.590	AMD	3		180	
26	74.04.017	REP	194		30	
26	74.04.060	AMD	41	E1	32	
26	74.04.290	AMD	41	E1	22	
26	74.09.120	AMD	67	E1	44	
26	74.12.010	AMD	41	E1	40	
26	74.16.030	REP	194		30	
26	74.16.040	REP	194		30	
26	74.16.170	REP	194		30	
26	74.16.300	REP	194		30	
28	72.01.060	AMD	41	E1	26	
28	72.01.260	AMD	3		184	
28	72.05.130	AMD	191		12	
28	72.23.030	AMD	41	E1	28	
28	72.33.040	AMD	41	E1	30	
28	72.68.010	AMD	255		10	
28	72.68.080	AMD	255		11	
40	1	AMD	255		3	
71	1	AMD	3		92	
84	2	AMD	75		10	
84	2	REP	75		19	
		(Effective 6/30/84)				
84	3	AMD	75		7	
84	3	REP	75		19	
		(Effective 6/30/84)				
84	4	REP	75		19	
		(Effective 6/30/84)				
84	5	REP	75		19	

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1959 (cont.)			LAWS 1983		LAWS 1959 (cont.)			LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
84	6	REP	75	19	309	26	REP	46	E1 186
		(Effective 6/30/84)					(Effective 1/1/84)		
84	7	REP	75	19	312	6	AMD	3	27
		(Effective 6/30/84)			312	9	AMD	3	28
92	3	REEN	2	2	315	1	REP	46	E1 185
95	3	AMD	52	2			(Effective 1/1/84)		
103	15	AMD	66	21	324	2-9	REP	208	7
107	1	AMD	298	1			(Effective 6/30/84)		
107	2	AMD	298	5					
107	4	AMD	298	6					
107	6	AMD	298	7					
107	9	AMD	298	8					
107	10	AMD	298	9					
107	15	AMD	298	10					
107	18	AMD	298	11					
107	19	AMD	298	12					
107	26	AMD	298	14					
107	40	AMD	298	15					
108	14	AMD	57	3					
108	16	AMD	66	22					
124	1	AMD	3	49					
124	10	AMD	3	50					
139	1	AMD	305	1					
139	3	AMD	305	2					
139	4	AMD	305	3					
139	29	AMD	305	6					
175	8	AMD	11	1					
183	4	AMD	167	138					
212	6	AMD	227	2					
214	7	REP	191	21					
218	1	AMD	167	144					
218	4	AMD	167	147					
218	5	AMD	167	148					
218	6	AMD	167	149					
221	1	AMD	167	120					
225	2	AMD	3	149					
236	3	AMD	167	133					
236	4	AMD	167	134					
236	5	AMD	167	135					
246	1-4	REP	288	7					
266	7	AMD	23	E1 20					
266	8	AMD	13	E1 10					
277	1	REP	41	E1 45					
277	4-8	REP	41	E1 45					
287	6	AMD	3	186					
289	1	REP	179	46					
294	8	AMD	3	157					
309	2	AMD	46	E1 101					
309	3	REP	46	E1 189					
		(Effective 1/1/84)							
309	5	AMD	46	E1 119					
		(Effective 1/1/84)							
309	6	REP	46	E1 189					
		(Effective 1/1/84)							
309	7	AMD	46	E1 105					
309	9	AMD	46	E1 107					
309	14-25	REP	46	E1 189					

LAWS 1961			LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.
4	1	AMD	46	E1 76
4	2	REP	46	E1 188
		(Effective 1/1/84)		
11	15.24.090	AMD	95	1
11	15.28.180	AMD	73	E1 1
11	15.32.100	AMD	3	20
11	15.60.080	AMD	3	22
11	15.66.010	AMD	288	6
12	46.04.480	AMD	165	13
12	46.04.480	AMD	165	14
		(Effective 1/1/85)		
12	46.08.100	AMD	26	1
12	46.08.100	AMD	77	1
12	46.08.180	AMD	3	110
12	46.16.290	AMD	27	2
12	46.32.010	REP	197	37
		(Effective 6/30/87)		
12	46.32.020	REP	197	37
		(Effective 6/30/87)		
12	46.32.030	REP	197	37
		(Effective 6/30/87)		
12	46.32.040	REP	197	37
		(Effective 6/30/87)		
12	46.32.050	REP	197	37
		(Effective 6/30/87)		
12	46.32.060	REP	197	37
		(Effective 6/30/87)		
12	46.32.070	REP	197	37
		(Effective 6/30/87)		
12	46.44.010	AMD	278	1
12	46.44.030	AMD	278	2
12	46.44.095	AMD	68	2
12	46.52.090	AMD	142	1
12	46.52.100	REEN	2	12
12	46.56.040	AMD	164	1
12	46.68.030	AMD	3	122
12	46.68.030	AMD	15	23
12	46.68.090	AMD	49	E1 21
12	46.68.090	REEN	49	E1 21
12	46.70.090	AMD	3	123
12	46.72.100	AMD	164	8
12	46.80.150	AMD	142	9
13	47.28.030	AMD	120	15
13	47.28.050	AMD	120	16
13	47.28.090	AMD	120	17

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1961 (cont.)			LAWS 1983		LAWS 1961 (cont.)			LAWS 1983		
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	
13	47.32.140	AMD	19	2	15	82.48.010	AMD	3	E2 21	
13	47.52.080	AMD	3	127			(Effective 1/1/84)			
13	47.56.140	AMD	167	118	15	82.48.020	AMD	7	27	
13	47.56.220	AMD	3	128	15	82.48.030	AMD	3	E2 22	
13	47.56.270	AMD	3	129			(Effective 1/1/84)			
13	47.60.115	AMD	3	134	15	84.36.080	AMD	7	23	
13	47.60.150	AMD	3	135	15	84.36.090	AMD	7	24	
13	47.60.290	AMD	3	136	15	84.52.052	REEN	2	19	
13	47.60.310	AMD	3	137	23	51.08.180	AMD	97	1	
13	47.60.310	AMD	15	24	23	51.12.020	AMD	252	1	
13	47.64.090	AMD	15	27	23	51.12.090	AMD	170	1	
14	80.04.270	AMD	3	E2 40	23	51.32.060	AMD	3	159	
14	80.08.105	AMD	4	10	23	51.44.070	AMD	312	1	
14	81.08.105	AMD	4	11	53	9	AMD	167	128	
14	81.24.050	AMD	3	206	61	8	REP	197	36	
14	81.40.030	AMD	3	207			(Effective 6/30/87)			
14	81.44.050	AMD	3	208	64	1	AMD	116	2	
14	81.44.060	AMD	3	209	64	2	AMD	116	6	
14	81.53.220	AMD	3	210	64	3	AMD	116	7	
15	82.04.060	AMD	3	E2 26	64	7	AMD	116	13	
15	82.04.190	AMD	3	E2 27	64	8	AMD	116	18	
15	82.04.290	AMD	3	212	64	9	AMD	116	19	
15	82.04.290	AMD	9	2	83	1	AMD	3	19	
15	82.04.290	AMD	3	E2 2	90	6	REP	3	166	
15	82.04.300	AMD	3	213	100	5	AMD	293	2	
15	82.04.420	REP	3	214	124	3	AMD	232	2	
15	82.04.450	AMD	55	E1 3	124	112	AMD	3	7	
15	82.04.460	AMD	3	E2 28	141	3	AMD	167	107	
15	82.04.470	AMD	3	E2 29	141	4	AMD	167	108	
15	82.08.010	AMD	55	E1 1	141	5	AMD	167	109	
15	82.08.020	AMD	7	6	153	1	AMD	315	11	
15	82.08.020	AMD	3	E2 41	153	2	AMD	315	12	
15	82.08.020	AMD	3	E2 62	153	8	AMD	315	13	
15	82.08.150	AMD	3	E2 12	153	10	AMD	315	14	
15	82.08.170	AMD	3	215	153	11	AMD	315	15	
15	82.12.010	AMD	55	E1 2	153	12	AMD	315	16	
15	82.12.020	AMD	7	7	153	14	AMD	315	17	
15	82.12.045	AMD	77	2	153	15	AMD	315	18	
15	82.16.010	AMD	3	E2 32	153	17	AMD	167	211	
15	82.16.020	AMD	3	E2 13	153	17	AMD	315	21	
15	82.20.010	AMD	3	E2 14	153	19	AMD	315	24	
15	82.24.020	AMD	3	E2 15	153	21	AMD	315	25	
15	82.26.020	AMD	3	E2 16	178	6	AMD	3	203	
15	82.26.100	AMD	3	218	178	7	AMD	3	204	
15	82.32.010	AMD	3	219	182	1	AMD	298	1	
15	82.32.020	AMD	3	220	182	4	AMD	298	13	
15	82.32.070	AMD	3	221	182	5	AMD	298	15	
15	82.32.090	AMD	7	32	201	1	AMD	27	3	
15	82.32.090	AMD	3	E2 22	207	3	AMD	19	E1 9	
15	82.32.210	AMD	55	E1 8	216	9	AMD	288	3	
15	82.32.220	AMD	55	E1 10	216	14	AMD	288	2	
15	82.32.230	AMD	55	E1 11	216	20	AMD	3	25	
15	82.32.300	AMD	3	222	216	20	AMD	288	4	
15	82.36.010	AMD	49	E1 25	219	6	AMD	32	E1 23	
15	82.36.100	AMD	49	E1 28	230	1	REP	46	E1 185	
15	82.44.020	AMD	3	E2 19			(Effective 1/1/84)			
15	82.44.070	REP	26	5	249	17	AMD	95	7	
15	82.44.120	AMD	26	3	251	4	AMD	310	1	

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

<u>LAWS 1961 (cont.)</u>			<u>LAWS 1983</u>		<u>LAWS 1963 (cont.)</u>			<u>LAWS 1983</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>
259	1	AMD	247	1	4	36.81.121	AMD	49	E1 20
263	4	AMD	3	147	4	36.81.121	REEN	49	E1 20
268	4	AMD	44	E1 1	4	36.86.100	AMD	19	1
268	4	REEN	44	E1 1	4	36.88.190	AMD	167	93
271	1	REP	197	53	4	36.88.200	AMD	167	94
		(Effective 6/30/88)			4	36.88.210	AMD	167	95
276	2	AMD	167	218	4	36.88.230	AMD	167	96
276	3	AMD	167	219	4	36.88.240	AMD	167	97
288	1	REP	197	52	15	1-4	REP	197	52
		(Effective 6/30/88)					(Effective 6/30/88)		
288	3-16	REP	197	52	17	2	AMD	2	E1 17
		(Effective 6/30/88)			25	14	AMD	168	9
294	1	REP	234	32	26	1	AMD	123	1
294	2	REP	234	32	26	2	AMD	123	2
299	13	AMD	195	1	26	3	AMD	123	3
299	22	AMD	195	2	26	4	AMD	123	4
299	81	AMD	156	5	26	5	AMD	123	5
299	82	AMD	156	6	26	6	AMD	123	6
299	83	AMD	156	7	26	7	AMD	123	7
299	100	AMD	186	2	26	8	AMD	123	8
299	103	AMD	3	3	26	9	AMD	123	9
299	117	AMD	46	E1 176	26	10	AMD	123	11
		(Effective 1/1/84)			26	11	AMD	123	12
299	118	AMD	165	32	26	12	AMD	123	13
299	122	AMD	186	3	26	14	AMD	123	14
302	5	AMD	311	4	26	15	REP	123	25
304	6	AMD	55	E1 10	26	16	REP	123	25
308	1-16	REP	52	10	26	17	AMD	123	16
					26	18	AMD	123	17
					26	19	AMD	123	21
					26	20	AMD	123	22
					26	22	AMD	123	24
					58	3	AMD	3	20
					75	2	AMD	37	E1 1
					77	4	AMD	2	E1 18
					77	6	AMD	2	E1 19
					77	7	AMD	74	1
					100	1	AMD	3	194
					120	1	AMD	164	5
					124	1	REP	305	77
					124	2	AMD	305	17
					124	3	AMD	305	18
					124	4	AMD	305	20
					124	5	AMD	305	22
					124	6	AMD	305	24
					124	7	AMD	305	25
					124	9	AMD	305	27
					124	10	AMD	305	28
					124	11	AMD	305	29
					124	13	AMD	305	30
					124	15	AMD	305	31
					124	17	AMD	305	32
					124	18	AMD	305	34
					124	19	AMD	305	35
					124	20	AMD	305	37
					124	21	AMD	305	38
					124	23	AMD	305	39
					124	24	AMD	305	40

<u>LAWS 1961 EX.</u>			<u>LAWS 1983</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
5	21	AMD	41	E1 14
6	4	AMD	160	2
7	21	AMD	3	138
9	5	AMD	3	139

<u>LAWS 1963</u>			<u>LAWS 1983</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
4	36.29.200	AMD	3	80
4	36.32.200	AMD	129	1
4	36.32.240	AMD	3	77
4	36.62.070	AMD	167	72
4	36.62.080	AMD	167	73
4	36.64.060	AMD	3	78
4	36.67.030	AMD	3	79
4	36.67.030	AMD	167	74
4	36.67.040	AMD	167	75
4	36.67.050	AMD	167	76
4	36.67.060	AMD	167	77
4	36.67.070	AMD	167	78
4	36.67.080	REP	167	270
4	36.69.140	AMD	167	84
4	36.69.200	AMD	167	85
4	36.76.080	AMD	167	90
4	36.76.090	AMD	167	91
4	36.76.120	AMD	167	92
4	36.77.070	AMD	3	81

"E1" Denotes 1st ex. sess.
"E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

<u>LAWS 1963 (cont.)</u>			<u>LAWS 1983</u>		<u>LAWS 1965 (cont.)</u>			<u>LAWS 1983</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>
124	25	AMD	305	41	7	35.21.070	AMD	173	1
124	26	AMD	305	42	7	35.21.330	AMD	165	38
124	29	AMD	305	43	7	35.22.590	AMD	167	35
124	31	AMD	305	44	7	35.37.090	AMD	167	36
124	33	AMD	305	45	7	35.37.100	AMD	167	37
124	34	AMD	305	46	7	35.37.120	AMD	167	38
124	35	AMD	305	48	7	35.39.050	AMD	3	56
124	36	REP	305	77	7	35.41.030	AMD	167	39
124	37	AMD	305	53	7	35.41.040	REP	167	270
124	42	AMD	305	54	7	35.41.050	AMD	167	40
124	55	AMD	305	55	7	35.43.040	AMD	291	1
153	1	AMD	46 E1	73	7	35.43.130	AMD	303	1
	(Effective 1/1/84)				7	35.43.150	AMD	303	2
162	3	AMD	3	51	7	35.43.180	AMD	303	3
162	15	AMD	3	52	7	35.45.030	AMD	167	41
165	3	AMD	41 E1	27	7	35.45.040	AMD	167	42
171	1	AMD	46 E1	104	7	35.45.050	AMD	167	43
	(Effective 1/1/84)				7	35.48.020	AMD	167	45
171	2	AMD	46 E1	152	7	35.50.030	AMD	303	18
	(Effective 1/1/84)				7	35.50.230	AMD	303	19
173	7	AMD	53 E1	31	7	35.50.250	AMD	303	20
176	11	REP	66	23	7	35.50.260	AMD	303	21
178	3	AMD	16 E1	14	7	35.50.270	AMD	303	22
194	2	AMD	157	5	7	35.58.120	AMD	92	1
197	6	AMD	3	131	7	35.58.460	AMD	167	48
197	7	AMD	3	132	7	35.60.040	AMD	167	51
206	13	AMD	41 E1	15	7	35.61.100	AMD	61	1
218	13	AMD	167	83	7	35.61.160	AMD	61	2
218	13	AMD	167	271	7	35.61.160	AMD	167	53
	(Effective 7/1/85)				7	35.61.170	AMD	167	54
228	24	AMD	3	191	7	35.61.180	AMD	167	55
249	2	AMD	3	229	7	35.61.200	AMD	167	56
232	5	AMD	305	4	7	35.67.080	AMD	167	57
232	18	AMD	298	16	7	35.67.090	AMD	167	58
233	7	AMD	3	83	7	35.67.140	AMD	167	59
234	1	REP	46 E1	186	7	35.67.150	AMD	167	60
	(Effective 1/1/84)				7	35.67.180	AMD	167	61
234	2	AMD	46 E1	61	7	35.73.060	AMD	167	62
	(Effective 1/1/84)				7	35.73.070	AMD	167	63
234	3	REP	46 E1	186	7	35.81.100	AMD	167	64
	(Effective 1/1/84)				7	35.82.020	AMD	225	1
236	1	AMD	158	7	7	35.82.070	AMD	225	2
239	1	AMD	160	2	7	35.82.080	AMD	225	3
249	1	AMD	3	228	7	35.82.140	AMD	167	65
					7	35.89.020	AMD	167	66
					7	35.92.080	AMD	167	67
					7	35.92.100	AMD	3	57
					7	35.92.100	AMD	167	68
					7	35.92.150	AMD	167	69
					7	35.92.160	AMD	167	70
					8	43.03.010	AMD	29 E1	3
					8	43.03.050	AMD	29 E1	1
					8	43.03.060	AMD	29 E1	2
					8	43.03.080	REP	197	39
						(Effective 6/30/87)			
					8	43.03.090	REP	197	39
						(Effective 6/30/87)			
					8	43.03.100	REP	197	39

<u>LAWS 1963 EX.</u>			<u>LAWS 1983</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
3	23	REP	3	133
22	2	AMD	3	223
22	3	AMD	49 E1	29

<u>LAWS 1965</u>			<u>LAWS 1983</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
5	12	AMD	3	114
7	35.13.180	AMD	68 E1	1
7	35.13.280	AMD	3	54
7	35.20.900	AMD	3	55

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1965 (cont.)			LAWS 1983		LAWS 1965 (cont.)			LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
	(Effective 6/30/87)								
8	43.19.015	AMD	3	101	8	43.38.010	REEN	2	11
8	43.19.1906	AMD	141	1	8	43.43.020	AMD	144	1
8	43.19.1911	AMD	183	4	8	43.43.120	AMD	81	1
8	43.20.090	AMD	16	EI 11	8	43.43.130	AMD	81	2
8	43.23.010	AMD	248	3	8	43.46.010	REP	197	30
8	43.23.020	REP	248	14		(Effective 6/30/86)			
8	43.23.030	AMD	248	5	8	43.46.020	REP	197	30
8	43.23.040	REP	248	14		(Effective 6/30/86)			
8	43.23.050	AMD	248	6	8	43.46.030	REP	197	30
8	43.23.060	REP	248	14		(Effective 6/30/86)			
8	43.23.070	AMD	248	7	8	43.46.040	REP	197	30
8	43.23.080	REP	248	14		(Effective 6/30/86)			
8	43.23.090	AMD	248	8	8	43.46.050	REP	197	30
8	43.23.100	REP	248	14		(Effective 6/30/86)			
8	43.23.110	AMD	248	9	8	43.46.060	REP	197	30
8	43.30.090	AMD	3	105		(Effective 6/30/86)			
8	43.30.140	REP	3	106	8	43.46.070	REP	197	30
8	43.31.010	REP	197	28		(Effective 6/30/86)			
	(Effective 6/30/86)				8	43.46.080	REP	197	30
8	43.31.020	REP	197	28		(Effective 6/30/86)			
	(Effective 6/30/86)				8	43.52.290	AMD	3	EI 1
8	43.31.030	REP	197	28	8	43.52.3411	AMD	167	116
	(Effective 6/30/86)				8	43.52.370	AMD	3	EI 2
8	43.31.040	REP	197	28	8	43.52.410	AMD	308	1
	(Effective 6/30/86)				8	43.52.440	AMD	46	EI 178
8	43.31.050	REP	197	28		(Effective 1/1/84)			
	(Effective 6/30/86)				8	43.61.030	AMD	260	1
8	43.31.060	REP	197	28	8	43.85.010	REP	66	23
	(Effective 6/30/86)				8	43.85.030	REP	66	23
8	43.31.070	REP	197	28	8	43.85.190	AMD	3	113
	(Effective 6/30/86)				8	43.85.190	AMD	66	17
8	43.31.080	REP	197	28	8	43.85.210	AMD	66	18
	(Effective 6/30/86)				8	43.85.230	AMD	66	19
8	43.31.110	REP	197	28	8	43.88.110	AMD	47	EI 1
	(Effective 6/30/86)				9	29.10.090	AMD	110	1
8	43.31.120	REP	197	28	9	29.13.015	REP	3	42
	(Effective 6/30/86)				9	29.13.021	AMD	3	43
8	43.31.130	REP	197	28	9	29.21.085	AMD	3	44
	(Effective 6/30/86)				9	29.27.010	AMD	3	45
8	43.31.140	REP	197	28	9	29.36.075	AMD	136	1
	(Effective 6/30/86)				9	29.45.010	AMD	71	EI 7
8	43.31.150	REP	197	28	9	29.51.020	AMD	33	EI 1
	(Effective 6/30/86)				9	29.59.010	REP	30	EI 7
8	43.31.160	REP	197	28	9	29.59.020	REP	30	EI 7
	(Effective 6/30/86)				9	29.59.030	REP	30	EI 7
8	43.31.170	REP	197	28	9	29.59.040	REP	30	EI 7
	(Effective 6/30/86)				9	29.59.060	REP	30	EI 5
8	43.31.180	REP	197	28	9	29.65.010	AMD	30	EI 6
	(Effective 6/30/86)				9	29.68.120	AMD	3	46
8	43.31.200	REP	197	28	10	2	REP	197	28
	(Effective 6/30/86)					(Effective 6/30/86)			
8	43.31.210	REP	197	28	50	1	AMD	3	130
	(Effective 6/30/86)				53	108	AMD	32	4
8	43.31.220	REP	197	28	53	113	AMD	2	6
	(Effective 6/30/86)				53	113	REEN	2	6
8	43.31.230	REP	197	28	53	113	AMD	32	6
	(Effective 6/30/86)				53	113	REEN	32	6
					53	124	AMD	32	7

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1965 (cont.) LAWS 1983

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
53	125	AMD	32	8
53	157	AMD	32	9
53	168	AMD	31	1
56	3	AMD	3	200
57	2	AMD	37 E1	1
64	1	AMD	46 E1	59
70	21	AMD	168	10
111	3	REP	66	23
128	1	REP	194	30
137	2	AMD	278	3
142	1	AMD	167	79
142	3	AMD	167	80
142	4	AMD	167	81
142	6	AMD	167	82
145	11.36.010	AMD	3	14
145	11.36.010	AMD	51	1
145	11.88.100	AMD	271	1
148	1-6	REP	197	28
	(Effective 6/30/86)			
148	8	REP	197	28
	(Effective 6/30/86)			
148	10	REP	197	28
	(Effective 6/30/86)			
156	4	AMD	3	117
225	1	REP	30 E1	7

LAWS 1965 EX. LAWS 1983

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
3	2-4	REP	208	7
	(Effective 6/30/84)			
3	6-17	REP	208	7
	(Effective 6/30/84)			
27	1	AMD	31 E1	3
27	1	AMD	46 E1	127
	(Effective 1/1/84)			
29	1	AMD	46 E1	133
	(Effective 1/1/84)			
62	1-5	REP	91	24
70	31	AMD	3	151
73	2	AMD	46 E1	113
	(Effective 1/1/84)			
73	3	AMD	46 E1	117
	(Effective 1/1/84)			
73	6-17	REP	46 E1	189
	(Effective 1/1/84)			
74	1	AMD	167	105
100	1	AMD	218	1
101	1	AMD	71 E1	7
117	1	AMD	206	2
117	2	AMD	206	4
120	7	AMD	49 E1	19
121	24	AMD	165	15
121	24	AMD	165	16
	(Effective 1/1/85)			
121	27	AMD	165	17
121	27	AMD	165	18
	(Effective 1/1/85)			

LAWS 1965 EX. (cont.) LAWS 1983

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
130	1-15	REP	52	9
138	6	AMD	69 E1	1
142	1	AMD	54	1
142	5	AMD	54	3
148	1	REP	52	7
155	62	AMD	150	1
155	62	AMD	165	21
156	2	AMD	30 E1	4
156	3	AMD	30 E1	5
157	9-104	AMD	305	75
157	9-310	AMD	305	76

LAWS 1967 LAWS 1983

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
13	24	AMD	270	1
25	8	AMD	28 E1	6
32	25	AMD	27	3
32	48	REP	197	37
	(Effective 6/30/87)			
32	59	AMD	142	1
32	86	AMD	164	8
52	6	AMD	303	1
52	8	AMD	303	3
59	1	REP	194	30
59	2	REP	194	30
72	18	AMD	3	82
72	20	AMD	167	101
74	13	AMD	52	6
78	1	REP	194	30
79	1	AMD	55	2
79	1	REP	197	52
	(Effective 6/30/88)			
79	2	AMD	55	3
79	2	REP	197	52
	(Effective 6/30/88)			
79	3	REP	197	52
	(Effective 6/30/88)			
79	4	REP	197	52
	(Effective 6/30/88)			
79	5	AMD	55	16
79	5	REP	197	52
	(Effective 6/30/88)			
79	6	AMD	55	19
79	6	REP	197	52
	(Effective 6/30/88)			
79	7	AMD	55	17
79	7	REP	197	52
	(Effective 6/30/88)			
79	9	REP	197	52
	(Effective 6/30/88)			
109	4	AMD	167	99
110	6	AMD	167	49
110	7	AMD	167	50
120	6	AMD	3	109
120	7	AMD	3	110
124	1	REP	197	53
	(Effective 6/30/88)			

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1967 (cont.)			LAWS 1983		LAWS 1967 (cont.)			LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
126	6	REP	2	E1	22			248	14
132	1	REP	66		23			248	5
133	2	AMD	157		6			248	14
150	26	AMD	32	E1	9			248	6
150	27	AMD	182		1			248	14
169	1	AMD	167		216			248	7
171	1-3	REP	197		47			248	14
		(Effective 6/30/88)						248	8
171	5	REP	197		47			248	14
		(Effective 6/30/88)						248	9
171	6	REP	197		47			248	14
		(Effective 6/30/88)						248	10
171	8-25	REP	197		47			248	2
		(Effective 6/30/88)						248	4
171	27-32	REP	197		47			305	77
		(Effective 6/30/88)						3	104
172	1	AMD	3		192				
172	17	AMD	246		4				
177	10	AMD	95		7				
188	1	REP	75		19				
		(Effective 6/30/84)							
188	4	REP	197		52				
		(Effective 6/30/88)							
189	10	AMD	76		1				
194	7	AMD	167		98				
200	4	AMD	276		2				
207	2	AMD	3		143				
207	3	AMD	3		144				
221	1	REP	197		28				
		(Effective 6/30/86)							
221	2	REP	197		28				
		(Effective 6/30/86)							
221	3	REP	197		28				
		(Effective 6/30/86)							
221	4	REP	197		28				
		(Effective 6/30/86)							
223	2	AMD	75		3				
223	2-6	REP	75		19				
		(Effective 6/30/84)							
223	8-10	REP	75		19				
		(Effective 6/30/84)							
223	11	AMD	75		8				
223	11	REP	75		19				
		(Effective 6/30/84)							
223	12	REP	75		19				
		(Effective 6/30/84)							
223	13	AMD	75		11				
223	13-18	REP	75		19				
		(Effective 6/30/84)							
223	19	AMD	75		14				
223	19-22	REP	75		19				
		(Effective 6/30/84)							
225	2	AMD	30	E1	4				
235	4	AMD	106		22				
236	9	AMD	167		168				
238	31	AMD	3		176				
238	40	AMD	3		177				
240	1	AMD	248		3				

LAWS 1967 EX.			LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.
9	3	AMD	3	E2
10	1	AMD	49	
12	3	AMD	1	E2
18	3	AMD	41	E1
22	39	REP	3	
26	27	REP	179	
26	48	AMD	3	
38	1	AMD	46	E1
		(Effective 1/1/84)		
44	1	AMD	167	
51	4	AMD	39	E1
51	9	AMD	39	E1
51	13	AMD	39	E1
83	33	AMD	49	E1
89	2	AMD	3	
89	3	AMD	55	E1
95	3	AMD	182	
102	2	AMD	41	E1
104	1	AMD	3	
106	3	AMD	201	
108	2	AMD	3	
109	6	AMD	71	E1
109	7	AMD	71	E1
109	8	REP	71	E1
109	29	REP	30	E1
110	3	AMD	3	
110	4	AMD	3	
110	16	AMD	3	
119	35A.12.010	AMD	128	
119	35A.13.010	AMD	128	
119	35A.20.150	AMD	3	
119	35A.21.161	AMD	3	
119	35A.27.010	AMD	3	
119	35A.28.010	AMD	3	
119	35A.37.010	AMD	3	
119	35A.40.040	AMD	3	
119	35A.40.050	AMD	3	
119	35A.40.050	AMD	66	

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

<u>LAWS 1967 EX. (cont.)</u>			<u>LAWS 1983</u>		<u>LAWS 1969 (cont.)</u>			<u>LAWS 1983</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>
119	35A.40.200	AMD	3	65	112	2	AMD	3	119
119	35A.41.020	AMD	3	66	114	1-6	REP	234	32
119	35A.42.050	AMD	3	67	114	7	AMD	234	17
119	35A.47.020	AMD	3	68	115	4	AMD	154	4
119	35A.47.030	AMD	3	69	115	5	AMD	202	3
119	35A.58.030	AMD	3	70	115	6	AMD	202	2
119	35A.69.010	AMD	3	71	115	7	AMD	202	1
119	35A.69.010	AMD	46	E1 177	115	8	REP	202	17
	(Effective 1/1/84)				115	9	REP	202	17
119	35A.79.010	AMD	3	72	115	11	AMD	202	4
119	35A.81.010	AMD	3	73	115	12	AMD	63	1
119	35A.82.010	AMD	3	74	122	3	AMD	51	2
119	35A.88.030	AMD	3	75	122	5	AMD	100	1
121	10	AMD	3	168	122	6	AMD	51	3
122	8	AMD	3	185	122	9	AMD	51	4
122	11	AMD	255	11	122	11	AMD	51	5
125	1-4	REP	197	30	122	13	AMD	51	6
	(Effective 6/30/86)				125	2	AMD	187	2
134	1-6	REP	52	7	129	2	AMD	281	1
136	7	AMD	315	22	129	3	AMD	281	2
136	8	AMD	167	212	130	9	AMD	3	37
136	8	AMD	315	23	131	10	AMD	3	36
145	49	AMD	167	119	136	1	AMD	157	4
145	62	AMD	3	120	136	7	AMD	157	8
147	4	AMD	14	E1 1	139	5	REP	26	5
147	10	REP	14	E1 3					
147	11	REP	14	E1 3					
147	12	REP	14	E1 3					
147	13	REP	14	E1 3					
149	18	AMD	55	E1 1					

<u>LAWS 1969</u>			<u>LAWS 1983</u>		<u>LAWS 1969 EX.</u>			<u>LAWS 1983</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>
9	1-5	REP	197	28	23	1	AMD	46	E1 69
	(Effective 6/30/86)								
10	1	REP	52	7					
10	3	REP	52	9	24	23	AMD	32	E1 6
10	6	REP	52	9	36	2	AMD	75	E1 1
30	1	AMD	206	5	36	7	AMD	23	1
47	2	REP	168	15	36	10	AMD	75	E1 2
59	5	AMD	28	E1 3	42	7	AMD	274	1
63	50	REP	3	21	47	1	AMD	3	195
75	1	AMD	156	1	55	5	AMD	3	109
75	2	AMD	156	2	80	2	AMD	167	117
75	3	AMD	156	3	91	1	AMD	46	E1 81
82	16	REP	197	42					
	(Effective 6/30/87)								
82	17	REP	197	40	91	2	AMD	46	E1 131
	(Effective 6/30/87)								
82	18	REP	197	41	98	1	REP	197	43
	(Effective 6/30/87)								
90	1	AMD	46	E1 112					
	(Effective 1/1/84)				100	23	AMD	95	6
94	9	AMD	3	76	101	2	AMD	46	E1 151
98	6	AMD	196	2					
104	5	AMD	3	150					
108	2	AMD	22	1					

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1969 EX. (cont.)			LAWS 1983		LAWS 1969 EX. (cont.)			LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
165	1	AMD	191	1	223	28A.44.095	AMD	3	32
165	2	AMD	191	2	223	28A.45.060	AMD	3 E2	20
165	3	AMD	191	3	223	28A.47.030	AMD	56	5
165	4	AMD	191	4	223	28A.47.130	REP	189	1
165	5	AMD	191	5	223	28A.47.140	REP	189	1
165	6	REP	191	13	223	28A.47.170	REP	189	1
175	1	REP	2	20	223	28A.47.180	REP	189	1
176	9	AMD	56	3	223	28A.47.210	REP	189	1
176	14	AMD	56	4	223	28A.47.220	REP	189	1
176	18	REP	56	16	223	28A.47.230	REP	189	1
176	25-30	REP	56	15	223	28A.47.420	REP	189	1
176	88	AMD	3	44	223	28A.47.435	REP	189	1
176	148	REP	56	17	223	28A.47.440	AMD	189	2
176	151	REP	56	17	223	28A.47.445	REP	189	1
176	152	REP	56	17	223	28A.47.450	REP	189	1
176	153	REP	56	17	223	28A.47.460	REP	189	1
193	1	AMD	66	3	223	28A.47.470	REP	189	1
193	2	AMD	66	5	223	28A.47.480	REP	189	1
193	3	AMD	66	6	223	28A.47.490	REP	189	1
193	4	AMD	66	7	223	28A.47.500	REP	189	1
193	5	AMD	66	8	223	28A.47.510	REP	189	1
193	6	AMD	66	9	223	28A.47.520	REP	189	1
193	8	AMD	66	11	223	28A.47.530	REP	189	1
193	10	AMD	66	12	223	28A.47.540	REP	189	1
193	11	REP	66	23	223	28A.47.560	REP	189	1
193	13	AMD	66	16	223	28A.47.570	REP	189	1
193	14	REP	66	23	223	28A.47.580	REP	189	1
193	15	REP	66	23	223	28A.47.590	REP	189	1
193	21	AMD	3	113	223	28A.47.600	REP	189	1
195	3	AMD	315	20	223	28A.47.610	REP	189	1
209	15	AMD	106	23	223	28A.47.620	REP	189	1
211	2	AMD	3	93	223	28A.47.630	REP	189	1
215	3	AMD	58	1	223	28A.47.640	REP	189	1
215	4	AMD	58	2	223	28A.47.650	REP	189	1
215	7	REP	197	35	223	28A.47.660	REP	189	1
		(Effective 6/30/87)			223	28A.47.680	REP	189	1
215	8	REP	197	35	223	28A.47.690	REP	189	1
		(Effective 6/30/87)			223	28A.47.700	REP	189	1
215	9	AMD	52	3	223	28A.47.710	REP	189	1
215	9	REP	197	35	223	28A.47.720	REP	189	1
		(Effective 6/30/87)			223	28A.47.722	REP	189	1
215	10	AMD	52	4	223	28A.47.724	REP	189	1
215	10	REP	197	35	223	28A.47.726	REP	189	1
		(Effective 6/30/87)			223	28A.47.728	REP	189	1
215	11	AMD	3	99	223	28A.47.730	REP	189	1
215	11	AMD	52	5	223	28A.47.732	REP	189	1
215	11	REP	197	35	223	28A.47.734	REP	189	1
		(Effective 6/30/87)			223	28A.47.736	REP	189	1
223	28A.09.070	REP	197	43	223	28A.47.738	REP	189	1
		(Effective 6/30/87)			223	28A.47.742	REP	189	1
223	28A.09.080	REP	197	43	223	28A.47.744	REP	189	1
		(Effective 6/30/87)			223	28A.47.746	REP	189	1
223	28A.09.090	REP	197	43	223	28A.47.748	REP	189	1
		(Effective 6/30/87)			223	28A.47.750	REP	189	1
223	28A.10.080	AMD	41 E1	16	223	28A.51.010	AMD	167	21
223	28A.44.045	AMD	3	31	223	28A.51.030	AMD	167	22
223	28A.44.060	REP	56	16	223	28A.51.055	AMD	167	23
223	28A.44.070	REP	56	16	223	28A.51.070	AMD	167	24

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES.

LAWS 1969 EX. (cont.)			LAWS 1983		LAWS 1969 EX. (cont.)			LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
223	28A.51.180	AMD	167	25	269	1	AMD	230	1
223	28A.51.190	AMD	167	26	271	2	AMD	121	1
223	28A.51.220	AMD	167	27	271	2	REEN	121	1
223	28A.52.050	AMD	167	28	271	4	AMD	121	2
223	28A.52.055	AMD	167	29	271	4	REEN	121	2
223	28A.52.060	AMD	167	30	271	14	AMD	121	3
223	28A.57.020	AMD	3	33	271	15	AMD	121	4
223	28A.57.120	AMD	3	34	271	18	AMD	121	5
223	28A.57.255	AMD	56	6	277	1-7	REP	197	29
223	28A.57.290	AMD	56	7			(Effective 6/30/86)		
223	28A.57.324	AMD	3	35	277	9	REP	197	29
223	28A.58.107	AMD	125	1			(Effective 6/30/86)		
223	28A.58.150	AMD	56	8	277	10	REP	197	29
223	28A.58.230	AMD	3	37			(Effective 6/30/86)		
223	28A.58.440	AMD	66	1	277	12-15	REP	197	29
223	28A.59.150	AMD	56	9			(Effective 6/30/86)		
223	28A.59.180	REEN	2	7	283	52	REP	197	43
223	28A.59.185	AMD	59	16			(Effective 6/30/87)		
223	28A.61.030	AMD	187	1	283	53	REP	197	43
223	28A.61.050	AMD	187	2			(Effective 6/30/87)		
223	28A.61.060	REP	187	7	284	10	REP	3	103
223	28A.66.060	REP	56	16					
223	28A.66.100	REP	56	16					
223	28A.67.040	REP	56	17					
223	28A.70.130	AMD	56	12					
223	28A.70.140	AMD	56	13					
223	28A.87.050	REP	56	17					
223	28A.87.100	REP	56	17					
223	28A.87.110	REP	56	17					
223	28A.87.170	REP	56	17					
223	28B.10.310	AMD	167	31					
223	28B.10.315	AMD	167	32					
223	28B.10.560	AMD	220	1					
223	28B.10.565	REP	221	3					
223	28B.15.600	AMD	256	1					
223	28B.20.396	AMD	167	33					
223	28B.20.398	AMD	167	34					
223	28B.50.100	AMD	224	1					
223	28B.50.230	REP	197	43					
	(Effective 6/30/87)								
223	28B.50.240	AMD	3	41					
223	28B.50.240	REP	197	43					
	(Effective 6/30/87)								
227	1	AMD	232	4					
230	1-8	REP	66	23					
232	82	REP	167	270					
233	28A.24.055	AMD	61	E1	1				
237	7	AMD	3	88					
244	14	AMD	229	1					
253	1	AMD	3	193					
253	1	AMD	46	E1	85				
	(Effective 1/1/84)								
253	4	AMD	46	E1	130				
	(Effective 1/1/84)								
261	24	REP	197	43					
	(Effective 6/30/87)								
264	25	AMD	41	E1	4				
265	1-14	REP	52	8					
LAWS 1970 EX.					LAWS 1983				
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
2	3	AMD	67	1					
2	10	AMD	23	E1	17				
2	13	REP	13	E1	12				
2	14	REP	13	E1	12				
2	15	AMD	23	E1	18				
2	16	AMD	23	E1	19				
2	18	REP	13	E1	12				
2	19	AMD	23	E1	7				
8	1	AMD	3	E2	25				
8	2	AMD	132	1					
11	1	AMD	167	47					
12	1	AMD	75	E1	4				
15	16	AMD	56	11					
15	16	AMD	83	1					
15	21	REP	56	17					
15	22	REP	56	17					
18	40	AMD	194	28					
22	2	AMD	123	13					
26	2	AMD	288	3					
26	7	AMD	288	2					
30	4	AMD	167	99					
30	9	AMD	167	100					
39	1	AMD	3	90					
39	5	REEN	2	9					
42	14	AMD	61	1					
51	12	AMD	180	1					
51	18	AMD	79	1					
51	41	AMD	180	2					
51	95	REP	180	5					
51	106	AMD	180	4					
51	152	AMD	131	1					
56	2	AMD	167	12					
56	3	AMD	167	16					

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1971 EX. (cont.)			LAWS 1983		LAWS 1971 EX. (cont.)			LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
109	6	AMD	117	3	273	2	AMD	285	1
110	1	AMD	142	2	277	15	AMD	3	171
110	2	AMD	142	3	277	16	AMD	3	172
110	5	AMD	142	4	277	17	AMD	3	173
110	7	AMD	142	5	279	22	AMD	307	1
110	9	AMD	142	6	281	8	AMD	3	212
110	11	AMD	142	7	282	12	AMD	56	2
111	2	AMD	274	6	282	24	REP	56	16
129	2	AMD	206	7	282	34	REP	56	16
151	2	AMD	219	5	282	35	REP	56	16
155	13	AMD	167	102	283	2	AMD	46	E1 102
155	16	AMD	167	103			(Effective 1/1/84)		
164	12	AMD	41	E1 3	283	3	REP	46	E1 189
169	9	REP	194	30			(Effective 1/1/84)		
175	4	AMD	49	E1 30	283	4	AMD	46	E1 109
175	6	AMD	242	1			(Effective 1/1/84)		
175	11	AMD	78	1	283	5	AMD	46	E1 119
175	12	AMD	242	2			(Effective 1/1/84)		
175	16	AMD	242	3	283	6	REP	46	E1 189
175	18	AMD	242	4			(Effective 1/1/84)		
175	23	AMD	242	5	283	9	REP	46	E1 189
180	7	AMD	253	31			(Effective 1/1/84)		
184	3	AMD	167	104	283	10	REP	46	E1 189
184	6	AMD	36	E1 1			(Effective 1/1/84)		
190	7	AMD	95	2	283	12	REP	46	E1 189
190	8	AMD	95	3			(Effective 1/1/84)		
190	18	AMD	95	4	283	14	AMD	46	E1 111
190	21	AMD	95	5			(Effective 1/1/84)		
192	3	AMD	298	8	284	4	AMD	164	7
192	5	AMD	298	13	284	5	AMD	209	1
195	17	REP	3	133	285	1	AMD	3	41
202	29	AMD	110	1	285	1	REP	197	43
202	34	AMD	30	E1 5			(Effective 6/30/87)		
207	8	AMD	299	2	285	3	REP	197	43
212	2	AMD	27	E1 14			(Effective 6/30/87)		
212	9	REP	27	E1 15	285	4	REP	197	43
212	12	AMD	93	1			(Effective 6/30/87)		
215	7	AMD	3	29	286	22	AMD	138	3
223	2	AMD	167	39	289	33	AMD	21	1
245	8	REP	27	E1 15	289	73	AMD	46	E1 20
250	2	AMD	155	1			(Effective 1/1/84)		
250	7	AMD	155	2	289	80	AMD	174	1
250	11	AMD	155	3	292	17	REP	234	32
251	9	AMD	3	70	292	26	AMD	55	8
253	16	AMD	107	1	292	26	REP	197	52
266	2	REP	75	19			(Effective 6/30/88)		
		(Effective 6/30/84)			294	4	AMD	62	E1 7
266	3	REP	208	7			(Effective 1/1/84)		
		(Effective 6/30/84)			294	8	AMD	8	1
266	7	REP	197	46	294	10	AMD	3	224
		(Effective 6/30/88)			294	16	AMD	3	225
266	14	REP	197	52	294	17	AMD	3	226
		(Effective 6/30/88)			296	2	AMD	3	216
266	18	REP	197	52	299	67	AMD	26	4
		(Effective 6/30/88)			302	1	AMD	232	1
266	21	REEN	2	10	305	2	AMD	112	1
271	9	AMD	3	95	305	3	AMD	112	3
272	7	AMD	57	1	307	6	AMD	277	1

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

<u>LAWS 1971 EX. (cont.)</u>			<u>LAWS 1983</u>		<u>LAWS 1973 (cont.)</u>			<u>LAWS 1983</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>		
307	7	AMD	277	2	1	42	AMD	176	2		
307	23	AMD	277	4	1	42	REP	197	34		
					(Effective 6/30/87)						
					1	43	REP	197	34		
					(Effective 6/30/87)						
					1	45	REP	197	34		
					(Effective 6/30/87)						
					5	1	AMD	164	4		
					5	1	AMD	165	23		
					5	1	AMD	165	24		
					(Effective 1/1/85)						
					6	1	AMD	7	E1 1		
					18	1	REP	197	53		
					(Effective 6/30/88)						
					20	5	AMD	255	8		
					20	13	AMD	255	7		
					22	1	AMD	222	1		
					22	2	AMD	222	2		
					23	1	AMD	69	2		
					35	2	REP	91	24		
					42	1	AMD	108	4		
					46	2	AMD	3	30		
					51	3	AMD	3	156		
					63	1	REP	197	43		
					(Effective 6/30/87)						
					66	1	AMD	155	2		
					84	4	AMD	282	1		
					87	1	AMD	64	1		
					93	1	AMD	46	E1 16		
					(Effective 1/1/84)						
					106	34	REP	46	E1 185		
					(Effective 1/1/84)						
					111	1	AMD	56	10		
					123	1	AMD	66	20		
					126	10	AMD	66	5		
					126	12	AMD	66	9		
					126	15	REP	66	23		
					126	16	REP	66	23		
					129	1	AMD	3	40		
					131	4	AMD	287	2		
					131	5	AMD	287	4		
					131	9	REP	197	35		
					(Effective 6/30/87)						
					131	10	AMD	287	5		
					132	5	AMD	167	174		
					132	6	AMD	167	175		
					132	8	AMD	167	176		
					133	1-29	REP	197	52		
					(Effective 6/30/88)						
					152	1	AMD	41	E1 32		
					(Effective 6/30/87)						
<u>LAWS 1973</u>			<u>LAWS 1983</u>		<u>LAWS 1973 1ST EX.</u>					<u>LAWS 1983</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>		
1	1	REP	197	34	8	2	AMD	37	1		
					(Effective 6/30/87)						
1	3-8	REP	197	34	8	3	AMD	37	2		
					(Effective 6/30/87)						
1	9	AMD	96	1	13	2	AMD	265	1		
1	9-12	REP	197	34	(Effective 1/1/84)						
					(Effective 6/30/87)						
1	15-23	REP	197	34	(Effective 6/30/87)						
					(Effective 6/30/87)						
1	31	AMD	133	10	(Effective 1/1/84)						
1	35-38	REP	197	34	(Effective 6/30/87)						
					(Effective 6/30/87)						

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1973 1ST EX. (cont.)				LAWS		LAWS 1973 1ST EX. (cont.)				LAWS	
1983						1983					
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.		Sec.
13	3	AMD	265	2							
		(Effective 1/1/84)			148		12	AMD	75		16
13	5	AMD	265	13	148		12	REP	75		19
		(Effective 1/1/84)						(Effective 6/30/84)			
13	10	AMD	265	9	148		13	REP	75		19
		(Effective 1/1/84)						(Effective 6/30/84)			
13	19	AMD	265	16	148		14	REP	75		19
		(Effective 1/1/84)						(Effective 6/30/84)			
13	21	AMD	265	10	148		15	REP	75		19
		(Effective 1/1/84)						(Effective 6/30/84)			
13	34	AMD	265	12	148		17-25	REP	208		7
		(Effective 1/1/84)						(Effective 6/30/84)			
23	1	REP	234	32	148		27-30	REP	208		7
23	2	REP	234	32				(Effective 6/30/84)			
50	2	AMD	261	1	153		2	AMD	2	E1	17
51	3	AMD	3	189	153		7	AMD	2	E1	20
51	4	AMD	3	190	157		2	AMD	45	E1	2
52	9	AMD	123	1	157		6	AMD	232		10
52	10	AMD	123	3	157		6	AMD	41	E1	1
53	2	AMD	3	48	157		12	AMD	45	E1	3
65	1	AMD	286	4	158		11	AMD	23	E1	17
65	3	REP	202	17	158		12	REP	13	E1	12
65	4	AMD	32	E1 11	158		13	AMD	23	E1	18
68	9	AMD	190	1	158		14	AMD	23	E1	19
106	1	AMD	39	1	161		2	AMD	2	E1	21
106	2	AMD	39	2	173		1	REP	46	E1	189
106	3	AMD	39	3				(Effective 1/1/84)			
106	4	AMD	39	4	173		2	AMD	46	E1	135
106	5	AMD	39	5				(Effective 1/1/84)			
106	6	AMD	39	6	173		3	REP	46	E1	189
106	9	AMD	39	7				(Effective 1/1/84)			
106	10	AMD	39	8	173		4	AMD	46	E1	148
106	11	AMD	39	9				(Effective 1/1/84)			
106	12	AMD	39	10	173		5	REP	46	E1	189
106	13	REP	39	25				(Effective 1/1/84)			
106	14	AMD	39	11	175		1	AMD	124		1
106	15	AMD	39	12	175		2	AMD	124		4
106	16	REP	39	25	175		5	AMD	124		2
106	19	AMD	39	14	175		6	REP	124		19
117	1	AMD	122	1	175		7	AMD	124		3
117	11	AMD	25	1	175		16	REP	124		20
117	20	AMD	25	2	178		3	REP	273		10
117	21	AMD	196	3	184		4	AMD	248		13
122	2	AMD	239	4	186		7	AMD	4	E1	4
122	7	AMD	239	2	190		10	AMD	3		94
122	8	AMD	239	3	195		4	AMD	167		18
142	8	AMD	3	179	195		8	REP	56		15
142	44	AMD	196	4	195		24	AMD	167		47
148	1-8	REP	75	19	195		52	AMD	167		126
		(Effective 6/30/84)			195		53	AMD	167		127
148	9	AMD	75	13	195		54	AMD	167		128
148	9	REP	75	19	195		57	AMD	3		162
		(Effective 6/30/84)			195		65	AMD	167		155
148	10	REP	75	19	195		71	AMD	167		162
		(Effective 6/30/84)			195		72	AMD	167		163
148	11	AMD	75	15	195		73	AMD	3		163
148	11	REP	75	19	195		131	AMD	315		19

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

<u>LAWS 1973 1ST EX. (cont.)</u>			<u>LAWS</u>		<u>LAWS 1974 EX. (cont.)</u>			<u>LAWS 1983</u>		
<u>1983</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>						
200	3	AMD	27	4	28	1	AMD	49	E1	26
200	4	AMD	24	E1	30	1	REEN	2		13
200	11	AMD	3	118	35	2	AMD	71	E1	1
200	11	AMD	24	E1	35	3	REP	71	E1	10
207	13	AMD	264	3	44	6	AMD	102		5
207	23	AMD	264	4	44	7	AMD	102		8
207	24	AMD	264	9	52	1	AMD	3		77
207	25	AMD	264	10	54	2	REP	26		5
207	26	AMD	264	6	58	4	AMD	167		159
207	28	AMD	264	7	59	1	AMD	3		176
207	31	AMD	264	8	70	8	AMD	167		48
207	34	AMD	264	12	71	3	AMD	3		182
208	3	AMD	112	5	71	12	AMD	310		1
208	4	REP	197	51	75	20	REP	56		16
		(Effective 6/30/88)			92	2	AMD	56		1
208	5	REP	197	51	92	5	AMD	3		29
		(Effective 6/30/88)			94	9	REP	197		55
212	2	AMD	3	227			(Effective 6/30/87)			
212	12	AMD	41	1	94	9	AMD	16	E1	12
213	2	AMD	3	172			10	REP	197	55
213	3	AMD	3	173			(Effective 6/30/87)			
219	6	AMD	3	115	94	10	AMD	16	E1	13
219	7	AMD	52	11	94	11-16	REP	197		55
220	2	AMD	46	E1	46		(Effective 6/30/87)			
		(Effective 1/1/84)			95	2	AMD	195		1
					97	12	REP	197		47
							(Effective 6/30/88)			
					97	15	REP	197		47
							(Effective 6/30/88)			
					104	1	AMD	46	E1	148
							(Effective 1/1/84)			
					104	2	REP	46	E1	189
							(Effective 1/1/84)			
					110	2	AMD	3		205
					120	11	AMD	106		23
					129	1	AMD	3		116
					139	1	AMD	32	E1	18
					139	2	AMD	32	E1	20
					139	3	AMD	202		5
					140	1	AMD	119		1
					140	14	AMD	119		2
					145	4	AMD	3		179
					147	2	AMD	210		3
					147	3	AMD	210		1
					147	5	AMD	167		171
					147	5	AMD	210		2
					169	2	REP	62	E1	14
							(Effective 1/1/84)			
					169	4	AMD	62	E1	2
					169	9	AMD	62	E1	10
					171	42	REP	197		28
							(Effective 6/30/86)			
					176	1	REP	197		30
							(Effective 6/30/86)			
							(Effective 6/30/86)			
					176	1	AMD	204		1
					176	2	AMD	204		4
					176	3	AMD	204		6
					176	4	AMD	204		8

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

<u>LAWS 1974 EX. (cont.)</u>				<u>LAWS 1983</u>		<u>LAWS 1975 1ST EX. (cont.)</u>				<u>LAWS</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>	<u>Ch.</u>	<u>Sec.</u>
176	5	AMD	204	7	7	24	AMD	305	34		
179	3	REP	117	10	7	29	AMD	305	56		
179	4	AMD	117	6	7	30	AMD	305	57		
179	6	AMD	117	7	7	31	AMD	305	58		
179	8	AMD	117	8	7	32	AMD	305	59		
179	11	REP	117	10	7	33	AMD	305	60		
182	1	AMD	11	E1	2	34	AMD	305	62		
182	1	AMD	11	E1	5	5	AMD	118	2		
182	2	AMD	11	E1	4	14	30	AMD	284	3	
182	3	AMD	11	E1	3	15	3	AMD	49	E1	20
182	3	AMD	11	E1	6	21	3	REEN	49	E1	20
	(Effective 1/1/84)					21	1	AMD	3		217
184	1	AMD	46	E1	136	22	1	AMD	189		3
	(Effective 1/1/84)					22	1	AMD	167		156
184	2	AMD	46	E1	146	25	2	AMD	167		157
	(Effective 1/1/84)					25	3	AMD	167		164
184	3	AMD	297		1	25	4	REP	179		46
184	3	AMD	46	E1	116	28	1	AMD	46	E1	75
	(Effective 1/1/84)					29	(Effective 1/1/84)				
184	4	REP	46	E1	189	30	4	REP	75		19
	(Effective 1/1/84)					30	(Effective 6/30/84)				
184	6	REP	46	E1	189	30	5	REP	75		19
	(Effective 1/1/84)					30	(Effective 6/30/84)				
184	7	REP	46	E1	189	30	6	AMD	75		6
	(Effective 1/1/84)					30	6	REP	75		19
184	9	REP	46	E1	189	30	(Effective 6/30/84)				
	(Effective 1/1/84)					30	7	REP	75		19
188	4	AMD	206		6	30	(Effective 6/30/84)				
193	3	AMD	233		1	30	8	AMD	75		10
195	5	AMD	3		96	30	8	REP	75		19
198	1	AMD	122		1	30	(Effective 6/30/84)				
198	16	AMD	25		2	30	9	AMD	75		11
						30	9	REP	75		19
						30	(Effective 6/30/84)				
						30	10	AMD	75		12
						30	10	REP	75		19
						30	(Effective 6/30/84)				
						30	11	REP	75		19
						30	(Effective 6/30/84)				
						30	12	AMD	75		16
						30	12	REP	75		19
						30	(Effective 6/30/84)				
						30	13	REP	208		7
						30	(Effective 6/30/84)				
						30	14	REP	208		7
						30	(Effective 6/30/84)				
						30	15	REP	208		7
						30	(Effective 6/30/84)				
						30	36	AMD	39		4
						30	37	AMD	39		6
						30	39	REP	197		46
						30	(Effective 6/30/88)				
						30	40	REP	197		46
						30	(Effective 6/30/88)				
						30	41	REP	197		46
						30	(Effective 6/30/88)				
						30	65	AMD	116		9

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1975 1ST EX. (cont.)				LAWS	LAWS 1975 1ST EX. (cont.)				LAWS
1983					1983				
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
30	66	AMD	116	10	130	1	AMD	167	123
30	67	AMD	116	12	132	1-6	REP	197	29
30	68	REP	197	52			(Effective 6/30/86)		
			(Effective 6/30/88)		132	9	REP	197	29
30	69	REP	197	52			(Effective 6/30/86)		
			(Effective 6/30/88)		132	10	REP	197	29
30	77	REP	197	52			(Effective 6/30/86)		
			(Effective 6/30/88)		132	12-15	REP	197	29
30	78	REP	197	52			(Effective 6/30/86)		
			(Effective 6/30/88)		134	3	AMD	91	20
30	79	REP	197	52	152	1	REP	46 E1	190
			(Effective 6/30/88)				(Effective 1/1/84)		
30	83	REP	102	10	152	2	AMD	46 E1	4
30	84	AMD	102	7			(Effective 1/1/84)		
30	85	REP	197	32	152	3-9	REP	46 E1	190
			(Effective 6/30/86)				(Effective 1/1/84)		
30	86	REP	197	32	159	1	REP	197	31
			(Effective 6/30/86)				(Effective 6/30/86)		
30	87	REP	197	32	159	2	REP	197	31
			(Effective 6/30/86)				(Effective 6/30/86)		
30	88	REP	197	32	167	2	AMD	187	3
			(Effective 6/30/86)		170	1	AMD	191	17
35	1	AMD	149	1	173	1	AMD	160	1
39	1-9	REP	197	47	174	1-4	REP	197	43
			(Effective 6/30/88)				(Effective 6/30/87)		
40	1	AMD	254	3	174	4	AMD	21 E1	3
			(Effective 1/1/84)		174	5-14	REP	197	43
54	34	AMD	30	1			(Effective 6/30/87)		
54	50	AMD	30	2	174	16	REP	197	43
54	52	AMD	3	124			(Effective 6/30/87)		
56	3	AMD	217	1	183	1	AMD	46 E1	5
63	1	AMD	3	121			(Effective 1/1/84)		
73	1	AMD	3	89	183	3	AMD	46 E1	155
77	2	AMD	66	7			(Effective 1/1/84)		
77	3	AMD	66	8	183	4	AMD	46 E1	156
77	4	AMD	66	13			(Effective 1/1/84)		
77	5	AMD	66	14	183	5	AMD	46 E1	157
77	6	AMD	66	15			(Effective 1/1/84)		
77	7	REP	66	23	183	6	AMD	46 E1	158
80	3	AMD	48	1			(Effective 1/1/84)		
80	7	AMD	48	2	183	7	REP	46 E1	189
82	2	REP	197	55			(Effective 1/1/84)		
			(Effective 6/30/87)		183	8	AMD	46 E1	159
							(Effective 1/1/84)		
85	1	REP	197	49	183	9	AMD	46 E1	160
			(Effective 6/30/88)				(Effective 1/1/84)		
85	2	REP	197	49	183	10	AMD	46 E1	161
			(Effective 6/30/88)				(Effective 1/1/84)		
85	3	REP	197	49					
			(Effective 6/30/88)		188	1	AMD	167	77
85	4	AMD	214	1	195	1	AMD	206	5
85	5	REP	197	49	195	3	AMD	206	6
			(Effective 6/30/88)		215	2	REEN	49 E1	20
90	2	AMD	3 E2	27	215	2	AMD	49 E1	20
90	3	AMD	132	1	217	9	AMD	246	3
118	1	AMD	27	1	222	4	AMD	37	3
121	1	AMD	268	1	228	15	AMD	23 E1	16
125	2	AMD	3	231	229	1	REP	234	32

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1975 1ST EX. (cont.)				LAWS		LAWS 1975 1ST EX. (cont.)				LAWS	
1983						1983					
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.
229	2	REP	234	32	281	1	AMD	274	2		
229	3	REP	234	32	281	4	AMD	274	3		
229	4	REP	234	32	281	5	AMD	274	5		
229	5	REP	234	32	286	2	AMD	203	1		
243	2	AMD	59	14	287	3	AMD	164	1		
246	2	AMD	60	1	288	16	AMD	58	3		
246	11	AMD	60	2	290	3	AMD	106	1		
251	1-4	REP	194	30	290	4	AMD	106	2		
260	9A.32.010	AMD	10	1	290	5	AMD	106	3		
260	9A.48.070	AMD	4	E1	290	6	REP	106	25		
260	9A.76.170	AMD	4	E1	290	7	AMD	106	4		
261	1	AMD	3	2	290	8	AMD	106	5		
266	12	AMD	32	E1	290	9	AMD	106	6		
266	20	AMD	106	24	290	9	AMD	202	10		
266	20	AMD	202	16	290	12	AMD	202	11		
267	1	REP	3	126	290	13	AMD	63	2		
267	3	REP	3	126	290	18	AMD	106	7		
270	7	AMD	167	46	291	9	AMD	3	E2	28	
270	11	AMD	65	1	292	2-8	REP	197	28		
270	14	AMD	65	2		(Effective 6/30/86)					
270	15	AMD	65	3	294	1	REP	197	34		
270	23	AMD	151	1		(Effective 6/30/87)					
270	24	AMD	65	5	294	3-12	REP	197	34		
274	1	AMD	226	1		(Effective 6/30/87)					
275	18	AMD	56	3	294	21	REP	197	34		
275	31	AMD	56	4		(Effective 6/30/87)					
275	34	REP	56	16	294	23	REP	197	34		
275	39	REP	56	15		(Effective 6/30/87)					
275	40	REP	56	15	294	25	REP	197	34		
275	41	REP	56	15		(Effective 6/30/87)					
275	42	REP	56	15	294	26	REP	197	34		
275	43	REP	56	15		(Effective 6/30/87)					
275	44	REP	56	15	296	24	AMD	58	1		
275	61	REP	56	16	296	25	AMD	58	2		
275	62	REP	56	16							
275	68	AMD	56	5							
275	78	AMD	3	33							
275	97	AMD	56	6							
275	98	AMD	56	7							
275	108	REP	275	4							
275	118	AMD	56	9							
275	129	REP	56	16							
275	130	REP	56	16							
275	131	REP	56	17							
275	140	REP	56	17							
[275]											
275	141	REP	56	17	34	5	REP	197	53		
275	142	REP	56	17		(Effective 6/30/88)					
275	144	REP	56	17	34	21	REP	197	36		
275	145	REP	56	17		(Effective 6/30/87)					
275	146	REP	56	17	34	25	AMD	234	22		
278	37	AMD	3	188	34	28	REP	75	19		
278	37	REP	189	4		(Effective 6/30/84)					
278	42	AMD	55	E1	34	29	REP	75	19		
278	43	AMD	3	E2	34	30	REP	208	7		
278	84	AMD	55	E1		(Effective 6/30/84)					
278	90	AMD	3	222							

"E1" Denotes 1st ex. sess.
"E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1975-'76 2ND EX. (cont.)

LAWS 1983

Ch.	Sec.	Action	Ch.	Sec.
34	31	REP	208	7
			(Effective 6/30/84)	
34	35	AMD	39	12
34	43	REP	197	51
			(Effective 6/30/88)	
34	45	AMD	55	5
34	45	REP	197	52
			(Effective 6/30/88)	
34	46	AMD	55	12
34	46	REP	197	52
			(Effective 6/30/88)	
34	47	REP	197	52
			(Effective 6/30/88)	
34	48	AMD	168	10
34	50	REP	197	52
			(Effective 6/30/88)	
34	51	REP	197	52
			(Effective 6/30/88)	
34	53	AMD	102	4
34	54	REP	197	32
			(Effective 6/30/86)	
34	55	REP	27 E1	15
34	63	REP	206	23
34	76	REP	197	43
			(Effective 6/30/87)	
34	77	REP	197	29
			(Effective 6/30/86)	
34	79	REP	197	43
			(Effective 6/30/87)	
34	93	REP	197	34
			(Effective 6/30/87)	
34	109	REP	197	28
			(Effective 6/30/86)	
34	110	REP	197	28
			(Effective 6/30/86)	
34	127	REP	197	55
			(Effective 6/30/87)	
34	129	AMD	22	1
34	157	AMD	210	1
34	171	REP	46 E1	189
			(Effective 1/1/84)	
38	10	AMD	4 E1	2
40	1	REP	46 E1	189
			(Effective 1/1/84)	
40	2	AMD	46 E1	111
			(Effective 1/1/84)	
40	3	REP	46 E1	189
			(Effective 1/1/84)	
42	7	AMD	41 E1	5
42	10	AMD	41 E1	6
42	11	AMD	41 E1	7
42	14	AMD	41 E1	8
42	19	AMD	41 E1	9
42	21	AMD	41 E1	10
42	38	AMD	41 E1	14
42	45	REP	41 E1	44
56	9	AMD	149	2

LAWS 1975-'76 2ND EX. (cont.)

LAWS 1983

Ch.	Sec.	Action	Ch.	Sec.
59	1	REP	179	46
61	3	AMD	3 E2	18
66	1-9	REP	189	6
68	1-8	REP	197	28
			(Effective 6/30/86)	
84	1	AMD	16 E1	10
85	4	REP	197	49
			(Effective 6/30/88)	
86	1	REP	197	43
			(Effective 6/30/87)	
92	4	AMD	56	12
92	5	AMD	56	13
101	8	AMD	172	2
101	9	AMD	172	3
105	11	AMD	3	97
112	3	REP	197	34
			(Effective 6/30/87)	
112	4	REP	197	34
			(Effective 6/30/87)	
112	5	REP	197	34
			(Effective 6/30/87)	
112	8	REP	197	34
			(Effective 6/30/87)	
112	9	REP	197	34
			(Effective 6/30/87)	
112	10	REP	197	34
			(Effective 6/30/87)	
112	10	AMD	213	1
112	12	REP	197	34
			(Effective 6/30/87)	
112	13	REP	197	34
			(Effective 6/30/87)	
114	4	AMD	56	11
114	4	AMD	83	1
115	14	AMD	34	1
115	15	AMD	3	112
115	21	AMD	260	1
118	1	AMD	59	1
118	2	AMD	59	2
118	5	AMD	59	3
118	6	AMD	59	4
118	8	AMD	59	5
118	9	AMD	59	6
118	10	AMD	59	7
118	11	AMD	59	8
118	13	AMD	59	9
118	14	AMD	59	10
118	17	AMD	59	11
118	18	AMD	59	12
118	20	REP	59	18
			(Effective 10/1/83)	
124	32	REP	56	16
			(Effective 10/1/83)	
124	1	REP	59	18
			(Effective 10/1/83)	
128	1	AMD	54 E1	7
130	3	AMD	9	4
130	3	AMD	3 E2	4

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1975-'76 2ND EX. (cont.)

LAWS 1983

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
130	3	AMD	3 E2	61
131	4	AMD	290	14
131	5	AMD	290	15

LAWS 1977

LAWS 1983

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
29	1	AMD	3	137
55	2	AMD	112	1
55	3	AMD	112	2
55	4	AMD	112	3
60	1	AMD	32 E1	10
61	2	AMD	32 E1	23
75	8	REP	234	32
75	9	REP	208	7
		(Effective 6/30/84)		
75	12	REP	197	52
		(Effective 6/30/88)		
75	16	REP	91	24
75	53	REP	197	28
		(Effective 6/30/86)		
75	87	AMD	46 E1	7
		(Effective 1/1/84)		
75	93	AMD	167	248
336	7	REP	197	34
		(Effective 6/30/87)		

LAWS 1977 EX.

LAWS 1983

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
8	1	AMD	73 E1	1
11	1	AMD	2 E1	18
33	3	AMD	23 E1	8
38	1	AMD	3	175
40	1-18	REP	194	30
40	20-24	REP	194	30
44	2	AMD	65	3
61	1	AMD	2 E1	19
66	1	AMD	74	1
70	1-6	REP	197	28
		(Effective 6/30/86)		
73	1	AMD	23 E1	2
78	1	AMD	3	125
80	30	AMD	56	8
80	55	AMD	41 E1	29
80	57	AMD	60	1
80	59	AMD	60	2
80	70	AMD	3	192
85	3	AMD	211	1
85	4	AMD	211	2
95	1	AMD	66	3
99	1	AMD	292	1
99	2	AMD	292	2
99	3	AMD	292	3
99	5	AMD	292	4
99	7	AMD	292	5
99	8	AMD	292	6
99	9	AMD	292	7

LAWS 1977 EX. (cont.)

LAWS 1983

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
99	10	AMD	292	8
99	11	AMD	292	9
99	13	AMD	292	10
100	1	REP	46 E1	190
		(Effective 1/1/84)		
102	1	AMD	299	1
104	2	AMD	44	2
106	2	AMD	46 E1	141
		(Effective 1/1/84)		
106	3	REP	46 E1	190
		(Effective 1/1/84)		
106	4	REP	46 E1	190
		(Effective 1/1/84)		
106	5	AMD	46 E1	138
		(Effective 1/1/84)		
106	6	AMD	46 E1	139
		(Effective 1/1/84)		
112	1	REP	197	53
		(Effective 6/30/88)		
112	2	REP	197	53
		(Effective 6/30/88)		
119	1	AMD	167	213
136	2	AMD	3	91
149	1	AMD	124	1
149	2	AMD	124	4
149	5	AMD	124	2
149	6	REP	124	19
149	7	AMD	124	3
149	10	REP	124	20
151	4	AMD	53 E1	28
151	6	AMD	53 E1	29
151	10	AMD	53 E1	30
156	12	REP	27 E1	15
166	1	AMD	3	140
166	2	REP	133	12
169	8	AMD	204	8
169	25	AMD	221	1
169	40	AMD	256	1
169	43	REP	197	29
		(Effective 6/30/86)		
169	97	AMD	3	96
184	9	AMD	308	1
195	1-11	REP	91	25
195	13	AMD	91	20
195	17-19	REP	91	25
200	3	REP	67 E1	48
201	2	REP	197	29
		(Effective 6/30/86)		
222	2	AMD	265	2
		(Effective 1/1/84)		
222	14	AMD	265	11
		(Effective 1/1/84)		
225	3	AMD	120	15
229	1	AMD	167	111
229	4	AMD	167	160
230	3	AMD	46 E1	155
		(Effective 1/1/84)		
230	5	AMD	46 E1	160

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1977 EX. (cont.)				LAWS 1983		LAWS 1977 EX. (cont.)				LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.
		(Effective 1/1/84)					(Effective 6/30/84)				
235	4	AMD	49	E1	19			310			7
240	3	REEN	2		8						
245	4	AMD	37		4			312	3	REP	29 E1 4
253	10	AMD	142		9			313	2-6	REP	197 34
260	1	REP	67	E1	48						
260	2	REP	67	E1	48			316	2	AMD	165 34
260	4	REP	67	E1	48			316	19	AMD	165 38
262	3	AMD	69	E1	1			317	3	AMD	49 E1 28
274	2	AMD	225		2			317	4	AMD	49 E1 29
274	3	AMD	225		3			317	6	AMD	49 E1 27
274	6	AMD	167		65			317	10	AMD	43 1
278	2	AMD	117		3			317	16	AMD	49 E1 22
285	1	AMD	34		1			321	3	AMD	290 14
289	3	AMD	27	E1	1			327	2	AMD	46 E1 173
289	4	AMD	27	E1	2						
289	8	AMD	27	E1	3			327	3	AMD	46 E1 115
289	9	AMD	27	E1	4						
289	12	AMD	27	E1	7			327	4	AMD	297 1
291	31	AMD	311		2			327	4	AMD	46 E1 116
291	34	AMD	246		1						
291	56	AMD	191		7			327	6	AMD	46 E1 120
291	57	AMD	191		6						
291	61	AMD	191		18			327	7	AMD	46 E1 121
291	62	AMD	191		16						
291	70	AMD	191		8			327	8	REP	46 E1 189
291	73	AMD	191		9						
291	74	AMD	191		15			327	9	REP	46 E1 189
291	75	AMD	191		11						
291	41	AMD	246		2			327	11	AMD	46 E1 94
291	41	AMD	311		5						
292	15	AMD	23	E1	22			327	12	AMD	46 E1 97
292	19	AMD	23	E1	24						
297	1	AMD	119		2			327	13	AMD	46 E1 95
302	10	AMD	239		1						
304	16	AMD	305		5			327	14	REP	46 E1 189
308	2	AMD	46	E1	162						
		(Effective 1/1/84)						327	15	AMD	46 E1 98
308	3	AMD	46	E1	163						
		(Effective 1/1/84)						327	16	AMD	46 E1 100
308	4	AMD	46	E1	164						
		(Effective 1/1/84)						327	17	AMD	46 E1 96
308	5	AMD	46	E1	165						
		(Effective 1/1/84)						327	18	REP	46 E1 185
308	6	AMD	46	E1	166						
		(Effective 1/1/84)						335	1	AMD	212 1
308	7	AMD	46	E1	167			336	1-6	REP	197 34
		(Effective 1/1/84)									
308	8	AMD	46	E1	168			341	1	AMD	3 38
		(Effective 1/1/84)						347	1	AMD	3 E2 59
308	9	AMD	46	E1	169			349	1-6	REP	197 43
		(Effective 1/1/84)									
308	10	AMD	46	E1	170			349	8	REP	197 43
		(Effective 1/1/84)									
308	11	AMD	46	E1	171						
		(Effective 1/1/84)						350	44	AMD	3 159
309	7	AMD	271		1			351	4	AMD	5 E1 1
310	1	REP	208		7			351	5	AMD	190 1
								359	9	AMD	56 1

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1977 EX. (cont.)			LAWS 1983		LAWS 1979 (cont.)			LAWS 1983			
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.		
361	101	AMD	30	E1	6	99	75	AMD	235	17	
366	6	AMD	3	E2	9	99	76	AMD	119	4	
371	13	AMD	3		205	99	77	REP	14	E1	3
						99	78	REP	208		6
						99	80	REP	75		18
						99	81	REP	194		30
						99	84	REP	74		3
						99	86	REP	27	E1	9
						101	2	AMD	46	E1	142
							(Effective 1/1/84)				
						101	3	REP	46	E1	190
							(Effective 1/1/84)				
						101	4	AMD	46	E1	143
							(Effective 1/1/84)				
						101	5	AMD	46	E1	144
							(Effective 1/1/84)				
						107	6	REP	179		46
						109	1	AMD	290		13
						114	1-6	REP	197		52
							(Effective 6/30/88)				
						115	1	REP	241		7
						120	2	AMD	26		3
						123	4	AMD	26		4
						125	2	AMD	3		90
						127	1	AMD	154		4
						135	1	AMD	46	E1	146
							(Effective 1/1/84)				
						141	13	AMD	191		2
						141	14	AMD	191		3
						141	15	AMD	191		4
						141	16	REP	191		13
						141	37	REP	189		1
						141	38	REP	189		1
						141	47	AMD	41	E1	21
						141	76	AMD	39	E1	3
						141	81	AMD	39	E1	4
						141	125	AMD	19	E1	9
						141	146	AMD	41	E1	26
						141	203	REP	191		21
						141	216	REP	41	E1	4
						141	217	REP	41	E1	45
						141	218	REP	41	E1	24
						141	219	REP	41	E1	45
						141	220	REP	41	E1	45
						141	221	REP	41	E1	45
						141	224	AMD	41	E1	27
						141	282	AMD	255		10
						141	293	AMD	3		186
						141	297	REP	194		30
						141	370	AMD	41	E1	15
						141	382	AMD	46	E1	26
							(Effective 1/1/84)				
						151	9	AMD	191		5
						151	11	AMD	41	E1	16
						151	13	AMD	187		1
						151	22	REP	197		29
							(Effective 6/30/86)				
						151	23	REP	197		43

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1979 (cont.)			LAWS 1983		LAWS 1979 (cont.)			LAWS 1983		
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	
151	40	AMD	65	1	158	65	REP	197	52	
151	53	AMD	28	E1	2	(Effective 6/30/88)				
151	68	AMD	28	E1	1	158	66	AMD	55	
151	72	AMD	28	E1	6	158	66	REP	197	
151	83	AMD	29	E1	1	(Effective 6/30/88)				
151	84	AMD	29	E1	2	158	69	REP	197	
151	107	REP	117	10	(Effective 6/30/88)					
151	124	REP	91	25	158	71	AMD	102	1	
151	153	REP	52	7	158	73	REP	197	32	
151	154	REP	52	8	(Effective 6/30/86)					
151	155	REP	52	9	158	80	AMD	265	1	
151	174	REP	194	30	(Effective 1/1/84)					
151	175	AMD	46	E1	23	158	115	AMD	3	
	(Effective 1/1/84)		46		158	144	AMD	3	118	
153	2	REP	38	E1	1	158	156	REP	197	
154	14	AMD	3	23	(Effective 6/30/87)					
155	6	AMD	191	14	158	159	AMD	68	2	
155	7	AMD	267	1	158	184	AMD	49	E1	
155	9	AMD	191	19	158	184	REEN	49	E1	
155	10	AMD	191	20	158	190	AMD	142	2	
155	14	AMD	3	15	158	191	AMD	142	3	
155	40	AMD	3	16	158	222	AMD	77	2	
155	44	AMD	311	4	158	225	AMD	3	223	
155	46	AMD	246	2	158	234	REP	26	5	
155	46	AMD	311	5	158	239	AMD	3	E2	
155	69	AMD	191	9	(Effective 1/1/84)					
155	70	AMD	191	15	158	240	AMD	7	27	
155	71	AMD	191	11	184	2	AMD	287	2	
157	2	AMD	3	150	LAWS 1979 EX.					LAWS 1983
158	1	AMD	232	3	Ch.	Sec.	Action	Ch.	Sec.	
158	7	REP	234	32	4	1	AMD	44	E1	
158	8	REP	234	32	4	1	REEN	44	E1	
158	9	REP	234	32	18	19	AMD	128	1	
158	10	REP	234	32	18	24	AMD	128	2	
158	11	AMD	75	4	30	3	AMD	3	72	
158	11	REP	75	19	31	2	REP	102	10	
	(Effective 6/30/84)				39	1	AMD	277	1	
158	12	AMD	75	7	43	1	AMD	46	E1	
158	12	REP	75	19	(Effective 1/1/84)					
	(Effective 6/30/84)				43	2	AMD	46	E1	
158	13	REP	75	19	(Effective 1/1/84)					
	(Effective 6/30/84)				43	3	AMD	46	E1	
158	14-17	REP	208	7	43	4	AMD	46	E1	
	(Effective 6/30/84)				43	4	AMD	46	E1	
158	19	REP	197	47	(Effective 1/1/84)					
	(Effective 6/30/88)				52	1	AMD	16	E1	
158	21	REP	197	47	57	2	REP	91	24	
	(Effective 6/30/88)				57	3	REP	91	24	
158	23-29	REP	197	47	58	1	AMD	29	1	
	(Effective 6/30/88)				65	1	AMD	45	E1	
158	31	REP	168	15	69	1	AMD	120	16	
158	38	AMD	39	1	75	1	AMD	80	1	
158	50	AMD	168	9	83	1	AMD	307	1	
158	62	AMD	116	3	84	2	REP	117	10	
158	63	AMD	116	21	90	1-3	REP	197	33	
158	64	AMD	55	6						
158	64	REP	197	52						

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1979 EX. (cont.)				LAWS 1983		LAWS 1979 EX. (cont.)				LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.
		(Effective 6/30/86)			161		1 AMD	235		1	
91	2	AMD	298	6	161		2 AMD	235		2	
97	2	REP	2	E2	3		2 AMD	41	E1	43	
99	1	AMD	46	E1	42		3 AMD	235		3	
		(Effective 1/1/84)					4 AMD	235		4	
99	2	AMD	46	E1	43		6 AMD	235		5	
		(Effective 1/1/84)					8 AMD	235		6	
99	3	AMD	46	E1	44		10 AMD	235		7	
		(Effective 1/1/84)					11 AMD	235		8	
102	1	AMD	146		1		12 AMD	235		9	
103	1	AMD	224		1		13 AMD	235		10	
105	4	AMD	232		7		16 AMD	235		12	
106	1	REP	197		52		17 AMD	235		13	
		(Effective 6/30/88)					9 REP	238		2	
108	2	AMD	279		1		11 AMD	237		3	
108	3	AMD	279		2		11 AMD	238		1	
108	4	AMD	279		3		1 AMD	161		28	
111	17	REP	197		47		2 AMD	41	E1	22	
		(Effective 6/30/88)					1 AMD	167		46	
111	19	REP	197		47		4 REEN	2		12	
		(Effective 6/30/88)					4 AMD	274		7	
113	4	AMD	278		2		5 AMD	274		8	
113	5	AMD	278		3		12 AMD	274		1	
115	3	AMD	305		3		19 AMD	274		6	
117	1	REP	179		46		2 AMD	139		1	
122	7	AMD	53	E1	31		7 AMD	3		36	
126	10	AMD	3		43		3 AMD	287		4	
126	42	REP	197		34		3 AMD	262		1	
		(Effective 6/30/87)					7 AMD	167		222	
135	3	AMD	181		1		9 AMD	167		237	
136	6	AMD	221		2		12 AMD	167		238	
136	22	REP	221		3		13 AMD	167		240	
136	67	REP	197		37		18 AMD	167		236	
		(Effective 6/30/87)					22 AMD	167		242	
136	68	REP	197		37		1 AMD	225		1	
		(Effective 6/30/87)					1-4 REP	197		45	
136	81	REEN	2		12		(Effective 6/30/87)				
136	91	AMD	247		1		4 AMD	266		1	
136	95	AMD	209		1		5-24 REP	197		45	
137	1	AMD	38		1		(Effective 6/30/87)				
137	2	AMD	38		2		27 REP	197		45	
141	1	AMD	3		193		(Effective 6/30/87)				
141	1	AMD	46	E1	85		28 REP	197		45	
		(Effective 1/1/84)					(Effective 6/30/87)				
141	2	REP	46	E1	189		8 AMD	23	E1	16	
		(Effective 1/1/84)					4 AMD	3		213	
141	3	AMD	46	E1	125		6 AMD	66	E1	1	
		(Effective 1/1/84)					8 REP	62	E1	14	
141	4	AMD	46	E1	130		(Effective 1/1/84)				
		(Effective 1/1/84)					2-6 REP	197		28	
141	5	AMD	46	E1	129		(Effective 6/30/86)				
		(Effective 1/1/84)					10 AMD	3		154	
141	6	REP	46	E1	189		1 AMD	36	E1	1	
		(Effective 1/1/84)					50 AMD	3		211	
141	7	AMD	46	E1	45		63 AMD	236		2	
		(Effective 1/1/84)					65 REP	197		50	
147	1	AMD	290		15		(Effective 6/30/88)				
152	10	AMD	41	E1	23		66 REP	197		50	

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1979 EX. (cont.)				LAWS 1983		LAWS 1980 (cont.)				LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.
		(Effective 6/30/88)			30		2 AMD	206		13	
212	19	AMD	3	128	30		4 AMD	206		14	
214	3	AMD	11	E1 33	30		5 AMD	206		15	
215	4	AMD	25	1	30		6 AMD	206		16	
215	17	AMD	196	4	30		8 AMD	206		17	
217	8	AMD	191	12	30		9 AMD	206		18	
222	3	AMD	167	168	30		10 AMD	206		19	
225	1-6	REP	197	43	30		11 AMD	206		20	
		(Effective 6/30/87)			30		12 AMD	206		21	
228	5	AMD	41	E1 24	30		13 AMD	206		22	
232	16	AMD	165	37	30		16 AMD	206		12	
232	17	AMD	165	39	37		23 AMD	108		1	
238	12	REP	305	77	37		23 AMD	35	E1	2	
238	13	AMD	305	20	37		51 AMD	26		2	
238	14	AMD	305	22	37		56 AMD	108		2	
238	17	AMD	305	31	37		56 AMD	35	E1	3	
238	18	AMD	305	38	37		80 AMD	66	E1	1	
238	19	AMD	305	43	39		1 AMD	44	E1	1	
238	22	AMD	305	55	39		1 REEN	44	E1	1	
238	24	AMD	305	36	46		1 REP	197		47	
238	26	AMD	305	63			(Effective 6/30/88)				
239	1	AMD	62	1	46		2 REP	197		47	
239	2	AMD	62	2			(Effective 6/30/88)				
239	3	AMD	52	3	55		1 AMD	46	E1	15	
242	1-5	REP	208	7			(Effective 1/1/84)				
		(Effective 6/30/84)			65		1 AMD	30		1	
243	2	AMD	46	E1 90	66		1 AMD	46	E1	173	
243	3	REP	46	E1 188			(Effective 1/1/84)				
		(Effective 1/1/84)			68		2 AMD	4		1	
243	4	AMD	46	E1 91	69		1 AMD	3		107	
		(Effective 1/1/84)			77		2 AMD	81		2	
243	5-7	REP	46	E1 188	78		130 REP	273		10	
		(Effective 1/1/84)			78		133 AMD	46	E1	32	
244	2	AMD	118	2			(Effective 1/1/84)				
246	1	AMD	54	E1 7	78		134 AMD	46	E1	35	
250	3	AMD	229	1			(Effective 1/1/84)				
255	1	AMD	29	E1 3	78		135 AMD	46	E1	98	
256	3	AMD	59	17			(Effective 1/1/84)				
257	1	AMD	167	24	81		1 AMD	46	E1	91	
260	1-5	REP	197	28			(Effective 1/1/84)				
		(Effective 6/30/86)			81		2 AMD	46	E1	92	
261	1	AMD	112	5			(Effective 1/1/84)				
261	2	REP	197	51	82		1 REP	197		45	
		(Effective 6/30/88)					(Effective 6/30/87)				
261	3	REP	197	51	87		2 AMD	244		1	
		(Effective 6/30/88)			87		18 AMD	3		99	
265	1	REP	197	34	87		18 REP	197		35	
		(Effective 6/30/87)					(Effective 6/30/87)				
267	1	AMD	270	1	87		19 AMD	287		3	
					87		28 REP	52		7	
					87		29 REP	52		7	
					87		30 AMD	52		1	
					87		32 REP	52		8	
					87		33 REP	52		8	
					87		34 REP	52		9	
					87		35 REP	52		9	
					87		36 REP	52		10	
					87		37 REP	52		10	
LAWS 1980				LAWS 1983							
Ch.	Sec.	Action	Ch.	Sec.							
2	2	REP	117	10							
14	10	AMD	70	2							
18	1	AMD	59	2							
19	1	AMD	156	4							
30	1	REP	206	23							

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1980 (cont.)			LAWS 1983		LAWS 1980 (cont.)			LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
94	3	AMD	282	1	176	1	AMD	238	1
98	1	AMD	284	5	177	4	AMD	67 E1	1
98	1	AMD	46	E1 180	177	6	AMD	67 E1	2
		(Effective 1/1/84)			177	7	REP	67 E1	48
98	2	AMD	284	6	177	8	AMD	67 E1	3
98	2	AMD	3	E2 17	177	10	AMD	67 E1	4
98	7	AMD	284	7	177	11	REP	67 E1	48
99	10	AMD	32	1	177	12	REP	67 E1	48
100	1	AMD	167	19	177	13	AMD	67 E1	7
100	2	AMD	167	102	177	14	REP	67 E1	48
100	5	AMD	167	94	177	15	AMD	67 E1	8
102	2	AMD	32	E1 3	177	16	AMD	67 E1	9
102	5	AMD	32	E1 5	177	17	AMD	67 E1	10
102	10	AMD	154	3	177	18	AMD	67 E1	11
102	10	AMD	286	3	177	19	AMD	67 E1	12
103	2	AMD	141	1	177	27	AMD	67 E1	13
109	3	AMD	45	E1 5	177	31	AMD	67 E1	16
105	5	AMD	45	E1 6	177	40	REP	67 E1	48
113	1	REP	46	E1 189	177	41	AMD	67 E1	17
		(Effective 1/1/84)			177	42	AMD	67 E1	18
114	2	AMD	26	1	177	43	AMD	67 E1	19
114	2	AMD	77	1	177	45	AMD	67 E1	20
115	4	AMD	59	15	177	46	AMD	67 E1	21
117	2	AMD	182	2	177	47	AMD	67 E1	22
120	1	AMD	28	E1 3	177	48	REP	67 E1	48
133	2	REP	46	E1 189	177	49	AMD	67 E1	25
		(Effective 1/1/84)			177	53	AMD	67 E1	28
133	3	REP	46	E1 189			(Effective 1/1/85)		
		(Effective 1/1/84)			177	55	AMD	67 E1	29
133	4	AMD	46	E1 147	177	56	AMD	67 E1	30
		(Effective 1/1/84)			177	57	AMD	67 E1	31
133	5	REP	46	E1 189	177	58	AMD	67 E1	32
		(Effective 1/1/84)			177	61	AMD	67 E1	33
133	6	REP	46	E1 189	177	64	AMD	67 E1	34
		(Effective 1/1/84)			177	67	AMD	67 E1	35
134	5	AMD	41	1	177	69	AMD	67 E1	36
137	2	AMD	3	189	177	71	AMD	67 E1	37
139	1	AMD	235	1	177	72	AMD	67 E1	38
139	3	AMD	235	4	177	77	AMD	67 E1	38
139	5	AMD	235	5	177	78	AMD	67 E1	40
139	6	AMD	235	6	177	81	REP	67 E1	48
139	8	AMD	235	8	177	82	AMD	67 E1	41
139	10	AMD	235	9	177	84	REP	67 E1	48
142	1	AMD	13	E1 5	177	92	AMD	67 E1	42
147	1	AMD	108	1	182	4	REP	275	4
147	1	AMD	35	E1 2	182	5	REP	275	4
147	2	AMD	108	2	185	4	AMD	11 E1	2
147	2	AMD	35	E1 3	185	5	AMD	11 E1	4
155	5	AMD	3	183					
155	6	AMD	295	6					
156	2	AMD	239	4					
159	1	AMD	269	1					
162	8	AMD	186	2					
163	1	AMD	3	216					
170	1	AMD	167	21					
172	5	AMD	313	1	16	2	AMD	275	1
172	8	AMD	183	4	17	1	AMD	291	1
176	1	AMD	237	3	24	3	AMD	66	21

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1981 (cont.)			LAWS 1983		LAWS 1981 (cont.)			LAWS 1983			
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.		
24	4	AMD	66	22	136	102	AMD	52	E1	7	
35	1	AMD	23	7	136	120	AMD	279		1	
35	5	AMD	23	E1	11	136	123	AMD	12	29	
35	12	AMD	23	E1	23	137	3	AMD	163	1	
35	13	AMD	23	E1	4	137	3	AMD	164	9	
37	2	AMD	167	151	137	12	AMD	163	2		
38	17	AMD	255	1	137	16	AMD	163	4		
41	8	AMD	305	75	137	42	AMD	12	28		
45	5	AMD	167	159	141	5	AMD	185	1		
51	20	AMD	302	1	143	16	AMD	12	27		
51	24	AMD	302	2	144	3	AMD	3	E2	25	
52	4	AMD	167	103	144	5	AMD	3	E2	40	
53	3	REP	197	48	144	7	AMD	3	E2	34	
		(Effective 6/30/88)			144	8	AMD	3	E2	35	
53	4	REP	197	48	144	9	AMD	3	E2	36	
		(Effective 6/30/88)			144	10	AMD	3	E2	37	
59	1	AMD	53	E1	29	144	11	AMD	3	E2	38
60	1	REP	191	13	145	6	AMD	232	7		
67	19	REP	197	47	145	7	AMD	232	8		
		(Effective 6/30/88)			145	8	AMD	232	9		
67	24	AMD	102	9	148	12	AMD	3	219		
77	1	AMD	158	7	150	1	AMD	182	1		
80	1	AMD	158	6	152	4	AMD	3	123		
80	1	AMD	309	1	153	12	AMD	32	E1	12	
81	12	AMD	37	5	156	2	AMD	167	44		
85	98	AMD	44	3	156	2	REEN	167	44		
85	104	AMD	44	4	156	9	AMD	167	62		
88	1	AMD	42	2	156	10	AMD	167	75		
98	1	AMD	284	4	156	12	AMD	167	96		
102	1	REP	197	34	156	13	AMD	167	98		
		(Effective 6/30/87)			156	17	AMD	167	142		
102	1	AMD	213	1	156	19	AMD	167	153		
103	2	AMD	56	2	156	21	AMD	167	182		
107	1	REP	3	39	156	24	AMD	167	195		
114	2	REP	193	2	156	27	AMD	167	200		
115	1	AMD	84	1	156	28	AMD	167	220		
115	2	AMD	3	101	156	29	AMD	167	221		
121	1	AMD	167	171	156	30	AMD	167	223		
121	1	AMD	210	2	156	31	AMD	167	224		
129	1	AMD	212	1	156	33	AMD	167	255		
130	1	AMD	28	E1	1	157	6	AMD	52	6	
131	2	AMD	63	E1	1	166	2	AMD	50	1	
132	4	REP	197	55	172	8	AMD	7	32		
		(Effective 6/30/87)			172	10	REP	3	E2	58	
132	4	AMD	16	E1	12	188	1	AMD	164	7	
132	5	REP	197	55	190	3	AMD	92	1		
		(Effective 6/30/87)			192	28	AMD	3	53		
132	5	AMD	16	E1	13	193	1	AMD	3	6	
132	6	REP	197	55	201	1	AMD	46	E1	103	
		(Effective 6/30/87)				(Effective 1/1/84)					
132	7	AMD	9	E1	1	202	1	AMD	46	E1	141
136	11	AMD	255	5		(Effective 1/1/84)					
136	25	AMD	165	34	209	16	AMD	167	215		
136	28	AMD	175	1	210	10	AMD	167	83		
136	39	AMD	196	2	210	19	AMD	167	84		
136	72	AMD	255	3	214	1	AMD	27	1		
136	94	REP	191	21	227	1	REP	46	E1	186	
136	97	AMD	3	185		(Effective 1/1/84)					

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1981 (cont.)			LAWS 1983		LAWS 1981 (cont.)			LAWS 1983	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
227	2	AMD	46	E1	137	292	2	AMD	121
		(Effective 1/1/84)				292	2	REEN	121
227	3	REP	46	E1	184	293	2	AMD	121
		(Effective 1/1/84)				293	2	REEN	121
234	1	AMD	54	E1	8	293	3	AMD	121
244	1	REP	197		28	293	3	REEN	121
		(Effective 6/30/86)				293	7	AMD	121
250	2	AMD	59		13	293	8	AMD	121
250	3	AMD	59		14	294	8	AMD	3
251	1	AMD	46	E1	62	295	12	REP	19
		(Effective 1/1/84)				295	13	REP	197
251	2	AMD	46	E1	27		(Effective 6/30/86)		
		(Effective 1/1/84)				296	37	REP	305
253	2	REP	91		24	296	38	AMD	305
253	4	REP	91		24	299	2	AMD	191
253	5	REP	91		24	299	5	AMD	191
253	6	REP	91		24	299	7	AMD	191
254	5	AMD	107		1	299	8	AMD	191
256	1	AMD	69		1	299	13	AMD	191
256	3	AMD	226		1	299	17	AMD	191
257	9	AMD	64	E1	1	299	18	REEN	2
258	1	REP	2		20	299	19	AMD	191
259	2	AMD	293		1	300	2	AMD	51
259	5	AMD	5		2	300	10	AMD	167
260	1	REP	197		53	308	1	AMD	125
		(Effective 6/30/88)				310	2	AMD	284
260	9	REP	27	E1	9	310	2	AMD	8
260	11	AMD	165		1	310	3	AMD	3
260	11	AMD	165		2	310	7	AMD	284
261	2	AMD	46	E1	165	310	25	AMD	284
		(Effective 1/1/84)				310	27	AMD	280
264	8	AMD	61	E1	7	313	2	AMD	167
265	1	AMD	61	E1	2	313	13	AMD	167
265	2	AMD	61	E1	3	313	20	AMD	167
265	3	AMD	61	E1	4	314	1	REP	197
265	4	AMD	61	E1	5		(Effective 6/30/88)		
265	5	AMD	61	E1	6	315	10	AMD	49
265	10	AMD	61	E1	1	316	2	AMD	53
265	12	REP	61	E1	8	323	2	AMD	167
277	8	AMD	168		8	323	4	AMD	167
283	1	REP	197		45	323	4	REEN	167
		(Effective 6/30/87)				324	5	AMD	53
283	2	REP	197		45	325	1	AMD	312
		(Effective 6/30/87)				329	10	AMD	45
283	2	AMD	266		1	331	9	AMD	195
283	3	REP	197		45	332	4	AMD	68
		(Effective 6/30/87)				338	4	AMD	144
283	4	REP	75		19	338	13	REP	197
		(Effective 6/30/84)					(Effective 6/30/88)		
283	5	REP	75		19	340	30	AMD	12
		(Effective 6/30/84)				340	47	AMD	12
283	6	REP	208		7	340	48	AMD	12
		(Effective 6/30/84)				340	87	AMD	12
283	7	REP	208		7	340	92	AMD	12
		(Effective 6/30/84)				340	125	AMD	12
290	1	AMD	117		2	342	1	AMD	49
292	1	AMD	121		1	342	2	AMD	49
292	1	REEN	121		1	342	9	AMD	3

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1981 (cont.)			LAWS 1983		LAWS 1982 (cont.)			LAWS 1983			
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.		
342	9	AMD	15	23	7		2 AMD	1	E1	2	
344	5	AMD	15	25	7		4 AMD	1	E1	3	
344	6	REEN	2	9	7		5 AMD	1	E1	4	
344	9	AMD	15	28	7		6 AMD	1	E1	5	
					7		7 AMD	1	E1	6	
					7		8 AMD	1	E1	7	
					7		8 AMD	46	E1	77	
LAWS 1981 1ST EX.				LAWS 1983		(Effective 1/1/84)					
Ch.	Sec.	Action	Ch.	Sec.							
1	2	AMD	167	116	10		3 AMD	73		1	
2	1	REP	67	E1	10		3 AMD	118		1	
2	2	REP	67	E1	10		9 AMD	161		27	
2	3	REP	67	E1	10		9 REP	197		34	
2	4	REP	67	E1	10		(Effective 6/30/87)				
2	5	AMD	67	E1	10		12 AMD	164		6	
2	6	AMD	67	E1	10		16 AMD	55	E1	4	
2	7	AMD	67	E1	10		16 AMD	66	E1	4	
2	8	REP	67	E1	10		16 AMD	3	E2	5	
2	13	REP	67	E1	10		16 REEN	3	E2	5	
2	15	AMD	236	1	14		1 AMD	46	E1	54	
2	16	AMD	67	E1	14		(Effective 1/1/84)				
3	2	AMD	3	E1	14		2 AMD	46	E1	64	
5	17	AMD	3	164	19		(Effective 1/1/84)				
6	1	AMD	41	E1	19		2 AMD	53	E1	23	
6	7	AMD	41	E1	21		18 AMD	3		24	
6	17	AMD	41	E1	25		1 AMD	30		2	
6	19	AMD	43	E1	27		1 REEN	2		17	
6	22	AMD	43	E1	27		3 REEN	2		16	
6	23	AMD	41	E1	32		5 REEN	2		14	
6	27	AMD	239	3	34		1 AMD	1	E2	1	
					34		2 AMD	1	E2	2	
					34		3 AMD	1	E2	3	
LAWS 1981 2ND EX.				LAWS 1983		34		4 AMD	1	E2	4
Ch.	Sec.	Action	Ch.	Sec.	34		6 AMD	1	E2	5	
1	1	REP	179	46	34		39 AMD	32		1	
1	2	REP	179	46	35		41 AMD	32		4	
1	4	REP	179	46	35		42 AMD	2		6	
1	5	REP	179	46	35		42 REEN	2		6	
1	6	REP	179	46	35		42 AMD	32		6	
2	1	REP	197	28	35		42 REEN	32		6	
					35		52 AMD	32		7	
8	2	AMD	7	7	35		53 AMD	32		8	
10	4	AMD	41	E1	35		180 AMD	288		6	
10	5	AMD	41	E1	35		196 REP	197		34	
11	3	AMD	236	2	35		(Effective 6/30/87)				
11	6	AMD	67	E1	45		3 AMD	2		6	
11	7	REP	67	E1	45		3 REEN	2		6	
11	8	REP	67	E1	45		3 AMD	32		6	
14	41	AMD	12	22	45		3 REEN	32		6	
					48		3 AMD	313		1	
LAWS 1982				LAWS 1983		49		3 AMD	279		4
Ch.	Sec.	Action	Ch.	Sec.	49		4 AMD	279		5	
2	1-16	REP	17	15	51		1 AMD	2		1	
2	18-31	REP	16	16	51		1 REEN	2		1	
2	33	REP	16	16	60		1 REP	197		34	
3	14	AMD	42	1			(Effective 6/30/87)				
6	6	REEN	2	8	63		3 AMD	86		1	
6	9	REP	197	28	63		5 AMD	86		2	
					63		6 AMD	86		3	
7	1	AMD	1	E1	1						

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1982 (cont.)			LAWS 1983		LAWS 1982 (cont.)			LAWS 1983		
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	EI	Sec.
63	11	AMD	70	2	181	5	AMD	32	EI	24
63	13	AMD	70	3	181	11	REP	32	EI	25
63	15	AMD	252	1	181	15	AMD	32	EI	7
63	16	AMD	170	1	182	20	AMD	73	EI	3
64	1	AMD	133	10	182	27	AMD	95		4
67	2	AMD	48	1	182	34	REEN	2		3
67	5	AMD	48	2	182	36	REEN	2		4
80	1	AMD	97	1	182	37	REEN	2		5
84	15	AMD	167	172	189	6	REEN	2		15
85	1	AMD	13	1	191	2	AMD	204		7
85	2	AMD	160	3	191	4	AMD	59		15
91	1	AMD	303	18	191	6	AMD	59		13
91	3	AMD	303	19	191	7	AMD	174		2
91	5	AMD	303	20	191	8	AMD	174		3
91	7	AMD	303	21	191	11	REEN	2		7
91	8	AMD	303	22	191	12	AMD	59		16
109	10	REEN	2	13	192	1	AMD	163		1
113	2	AMD	257	1	192	4	AMD	163		2
115	1	AMD	230	2	192	11	AMD	73		1
117	2	REP	2	E2 3	192	11	AMD	118		1
118	3	AMD	246	4	193	9	AMD	148		1
119	1	AMD	235	2	194	1	AMD	305		1
119	2	AMD	235	7	194	2	AMD	305		2
123	19	REEN	2	19	194	3	AMD	305		4
129	4	AMD	311	2	195	3	AMD	2		1
129	5	AMD	246	1	195	3	REEN	2		1
129	8	AMD	246	3	196	6	AMD	157		3
132	4	REEN	2	14	196	7	AMD	157		9
134	1	REEN	2	2	197	1	AMD	46	EI	63
134	2	AMD	102	2			(Effective 1/1/84)			
136	2	AMD	14	1	198	1	AMD	147		1
136	4	AMD	14	2	200	3	AMD	32	EI	12
147	1-6	REP	197	34	201	8	REEN	2		13
		(Effective 6/30/87)			201	13	AMD	292		8
147	7	AMD	96	1	205	4	REEN	2		10
147	7-17	REP	197	34	211	1	AMD	3	E2	31
		(Effective 6/30/87)			212	5	AMD	165		17
150	1	AMD	46	E1 176	216	1	AMD	167		117
		(Effective 1/1/84)			216	4	AMD	167		112
151	1	AMD	106	1	216	11	AMD	167		106
157	1	AMD	46	E1 147	218	2	AMD	32	EI	2
		(Effective 1/1/84)			220	1	AMD	76		1
158	3	AMD	3	30	222	11	REEN	2		16
158	6	REEN	2	7	222	14	AMD	12	E1	1
162	1	REEN	2	10	222	15	AMD	12	E1	2
165	6	AMD	272	1	223	2	REP	234		32
165	7	AMD	272	2	223	6	REP	234		32
165	8	REP	272	3	224	6	AMD	41	E1	19
167	1	AMD	54	2	225	1	AMD	208		2
167	6	AMD	54	1	225	1-9	REP	208		7
167	11	AMD	54	3			(Effective 6/30/84)			
167	17	AMD	54	4	225	11	AMD	208		3
171	1	REEN	2	15	225	11-15	REP	208		7
171	4	AMD	4	E1 5			(Effective 6/30/84)			
174	1	AMD	62	E1 2	225	16	AMD	208		4
175	6	AMD	167	71	225	16-22	REP	208		7
175	7	REEN	2	19			(Effective 6/30/84)			
175	8	AMD	171	1	225	23	AMD	208		5

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1982 (cont.)			LAWS 1983		LAWS 1982 1ST EX. (cont.)				LAWS	
Ch.	Sec.	Action	Ch.	Sec.	1983				Ch.	Sec.
225	23-25	REP	208	7	Ch.	Sec.	Action	Ch.	Sec.	
		(Effective 6/30/84)			35	2	AMD	9	4	
227	7	AMD	265	9	35	3	AMD	3 E2	12	
		(Effective 1/1/84)			35	7	AMD	3 E2	14	
227	8	AMD	265	16	35	8	AMD	3 E2	15	
		(Effective 1/1/84)			35	9	AMD	3 E2	16	
227	10	AMD	265	10	35	10	AMD	284	6	
		(Effective 1/1/84)			35	11	AMD	3 E2	18	
227	12	AMD	265	11	35	14	AMD	3 E2	20	
		(Effective 1/1/84)			35	18	AMD	3 E2	8	
227	13	AMD	265	12	35	19	AMD	3 E2	9	
		(Effective 1/1/84)			35	23	AMD	3 E2	10	
227	16	REEN	2	10	35	24	AMD	3 E2	11	
228	2	AMD	162	1	35	27	AMD	3 E2	63	
							(Effective 4/1/85)			
					35	31	AMD	7	8	
					35	31	AMD	3 E2	6	
					37	1	AMD	285	1	
					37	13	AMD	64 E1	1	
					37	14	AMD	64 E1	2	
					37	20	AMD	230	1	
					39	1	REP	90	1	
					40	2	AMD	60 E1	1	
					40	3	AMD	60 E1	2	
					40	6	AMD	60 E1	3	
					40	7	AMD	60 E1	4	
					40	8	AMD	60 E1	6	
					41	1	REEN	2	11	
					43	2	AMD	3 E1	2	
					43	3	AMD	3 E1	3	
					43	5	AMD	3 E1	1	
					43	10	AMD	155	1	
					47	1	REP	2	20	
					47	10	AMD	156	4	
					47	25	AMD	80	1	
					47	27	AMD	150	1	
					48	1	REP	197	43	
							(Effective 6/30/87)			
					49	2	AMD	3 E2	39	
					49	3	AMD	99	4	
					49	4	AMD	99	5	
					49	7	AMD	99	7	
					49	9	REP	99	8	
					49	12	REP	99	8	
					49	19	REP	99	8	
					49	21	AMD	99	1	
					50	29	AMD	12	20	
					50	72	AMD	12	25	
					50	74	AMD	12	26	
					50	101	AMD	12	21	
					52	6	AMD	5	1	
					52	20	AMD	233	2	
					52	24	AMD	81	1	
					53	1	AMD	75 E1	4	
					53	2	AMD	15	21	
					53	4	AMD	75 E1	5	
					53	14	AMD	75 E1	1	
					53	16	AMD	75 E1	2	

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SESSION LAW SECTIONS AFFECTED BY 1983 STATUTES

LAWS 1982 1ST EX. (cont.) LAWS 1983

Ch.	Sec.	Action	Ch.	Sec.
53	27-29	REP	197	29
			(Effective 6/30/86)	
55	1	AMD	299	1
55	2	AMD	299	2

LAWS 1982 2ND EX. LAWS 1983

Ch.	Sec.	Action	Ch.	Sec.
1	1	REP	67 E1	48
4	2	AMD	3 E2	59
5	1	AMD	3 E2	13
8	2	AMD	153	1
9	1	AMD	3 E2	32
10	1	AMD	3 E2	7
11	67	AMD	12	18
11	84	AMD	12	29
11	85	AMD	12	28
12	1	REP	62 E1	14
			(Effective 1/1/84)	
13	1	AMD	55 E1	4
13	1	AMD	66 E1	4
14	1	AMD	7	8
14	2	AMD	3 E2	19
15	1	AMD	47 E1	1
15	3	REP	47 E1	4

LAWS 1983 LAWS 1983

Ch.	Sec.	Action	Ch.	Sec.
2	9	AMD	15	20
2	10	AMD	75	17
2	10	REP	168	13
2	19	AMD	130	11
2	19	AMD	303	16
2	19	AMD	315	10
3	4	AMD	3 E2	61
3	7	AMD	232	11
3	14	AMD	51	1
3	17	AMD	311	3
3	25	AMD	288	4
3	41	REP	197	43
			(Effective 6/30/87)	
3	41	AMD	3 E2	62
3	57	AMD	167	68
3	64	AMD	66	2
3	79	AMD	167	74
3	80	AMD	167	85
3	99	AMD	52	5
3	99	REP	197	35
			(Effective 6/30/87)	
3	113	AMD	66	17
3	118	AMD	24 E1	2
3	137	AMD	15	24
3	165	AMD	13	2
3	212	AMD	9	2
4	3	REP	288	7
4	4	REP	288	7
7	6	AMD	3 E2	41

LAWS 1983 (cont.) LAWS 1983

Ch.	Sec.	Action	Ch.	Sec.
7	8	AMD	3 E2	6
7	9	AMD	3 E2	42
7	15	AMD	3 E2	47
7	16	AMD	3 E2	44
7	18	AMD	3 E2	45
7	22	AMD	3 E2	50
7	32	AMD	3 E2	22
7	33	AMD	3 E2	57
9	1	AMD	3 E2	1
9	2	AMD	3 E2	2
9	3	AMD	3 E2	3
9	4	AMD	3 E2	4
75	1-4	REP	75	19
			(Effective 6/30/84)	
75	6-16	REP	75	19
			(Effective 6/30/84)	
91	1-19	REP	91	23
			(Effective 6/30/94)	
99	7	AMD	3 E2	33
150	1	AMD	165	21
163	1	AMD	164	9
164	4	AMD	165	23
165	1	AMD	165	2
			(Effective 1/1/85)	
165	13	AMD	165	14
			(Effective 1/1/85)	
165	15	AMD	165	16
			(Effective 1/1/85)	
165	17	AMD	165	18
			(Effective 1/1/85)	
165	23	AMD	165	24
			(Effective 1/1/85)	
167	83	AMD	167	271
			(Effective 7/1/85)	
167	155	AMD	167	272
			(Effective 7/1/85)	
208	1-5	REP	208	7
			(Effective 6/30/84)	
234	4	REP	234	31
			(Effective 6/30/87)	
234	5	REP	234	31
			(Effective 6/30/87)	
235	6	REP	234	31
			(Effective 6/30/87)	
284	6	AMD	3 E2	17

LAWS 1983 1ST EX. LAWS 1983

Ch.	Sec.	Action	Ch.	Sec.
55	4	AMD	3 E2	5
55	4	REEN	3 E2	5
66	4	AMD	3 E2	5
66	4	REEN	3 E2	5

"E1" Denotes 1st ex. sess.
 "E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter
ABANDONED PROPERTY (See PERSONAL PROPERTY)	
ACCOUNTANTS	
Board of accountancy created	234
CPA regulations, comprehensive program	234
Public accountancy act of 1983	234
ADMINISTRATIVE RULES (See CODE REVISER; STATE AGENCIES)	
ADULTS (See also ELDERLY)	
Age discrimination, 40 to 70 years, unfair practice to refuse employment	293
ADVERTISING (See also CAMPAIGNS; SIGNS)	
Age discrimination in employment offers is an unfair practice	293
AGRICULTURE (See also LIVESTOCK)	
Apples, fresh apple levy	95
Boom loaders, license category created	305
Cold storage warehouse defined for tax purposes	132
Conservation corps established within many agencies	40 E1
Department organization	248
Deputy director, appointment	248
Embargoed articles, 20 day petition period by director	95
Food donation program	241
Fruit tree certification and nursery improvement advisory committee modification	73 E1
Fruit, wholesale market value annual assessment	73 E1
Fruits, soft, assessment increased	73 E1
Insect control assessments	281
Irrigation equipment leased, exempt from use tax	55 E1
Nursery and horticultural advisory committee	73 E1
Nursery dealer license fees	73 E1
Nursery dealers, department may enjoin	73 E1
Pest control consultant license increased	95
Pesticide bond increased	95
Pesticide dealer license fee increased	95
State veterinarian	248
Tree fruit diseases and competitive trees to be eradicated	281
Tree fruit sanitation programs	281
Vocational education program	34 E1
Weightmaster, certification of weights, replacement seals	95
AIR POLLUTION	
Emission standards, motor vehicles fueled by propane exempt	247
Emission testing, used cars sold by dealers exempt	238
Used cars sold by dealers exempt from emission testing	238
AIRPLANES (See AVIATION)	
ALCOHOL (See also DRUNK DRIVING; LIQUOR CONTROL BOARD)	
Alcohol information school	150
Alcoholism hospital not health care facility, board of health	41 E1
Intensive alcohol treatment program for serious problems	150
International trade expositions and receptions	13
Long-term health care, ombudsman program	290
Motor vehicle sports facilities, may not bring alcohol in	160
Ombudsmen program, long-term health care facilities	290
Probation officer for intensive alcohol treatment program	150
ALLOTMENT REDUCTION (See BUDGET AND ACCOUNTING)	
ANIMAL TECHNICIANS (See VETERINARIANS)	
ANIMALS (See also GAME, DEPARTMENT OF; LIVESTOCK)	
Firefighters must be given notice of guard dogs	258

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter
ANNEXATION (See specific entity)	
ANTITRUST (See CONSUMER PROTECTION)	
APPLES (See AGRICULTURE)	
APPRENTICES (See LABOR AND INDUSTRIES)	
AQUATIC LANDS (See NATURAL RESOURCES, DEPARTMENT OF)	
AQUIFER (See WATER)	
ARBITRATION	
Electrical rules of towns versus states	206
ARCHAEOLOGY (See HISTORICAL CONSERVATION)	
ARMORIES (See MILITARY)	
ARTS	
Public arts program revised	204
State arts commission, sunset termination	197
Visual arts program	204
ASIAN-AMERICAN AFFAIRS COMMISSION	
Sunset termination extended	119
ATTACHMENT AND EXECUTION (See SECURITY INTERESTS)	
ATTORNEY GENERAL (See also CONSUMER PROTECTION)	
Parole revocation, AG to make recommendations	196
WWII discriminatory dismissals of state employees, reparation for employees and surviving spouse	15 E1
ATTORNEYS (See also CIVIL ACTIONS AND PROCEDURES)	
Contracts with counties	129
Fees allowable expanded	45 E1
Fees, prevailing party in waste disposal suits	172
Fees, private attorney generals, if plaintiff prevails	127
Fees, worker's compensation, borne proportionately by worker, department, self-insurer	211
Interpreters, non-English speaking cultural background	222
Judgments, rate of interest equalized	147
Law revision commission, study fees for private attorney generals	127
Private attorney general, fees, study by law revision commission	127
Professional corporations, shareholders, exclusively attorneys, may be personal representatives	51
Satisfaction of judgments, must designate judgment creditor and debtor	28
Settlement offers, served on adverse party 10 days prior to trial	282
AUDITOR (See COUNTY AUDITOR)	
AUTOMOBILES (See MOTOR VEHICLES)	
AVIATION	
Aircraft dealer regulations	135
Aircraft excise tax, failure to pay, misdemeanor	7
Fee and registration schedule	3 E2
Mischief in the 1st degree, airplane tampering	4 E1
BANKRUPTCY (See DEBTS)	
BANKS AND BANKING	
Examination fund	157
Holding companies, Seattle First-type situation	157
Holding company acquisitions, out-of-state purchasers	157
Interest rates, absence of written agreement	309
Safe deposit vault rent due, notice procedures	289
Savings banks, accounting methods	44

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter
BANKS AND BANKING—cont.	
Savings banks, board of directors procedures	44
Savings banks, conversion to or from federal charter	45
Savings banks, purchase of shares approved	44
Seattle First-type situation, holding company acquisitions	157
Uniform unclaimed property act enacted	179
BARBERING (See also COSMETOLOGY)	
Sunset termination removed	75
BEER (See ALCOHOL; DRUNK DRIVING; LIQUOR CONTROL BOARD)	
BLIND	
Advisory council for the blind	194
Business enterprises revolving fund created	194
Children, skills and resources	194
Department of services for the blind created	194
Prevention of blindness program established	194
School, retirement system, service period computation	69
Vocational services provided	194
BLOOD ALCOHOL TEST (See DRUNK DRIVING)	
BOATS	
Excise tax of 1/2 of 1%	3 E2
Excise tax, 1% of fair market value	7
Moorage and storage regulations, enforcement procedures	188
Registration required	7
Registration, safety program	3 E2
BONDS (See also INSURANCE)	
Convention center bond scope expanded	1 E2
Convention center, covenants	1 E2
Convention center, state debt limitation formula modified	36 E1
Declaratory judgments, local governments, agencies, or instrumentalities	263
Fisheries, capital improvement bonds authorized	59 E1
Health care facilities authority, fixed or variable rate	210
Higher education facility authority, financing for private nonprofit institutions	169
Higher education institutions, capital improvement bonds authorized	58 E1
Industrial development revenue bonds for research and industrial parks	51 E1
Jail construction and improvements	63 E1
Legislature and state agencies, capital improvement bonds authorized	54 E1
Local governments, agencies or instrumentalities, declaratory judgments of bond issue	263
Metropolitan park districts, sale and issuance provisions modified	61
Refunding bond act, voted general obligation bond exception removed	69 E1
Registration of ownership by local and state government	167
State debt limitation formula modified	36 E1
BOOMS (See NATURAL RESOURCES, DEPARTMENT OF)	
BOTTLES AND CANS	
Litter control and recycling act, fines increased	277
Milk-based or soy-based canned product, not a beverage container	257
BOUNDARIES AND PLATS (See LAND USE PLANNING)	
BREAD (See FOOD)	
BREATHALYZER (See DRUNK DRIVING)	
BRITISH COLUMBIA	
Higher education tuition reciprocity	166
World expo of 1986, state participation	177

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter
BUDGET AND ACCOUNTING (See also FUNDS)	
Allotment reduction, municipal research council	22
Allotment reduction procedures	47 E1
Capital budget adopted	57 E1
Cost control task force	26 E1
Fisheries, capital improvement bonds authorized	59 E1
Higher education institutions, capital improvement bonds authorized ...	58 E1
Legislature and state agencies, capital improvement bonds authorized ..	54 E1
Municipal research council's motor vehicle excise tax funds, no allotment reduction	22
Operating budget adopted	76 E1
School districts, time of payment of appropriations, apportionment sched- ule	14
School transportation budget allocation formula	61 E1
Session law publication, appropriation request	10 E1
Supplemental budget, governor's request	12
Transportation budget adopted	53 E1
BUILDINGS (See also HOUSING)	
Housing finance commission established	161
Industrial parks and research included as industrial development facilities	51 E1
BUSINESSES (See also ECONOMIC RECOVERY)	
Export assistance centers	20 E1
Hazardous waste regulation and fees	65 E1
Inventory tax exemption modified	62 E1
Minority and women-owned businesses, participation enhanced	120
CAMPAIGNS (See also ELECTIONS)	
Charitable solicitations, registration and disclosure	265
Contributions over \$500, special reports	176
Funds, transfer by candidates or committees, reporting requirements ...	96
CAMPING (See PARKS AND RECREATION, DEPARTMENT OF)	
CANADA (See BRITISH COLUMBIA)	
CAPITAL BUDGET (See BUDGET AND ACCOUNTING)	
CARS (See MOTOR VEHICLES)	
CATTLE (See LIVESTOCK)	
CEMETERIES	
Prearrangement contracts written report verification	190
Regulatory charge, not more than \$4 per internment, entombment, inurn- ment	5 E1
CERTIFIED PUBLIC ACCOUNTANTS (See ACCOUNTANTS)	
CHARITIES (See also NONPROFIT CORPORATIONS AND ORGANI- ZATIONS)	
Charitable solicitations, registration and disclosure	265
CHATTEL LIENS (See SECURITY INTERESTS)	
CHATTEL (See PERSONAL PROPERTY)	
CHEMICALS (See HAZARDOUS SUBSTANCES)	
CHILDREN (See also FAMILY LAW)	
Abuse, law enforcement officers to take custody	246
Car seats required	215
Child abuse reporting by family court	219
Children and family services act, avoid out-of-home placement	192
Crime victim compensation, juvenile penalty may be modified	239
Custody by law enforcement officers of abused children	246

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
CHILDREN—cont.		
Developmentally disabled, parent participation in care and training modifies assistance eligibility	310	
Foster care for developmentally disabled, court review	311	
Guardians, financial statements, filing requirements modified	271	
Juvenile disposition standards, confinement not to exceed adult equivalent	191	
Juvenile disposition standards, excess penalties if manifest injustice will result	191	
Juvenile disposition standards, record destruction	191	
Juvenile disposition standards, release day, conditions	191	
Juvenile offenders, health and dental care	267	
Juvenile offenders, photographing, waiver of rights	267	
Juvenile offenders, restitution may be part of plea bargain	191	
Juvenile penalty, may be modified in crime victim compensation	239	
Juveniles, security report, escapes, leaves, offenders	191	
Motor vehicle child restraints required	215	
Placement, appeals from decision	50	
Placement decisions, modified only when show circumstances change ...	246	
Youth employment exchange	50	E1
CHINA		
China exhibition council created	314	
CHIROPRACTORS		
Chiropractic disciplinary board, sunset termination	197	
Health care service contracts to provide coverage	286	
CHORE SERVICES (See HEALTH CARE AND SERVICES)		
CHURCHES (See RELIGION)		
CITIES (See also LAND USE PLANNING; STATE AND PUBLIC EMPLOYEES)		
Annexation, all owners to give written consent	68	E1
Aquatic plant control programs	291	
Bonds, declaratory judgments, local governments, their agencies and instrumentalities	263	
Bonds, registration of ownership	167	
City council, number of positions	128	
Criminal justice cost reimbursements for crimes committed	279	
Cumulative reserve fund may be established for revenue stabilization ..	173	
Deferred compensation, participation by employees authorized	226	
Drunk drivers special detention facilities	165	
DWI impact account created	165	
Electric distribution political subdivisions may establish heating systems	216	
Electric energy contracts, cannot commit beyond express dollar amount	308	
Electric utility service installation charge, customer may contract privately	217	
Electrical code, dispute with state submitted to arbitration	206	
Harbor areas and tidelands, percentage of lease money paid to towns ..	153	
Health departments, county operated, monetary support	39	E1
Hydroelectric development, irrigation districts and cities or public utility districts	47	
Impounded automobiles, redemption procedures	274	
Insurance coverage is not additional compensation	37	E1
Investments regulated	66	
Local improvement protests	303	
Moorage and storage regulations, enforcement procedures	188	
Motor vehicle fund distribution, maintenance of city streets, state aid approval	43	
Open public meetings, covers committees of governing bodies	155	
Public depositaries, may deposit funds in certain	66	
Public transportation benefit area to include merged and annexed areas	65	

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
CITIES—cont.		
Public transportation benefit areas may designate treasurer	151	
Purchasing, public disclosure	44	E1
Reserve fund, cumulative fund may be established for revenue stabilization ..	173	
Storm water control facilities, public entities to pay rates and charges ..	315	
Street improvement latecomer fees	126	
Street improvements, city may assist property owner	103	
Street maintenance, motor vehicle fund distribution	43	
Tax ordinances, petitions to repeal or alter, time	99	
Traffic safety plan duties modified	14	E1
Water supply operators, certification changes	292	
CIVIL ACTIONS AND PROCEDURES (See also ATTORNEYS)		
Bonds, declaratory judgments, local governments, their agencies and instrumentalities	263	
Creditor claims against deceased person, 4 month filing period	201	
Deadbeat lists	107	
Deceased persons, creditor claims, 4 month filing period	201	
Enforcement or collection of judgment, clerk's liability for delay removed ..	45	E1
Execution and attachment exemptions increased	45	E1
Fees allowable expanded	45	E1
Health care providers, negligence, standard of care modified	149	
Homestead, powers of attorney, executed separately or jointly	251	
Homesteads, value increased to \$25,000	45	E1
Industrial accidents, personal property damaged, claims	111	
Interpreters, non-English speaking cultural background	222	
Judgment debtor special proceedings, fees allowable for failure to appear ..	45	E1
Judgments, rate of interest equalized	147	
Jury duty, not more than twice every five years	181	
Negligence standard of care modified	149	
Satisfaction of judgments, must designate judgment creditor and debtor ..	28	
Settlement offers, served on adverse party 10 days prior to trial	282	
Small claims court judgment enforcement	254	
Uniform conflict of laws—limitations act	152	
Uniform unclaimed property act enacted	179	
Waste disposal violation, civil action authorized, attorney fees	172	
Workers' compensation award or settlement distribution to department, worker, self-insurer	211	
Workers' compensation awards to receive interest if appealed successfully	301	
CIVIL DEFENSE (See EMERGENCY SERVICES)		
CIVIL SERVICE (See STATE AND PUBLIC EMPLOYEES)		
CLARK COLLEGE		
Southwest Washington joint center for education, technology training ..	72	E1
CODE REVISER		
Correction of double amendments	2	
	244	
Correction of misplaced statutory reference and clerical error	5	
Correction of obsolete references	3	
Correction of obsolete statutory references to the utilities and transporta- tion commission	4	
Gender-neutral language in all rules and publications	20	
Law revision commission, study fees for private attorney generals	127	
Session law publication, appropriation request	10	E1
COGENERATION (See ENERGY)		
COLLECTION (See CIVIL ACTIONS AND PROCEDURES; DEBTS)		
COLLECTIVE BARGAINING (See LABOR RELATIONS; STATE AND PUBLIC EMPLOYEES)		

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
COLLEGES AND UNIVERSITIES		
Capital improvement bonds authorized	58	E1
Comparable worth in salary schedules	75	E1
Continuing education credential conditions, exemptions	266	
Financial aid, factors to consider	64	E1
Financial aid, may use long-term loan fund	64	E1
Higher education facility authority, financing for private nonprofit institutions	169	
Higher education personnel board meetings	23	
High-technology education and training act	72	E1
Intercollegiate center for nursing, employee fee waiver	220	
Loans for teachers in math and science	74	E1
Long-term loan fund may be used locally for financial aid	64	E1
Pay period, twice a month	28	E1
Public retirement, \$.74 increase for each year of creditable service	56	E1
Purchasing, emergency procedures, limits	141	
Reciprocity with Idaho, and British Columbia	166	
Reciprocity with Oregon	104	
Resident student, definition modified	285	
Retirement system, service period computation modified	69	
Teachers in math and science, loans	74	E1
Temporary committee on educational policies, structure, and management, deadline extended	105	
Traffic infractions on campus, jurisdiction and appeals	221	
Transfer of credit, state-wide policy and agreement	304	
Tuition and fee refund procedure	256	
Tuition increase exemption, Vietnam veterans, extended to 1989	307	
Tuition, reciprocity with Idaho and British Columbia	166	
Tuition reciprocity with Oregon, conditions	104	
Tuition refund, withdraw for medical reasons	256	
Unemployment compensation, retroactive benefits, modifications	23	E1
UW building account, funds transferred from resource management cost account	17	E1
Vietnam veteran tuition increase exemption extended to 1989	307	
Workshops, seminars, credentials and conditions	266	
COLUMBIA RIVER		
Salmon fishing, commercial, prohibited below Bonneville dam	245	
Sturgeon fishing with a set line, endorsement necessary	300	
COMMERCE AND ECONOMIC DEVELOPMENT (See also ECONOMIC RECOVERY)		
China exhibition council created	314	
Export assistance centers	20	E1
Sunset termination	197	
World expo of 1986, state participation	177	
COMMERCIAL BUILDINGS (See BUILDINGS)		
COMMON CARRIERS (See also UTILITIES AND TRANSPORTATION COMMISSION)		
Industrial insurance coverage, allowed for interstate and certain intrastate traffic	170	
License fee refunds, modification	26	
Size, load restrictions, conformity with federal standards	278	
Weight limits depending on axle number for garbage trucks	68	
COMMUNITY COLLEGES		
Capital improvement bonds authorized	58	E1
Comparable worth in salary schedules	75	E1
Continuing education credential conditions, exemptions	266	

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

		Chapter
COMMUNITY COLLEGES—cont.		
Financial aid, factors to consider	64	E1
Financial aid, may use long-term loan fund	64	E1
Higher education facility authority, financing for private nonprofit institutions	169	
Higher education personnel board meetings	23	
High-technology education and training act	72	E1
Loans for teachers in math and science	74	E1
Long-term loan fund may be used locally for financial aid	64	E1
Pay period, twice a month	28	E1
Public retirement, \$.74 increase for each year of creditable service	56	E1
Purchasing, emergency procedures, limits	141	
Reciprocity with Idaho and British Columbia	166	
Reciprocity with Oregon	104	
Resident student, definition modified	285	
Retirement system, service period computation modified	69	
Teachers in math and science, loans	74	E1
Temporary committee on educational policies, structure, and management, deadline extended	105	
Traffic infractions, on campus, jurisdiction, appeals	221	
Transfer of credit, state-wide policy and agreement	304	
Trustees, removal for inefficiency, neglect of duty, or malfeasance	224	
Tuition and fee refund procedure	256	
Tuition increase exemption, Vietnam veterans, extended to 1989	307	
Tuition reciprocity with Idaho and British Columbia	166	
Tuition reciprocity with Oregon, conditions	104	
Tuition refund, withdraw for medical reasons	256	
Unemployment compensation, retroactive benefits, modification	23	E1
Vietnam veteran tuition increase exemption extended to 1989	307	
Workshops, seminars, credentials and conditions	266	
COMMUNITY ECONOMIC REVITALIZATION BOARD		
Grant and loan criteria	60	E1
COMMUNITY SERVICES		
Community action council, weatherization or home repair assistance, tax deduction	66	E1
COMPARABLE WORTH (See DISCRIMINATION)		
COMPREHENSIVE PLAN (See LAND USE PLANNING)		
CONDEMNATION (See REAL PROPERTY)		
CONDOMINIUMS (See REAL PROPERTY)		
CONGRESS		
Redistricting act enacted	16	
Redistricting, commission established	6	
	16	
Redistricting in accordance with SHB 20	17	
CONSERVATION (See also ECOLOGY, DEPARTMENT OF; ENERGY; ENVIRONMENT)		
Conservation corps established within many agencies	40	E1
Hot water heater thermostat setback	178	
Litter control and recycling act	277	
Litter control fine increased	277	
Motor oil to be recycled	137	
Pollution authority of DOE modified	270	
Real property status, no transfer tax penalty	41	
Youth employment exchange	50	E1

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
CONSUMER PROTECTION (See also LANDLORD TENANT)		
Anti-trust/consumer protection improvements act	288	
Automobile warranties and repair	240	
Consumer finance companies, fees and charges	227	
Coupons, distributed through newspapers or attached to packages	40	
Gasoline pricing, deceptive methods prohibited	114	
Hearing aid fitting and dispensing	39	
Hot water heater thermostat setback	178	
Leases, consumer leases not a loan or forbearance	158	
Time share regulation	22	E1
CONTINUING EDUCATION (See EDUCATION)		
CONTRACT CARRIERS (See COMMON CARRIERS)		
CONTRACTORS (See also GENERAL ADMINISTRATION)		
Ferry contractors, prequalification procedures	133	
Minority and women-owned businesses, participation enhanced	120	
Nursing homes, community-based care	236	
Out of state vendors, adding premium to bids of vendors with preferences	183	
Out of state vendors, purchasing preferences, reciprocity	183	
Registration fees	74	
Registration, violation of law, procedures and penalties	2	E1
Worker's compensation definition of worker modified	97	
WSDOT contract authority, indemnity provisions	29	
CONVENTION AND TRADE CENTERS		
Bond covenants	1	E2
Bonds, scope expanded	1	E2
Bonds, state debt limitation formula, modified	36	E1
Corporation real property duties modified	1	E2
CONVEYANCES (See REAL PROPERTY)		
CORONERS (See COUNTIES)		
CORPORATIONS (See also NONPROFIT CORPORATIONS; SECRETARY OF STATE)		
Dissolution, reinstatement procedures	32	
Dissolution, secretary of state administrative dissolution	32	
Health maintenance organizations, professional service corporations, providers may belong	100	
Ineligible person defined for purpose of owning shares	51	
Job skills program	21	E1
Professional corporations, merger or consolidation, domestic or foreign ..	51	
Professional corporations, who is authorized to have stock	51	
Residence of corporation, replaces principal place of business reference ..	31	
Revocation of authority due to failure to correct delinquency	32	
Shares, eligible person defined for purpose of owning shares	51	
Unemployment coverage, may elect not to cover officers	23	E1
CORRECTIONS (See also JAILS; PRISON TERMS AND PAROLE)		
Body/strip searches	42	E1
Civil service exemptions, eliminating for institutional industry staff	175	
Death penalty, pre and post-sentencing confinement requirements	255	
Furloughs of criminally insane, notice to law enforcement	122	
Furloughs and leaves, certain are to be escorted	255	
Furloughs, medical care, may exceed 60 days	255	
Institutional impact account to reimburse political subdivisions	279	
Institutional industries, surplus, private sale or donation	255	
Institutional industry staff, civil service exemptions eliminated	175	
Interstate corrections compact	255	
Personal property of inmates, unclaimed, procedures	52	E1

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter
CORRECTIONS—cont.	
Work programs, record storage and retrieval	296
COSMETOLOGY (See also BARBERING)	
Sunset termination removed for cosmetology regulations	208
COUNCILS (See specific subject matter)	
COUNTIES (See also LAND USE PLANNING; STATE AND PUBLIC EMPLOYEES)	
Aquatic plant control programs	291
Attorneys, contracts for services	129
Bonds, declaratory judgments, local governments, their agencies and instrumentalities	263
Bonds, registration of ownership	167
Community economic revitalization board loan limitations	60 E1
Coroners, death investigation account	16 E1
Coroners, death investigation council	16 E1
Coroners, dental identification system is established	16 E1
Coroners' system improvement act	16 E1
Criminal justice cost reimbursements for crimes committed	279
Death investigations council	16 E1
Deferred compensation, participation by employees authorized	226
Drug abuse administrative board, county may appoint	148
Drunk drivers special detention facilities	165
DWI impact account created	165
Electric distribution political subdivisions may establish heating systems	216
Emergency medical services, advisory council	112
Emergency services, medical program director	112
Ferry advisory committees, critical counties	15
Harbor areas and tidelands, percentage of lease money paid to towns ..	153
Health board officer appointment, home rule charters	39 E1
Health departments, monetary support by benefiting city or town	39 E1
Home rule charters, local health officer appointment	39 E1
Housing authorities, loan capability	225
Hydroelectric development, irrigation districts and cities or public utility districts	47
Impounded automobiles, redemption procedures	274
Insurance coverage is not additional compensation	37 E1
Juveniles confined in detention facilities, education programs	98
Local improvements protests	303
Moorage and storage regulations, enforcement procedures	188
Motor vehicle fund distribution, maintenance of city streets, state aid approval	43
Open public meetings, covers committees of governing bodies	155
Public transportation benefit area to include merged and annexed areas	65
Public transportation benefit areas may designate treasurer	151
Purchasing, public disclosure	44 E1
Rail districts authorized	303
Rural arterial program	49 E1
Sales and use equalization account, government price index for distributions	99
Service districts for funding capital and maintenance costs for facilities and roads	130
Service districts, procedures, formation	130
Storm water control facilities, public entities to pay rates and charges ..	315
Street improvement latecomer fees	126
Street maintenance, motor vehicle fund distribution	43
Tax ordinances, petitions to repeal or alter, time	99
Traffic safety plan duties modified	14 E1
Water supply operators, certification changes	292

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
COUNTY ASSESSOR		
Business inventory tax exemption modified	62	E1
Property tax levies to be reviewed for correctness	223	
COUNTY AUDITOR (See also ELECTIONS)		
Deaths, list of those 18 and over who have died	110	
Motor vehicle use tax, collection fee	77	
Public disclosure reports, index for access	294	
COUNTY TREASURER		
County and local treasurers, filing requirements	213	
Port districts, serving as treasurer for	250	
COUPONS (See TRADING STAMPS)		
COURTS (See also DRUNK DRIVING; JUDGES)		
Child abuse reporting by family court	219	
Condemnation cases for highways have court priority	140	
Continuing jurisdiction, courts of limited jurisdiction may not exceed two years	156	
Deadly weapon, finding of fact, special verdict	163	
Drunk driving, enhanced enforcement judicial districts	165	
Enforcement or collection of judgment, clerk's liability for delay removed	45	E1
Execution and attachment exemptions increased	45	E1
Family court jurisdiction based on children	219	
Foster care for developmentally disabled, court review	311	
Homestead exemption increased to \$25,000	45	E1
Interpreters, nonEnglish speaking cultural background	222	
Judgment lien, real estate contract vendor's interest not subject	45	E1
Judgments, rate of interest equalized	147	
Jury duty, not more than twice every five years	181	
Justice of peace, reference in marriage law removed	186	
Limited jurisdiction, full-time judges defined	195	
Probation officer for intensive alcohol treatment program	150	
Real estate contract vendor's interest, not available to satisfy judgment	45	E1
Sentences may differ from guidelines in compelling circumstances, appealable	163	
Small claims judgment enforcement	254	
Support and maintenance, notice to obligor in arrears not required	45	E1
COWLITZ RIVER (See MT. ST. HELENS)		
CREDIT UNIONS (See also FINANCIAL INSTITUTIONS)		
Cease and desist orders for violations of law	37	
Distressed, merger, absorption, liquidation, contracted guarantees	48	
Examination fund	157	
Examination reports may be issued to prospective merger partners or liquidating agents	37	
Expenses, yearly liability limit may be waived	37	
Funding of association by transfers to share guaranty association contingency reserve	48	
Uniform unclaimed property act enacted	179	
CREDITORS		
Consumer finance companies, fees and charges	227	
Insurance claims, deceased persons, 4 month filing period	201	
Interest rates, absence of written agreement	309	
Leases, consumer leases not a loan or forbearance	158	
Satisfaction of judgments, must designate judgment creditor and debtor	28	
CRIME VICTIMS COMPENSATION		
Burial expenses, not to exceed \$500	239	
Juveniles, penalty may be modified	239	

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
CRIME VICTIMS COMPENSATION—cont.		
Penalty assessments, \$50 for felony or gross misdemeanor, \$25 misdemeanor	239	
Penalty assessments, 80% sent to state treasurer	239	
CRIMES (See also MOTOR VEHICLES, subtopic TRAFFIC INFRAC-TIONS)		
Aircraft tampering, mischief in the 1st degree	4	E1
Bail jumping	4	E1
Body/strip searches	42	E1
Continuing jurisdiction, courts of limited jurisdiction may not exceed two years	156	
Controlled substances	4	E1
Deadly weapon, finding of fact, special verdict	163	
Death investigations council	16	E1
Dental identification system is established	16	E1
Deportation, guilty plea consequences must be explained	199	
Extortion, sexual favors	4	E1
Felony flight, revocation of driver's license	80	
Furloughs, medical care, may exceed 60 days	255	
Hearing aid dispensers, violations	39	
Homicide, definition modified, death occurring within 3 years and one day	10	
Hulk haulers or scrap processors	142	
Insanity, acquitted by reason of insanity, conditional release standards	25	
Insanity, escape, notify law enforcement officers	122	
Insanity, furlough, notice to law enforcement	122	
Insanity, report availability	196	
Juvenile disposition standards, confinement not to exceed adult equivalent	191	
Juvenile disposition standards, excess penalties if manifest injustice will result	191	
Juvenile disposition standards, manifest injustice defined as danger to society	191	
Juvenile disposition standards, record destruction	191	
Juvenile disposition standards, release day, conditions	191	
Juvenile offenders, health and dental care	267	
Juvenile offenders, photographing, waiver of rights	267	
Juvenile offenders, restitution, part of plea bargain	191	
Mischief in the 1st degree, airplane tampering	4	E1
Negligent homicide, defined as violent offense	163	
Parole revocation, Attorney General to make recommendations	196	
Prison reduction, does not apply to violent offenses	162	
Prostitution, sexual favors, extortion	4	E1
Rape, deadly weapon, use of what appears to be	73	
Rape, forced intercourse with spouse is rape	118	
Records, state patrol to charge fees	184	
Restitution, juvenile offense plea bargain	191	
Sentence length reduction	162	
Sentencing guidelines commission, report approved	115	
Sentencing laws, certain revisions to mesh with sentencing guidelines	163	
Sexual favors, extortion	4	E1
CRIMINALLY INSANE (See CRIMES; MENTAL HEALTH)		
DAIRY PRODUCTS		
Coupons attached to packaging regulated	40	
DEAF		
Hearing aid council duties	39	
Hearing aid fitting and dispensing	39	
School, retirement system, service period computation	69	
DEATH INVESTIGATIONS (See COUNTIES, subtopic CORONERS)		

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
DEBTS (See also BONDS; SECURITY INTERESTS)		
Consumer finance companies, fees and charges	227	
Deadbeat lists	107	
Execution and attachment exemptions increased	45	E1
Homestead exemption increased to \$25,000	45	E1
Interest rates, absence of written agreement	309	
Judgment debtor special proceedings, fees allowable for failure to appear	45	E1
Metropolitan park districts, sale and issuance provisions modified	61	
Satisfaction of judgments, must designate judgment creditor and debtor	28	
State debt, limitation formula modified	36	E1
DEFERRED COMPENSATION (See PENSIONS)		
DELINQUENCY (See CHILDREN; CRIMES)		
DENTISTS		
Dental hygienists committee created to conduct exams	168	
DEPORTATION		
Guilty plea, must advise on deportation consequences	199	
DEVELOPMENTALLY DISABLED (See HANDICAPPED)		
DISCRIMINATION		
Age, increased to 70 years	293	
Comparable worth in salary schedules	75	E1
Gender-neutral language in all rules and publications	20	
Human rights commission references corrected	293	
Minority and women-owned businesses, participation enhanced	120	
Unfair practices damage limits	293	
WWII discriminatory dismissals of state employees, reparation for employees and surviving spouse	15	E1
DOGS (See ANIMALS)		
DRIVERS' LICENSES (See MOTOR VEHICLES)		
DRUGS		
Criminal provisions	4	E1
Drug abuse administrative board, county may appoint	148	
Drugless healing, sunset termination	197	
DRUNK DRIVING		
Alcohol information school	150	
Breathalyzer, refuse or .10, revocation may be immediate	165	
Charters, driver may not drink	165	
DWI impact account created	165	
Enhanced enforcement judicial districts	165	
Intensive alcohol treatment program for serious problems	150	
Limited license may be issued after certain revocations	165	
Open containers, none by driver or passengers	165	
Passengers or drivers may not drink in a motor vehicle	165	
Probation officer for intensive alcohol treatment program	150	
Public transportation, may not drink, except charter groups	165	
Revocation for refusing breathalyzer or .10 result may be immediate	165	
Revocation for 1 year on 2nd conviction in 5 years	165	
Revocation for 90 days by department, .10, no trial	165	
Special detention facilities for drunk drivers	165	
Vehicular assault	164	
Vehicular homicide	164	
ECOLOGY, DEPARTMENT OF		
Aquifers, funds for protection	269	
Beverage containers, excludes milk-based or soy-based container	257	
Conservation corps established within many agencies	40	E1

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
ECOLOGY, DEPARTMENT OF—cont.		
East Selah reregulating reservoir	18	E1
Environmental impact statements, forest practices exempt	117	
Environmental impact statements, school closures	109	
Forest practices, exempt from EIS requirements	117	
Litter control and recycling act	277	
Litter control fine increased	277	
Motor oil to be recycled	137	
Pollution and environmental safety authority	270	
Puget sound water quality authority established	243	
Radioactive materials, transfer of duties from DSHS studied	19	E1
Recycling, litter control and recycling act	277	
SEPA, environment review and decision-making made more determinate	117	
SEPA, MT. ST. Helens	1	E1
Sole-source aquifers, funds for protection	269	
Waste management and priorities	70	E1
Water well construction complaints	93	
ECONOMIC RECOVERY		
China exhibition council created	314	
Conservation corps established within many agencies	40	E1
Export assistance centers	20	E1
Industrial parks and research are industrial development facilities	51	E1
Job skills program	21	E1
Youth employment exchange	50	E1
EDUCATION (See also SCHOOLS AND SCHOOL DISTRICTS; SUPER- INTENDENT OF PUBLIC INSTRUCTION; individual colleges and universities)		
Continuing education credential conditions, exemptions	266	
Council for post secondary education, sunset termination	197	
Educational services registration act, sunset termination	197	
High technology education and training act	72	E1
Higher education facility authority, financing for private nonprofit institu- tions	169	
Job skills program	21	E1
Judiciary education account	9	E1
Temporary committee on educational policies, structure, and management, deadline extended	105	
Vocational agriculture program	34	E1
Workshops, seminars, credentials and conditions	266	
EDUCATIONAL SERVICE DISTRICTS (See SCHOOLS AND SCHOOL DISTRICTS)		
ELDERLY		
Abuse in nursing homes, restraining order by local prosecutor	269	
Age discrimination, increased to 70 years	293	
Chore services	249	
Community-based care, nursing homes	236	
Guardians, financial statements, filing requirements modified	271	
Home health care services, health insurance plans to cover	249	
Hospices, insurance to provide coverage	249	
Long-term health care, ombudsman program	290	
Motor vehicle fuel tax exemption for nonprofit corporations	108	
Nursing homes, community-based care	236	
Ombudsmen program, long-term health care facilities	290	
Sewer and water rates, may be delayed or adjusted	198	
Tax exemption, annual filing requirement eliminated	11	E1
Tax exemption, income level raised, adjustments depending on combined disposable income	11	E1

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
ELDERLY—cont.		
Tax exemption, nursing home costs deducted from income for senior citizen property tax exemption	11	E1
Wood collection fees, 65 years old and over exempted	193	
ELECTIONS (See also CAMPAIGNS)		
Absentee ballots for precinct committeeperson candidates	136	
Contest of outcomes	20	E1
Exit polling, regulated	33	E1
Flood control zone districts, excess tax rate authorized	315	
Precinct committee candidates, absentee ballots	136	
Precincts, may not share voting devices	143	
Public disclosure reports, index for access	294	
Refunding bond act, voted general obligation bond exception removed ..	69	E1
Voting by mail procedures regulated	71	E1
Voting, challenge of right to vote	30	E1
Voting devices, one device per precinct	143	
Voting, illegal votes, effect on elected officials eligibility	30	E1
ELECTRICIANS		
Electrical construction trade	206	
Rules, regulations, or ordinances, dispute over submitted to arbitration .	206	
ELECTRICITY (See ENERGY; UTILITIES)		
ELEVATORS		
Regulated by state, local control authorized	123	
Regulations, hearings and penalties provided for	123	
EMERGENCY SERVICES (See also MT. ST. HELENS)		
Certification procedures, immunity	112	
Emergency medical services advisory council	112	
Emergency medical services committee, sunset termination	197	
Emergency services, medical program director	112	
EMINENT DOMAIN (See REAL PROPERTY)		
EMPLOYMENT SECURITY, DEPARTMENT OF		
Job skills program	21	E1
OASI revolving fund	6	E1
Unemployment, federal trust fund, period for use extended	7	E1
Unfair labor practice complaint filing time limit, 6 months	58	
Youth employment exchange	50	E1
EMPLOYMENT (See WORK)		
ENERGY (See also UTILITIES; WPPSS)		
Conservation analyses and financing authorized by electricity providers .	62	
District heating, operating permits for heat supplier	94	
Electric distribution political subdivisions may establish heating systems	216	
Electric energy contracts by cities, cannot commit beyond express dollar amount	308	
Electric utility service installation charge, customer may contract privately	217	
Heaters, portable oil fueled heaters regulated	134	
Heating systems, counties, cities, towns, districts may establish	216	
Hot water heater thermostat setback	178	
Hydroelectric development, irrigation districts	47	
State agencies to implement energy conservation measures	313	
Weatherization or home repair or home repair assistance, tax deduction, B&O, excise	66	E1
ENVIRONMENT, (See also AIR POLLUTION; ECOLOGY, DEPARTMENT OF; HAZARDOUS SUBSTANCES; WATER)		
Council on environmental policy, legislature may establish	117	
Litter control and recycling act	277	

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
ENVIRONMENT,—cont.		
Litter control fine increased	277	
Pollution authority of DOE modified	270	
Resource conservation and recovery act, DOE authority	270	
ENVIRONMENTAL IMPACT STATEMENTS (See ECOLOGY, DEPARTMENT OF)		
EXECUTION AND ATTACHMENT (See SECURITY INTERESTS)		
EXECUTIVE (See GOVERNOR)		
EXIT POLLING (See ELECTIONS)		
EXPORTING		
China exhibition council created	314	
Export assistance centers	20	E1
FAIRS AND EXPOSITIONS		
Expo '86, state participation	177	
Fairs commission, sunset termination	197	
FAMILY LAW		
Child abuse placement decisions, modified when circumstances change ..	246	
Child support, enforcement modifications	269	
Children and family services act, avoid out-of-home placement	192	
Family court jurisdiction relates to children	219	
Family law proceedings defined	219	
Guardians, financial statements, filing requirements modified	271	
Homestead, powers of attorney, executed separately or jointly	251	
Justice of peace references deleted, replaced with court of limited jurisdiction	186	
Juveniles, appeals from placement decision	50	
Paternity procedures	269	
Support and maintenance, notice to obligor in arrears not required	45	E1
Vital statistic certificate requirements	45	E1
FEDERAL GOVERNMENT		
Redistricting act enacted	16	
Redistricting in accordance with SHB 20	17	
Unemployment compensation, extended benefit eligibility criteria modified ..	1	
Unemployment trust fund, period for use extended	7	E1
FERRY SYSTEM (See TRANSPORTATION, DEPARTMENT OF)		
FINANCIAL INSTITUTIONS (See also BANKS; CREDIT UNIONS; SAVINGS AND LOAN ASSOCIATIONS)		
Cities, investments regulated	66	
Higher education facility authority, financing for private nonprofit institutions	169	
Holding companies, Seattle First-type situations	157	
Interest rates, absence of written agreement	309	
Public depositaries, cities may deposit funds in certain	66	
Safe deposit vault rent due, notice procedures	289	
Seattle First-type situations, holding company acquisitions	157	
Uniform unclaimed property act enacted	179	
FINANCIAL MANAGEMENT, OFFICE OF		
Obsolete funds and accounts abolished	189	
FIRE PROTECTION (See also STATE FIRE MARSHAL)		
Cities or towns may contract to provide state	87	
Collective bargaining, firefighters are employees of port for labor purposes ..	287	
Forest protection assessments, exemptions	299	
Guard dogs, notice must be given	258	
Port districts, a public employer of fire fighters for collective bargaining ..	287	

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
FIRE PROTECTION—cont.		
State agencies, cities or towns may contract to provide	87	
State agency contract authority transferred	146	
Training program	21	E1
FIREARMS (See GUNS)		
FISHERIES, DEPARTMENT OF (See also GAME, DEPARTMENT OF)		
Anadromous game fish buyers license, may purchase from Indians	284	
Capital improvement bonds authorized	59	E1
Clam diggers license increased	31	E1
Conservation corps established within many agencies	40	E1
Fisheries code reorganized	46	E1
Fishing license free to wheelchair confined persons	280	
Salmon delivery permits	297	
Salmon fishing, commercial, prohibited below Bonneville dam	245	
Shrimp, Hood Canal licensing	31	E1
Sturgeon fishing with a set line, endorsement necessary	300	
Wheelchair confined persons, free fishing license	280	
FLOOD CONTROL DISTRICTS		
Delinquent assessments, parcel sales	315	
Zone district, all usual powers of a corporation	315	
Zone districts, excess tax rate authorized	315	
FOOD BANKS (See FOOD)		
FOOD FISH (See FISHERIES, DEPARTMENT OF)		
FOOD (See also AGRICULTURE)		
Beverage containers, excludes milk-based or soy-based container	257	
Bread loaves, ethnic or specialty loaves	89	
Bread loaves, standard partial loaf defined	89	
Distribution to needy, donors or organizations are not liable for condition of food	241	
Milk-based or soy-based canned product, not a beverage container	257	
FOREST PRACTICES BOARD		
EIS requirements, forest practices exempt	117	
FORESTS AND FOREST PRODUCTS (See NATURAL RESOURCES, DEPARTMENT OF; TAXES - TIMBER)		
FUEL TAXES (See TAXES - FUEL)		
FUND RAISING (See CAMPAIGNS)		
FUNDS		
Business enterprises revolving fund created	194	
Common school construction fund, funds transferred from resource management account	17	E1
DWI impact account created	165	
Essential rail assistance account created	303	
Federal interest payment fund created	13	E1
Hazardous waste control and elimination account	70	E1
Health professions account created	168	
Obsolete funds and accounts abolished	189	
Perpetual maintenance account radioactive waste management	19	E1
Refunding bond act, voted general obligation bond exception removed ..	69	E1
Revenue accrual account created	7	
Rural arterial program	49	E1
Unemployment, federal trust fund, period for use extended	7	E1
UW building account, funds transferred from resource management cost account	17	E1
Veteran's relief fund	295	

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
FURLOUGHS (See CORRECTIONS)		
GAMBLING (See also STATE LOTTERY)		
Parimutuel machines, proceeds	228	
Uniform unclaimed property act enacted	179	
GAME, DEPARTMENT OF		
Anadromous game fish buyers license, may purchase from Indians	284	
Conservation corps established within many agencies	40	E1
Fishing license free to wheelchair confined persons	280	
Game fund, deposit of civil penalties	8	E1
Hunting, civil penalties for illegal hunting	8	E1
Wheelchair confined persons, free fishing license	280	
Wildlife, civil penalty for illegal hunting	8	E1
GARBAGE TRUCKS (See UTILITIES AND TRANSPORTATION COMMISSION; WASTE DISPOSAL)		
GAS TAX (See TAXES - FUEL)		
GASOLINE		
Deceptive pricing prohibited	114	
GENERAL ADMINISTRATION (See also BANKS; CREDIT UNIONS; SAVINGS AND LOAN ASSOCIATIONS)		
Energy conservation measures, private investment	313	
Fire protection services contract authority transferred to PCAA	146	
Minority and women-owned businesses, participation enhanced	120	
Motor pool, school director's association may use	187	
Prison work programs, record storage and retrieval	296	
Private investment in energy conservation measures	313	
Purchasing, adding premium to bids of out of state vendors with preferences	183	
Purchasing, list of regulations to be compiled	183	
Purchasing, reciprocity, in-state preferences	183	
State agencies and higher education, purchasing limits	141	
WSDOT contract authority, indemnity provisions	29	
GENERAL ELECTION (See ELECTIONS)		
GEOGRAPHIC NAMES (See NATURAL RESOURCES, DEPARTMENT OF)		
GOVERNOR		
Capital budget adopted	57	E1
Operating budget adopted	76	E1
Supplemental budget request	12	
World expo of 1986, state participation	177	
GROUND WATER (See WATER)		
GROUP HOMES (See HANDICAPPED; SHELTERS)		
GUARDIANS (See FAMILY LAW)		
GUNS		
Concealed weapon permit, conditions	232	
Deadly weapon, finding of fact, special verdict	163	
Deadly weapon, use of what appears to be during rape	73	
Felonies listed	232	
Firearm, defined	232	
Rape, use of deadly weapon during rape	73	
Unlawful possession	232	
HANDGUNS (See GUNS)		

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
HANDICAPPED		
Alternative care, must advise annually	60	
Autism as a developmental disability	41	E1
Chore services	249	
Developmentally disabled habilitative services	145	
Developmentally disabled, parent participation in care and training modifies assistance eligibility	310	
Fishing license free to wheelchair confined persons	280	
Foster care for developmentally disabled, court review	311	
Guardians, financial statements, filing requirements modified	271	
Home health care services, health insurance plans to cover	249	
Hospices, insurance to provide coverage	249	
Long-term health care, ombudsman program	290	
Motor vehicle fuel tax exemption for nonprofit corporations	108	
Ombudsmen program, long-term health care facilities	290	
Parent is developmentally disabled, services to help family unit	60	
Services, persons to be advised annually of alternatives	60	
Sewer and water rates, may be delayed or adjusted	198	
Wheelchair confined persons, free fishing license	280	
Wheelchair conveyance, licensing requirements	200	
HARBOR AREAS (See NATURAL RESOURCES, DEPARTMENT OF)		
HAZARDOUS SUBSTANCES		
Advisory council on radioactive waste management program	19	E1
Dangerous wastes, regulated, fees	65	E1
Department of ecology, state responsibility	19	E1
Electric energy contracts by cities, cannot commit beyond express dollar amount	308	
Hazardous wastes, regulated, fees	65	E1
Nuclear waste policy and review board created	19	E1
Perpetual care agreement	19	E1
Pesticide dealer license fee increased	95	
Radioactive materials, transfer of duties from DSHS studied	19	E1
Radioactive waste program report by DOE, to governor and legislature ..	19	E1
Transportation, limitation by state patrol	205	
Violations, penalties increased to \$10,000 per day	172	
Waste disposal violation, civil action, attorney fees	172	
Waste management	70	E1
Waste priorities	70	E1
Waste production, fees	65	E1
HEALTH CARE AND SERVICES (See also specific types of providers)		
Agents, insurance, licensing	202	
Child abuse, report, police officer takes child into custody	246	
Children, newly born, notice to insurer required	32	E1
Chiropractic coverage by health care service contractors	286	
Chiropractic disciplinary board, sunset termination	197	
Chore services	249	
Complaints concerning health care service contractors	63	
Drugless healing, sunset termination	197	
Health board officer appointment, home rule charters	39	E1
Health care service contractor agent, need to be licensed	202	
Health care service contractor, licensing requirement	32	E1
Health care service contractor, loans	32	E1
Health departments, monetary support by benefiting city or town	39	E1
Health maintenance organization, annual financial statement procedures ..	202	
Health maintenance organization audits	63	
Health maintenance organizations, contract approval, annual reports ...	106	
Health maintenance organizations, general provisions	106	

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter
HEALTH CARE AND SERVICES—cont.	
Health maintenance organizations, professional service corporations, providers may belong	100
Hearing aid fitting and dispensing	39
Home health care services, health insurance plans to cover	249
Hospices, insurance to provide coverage	249
Hot water heater thermostat setback	178
Jurisdiction of insurance commissioner, exceptions	36
Mastectomy, insurance coverage for reconstructive surgery	113
Medical disciplinary account created	71
Midwife advisory committee, sunset termination	197
Negligence, standard of care modified	149
Podiatry is a health care service for insurance purposes	154
Professional service corporations, HMO providers may belong	100
Professions, unregulated, regulation criteria	168
Public agency insurance is not additional compensation	37 E1
Reconstructive surgery, mastectomy	113
Regulation of health professions and occupations act	168
HEALTH CARE FACILITIES AUTHORITY	
Bonds, fixed or variable rate	210
Financing plan to be adopted by the authority	210
Membership, governor may appoint designee	210
HEALTH MAINTENANCE ORGANIZATIONS (See HEALTH CARE AND SERVICES)	
HEALTH, STATE BOARD OF	
Alcoholism hospital, not a health care facility	41 E1
Sunset termination extended	235
HEATING SERVICES AND DISTRICTS (See ENERGY)	
HIGHER EDUCATION (See COLLEGES AND UNIVERSITIES; COMMUNITY COLLEGES specific institutions)	
HISTORICAL CONSERVATION	
Archaeology research center, sunset termination repealed	159
Conservation corps established within many agencies	40 E1
Geographic names board established	273
Heritage council, creation of	91
UW museum sunset termination	197
HOME RULE CHARTERS (See COUNTIES)	
HOMESTEAD (See REAL PROPERTY)	
HOOD CANAL BRIDGE (See TRANSPORTATION, DEPARTMENT OF)	
HORSE RACING COMMISSION	
Parimutuel machines, proceeds	228
Uniform unclaimed property act enacted	179
HORSES (See LIVESTOCK)	
HORTICULTURE (See AGRICULTURE)	
HOSPICES (See HEALTH CARE)	
HOSPITALS (See also HEALTH CARE AND SERVICES)	
Abuse of patients in state hospitals, restraining order	269
Self-insurance authorized for groups of two or more	174
HOUSING	
Authorities, commercial space allowed	225
Authorities, loan capability	225
First mortgages, housing finance commission	161

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter
HOUSING—cont.	
Hot water heater thermostat setback	178
Housing finance commission established	161
HUMAN RIGHTS COMMISSION (See also DISCRIMINATION)	
Age discrimination, increased to 70 years	293
Commission references corrected	293
Unfair practices damage limits	293
HUNTING (See GAME, DEPARTMENT OF)	
HYDRAULIC PROJECTS (See WATER)	
HYDROELECTRIC (See ENERGY)	
IDAHO	
Higher education tuition reciprocity	166
IMMIGRATION AND NATURALIZATION	
Deportation, guilty plea consequences must be explained	199
IMMUNITY	
Emergency services certification procedure	112
Food distribution by persons or organization, not liable for condition of food	241
WPPSS decisions of participants, immunity	48
	E1
IMPROVEMENT DISTRICTS (See LOCAL IMPROVEMENT DISTRICTS)	
INDEBTEDNESS (See DEBTS)	
INDIANS (See NATIVE AMERICANS)	
INDUSTRIAL INSURANCE (See LABOR AND INDUSTRIES, DEPARTMENT OF)	
INDUSTRY (See BUSINESSES; CONTRACTORS; ECONOMIC RECOVERY; WORK)	
INSANITY (See CRIMES; MENTAL HEALTH)	
INSURANCE (See also LABOR AND INDUSTRIES)	
Acquisitions of domestic companies, approvals of offers	46
Agents, health care service contractor, licensing	202
Annual statement to be verified by the insurer's officers	85
Automobile, phantom vehicles	182
Automobile, underinsured, coverage provisions modified	182
Casualty insurance, rates must not be excessive, inadequate, or discriminatory	32
	E1
Children, newly born, notice to insurer required	32
	E1
Chiropractic coverage by health care service contracts	286
Chore services	249
Creditor claims against deceased person, 4 month filing period	201
Domestic stock insurer reorganization	32
	E1
Health care coverage of chiropractic services	286
Health care is the insurance commissioner's jurisdiction, exceptions	36
Health care service contract, commissioner to investigate complaints	63
Health care service contractor agents, licensing	202
Health care service contractor, licensing requirement	32
	E1
Health maintenance organization audits	63
Holding companies	46
Home health care services, health insurance plans to cover	249
Hospices, insurance to provide coverage	249
Hospitals, self-insurance authorized for groups of two or more	174
Mandatory renewal of certain policies, exceptions	32
	E1
Mastectomy, coverage for reconstructive surgery	113

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
INSURANCE—cont.		
Mental health optional coverage by group contracts	35	
Pesticide bond increased	95	
Podiatry is a health care service for insurance purposes	154	
Public agency insurance is not additional compensation	37	E1
Schools, self-insurance authorized for groups of two or more	174	
Surplus line broker tax delinquency, penalties	32	E1
Uniform unclaimed property act enacted	179	
INTERSTATE TRANSPORTATION (See COMMON CARRIERS; UTILITIES AND TRANSPORTATION COMMISSION)		
INVESTMENTS AND SECURITIES		
Cities, regulated	66	
IRRIGATION AND IRRIGATION DISTRICTS		
Board meetings, records	262	
East Selah reregulating reservoir	18	E1
Hydroelectric development	47	
WPPSS decisions of participants, immunity	48	E1
JAILS (See also CORRECTIONS)		
Body/strip searches	42	E1
Construction and improvements, general obligation bond amount increased	63	E1
Drunk drivers special detention facilities	165	
Good behavior sentence reduction	276	
JOBS (See ECONOMIC RECOVERY; WORK)		
JOINT OPERATING AGENCIES (see also WPPSS)		
Electric energy contracts by cities, cannot commit beyond express dollar amount	308	
JOINT RESOLUTIONS (See CONSTITUTIONAL AMENDMENTS)		
JUDGES (See also COURTS)		
Courts of limited jurisdiction, full-time judges defined	195	
Drunk driving, enhanced enforcement judicial districts	165	
Judicial council, sunset termination	197	
Judiciary education account	9	E1
Justice of peace, reference in marriage law removed	186	
National guard membership allowed	218	
JURY DUTY (See COURTS)		
JUSTICES OF THE PEACE (See JUDGES)		
JUVENILES (See CHILDREN; CRIMES)		
KING COUNTY		
Community economic revitalization board loan limitations	60	E1
LABOR AND INDUSTRIES, DEPARTMENT OF		
Apprenticeships, removing regulation of agreements and registration fees	90	
Industrial accidents, personal property damaged, claims	111	
Industrial insurance, adjustments for death or total disability	203	
Industrial insurance, interstate and certain intrastate traffic	170	
Industrial insurance, musicians and entertainers, exempt	252	
Interim committee on public employees collective bargaining, sunset termination	197	
Self-insurance by groups of hospitals and schools	174	
Self-insurers, disciplinary/corrective actions by director	21	
Self-insurers, may assign accounts as security	312	
Vocational rehabilitation, date of injury ignored for some rehabilitation and disability compensation	70	
Vocational rehabilitation, injured workers, reemployment encouraged ..	86	

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
LABOR AND INDUSTRIES, DEPARTMENT OF—cont.		
Vocational rehabilitation, registration of rehabilitation firms	86	
Workers' compensation, adjustments	203	
Workers' compensation, attorney fees and costs, borne proportionately by worker, department, self-insurer	211	
Workers' compensation award or settlement distribution to department, worker, self-insurer	211	
Workers' compensation awards to receive interest if appealed successfully	301	
Workers' compensation, definition of worker modified for contractors ..	97	
LABOR RELATIONS		
Collective bargaining, fire fighters are employees of port for labor purposes	287	
Comparable worth in salary schedules	75	E1
Firefighters are employees of port districts for collective bargaining	287	
Minority and women-owned businesses, participation enhanced	120	
Plumbers	124	
Port districts, a public employer of fire fighters for collective bargaining	287	
Unfair labor practice complaint filing time limit, 6 months	58	
Unfair practice damage limits	293	
LAND USE PLANNING (See also REAL PROPERTY)		
Conservation status, no transfer tax penalty	41	
Filing fee, \$15, surveys, subdivision plats, short plats, condominium surveys, plats, or maps	272	
Incorporation proceeding, 120 day extension authorized	76	
Plat, approval or disapproval, who has standing to challenge decision ...	121	
Plat approval, state law not exclusive for time periods or conditions	121	
Plat approval, 3 year time period to be applied retroactively	121	
Plats, filing fee, \$15	272	
Street improvements, latecomer fees	126	
LANDLORD TENANT		
Deposit procedures, checklist required	264	
Eviction procedures	264	
Hot water heater thermostat setback	178	
Notice provisions, nonpayment of rent, court registry	264	
Rent default, seizure of personal property	264	
Unlawful detainer, criminal penalties	264	
LAW ENFORCEMENT (See also STATE PATROL)		
Body/strip searches	42	E1
Child abuse, police officer to take child into custody	246	
Death investigations council	16	E1
Dental identification system established	16	E1
LAWSUITS (See ATTORNEYS; CIVIL ACTIONS AND PROCEDURES)		
LAWYERS (See ATTORNEYS)		
LEASES (See specific subject)		
LEGISLATURE (See also CONCURRENT RESOLUTIONS; FLOOR RESOLUTIONS)		
Capital improvement bonds authorized	54	E1
Cost control task force	26	E1
Gender-neutral language in all rules and publications	20	
Inquiry powers modified	52	
Joint administrative rules review committee, terms revised, vacancies to be filled	53	
Joint committee on education abolished	52	
Joint committee on energy and utilities abolished	52	
Joint committee on higher education abolished	52	
Joint committee on urban area government abolished	52	
Joint councils, certain abolished	52	

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter
LEGISLATURE—cont.	
Legislative council abolished	52
Private attorney general, fees, study by law revision commission	127
Redistricting act enacted	16
Redistricting, commission established	6
	16
Redistricting in accordance with SHB 20	17
School transportation budget allocation formula	61
Sentencing guidelines commission voting membership, includes legislators	163
	E1
LIBRARIES	
County assessor to review levies for correctness	223
Library network, sunset termination	197
LICENSE PLATES (See MOTOR VEHICLES)	
LICENSED PRACTICAL NURSES (See NURSES)	
LICENSES	
Aircraft dealer regulations	135
Aircraft fuel, weighted average retail sales price redefined	49
Anadromous game fish buyers license, may purchase from Indians	284
Animal technicians, registration and fees	102
Barbering, sunset termination removed	75
Boom loaders, license category created	305
Cosmetology, sunset termination removed	208
Health care service contractor, licensing requirement	32
	E1
Health professions account created	168
Hearing aid fitting and dispensing	39
Hulk haulers, scrap processors, rebuilders regulations revised	142
Landscape architects, sunset termination	197
Pest control consultant license increased	95
Pesticide dealer license fee increased	95
Timeshare regulation	22
	E1
LICENSING, DEPARTMENT OF (See LICENSES)	
LIENS (See SECURITY INTERESTS)	
LIMITED CASUALTY PROGRAM (See MEDICAL ASSISTANCE)	
LIQUOR CONTROL BOARD (See also ALCOHOL)	
Church proximity consideration removed	160
International trade exhibitions and receptions	13
License renewal	160
Lottery, authority to perform lottery services	160
Lottery tickets, not an administrative expense	160
Motor vehicle sports facilities, may not bring alcohol in	160
Sales, lottery tickets	160
LITTER CONTROL	
Fine increased	277
Milk-based or soy-based canned product, not a beverage container	257
Model litter control and recycling act	277
LIVESTOCK	
Horses, special open consignment horse sale defined	298
Markets, does not include open consignment horse sale	298
LOCAL IMPROVEMENT DISTRICTS (See also specific districts)	
Aquatic plant control programs	291
Formation procedures	303
Insurance coverage is not additional compensation	37
	E1
Rail districts authorized	303
LOG BOOMS (See NATURAL RESOURCES, DEPARTMENT OF)	

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
LOTTERY (See STATE LOTTERY)		
LPN'S (See NURSES)		
MARINE (See BOATS; WATER)		
MASTECTOMY (See HEALTH CARE)		
MATERIALMEN AND MECHANICS LIENS (See SECURITY INTERESTS)		
MATH AND SCIENCE (See COLLEGES; SCHOOLS AND SCHOOL DISTRICTS; TECHNOLOGY)		
MEDICAL ASSISTANCE (See also PUBLIC ASSISTANCE)		
Eligibility begins on general assistance certification date	43	E1
Limited casualty program, \$500 maximum deduction, \$100 minimum ..	43	E1
MEDICAL EXAMINER (See COUNTIES)		
MEMORIALS (See JOINT MEMORIALS)		
MENTAL HEALTH		
Criminally insane, conditional release standards	25	
Criminally insane, escape, notice to law enforcement and appropriate persons	122	
Criminally insane, furlough, notice to law enforcement 48 hours before ..	122	
Criminally insane, report availability	196	
Guardians, financial statements, filing requirements modified	271	
Insurance, group contracts to cover as an option	35	
Long-term health care, ombudsman program	290	
Ombudsmen program, long-term health care facilities	290	
MERCHANDISE COUPONS (See TRADING STAMPS)		
METROPOLITAN MUNICIPAL CORPORATION		
Council membership modified	92	
METROPOLITAN PARK DISTRICTS		
Bonds, sale and issuance of, provisions modified	61	
Moorage and storage regulations, enforcement procedures	188	
MILITARY (See also VETERANS' AFFAIRS)		
Armories, state-owned, transient lodging and other uses	268	
Automobile license fee exemption	26	
National guard educational assistance program, sunset termination ...	197	
National guard membership may include judges	218	
Tuition increase exemption, Vietnam veterans, extended to 1989	307	
Unemployment compensation does not include weekend duty reserve pay	67	
Veteran services may be contracted	260	
Veteran's relief fund	295	
Vietnam veteran tuition increase exemption extended to 1989	307	
WWII state employees and surviving spouse, discriminatory dismissal, reparation	15	E1
MILK AND MILK PRODUCTS (See DAIRY PRODUCTS)		
MINING (See NATURAL RESOURCES, DEPARTMENT OF; OIL AND GAS)		
MORTGAGES (See HOUSING)		
MOTOR FREIGHT CARRIERS (See COMMON CARRIERS)		
MOTOR VEHICLES		
Alcohol may not be brought into auto race parks	160	
Certificates of ownership, application fee	77	
Child restraints required	215	
Diesel trucks may have personalized plates	27	

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter
MOTOR VEHICLES—cont.	
Driver's license, revocation for felony flight	80
Emission standards, motor vehicles fueled by propane exempt	237
Emission testing, used cars sold by dealers exempt	238
Gasoline pricing, deceptive methods prohibited	114
Hulk haulers, scrap processors, rebuilders, revising regulations	142
Impounded by cities, redemption procedures	274
Insurance, underinsured, coverage provisions modified	182
License fees, department of transportation may collect	26
License plate manufacturing standards	72
License plates, consulate, renewal requirements	27
License plates, may retain special plates	27
License plates, personalized plates available for diesel trucks	27
License plates, personalized plates, letters increased to 7	24
License plates, unemployable veterans	230
Model traffic ordinance updated	30
Motor oil to be recycled	137
Motor vehicle fund distribution, maintenance of city streets, state aid approval	43
Nonresident license fee exemption	26
Nonresident travel trailers not exempt	26
Phantom vehicles, insurance provisions	182
Propane fueled vehicles exempt from air pollution standards	237
Propane fueled vehicles to bear reflective placard	237
Registration quarters, eliminated	27
Repairs, rebuilding, revising regulations	142
Sales and service, warranties	240
Size, load restrictions, conformity with federal standards	278
Snowmobile advisory committee, termination provision	139
Special fuel trip permits	78
Traffic infraction, director to certify one transcript for hearing officer in habitual offender cases	209
Traffic infractions on college campuses, jurisdiction, appeals	221
Travel trailer license, no nonresident exemption	26
Used cars sold by dealers exempt from emission testing	238
Vehicle inspection program, sunset termination	197
Warranties with respect to sales	240
Wheelchair conveyance, licensing requirements	200
Wheelchair conveyance safety standards	200
MOVING WALKS (See ELEVATORS)	
MT. ST. HELENS	
Repair needs, state power enlarged	1
	E1
MUNICIPAL CORPORATIONS (See also CITIES, COUNTIES)	
Bonds, declaratory judgments, local governments, their agencies and instrumentalities	263
Comprehensive traffic safety plan duties modified	14
	E1
MUNICIPAL RESEARCH COUNCIL	
Appropriation of funds from motor vehicle excise taxes, no allotment reduction	22
Sunset termination, set for 1990 instead of 1984	22
MUSEUMS (See HISTORICAL CONSERVATION)	
NATIONAL GUARD	
Judges may be members	218
NATIVE AMERICANS	
Anadromous game fish buyers license, may purchase from Indians	284
Salmon fishing, commercial, prohibited below Bonneville dam	245

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
NATIVE AMERICANS—cont.		
Sturgeon fishing with a set line, endorsement necessary	300	
NATURAL RESOURCES, DEPARTMENT OF		
Aquatic land leases	2	E2
Boom companies, sunset termination	197	
Conservation corps established within many agencies	40	E1
Exchange of publicly-owned lands authorized	261	
Fire protection assessments, exemptions, refunds	299	
Forest land, exchange of publicly-owned land	261	
Forest practices, exempt from EIS requirements	117	
Geographic names board established	273	
Harbor areas and tidelands, percentage of lease money paid to towns ..	153	
Harbor leases, lease period for wharves and docks extended to 55 years .	259	
Log driving companies, sunset termination	197	
Oil and gas marine exploration, permit required	138	
Senior citizen wood collection fee exemption	193	
Timber sold on public land, sale price adjustment only for major species	12	E1
Toll logging roads, sunset termination	197	
NONPROFIT CORPORATIONS AND ORGANIZATIONS		
Charitable solicitations, registration and disclosure	265	
Rummage sale use does not make property commercial	5	E1
Transportation for elderly or handicapped, motor vehicle fuel tax exemp- tion	108	
NOTARY PUBLIC		
Fees, authorized increase	214	
Notaries public and commissioners of deeds, sunset termination	197	
NOTICE (See subject matter)		
NUCLEAR WASTE (See HAZARDOUS SUBSTANCES)		
NURSES		
Child abuse, report, police officer takes child into custody	246	
Chore services, insurance to cover	249	
Home health care services, health insurance plans to cover	249	
Hospices, insurance to provide coverage	249	
Intercollegiate center for nursing, employee fee waiver	220	
LPN, modifying regulations	55	
Sunset termination	197	
NURSING HOMES		
Abuse, restraining order by local prosecutor	269	
Advisory council, sunset termination	197	
Audit procedures modified	67	E1
Community-based care	236	
Costs deducted from income for senior citizen real property tax exemption	11	E1
Long-term health care, ombudsman program	290	
Ombudsmen program	290	
OIL AND GAS		
Conservation committee, duties	253	
Exploration procedures	253	
Heaters, portable oil fueled heaters regulated	134	
Marine exploration permit	138	
Motor oil to be recycled	137	
Propane fueled vehicles to bear reflective placard	237	
Propane, special fuel tax	212	
Special fuel, trip permits	78	
OLDER AMERICANS (See ELDERLY)		

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
OMBUDSMEN PROGRAM (See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)		
OPEN PUBLIC MEETINGS		
Contract negotiations, exception	155	
Elective positions, appointment proceedings, open	155	
Governing body expanded to include committee	155	
Higher education personnel board	23	
Operating agencies	3	E1
WPPSS executive board	3	E1
OPEN SPACE (See LAND USE PLANNING)		
OPERATING BUDGET (See BUDGET AND ACCOUNTING)		
OPTOMETRISTS (See PHYSICIANS)		
ORDINANCES		
Tax repeal ordinances, time period for filing	99	
OREGON		
Higher education tuition reciprocity, conditions	104	
PARENTS (See FAMILY LAW)		
PARIMUTUEL MACHINES (See HORSE RACING COMMISSION)		
PARKS AND RECREATION		
Conservation corps established within many agencies	40	E1
Nonresident surcharge on park use, sunset removed	38	E1
Senior citizen wood collection fee exemption	193	
Snowmobile advisory committee, termination provision	139	
PARTNERSHIPS (See SECRETARY OF STATE)		
PENSIONS		
Deferred compensation, counties, municipalities, employees authorized to participate	226	
Public retirement, \$.74 increase for each year of creditable service	56	E1
Restoration of withdrawn contributions on service reentry, notice of opportunity	233	
State patrol cadets, retirement contributions, transfer to patrol system ..	81	
Vacation leave, cash received not part of retirement allowance computations	283	
PERSONAL PROPERTY (See also TAXES - PERSONAL PROPERTY)		
Industrial accidents, personal property damaged, claims	111	
Irrigation equipment, use tax exemption	55	E1
Leases, consumer leases not a loan or forbearance	158	
Leases, consumer leases not a retail installment contract	158	
Safe deposit vault rent due, notice procedures	289	
Uniform unclaimed property act enacted	179	
PERSONNEL, DEPARTMENT OF		
Productivity board, director of personnel is a member	54	
PESTICIDES (See AGRICULTURE; HAZARDOUS SUBSTANCES)		
PHYSICAL THERAPISTS		
Licensing requirements	116	
PHYSICIANS		
Child abuse, report, police officer takes child into custody	246	
Medical disciplinary account created	71	
Negligence, standard of care modified	149	
Optometrists fee procedures modified	168	

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
PIERCE COUNTY		
Community economic revitalization board loan limitations	60	E1
PISTOLS (See GUNS)		
PLANES (See AVIATION)		
PLANNING AND COMMUNITY AFFAIRS AGENCY		
Community economic revitalization board loan limitations	60	E1
Fire protection services contract authority transferred to PCAA	146	
Public works, comprehensive plan to be prepared	231	
PLATS AND PLATTING (See LAND USE PLANNING)		
PLUMBERS		
Regulation of journeyman and specialty plumber	124	
POACHING (See GAME, DEPARTMENT OF)		
PODIATRY (See HEALTH CARE)		
POLICE (See LAW ENFORCEMENT)		
POLITICAL CONTRIBUTIONS (See CAMPAIGNS)		
POLLUTION		
DOE authority modified	270	
Pugct Sound water quality authority established	243	
PORT DISTRICTS		
Collective bargaining, fire fighters are employees of port for labor purposes	287	
Commission vacancies, legislative authority and commissioners appoint	11	
Fire fighters are employees of port districts for collective bargaining	287	
Harbor areas and tidelands, percentage of lease money paid to towns	153	
Leases, may contain option for a 30 year extension	64	
Moorage and storage regulations, enforcement procedures	188	
Property acquisition, time period extended to 20 years	24	
Treasurers, ability to appoint private treasurer	250	
PRECINCTS (See ELECTIONS)		
PRISON TERMS AND PAROLE (See also CORRECTIONS)		
Continuing jurisdiction, courts of limited jurisdiction may not exceed two years	156	
Criminally insane, report availability	196	
Fines, \$35 per day reduction if do labor	276	
Good behavior sentence reduction	276	
Juvenile disposition standards, confinement not to exceed adult equivalent	191	
Overcrowding, reduction not applicable to violent offenses	162	
Parole revocation, Attorney General to make recommendations	196	
Prison reduction, does not apply to violent offenses	162	
Sentence length reduction	162	
Sentences may differ from guidelines in compelling circumstances, appeal-able	163	
Sentencing grid, offender score, seriousness score	115	
Sentencing guidelines commission, report approved	115	
Sentencing guidelines commission voting membership, includes legislators	163	
Sentencing laws, certain revisions to mesh with sentencing guidelines	163	
PRIVATE CARRIERS (See COMMON CARRIERS)		
PRIVATE SCHOOLS - K-12 (See SCHOOLS AND SCHOOL DISTRICTS)		
PRODUCTIVITY BOARD (See STATE AND PUBLIC EMPLOYEES)		
PROPERTY TAXES (See TAXES - PERSONAL PROPERTY; TAXES - REAL PROPERTY)		

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
PROSTITUTION (See CRIMES)		
PUBLIC ACCOUNTANTS (See ACCOUNTANTS)		
PUBLIC ASSISTANCE (See also MEDICAL ASSISTANCE)		
Sewer and water rates, may be delayed or adjusted	198	
Veteran's relief fund	295	
PUBLIC BIDS (See also CONTRACTORS; GENERAL ADMINISTRATION; PUBLIC WORKS; and specific entity)		
PUBLIC BUILDINGS (See BUILDINGS)		
PUBLIC DEPOSITARIES (See FINANCIAL INSTITUTIONS)		
PUBLIC DISCLOSURE (See also CAMPAIGNS; ELECTIONS)		
Contributions over \$500, special reports	176	
County and local treasurers, filing requirements	213	
Funds, transfer by candidates or committees, reporting requirements ...	96	
Municipal purchasing	44	E1
Public disclosure commission, sunset termination	197	
Reports, filed and indexed for ease of access	294	
PUBLIC EMPLOYEES (See CITIES; COUNTIES; STATE AND PUBLIC EMPLOYEES)		
PUBLIC HEALTH (See HEALTH CARE AND SERVICES)		
PUBLIC HOSPITALS (See HOSPITALS)		
PUBLIC HOUSING (See HOUSING)		
PUBLIC LANDS (See NATURAL RESOURCES, DEPARTMENT OF)		
PUBLIC SCHOOLS (See SCHOOLS AND SCHOOL DISTRICTS)		
PUBLIC SERVICE COMPANIES (See UTILITIES)		
PUBLIC TRANSPORTATION (See also ROADS AND HIGHWAYS)		
Benefit area to include annexed and merged areas of local government ..	65	
Benefit areas may designate treasurer	151	
Rail study on costs and benefits	303	
PUBLIC UTILITIES (See UTILITIES)		
PUBLIC WORKS		
Planning and community affairs agency to prepare a comprehensive plan ..	231	
Street improvements, city may assist property owner	103	
PUGET SOUND		
Water quality authority established	243	
PURCHASES (See GENERAL ADMINISTRATION; specific entity)		
RADIOACTIVE MATERIALS (See HAZARDOUS SUBSTANCES)		
RAILROADS		
Crossings, revised regulation of signs for vision obstruction and warnings ..	19	
Essential rail assistance account created	303	
Rail districts may be formed by counties	303	
Study on costs and benefits	303	
RAPE (See CRIMES)		
REAL PROPERTY (See also SECURITY INTERESTS)		
Aquatic land leases	2	E2
Conservation status, no penalty tax when classified	41	
Eminent domain, compensation modified	140	
Homestead exemption increased to \$25,000	45	E1
Homestead, powers of attorney, executed separately or jointly	251	
Oil and gas exploration	253	

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter
REAL PROPERTY—cont.	
Public lands, DNR authorized to exchange	261
Real estate contract vendor's interest, not available to satisfy judgment ..	45 E1
Timeshare regulation	22 E1
REAL PROPERTY TAXES (See TAXES – REAL PROPERTY)	
RECYCLING (See CONSERVATION)	
REDISTRICTING (See CONGRESS)	
RELIGION	
Liquor licenses, church proximity consideration removed	160
RENT AND RENTALS	
Default, seizure of personal property	264
Deposit procedures, checklist required	264
Eviction procedures	264
Hotwater heater thermostat setback	178
Notice provisions, nonpayment of rent, court registry	264
Unlawful detainer, criminal penalties	264
RESIDENTIAL BUILDINGS (See BUILDINGS; HOUSING)	
RETAIL INSTALLMENT SALES (See SALES)	
RETIREMENT SYSTEMS (See PENSIONS)	
REVENUE, DEPARTMENT OF	
County sales and use tax equalization account, government price index for distribution	99
Government price index, county sales and use tax equalization account ..	99
Manufacturing businesses, hazardous wastes regulated	65 E1
Obsolete funds and accounts abolished	189
Uniform unclaimed property act enacted	179
ROADS AND HIGHWAYS (See also PUBLIC WORKS)	
Condemnation cases for highways have court priority	140
Ditches, regulation of across highways, sunset termination	197
Maintenance, motor vehicle fund distribution	43
Model traffic ordinance updated	30
Motor vehicle fund distribution, maintenance of city streets, state aid approval	43
Multistate highway transportation agreement	82
Rural arterial program	49 E1
Service districts for funding capital and maintenance costs for facilities and roads	130
State route 21, Kahlotus to Lind	79
State route 530, to Rockport	131
State routes revised, 12, 109, 291, 251	180
Street improvement latecomer fees	126
Street improvements, city may assist property owner	103
RULE OF CONSTRUCTION (See CODE REVISER)	
SAFE DEPOSIT COMPANIES	
Rent due, notice procedures	289
SAFETY	
Hot water heater thermostat setback	178
Seat belts, children	215
SALARIES (See specific class)	
SALES (See also TAXES – SALES)	
Agricultural products, regulation, bonds, liens	305
Horses, special open consignment horse sale defined	298

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter
SALES—cont.	
Livestock markets do not include open consignment horse sale	298
Retail installment contracts, does not include consumer lease	158
Timeshare regulation	22 E1
SALMON (See FISHERIES, DEPARTMENT OF)	
SAVINGS AND LOAN ASSOCIATIONS (See also FINANCIAL INSTITUTIONS)	
Examination fund	157
Names, expanding list of permissible names	42
Uniform unclaimed property act enacted	179
SAVINGS BANKS (See BANKS AND BANKING)	
SCHOOLS AND SCHOOL DISTRICTS	
Bonds, private school may put up surety bond versus cash advance for joint purchases	125
Capital projects fund, building fund	59
Closure procedures	109
Common school construction fund, funds transferred from resource management account	17 E1
Computers, donated to schools, use tax exemption	55 E1
Contact hour requirements revised	229
Debt service fund	59
Directors' association, audits	187
Directors' association, dues, delinquent procedure modified	187
Director's association may use state motor pool	187
Directors' association, powers	187
Educational service districts, authority altered	56
Educational service districts, fund allocation powers modified	56
Employees, hearings for lay-offs due to a reduction in force	83
Joint purchasing agencies, private school purchases, surety bond as alternative to cash advance	125
Juveniles confined in detention facilities, education programs	98
Lay-offs, time of hearings due to a reduction in force	83
Loans for college students for math and science education	74 E1
Math and science teachers, college loans	74 E1
Private schools, joint purchasing agency, school may put up surety bond versus cash advance	125
Private schools, teacher registration	56
Public retirement, \$.74 increase for each year of creditable service	56 E1
Reduction in force, lay-off hearings	83
Retirement system, service period computation modified	69
Revenue and budgeting method changes	59
Self-insurance authorized for groups of two or more	174
Sick leave buy-back program	275
Teacher contact hour requirements revised	229
Teachers in private schools, registration requirements	56
Temporary committee on educational policies, structure, and management, deadline extended	105
Time of payment of appropriations, apportionment schedule	14
Transportation, all students entitled to transportation	61 E1
Transportation criteria defined	61 E1
Vocational agriculture program	34 E1
SCIENCE (See TECHNOLOGY)	
SEAT BELTS (See MOTOR VEHICLES)	
SEATTLE FIRST NATIONAL BANK (See BANKS AND BANKING)	
SEATTLE INTERNATIONAL RACEWAY	
Alcohol may not be brought into auto race parks	160

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
SECRETARY OF STATE (See also ELECTIONS)		
Charitable solicitations, registration and disclosure	265	
Partnerships, uniform limited, act revised	302	
State archivist, rule adoption and technical standards	84	
Uniform limited partnership act revised	302	
Voting by mail procedures regulated	71	E1
SECURITIES (See INVESTMENTS AND SECURITIES)		
SECURITY INTERESTS		
Agricultural products	305	
Chattel liens, 90 days to file	33	
SELF-INSURERS (See LABOR AND INDUSTRIES, DEPARTMENT OF)		
SEMINARS (See EDUCATION)		
SENIOR CITIZENS (See ELDERLY)		
SENTENCING (See PRISON TERMS AND PAROLE)		
SEPA (See ECOLOGY, DEPARTMENT OF)		
SEWER DISTRICTS		
Contracting procedures, increases award amount for small works roster	38	
Formation alternative, petition by property owners	88	
Low income rates, may delay, adjust, eliminate	198	
Metropolitan municipal corporation representation increased	92	
Small works roster contracting limits	38	
Storm water control facilities, public entities to pay rates and charges ..	315	
Treasurers, may be appointed by district commissioners	57	
SEX CRIMES (See CRIMES)		
SEX DISCRIMINATION (See DISCRIMINATION)		
SEXUAL PSYCHOPATH (See MENTAL HEALTH)		
SHELLFISH (See FISHERIES, DEPARTMENT OF)		
SHELTERS - WORKSHOPS AND HOUSING		
Developmentally disabled, parent participation in care and training mod- ifies assistance eligibility	310	
Foster care for developmentally disabled, court review	311	
Long term health care, ombudsman program	290	
Ombudsmen program, long-term health care facilities	290	
Tax exemp., shelter for indigent homeless persons	55	E1
SHIPS (See BOATS)		
SHORELANDS (See NATURAL RESOURCES, DEPARTMENT OF)		
SHORELINE MANAGEMENT		
MT. ST. Helens	1	E1
SHRIMP (See FISHERIES, DEPARTMENT OF)		
SIGNS		
Railroad crossings, may not erect billboard that obstructs vision	19	
SMALL CLAIMS COURT (See COURTS)		
SMALL HYDRO (See ENERGY)		
SMALL WORKS ROSTER		
Sewer or water districts contracting procedures	38	
SNOHOMISH COUNTY		
Community economic revitalization board loan limitations	60	E1

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter
SNOWMOBILES (See MOTOR VEHICLES)	
SOCIAL AND HEALTH SERVICES, DEPARTMENT OF (See also MEDICAL ASSISTANCE; PUBLIC ASSISTANCE)	
Abuse of hospital and nursing home patients, restraining order	269
Alcohol information school	150
Alcoholism hospital not health care facility, board of health	41
Child abuse, police officer to take child into custody	246
Children and family services act, avoid out-of-home placement	192
Chore services, insurance to cover	249
Criminal justice cost reimbursements for crimes committed	279
Criminally insane, escape, notice to law enforcement and appropriate persons	122
Criminally insane, furlough, notice to law enforcement 48 hours before ..	122
Deaths, list of those over 18 who have died	110
Developmental disability to include autism	269
Developmentally disabled habilitative services	145
Developmentally disabled, parent participation in care and training modifies assistance eligibility	310
Foster care for developmentally disabled, court review	311
Funds, transfers between programs	12
Handicapped, advise annually of alternatives	60
Home health care services, health insurance plans to cover	249
Hospices, insurance to provide coverage	249
Intensive alcohol treatment program for serious problems	150
Juvenile placement, appeals from decision	50
Juveniles confined in detention facilities, education programs	98
Long-term health care, ombudsman program	290
Ombudsmen program, long-term health care facilities	290
Probation officer for intensive alcohol treatment program	150
Radioactive materials, transfer of duties to department of ecology studied ..	19
Registrar, birth, death certificates, \$2 to death investigation account ...	16
Subpoena power	269
Transfer of powers to department of ecology studied	19
Vendors, interest on overpayments or erroneous payments	41
Vital statistics, list of those 18 and over who have died	110
Water supply operators, certification changes	292
Workshops for institution residents	269
SOCIAL SECURITY	
OASI revolving fund	6
SOCIAL WORKERS	
Child abuse, report, police officer takes child into custody	246
SOLID WASTE (See WASTE DISPOSAL)	
SPECIAL ELECTIONS (See ELECTIONS)	
SPECIAL PURPOSE DISTRICTS (See specific type)	
STATE AGENCIES (See also STATE AND PUBLIC EMPLOYEES)	
Administrative proceedings, interpreters for non-English speaking background	222
Annual program goals and objectives	306
Bonds, registration of ownership	167
Capital improvement bonds authorized	54
Comparable worth in salary schedules	75
Conservation corps established within many agencies	40
Cost control task force	26
Debts, cash flow trouble, borrow through issuance of certificates of indebtedness	189
Debts, limitation formula modified	36

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter
STATE AGENCIES—cont.	
Fire protection, may contract with cities for	87
Gender-neutral language in all rules and publications	20
Geographic names board established	273
Higher education facility authority, financing for private nonprofit institutions	169
Housing finance commission established	161
Interpreters for non-English speaking cultural background, administrative proceedings	222
Mileage reimbursement not to exceed federal rate	29 E1
Minority and women-owned businesses, participation enhanced	120
Open public meetings, covers committees of governing bodies	155
Pay period, twice a month	28 E1
Prison work programs, record storage and retrieval	296
Purchasing, adding premium to bids of out of state vendors with preferences	183
Purchasing, emergency procedures, limits	141
Purchasing, reciprocity, in-state preferences	183
Records management, prison work programs	296
Sunset review procedure modified	27 E1
Sunset review, water well construction examining board	27 E1
Sunset termination, arts commission	197
Sunset termination, barbering regulation, removed	75
Sunset termination, boom companies	197
Sunset termination, chiropractic disciplinary board	197
Sunset termination, commerce and economic development	197
Sunset termination, commission on vocational education	197
Sunset termination, cosmetology, removed	208
Sunset termination, council for postsecondary education	197
Sunset termination, ditches, regulation of across highways	197
Sunset termination, drugless healing	197
Sunset termination, educational services registration act	197
Sunset termination, emergency medical services committee	197
Sunset termination, fairs commission	197
Sunset termination for Asian-American affairs commission extended ..	119
Sunset termination, interim committee on public employees collective bargaining	197
Sunset termination, judicial council	197
Sunset termination, landscape architects	197
Sunset termination, library network	197
Sunset termination, log driving companies	197
Sunset termination, midwife advisory committee	197
Sunset termination, national guard educational assistance program	197
Sunset termination, notaries public and commissioners of deeds	197
Sunset termination, nurses	197
Sunset termination, nursing home advisory council	197
Sunset termination, public disclosure commission	197
Sunset termination removed, traffic safety commission	14 E1
Sunset termination repealed, archaeological research center	159
Sunset termination, salaries, establishment of minimum	197
Sunset termination, snowmobile advisory committee	139
Sunset termination, state board of health extended	235
Sunset termination, toll logging roads	197
Sunset termination, training standards and education board	197
Sunset termination, UW museum	197
Sunset termination, various boards, councils, commissions, programs ..	197
Sunset termination, vehicle inspection program	197
Travel reimbursement to be set at federal rate	29 E1

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
STATE AND PUBLIC EMPLOYEES		
Comparable worth in salary schedules	75	E1
Corrections, civil service exemptions eliminated for institutional industry staff	175	
Insurance coverage is not additional compensation	37	E1
Interim committee on public employees collective bargaining, sunset termination	197	
Mileage reimbursement not to exceed federal rate	29	E1
Pay period, twice a month	28	E1
Productivity board, director of personnel is a member	54	
Productivity board, expense limitation	54	
Reenter service, restoration of withdrawn retirement contributions, notice of opportunity	233	
Retirement system, service period computation modified	69	
Salaries, establishment of minimum, sunset termination	197	
State patrol special deputies	144	
Travel reimbursement to be set at federal rate	29	E1
Vacation leave, accrue 30 days plus that earned for anniversary date ...	283	
Vacation leave, cash received not part of retirement allowance computations	283	
WWII state employees and surviving spouse, discriminatory dismissal, reparation	15	E1
STATE ARCHIVIST (See SECRETARY OF STATE)		
STATE EMPLOYEES (See STATE AND PUBLIC EMPLOYEES)		
STATE ENVIRONMENTAL POLICY ACT (See ECOLOGY, DEPARTMENT OF, subtopic SEPA)		
STATE FIRE MARSHAL		
Guard dogs, notice must be given	258	
Heaters, portable oil fueled heaters regulated	134	
STATE LOTTERY (See also GAMBLING)		
Liquor control board, performing lottery related services	160	
Uniform unclaimed property act enacted	179	
STATE PATROL		
Cadets, retirement contributions, transfer to patrol system	81	
Criminal records, fees	184	
Prohibition of transportation of hazardous substances	205	
Public retirement, \$.74 increase for each year of creditable service	56	E1
Special deputies, state employees	144	
Vehicle repairers, restorers, or rebuilders, rule adoption	142	
STATE ROUTES (See TRANSPORTATION, DEPARTMENT OF)		
STATE TREASURER		
Filing requirements	213	
Obsolete funds and accounts abolished	189	
STATUTE LAW COMMITTEE (See CODE REVISER)		
STREETS (See ROADS AND HIGHWAYS)		
STRIKES (See LABOR RELATIONS)		
SUBDIVISIONS (See LAND USE PLANNING)		
SUNSET REVIEW (See STATE AGENCIES)		
SUPERINTENDENT OF PUBLIC INSTRUCTION		
Juveniles confined in detention facilities, education programs	98	
Transportation, all students entitled to transportation	61	E1
Transportation, allocation formula to legislature	61	E1

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
SUPERINTENDENT OF PUBLIC INSTRUCTION—cont.		
Transportation data to be submitted by districts	61	E1
Vocational agriculture program	34	E1
SUPPLEMENTAL BUDGET (See BUDGET AND ACCOUNTING)		
SURETY BOND (See INSURANCE)		
TAXES - B & O		
Additional tax, expiration date removed	3	E2
Additional taxes imposed	3	E2
Agricultural or horticultural property, certain not business' inventory ..	62	E1
Border county tax modified	3	E2
Community action council, weatherization or home repair assistance, tax deduction	66	E1
Counties, cities, school districts, fire districts, exempt	66	E1
Exemptions, effect on revenue of to be reported	3	E2
Grants received by municipal corporations exempt	66	E1
Homeowner's property tax relief act	62	E1
Increase, temporary, specified businesses	9	
Insurance agents, brokers, solicitors, adjusters, separate rate	3	E2
Inventory tax exemption modified	62	E1
Out-of state persons, certain exempt	66	E1
Real estate brokers, temporary increase	9	
Retail sales, business tax modified	9	
Services, various taxes modified	9	
Slaughtering, wholesale only	66	E1
Timber, certain not business inventory	62	E1
Wholesale or retail exempt for certain out-of-state persons	66	E1
TAXES - BOATS (See BOATS)		
TAXES - EXCISE		
Aircraft, failure to pay, misdemeanor	7	
Aircraft, fee schedule	3	E2
Anadromous game fish	284	
Cold storage warehouse defined for tax purposes	132	
Community action or home repair council, weatherization or home repair assistance, tax deduction	66	E1
TAXES - FUEL		
Aircraft, excise tax rate, 5 cents per gallon, whichever is greater	49	
Aircraft, weighted average retail sales price redefined	49	
Gas tax provisions modified for 83-85 biennium	49	E1
Interstate commerce use, exempt from sales tax	35	E1
Motor vehicle, taxable fuel yet exempt from sales tax, conditions	35	E1
Propane, special tax	212	
Rural arterial program	49	E1
Special fuel, interest penalties	242	
Special fuel, taxable fuel yet exempt from sales tax, conditions	35	E1
Special fuel, taxes on leased vehicles	242	
Special fuel, trip permits	78	
Transportation for elderly or handicapped, exemption	108	
TAXES - GENERAL		
Exemptions, effect on revenue to be reported	3	E2
Flood control zone districts, excess tax rate authorized	315	
Tax preferences, termination or review	3	E2
Warrants, tax collection	55	E1
TAXES - MOTOR VEHICLE		
Use tax, allocation of collection fee	77	

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
TAXES - PERSONAL PROPERTY		
Business inventory tax exemption modified	62	E1
Irrigation equipment, use tax exemption	55	E1
TAXES - REAL PROPERTY		
Agricultural or horticultural property, certain not business' inventory ..	62	E1
Conservation status, no penalty tax when classified	41	
County assessor to review levies for correctness	223	
County sales and use tax equalization account, government price index for distribution	99	
Exemptions, effect on revenue to be reported	3	E2
Homeowner's property tax relief act	62	E1
Nonprofit organizations, rummage sale use does not make property com- mercial	25	E1
Senior citizen tax exemption, annual filing requirement eliminated	11	E1
Senior citizen tax exemption, deduct nursing home cost from income ...	11	E1
Senior citizen tax exemption, income level raised, adjustments depending on combined disposable income	11	E1
Shelters to indigent homeless person, exemptions	55	E1
Use exemption, subsequently changed, tax and interest assessment, excep- tions	185	
TAXES - SALES		
Border counties defined	7	
Border counties, retail tax modified	7	
Border county tax modified	3	E2
Computers, donated to schools, use tax exemptions	55	E1
Increase, temporary, specified businesses	9	
Irrigation equipment use tax exemptions	55	E1
Prototypes, value of the article used defined	55	E1
State, seller for purposes of retail sales tax, except selling to self	55	E1
Telephone services, retail	3	E2
TAXES - TIMBER		
Business inventory, certain timber not	62	E1
Business tax of 6.5% extended	3	E2
Forest fire protection assessments	299	
Timber tax reserve account, providing for transfer of surplus from state timber tax account A	8	
TAXES - USE (See TAXES - SALES)		
TEACHERS (See SCHOOLS AND SCHOOL DISTRICTS)		
TECHNOLOGY		
High-technology education and training act	72	E1
Loans for teachers in math and science	74	E1
TELEPHONES		
Services taxed	3	E2
THERMAL ELECTRIC GENERATING FACILITY (See ENERGY)		
TIDELANDS (See NATURAL RESOURCES, DEPARTMENT OF)		
TIMBER (See NATURAL RESOURCES, DEPARTMENT OF; TAXES - TIMBER)		
TIMESHARES (See REAL PROPERTY)		
TOLL FACILITIES (See TRANSPORTATION, DEPARTMENT OF)		
TORTS (See CIVIL ACTIONS AND PROCEDURES)		
TOUTLE RIVER		
Mt. St. Helens repair damage	1	E1

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
TOWNS (See CITIES)		
TOXIC MATERIALS (See HAZARDOUS SUBSTANCES)		
TRADE FAIRS (See FAIRS AND EXPOSITIONS)		
TRADE-INTERNATIONAL (See EXPORTING)		
TRADING STAMPS		
Coupons, distributed through newspaper or attached or in packages, regulation	40	
TRAFFIC INFRACTIONS (See MOTOR VEHICLES)		
TRAFFIC SAFETY COMMISSION		
Comprehensive traffic safety plan duties modified	14	E1
Sunset termination removed	14	E1
TRAINS (See RAILROADS)		
TRANSPORTATION, DEPARTMENT OF		
Aircraft dealer regulations	135	
Category C highway projects, appropriation	18	
Condemnation cases for highways have court priority	140	
Contracting authority, indemnity provisions	29	
Ditches, regulation of across highways, sunset termination	197	
Ferry contractors, prequalification procedures	133	
Ferry system, employee organization and collective bargaining procedures established	15	
Hood canal bridge, appropriation	18	
Motor vehicle fund distribution, maintenance of city streets, state aid approval	43	
Multistate highway transportation agreement	82	
Rail study on costs and benefits	303	
Rural arterial program	49	E1
State route 21, Kahlotus to Lind	79	
State route 530, to Rockport	131	
State routes revised, 12, 109, 291, 251	180	
Toll facilities, pedestrians liable for failure to pay	247	
Transportation budget adopted	53	E1
TRAVEL TRAILERS (See MOTOR VEHICLES)		
TREASURER (See COUNTY TREASURER; STATE TREASURER)		
TRUCKS (See COMMON CARRIERS; MOTOR VEHICLES)		
TUITION (See specific institutions)		
UNCLAIMED PROPERTY (See PERSONAL PROPERTY)		
UNEMPLOYMENT COMPENSATION		
Additional benefits, availability extended	13	E1
Contributions in lieu, includes penalties	23	E1
Corporations, officer coverage elective	23	E1
Educational institution employee, retroactive benefits possible	23	E1
Extended benefits, eligibility criteria modified for federal compliance ..	1	
Federal interest payment fund	13	E1
Interest and penalties, responsibility, delinquency	23	E1
Military weekend duty reserve pay excluded from definition of remuneration	67	
Predecessor and successor rates	23	E1
Shared work benefits, reduced work week	207	
State and political subdivisions, liable for interest or penalties	23	E1
Wages, may be calculated on basis of remuneration payable	23	E1
Weekly benefit rounded down to next dollar	23	E1

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
UNFAIR BUSINESS PRACTICES (See CONSUMER PROTECTION)		
UNFAIR PRACTICE (See DISCRIMINATION; LABOR RELATIONS)		
UNIFORM LAWS		
Uniform conflict of laws—limitations act	152	
Uniform limited partnership law revised	302	
Uniform unclaimed property act enacted	179	
UNIONS (See LABOR RELATIONS)		
UNIVERSITY OF WASHINGTON		
High-technology center	72	E1
Museum, sunset termination	197	
Resource management account fund transfer to maintain positive balance	17	E1
UTILITIES AND TRANSPORTATION COMMISSION		
District heating, operating permits for heat supplier	94	
Garbage trucks, weight limits, excess limits may not use interstate system	68	
Multistate highway transportation agreement	82	
Statutory corrections, obsolete references	4	
Vehicle size, load restrictions, conformity with federal standards	278	
UTILITIES (See also WPPSS)		
Annexation by public utility districts	101	
Conservation analyses and financing authorized by electricity providers ..	62	
District formation procedures	303	
Electric distribution political subdivisions may establish heating systems ..	216	
Electric energy contracts by cities, cannot commit beyond express dollar amount	308	
Hot water heater thermostat setback	178	
Hydroelectric development, irrigation districts and cities or public utility districts	47	
Operating agency board directors, compensation	3	E1
Service installation charge, customer may contract privately	217	
Uniform unclaimed property act enacted	179	
WPPSS decisions of participants, immunity	48	E1
WPPSS executive board membership modified	3	E1
WPPSS executive board salaries	3	E1
VETERANS' AFFAIRS		
Advisory committee membership increased	34	
License plates, permanently unemployable	230	
Relief fund	295	
Veteran services may be contracted	260	
VETERINARIANS		
Animal technician, examination by veterinary board of governors	102	
Disciplinary action, vets and technicians	102	
License renewal fees	102	
VICTIMS (See CRIME VICTIMS COMPENSATION)		
VITAL STATISTICS (See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)		
VOCATIONAL EDUCATION		
Agricultural education program	34	E1
Commission on vocational education, sunset termination	197	
Fire service training program	21	E1
Job skills program	21	E1
VOCATIONAL REHABILITATION (See LABOR AND INDUSTRIES, DEPARTMENT OF)		
VOLCANOES (See MT. ST. HELENS)		

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter	
VOTING (See ELECTIONS)		
WASHINGTON PUBLIC POWER SUPPLY SYSTEM (See WPPSS)		
WASHINGTON STATE UNIVERSITY		
High-technology state-wide off-campus telecommunications system . . .	72	E1
Intercollegiate center for nursing, employee fee waiver	220	
Southwest Washington joint center for education, technology training . .	72	E1
WASTE DISPOSAL		
Solid waste facilities, located within city, county to reimburse for use . .	171	
Storm water control facilities, public entities to pay rates and charges . .	315	
WATER		
Ditches, regulation of across highways, sunset termination	197	
East Selah reregulating reservoir	18	E1
Hot water heater thermostat setback	178	
Marine exploration of oil and gas, permit required	138	
Pollution authority of DOE modified	270	
Puget sound water quality authority established	243	
Sole-source aquifer matching funds, future program authority, DOE . . .	270	
Sole-source aquifers, funds for protection	269	
Water supply operators, certification changes	292	
Water well construction complaints, file with department of ecology . . .	93	
Water well construction examining board sunset review	27	E1
WATER DISTRICTS		
Contracting procedures, increases award amount for small works roster . .	38	
Low-income rates, may delay, adjust, eliminate	198	
Small works roster contracting limits	38	
Storm water control facilities, public entities to pay rates and charges . .	315	
Surface or storm water, public improvements to lessen damage	315	
Treasurers, may be appointed by district commissioners	57	
Water supply operators, certification changes	292	
WEATHERIZATION (See ENERGY)		
WHEEL CHAIRS (See HANDICAPPED)		
WILDLIFE (See GAME, DEPARTMENT OF)		
WILLS		
Creditor claims against deceased person, 4 month filing period	201	
WOOD AND WOOD PRODUCTS (See NATURAL RESOURCES, DEPARTMENT OF)		
WORK		
Comparable worth in salary schedules	75	E1
Conservation corps established within many agencies	40	E1
Injured workers, vocational rehabilitation, reemployment encouraged . . .	86	
Job skills program	21	E1
Minority and women-owned businesses, participation enhanced	120	
Part time work, unemployment compensation	207	
Shared work benefits, reduced work week unemployment compensation . .	207	
Youth employment exchange	50	E1
WORKERS' COMPENSATION (See LABOR AND INDUSTRIES, DEPARTMENT OF)		
WPPSS (See also JOINT OPERATING AGENCIES)		
Compensation, operating agency board directors	3	E1
Electric energy contracts by cities, cannot commit beyond express dollar amount	308	
Executive board membership modified	3	E1
Executive board, salaries	3	E1

"E1" Denotes 1st ex. sess.

"E2" Denotes 2nd ex. sess.

SUBJECT INDEX OF 1983 STATUTES

	Chapter
WPPSS—cont.	
Open public meetings	3 E1
Participating utilities, immunity	48 E1
YAKIMA RIVER	
East Selah reregulating reservoir	18 E1
YOUTH CONSERVATION CORPS (See WORK)	
ZONING (See LAND USE PLANNING)	

INITIATIVES TO THE PEOPLE

HISTORY OF STATE MEASURES FILED WITH THE SECRETARY OF STATE

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 1 (**State-wide Prohibition**)—Filed January 2, 1914. Refiled as Initiative Measure No. 3.
- INITIATIVE MEASURE NO. 2 (**Eight Hour Law**)—Filed January 3, 1914. Refiled as Initiative Measure No. 5.
- *INITIATIVE MEASURE NO. 3 (**State-Wide Prohibition**)—Filed January 8, 1914. Submitted to the voters at the state general election held on November 3, 1914. Measure approved into law by the following vote: **For—189,840 Against—171,208**. Act is now identified as Chapter 2, Laws of 1915.
- INITIATIVE MEASURE NO. 4 (**Drugless Healers**)—Filed January 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 5 (**Eight Hour Law**)—Filed January 15, 1914. No petition filed. See Initiative Measure No. 13, covering same subject.
- INITIATIVE MEASURE NO. 6 (**Blue Sky Law**)—Filed January 30, 1914. Submitted to voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For—142,017 Against—147,298**.
- INITIATIVE MEASURE NO. 7 (**Abolishing Bureau of Inspection**)—Filed January 30, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For—117,882 Against—167,080**.
- *INITIATIVE MEASURE NO. 8 (**Abolishing Employment Offices**)—Filed January 30, 1914. Submitted to the voters at the state general election held on November 3, 1914. Measure approved into law by the following vote: **For—162,054 Against—144,544**. Act is now identified as Chapter 1, Laws of 1915.
- INITIATIVE MEASURE NO. 9 (**First Aid to Injured**)—Filed January 29, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For—143,738 Against—154,166**.
- INITIATIVE MEASURE NO. 10 (**Convict Labor Road Measure**)—Filed January 29, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For—111,805 Against—183,726**.
- INITIATIVE MEASURE NO. 11 (**Fish Code**)—Filed January 29, 1914. Petition failed. Not enough valid signatures obtained to place the measure on the November 3, 1914 state general election ballot.
- INITIATIVE MEASURE NO. 12 (**Abolishing Tax Commission**)—Filed January 29, 1914. Petition failed. Not enough valid signatures obtained to place the measure on the November 3, 1914 state general election ballot.
- INITIATIVE MEASURE NO. 13 (**Eight Hour Law**)—Filed February 10, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For—118,881 Against—212,935**.
- INITIATIVE MEASURE NO. 14 (**Legislative Reapportionment**)—Filed May 13, 1914. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 15 (**Fundamental Reform Act**)—Filed May 15, 1914. No petition filed.
- INITIATIVE MEASURE NO. 16 (**Legislative Reapportionment**)—Filed May 20, 1914. No petition filed.
- INITIATIVE MEASURE NO. 17 (**State Road Measure**)—Filed June 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 18 (**Brewers' Hotel Bill**)—Filed December 14, 1914. The 1915 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 7, 1916 state general election. Measure was defeated by the following vote: **For—48,354 Against—263,390.**
(This initiative was erroneously numbered since it was actually an initiative to the Legislature. Now renumbered as Initiative to the Legislature No. 1A.)
- INITIATIVE MEASURE NO. 19 (**Nonpartisan Election and Presidential Primary**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 20 (**First Aid**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 21 (**Home Rule**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 22 (**Fisheries Code**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 23 (**Politicians' Code**)—Filed March 29, 1916. No petition filed.
- INITIATIVE MEASURE NO. 24 (**Brewers' Bill**)—Filed April 20, 1916. Submitted to the voters at the state general election held on November 7, 1916. Failed to pass by the following vote: **For—98,843 Against—245,399.**
- INITIATIVE MEASURE NO. 25 (**Repealing State-Wide Prohibition**)—Filed May 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 26 (**Making the State a Prohibition District**)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 27 (**Repealing Chapter 57, Laws of 1915, Relating to Regulation of Common Carriers**)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 28 (**Nonpartisan Elections**)—Filed October 26, 1916. No petition filed.
- INITIATIVE MEASURE NO. 29 (**Capitol Removal Bill**)—Filed November 27, 1916. No petition filed.
- INITIATIVE MEASURE NO. 30 (**Eight Hour Law**)—Filed January 9, 1918. No petition filed.
- INITIATIVE MEASURE NO. 31 (**Municipal Marketing Measure**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 32 (**Picketing Measure**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 33 (**Nonpartisan Elections and Presidential Primary**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 34 (**Relating to Salmon Fishing**)—Filed February 8, 1918. No petition filed.
- INITIATIVE MEASURE NO. 35 (**Repealing Chapter 174, Laws of 1919, Relating to Prevention of Criminal Syndicalism**)—Filed October 7, 1920. Insufficient number of signatures on petition; failed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 36 (Municipal Marketing Measure)—Filed November 16, 1920. No petition filed.
- INITIATIVE MEASURE NO. 37 (Relating to Ownership of Land by Allens)—Filed November 19, 1920. No petition filed.
- INITIATIVE MEASURE NO. 38 (Repealing Chapter 209, Laws of 1907, Relating to the Nomination of Candidates for Public Office)—Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE NO. 39 (Repealing Chapter 138, Laws of 1913, Relating to the Initiative Procedure)—Filed January 11, 1922. No petition filed.
- *INITIATIVE MEASURE NO. 40 (Repealing Chapter 174, Laws of 1921, Relating to the Poll Tax)—Filed January 18, 1922. Submitted to the voters at the state general election held on November 7, 1922. Measure approved into law by the following vote: For—193,356 Against—63,494. Act is now identified as Chapter 1, Laws of 1923.
- INITIATIVE MEASURE NO. 41 (Nonpartisan Elections)—Filed January 18, 1922. No petition filed.
- INITIATIVE MEASURE NO. 42 (Workmen's Compensation Measure)—Filed January 24, 1922. Same as Initiative Measure No. 47; no petition filed.
- INITIATIVE MEASURE NO. 43 (Relating to Injunctions in Labor Disputes)—Filed January 24, 1922. No petition filed.
- INITIATIVE MEASURE NO. 44 (Relating to Municipal Ownership)—Filed January 28, 1922. No petition filed.
- INITIATIVE MEASURE NO. 45 (Legislative Reapportionment)—Filed February 14, 1922. No petition filed.
- INITIATIVE MEASURE NO. 46 ("30-10" School Plan)—Filed February 21, 1922. Submitted to the voters at the state general election held on November 7, 1922. Failed to pass by the following vote: For—99,150 Against—150,114.
- INITIATIVE MEASURE NO. 47 (Workmen's Compensation Measure)—Filed March 27, 1922. No petition filed.
- INITIATIVE MEASURE NO. 48 (Compulsory School Attendance)—Filed January 7, 1924. No petition filed.
- INITIATIVE MEASURE NO. 49 (Compulsory School Attendance)—Filed January 15, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: For—158,922 Against—221,500.
- INITIATIVE MEASURE NO. 50 (Limitation of Taxation)—Filed February 21, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: For—128,677 Against—211,948.
- INITIATIVE MEASURE NO. 51 (Pertaining to Salmon Fishing)—Filed April 2, 1924. No petition filed.
- INITIATIVE MEASURE NO. 52 (Electric Power Measure)—Filed April 8, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: For—139,492 Against—217,393.
- INITIATIVE MEASURE NO. 53 (Relating to Sanipractic)—Filed February 4, 1926. No petition filed.
- INITIATIVE MEASURE NO. 54 (State Commission to License and Regulate Horse-Racing, Pool-Selling, etc.—Parimutuel Measure)—Filed February 5, 1926. No petition filed.
- INITIATIVE MEASURE NO. 55 (Prohibiting Use of Purse Seines, Fish Traps, Fish Wheels, etc.)—Filed February 16, 1928. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 56 (Redistricting State For Legislative Purposes)—Filed April 24, 1930. Refiled as Initiative Measure No. 57.
- *INITIATIVE MEASURE NO. 57 (Redistricting State for Legislative Purposes)—Filed April 25, 1930. Submitted to the voters at the state general election held on November 4, 1930. Measure approved into law by the following vote: For—116,436 Against—115,641. Act is now identified as Chapter 2, Laws of 1931.
- *INITIATIVE MEASURE NO. 58 (Permanent Registration)—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: For—372,061 Against—75,381. Act is now identified as Chapter 1, Laws of 1933.
- INITIATIVE MEASURE NO. 59 (Tax Free Homes)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 60 (Licensing of Mercantile Establishments)—Filed January 9, 1932. No petition filed.
- *INITIATIVE MEASURE NO. 61 (Relating to Intoxicating Liquors)—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: For—341,450 Against—208,211. Act is now identified as Chapter 2, Laws of 1933.
- *INITIATIVE MEASURE NO. 62 (Creating Department of Game)—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: For—270,421 Against—231,863. Act is now identified as Chapter 3, Laws of 1933.
- INITIATIVE MEASURE NO. 63 (Exemption of Homes from Taxation)—Filed January 9, 1932. No petition filed.
- *INITIATIVE MEASURE NO. 64 (Limits Tax Levy on Real and Personal Property to 40 Mills)—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: For—303,384 Against—190,619. Act is now identified as Chapter 4, Laws of 1933.
- INITIATIVE MEASURE NO. 65 (Cascade Mountain Tunnel)—Filed February 19, 1932. No petition filed.
- INITIATIVE MEASURE NO. 66 (Scientific Birth Control)—Filed February 26, 1932. No petition filed.
- INITIATIVE MEASURE NO. 67 (Abolishes Excise Tax on Butter Substitutes)—Filed March 7, 1932. No petition filed.
- INITIATIVE MEASURE NO. 68 (Unemployment Insurance)—Filed March 21, 1932. No petition filed.
- *INITIATIVE MEASURE NO. 69 (Income Tax Measure)—Filed March 22, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: For—322,919 Against—136,983. Act is now identified as Chapter 5, Laws of 1933.
- INITIATIVE MEASURE NO. 70 (Compulsory Military Training Prohibited)—Filed April 4, 1932. No petition filed.
- INITIATIVE MEASURE NO. 71 (Liquor Control)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 72 (Distribution of Highway Funds)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 73 (Catching of Fish)—Filed January 8, 1934. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 74 (Tax Free Homes)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 75 (Unemployment Insurance)—Filed January 19, 1934. No petition filed.
- INITIATIVE MEASURE NO. 76 (Tax Free Homes)—Filed January 22, 1934. No petition filed.
- *INITIATIVE MEASURE NO. 77 (Fish Traps and Fishing Regulations)—Filed February 1, 1934. Submitted to the voters at the state general election held on November 6, 1934. Measure approved into law by the following vote: For—275,507 Against—153,811. Act is now identified as Chapter 1, Laws of 1935.
- INITIATIVE MEASURE NO. 78 (Distribution of Highway Funds)—Filed February 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 79 (Liquor Control)—Filed February 20, 1934. No petition filed.
- INITIATIVE MEASURE NO. 80 (Liquor Control)—Filed February 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 81 (Liquor Control)—Filed February 28, 1934. No petition filed.
- INITIATIVE MEASURE NO. 82 (Fishing Regulations)—Filed March 10, 1934. No petition filed.
- INITIATIVE MEASURE NO. 83 (State Sale of Gasoline)—Filed March 16, 1934. No petition filed.
- INITIATIVE MEASURE NO. 84 (Blanket Primary)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 85 (State Fire Insurance)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 86 (State Fire Insurance)—Filed March 21, 1934. No petition filed.
- INITIATIVE MEASURE NO. 87 (Workmen's Compensation)—Filed March 22, 1934. No petition filed.
- INITIATIVE MEASURE NO. 88 (Liquor Control)—Filed March 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 89 (One Man Grand Jury)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 90 (Criminal Appeals)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 91 (Regulating Motor Carriers)—Filed March 31, 1934. No petition filed.
- INITIATIVE MEASURE NO. 92 (Regulating Motor Carriers)—Filed April 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 93 (Distribution of Highway Funds)—Filed May 10, 1934. Insufficient number of signatures on petition; failed.
- *INITIATIVE MEASURE NO. 94 (40-Mill Tax Limit)—Filed May 18, 1934. Submitted to the voters at the state general election held on November 6, 1934. Measure approved into law by the following vote: For—219,635 Against—192,168. Act is now identified as Chapter 2, Laws of 1935.
- INITIATIVE MEASURE NO. 95 (Liquor Control)—Filed May 26, 1934. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 96 (**Repeal of Business Occupation Tax**)—Filed June 4, 1934. No petition filed.
- INITIATIVE MEASURE NO. 97 (**Dog Racing**)—Filed June 7, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 98 (**Business and Occupation Tax**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 99 (**Distribution of Highway Funds**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 100 (**40-Mill Tax Limit**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 101 (**Civil Service**)—Filed January 14, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For**—208,904 **Against**—300,274.
- INITIATIVE MEASURE NO. 102 (**Creating "State Government Bank" Department**)—Filed January 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 103 (**Old Age Pension**)—Filed January 17, 1936. No petition filed.
- INITIATIVE MEASURE NO. 104 (**Tax on Gasoline**)—Filed February 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 105 (**Relating to Gill Nets**)—Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 106 (**Voter's Identification Certificate**)—Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 107 (**Tax on Gasoline**)—Filed March 7, 1936. No petition filed.
- INITIATIVE MEASURE NO. 108 (**40-Mill Tax Limit**)—Filed March 12, 1936. No petition filed.
- INITIATIVE MEASURE NO. 109 (**Admission of Sick to Hospitals**)—Filed March 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 110 (**Annulity for Crippled and Blind**)—Filed March 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 111 (**Admission of Sick to Hospitals**)—Filed April 8, 1936. No petition filed.
- INITIATIVE MEASURE NO. 112 (**Abolishing Compulsory Military Training**)—Filed April 9, 1936. No petition filed.
- INITIATIVE MEASURE NO. 113 (**Tax on Gasoline**)—Filed April 15, 1936. No petition filed.
- *INITIATIVE MEASURE NO. 114 (**40-Mill Tax Limit**)—Filed April 21, 1936. Submitted to the voters at the state general election held on November 3, 1936. Measure approved into law by the following vote: **For**—417,641 **Against**—120,478. Act is now identified as Chapter 1, Laws of 1937.
- INITIATIVE MEASURE NO. 115 (**Old Age Pension**)—Filed April 21, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For**—153,551 **Against**—354,162.
- INITIATIVE MEASURE NO. 116 (**Tax on Gasoline**)—Filed April 24, 1936. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 117 (**Production for Use**)—Filed May 1, 1936. No petition filed.
- INITIATIVE MEASURE NO. 118 (**Liens for Labor**)—Filed May 5, 1936. No petition filed.
- INITIATIVE MEASURE NO. 119 (**Production for Use**)—Filed May 9, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For**—97,329 **Against**—370,140.
- INITIATIVE MEASURE NO. 120 (**Tax on Gasoline**)—Filed May 11, 1936. No petition filed.
- INITIATIVE MEASURE NO. 121 (**Beer on Sunday**)—Filed May 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 122 (**Pertaining to Bribery and Grafting**)—Filed May 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 123 (**Business and Occupation Tax**)—Filed January 27, 1938. No petition filed.
- INITIATIVE MEASURE NO. 124 (**Distribution of Highway Funds**)—Filed February 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 125 (**Tax on Intoxicating Liquors**)—Filed February 15, 1938. No petition filed.
- *INITIATIVE MEASURE NO. 126 (**Nonpartisan School Election**)—Filed February 24, 1938. Submitted to the voters at the state general election held on November 8, 1938. Measure approved into law by the following vote: **For**—293,202 **Against**—153,142. Act is now identified as Chapter 1, Laws of 1939.
- INITIATIVE MEASURE NO. 127 (**Distribution of Highway Funds**)—Filed March 14, 1938. No petition filed.
- INITIATIVE MEASURE NO. 128 (**Civil Service**)—Filed March 14, 1938. No petition filed.
- *INITIATIVE MEASURE NO. 129 (**40-Mill Tax Limit**)—Filed March 18, 1938. Submitted to the voters at the state general election held on November 8, 1938. Measure approved into law by the following vote: **For**—340,296 **Against**—149,534. Act is now identified as Chapter 2, Laws of 1939.
- INITIATIVE MEASURE NO. 130 (**Regulation of Labor Disputes**)—Filed April 6, 1938. Submitted to the voters at the state general election held on November 8, 1938. Failed by the following vote: **For**—268,848 **Against**—295,431.
- INITIATIVE MEASURE NO. 131 (**Civil Service**)—Filed April 7, 1938. No petition filed.
- INITIATIVE MEASURE NO. 132 (**Old Age Assistance**)—Filed April 12, 1938. No petition filed.
- INITIATIVE MEASURE NO. 133 (**Relating to Licensing Gambling**)—Filed April 15, 1938. No petition filed.
- INITIATIVE MEASURE NO. 134 (**Old Age Assistance**)—Filed April 19, 1938. No petition filed.
- INITIATIVE MEASURE NO. 135 (**40-Mill Tax Limit**)—Filed May 14, 1938. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 136 (**Relating to Retail Beer and Wine Licenses**)—Filed June 3, 1938. No petition filed.
- INITIATIVE MEASURE NO. 137 (**Relating to Gambling**)—Filed June 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 138 (**Relating to Gambling**)—Filed June 13, 1938. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 139 (P. U. D. Bonds)—Filed January 5, 1940. Submitted to the voters at the state general election held on November 5, 1940. Failed by the following vote: For—253,318 Against—362,508.
- INITIATIVE MEASURE NO. 140 (Liquor Control)—Filed January 9, 1940. No petition filed.
- *INITIATIVE MEASURE NO. 141 (Old Age Pension)—Filed January 11, 1940. Submitted to the voters at the state general election held on November 5, 1940. Measure approved into law by the following vote: For—358,009 Against—258,819. Act is now identified as Chapter 1, Laws of 1941.
- INITIATIVE MEASURE NO. 142 (Chain Store Tax)—Filed January 16, 1940. No petition filed.
- INITIATIVE MEASURE NO. 143 (Relating to State Sale of Gas and Oil)—Filed February 2, 1940. No petition filed.
- INITIATIVE MEASURE NO. 144 (Unicameral Legislature)—Filed February 23, 1940. Withdrawn. Re filed as Initiative Measure No. 147.
- INITIATIVE MEASURE NO. 145 (Government Reorganization)—Filed March 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 146 (Relating to Sabbath Breaking)—Filed March 22, 1940. No petition filed.
- INITIATIVE MEASURE NO. 147 (Unicameral Legislature)—Filed April 9, 1940. No petition filed.
- INITIATIVE MEASURE NO. 148 (Liquor Control)—Filed May 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 149 (Anti-Subversive Activities)—Filed May 23, 1940. No petition filed.
- INITIATIVE MEASURE NO. 150 (Intoxicating Liquor Sold by the Drink)—Filed January 3, 1942. No petition filed.
- INITIATIVE MEASURE NO. 151 (Old Age Assistance)—Filed January 3, 1942. Submitted to the voters at the state general election held on November 3, 1942. Failed to pass by the following vote: For—160,084 Against—225,027.
- INITIATIVE MEASURE NO. 152 (Creating State Elective Offices of Director of Labor and Industries, Director of Social Security and Director of Agriculture)—Filed January 27, 1942. No petition filed.
- INITIATIVE MEASURE NO. 153 (Reconstitution of Board of State Land Commissioners)—Filed February 24, 1942. No petition filed.
- INITIATIVE MEASURE NO. 154 (After Discharge Benefits to Persons in the Armed Forces)—Filed April 28, 1942. No petition filed.
- INITIATIVE MEASURE NO. 155 (Washington Employment Peace Act)—Filed January 10, 1944. No petition filed.
- INITIATIVE MEASURE NO. 156 (Liberalization of Old Age Assistance Laws)—Filed February 19, 1944. Re filed as Initiative Measure No. 157.
- INITIATIVE MEASURE NO. 157 (Liberalization of Old Age Assistance Laws)—Filed March 3, 1944. Submitted to the voters at the state general election November 7, 1944. Failed to pass by the following vote: For—240,565 Against—403,756.
- INITIATIVE MEASURE NO. 158 (Liberalization of Old Age Assistance Laws by the Townsend Clubs of Washington)—Filed March 28, 1944. Submitted to the voters at the state general election November 7, 1944. Failed to pass by the following vote: For—184,405 Against—437,502.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 159 (Increase of Injured Workmen's Compensation)—Filed January 5, 1946. Insufficient signatures presented July 10, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 160 (Increase of Injured Workmen's Compensation)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 161 (Changing Form of General Election Ballot to Conform with Primary Election Ballot)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 162 (Prohibiting the Governor from Employing Members of the Legislature During the Term for Which He Shall Have Been Elected)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 163 (Prohibiting the Sale of Beer or Wine by any Person other than the State of Washington)—Filed January 9, 1946. Insufficient signatures presented July 6, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 164 (Prohibiting the Sale of Fortified Wines)—Filed February 25, 1946. No petition filed.
- INITIATIVE MEASURE NO. 165 (Providing for the Sale of Liquor by the Drink)—Filed March 1, 1946. Insufficient signatures presented July 8, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 166 (Relating to Public Utility Districts; requiring approval of voters as prerequisite to acquisition of any operating electrical utility properties, etc.)—Filed April 24, 1946. Signature petitions filed June 29, 1946, submitted to the voters at the state general election held on November 5, 1946. Failed by the following vote: For—220,239 Against—367,836.
- INITIATIVE MEASURE NO. 167 (Providing Liquor by the Drink at Licensed Establishments)—Filed January 2, 1948. Insufficient valid signatures presented July 6, 1948, and measure not certified to state general election ballot.
- INITIATIVE MEASURE NO. 168 (Providing Liquor by the Drink for Consumption on Premises Where Sold)—Filed January 2, 1948. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 169 (Providing Bonus to Veterans of World War II)—Filed January 2, 1948. Signature petitions filed July 9, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: For—438,518 Against—337,410. However, State Supreme Court ruled measure unconstitutional February 4, 1949. As consequence similar measure passed into law by 1949 Legislature (Chapter 180, Laws of 1949).
- INITIATIVE MEASURE NO. 170 (Relating to Liberalization of Social Security Laws)—Filed January 13, 1948. Because sponsor desired changes in text of proposed law, measure refiled as Initiative Measure No. 172.
- *INITIATIVE MEASURE NO. 171 (Providing Liquor by the Drink with Certain Restrictions)—Filed January 19, 1948. Signature petitions filed July 7, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: For—416,227 Against—373,418. Act is now identified as Chapter 5, Laws of 1949.
- *INITIATIVE MEASURE NO. 172 (Relating to Liberalization of Social Security Laws)—Filed February 26, 1948. Signature petitions filed July 9, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: For—420,751 Against—352,642. Act is now identified as Chapter 6, Laws of 1949.
- INITIATIVE MEASURE NO. 173 (Providing for the Observance of Daylight Saving Time in the State of Washington)—Filed May 20, 1948. No signature petitions presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 174 (Making application to Congress to call a Convention for the sole purpose of proposing an amendment to the Constitution of the United States to expedite and insure participation of the United States in a world federal government)—Filed January 16, 1950. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 175 (Establishing a Department of Youth Protection to operate the Washington State Training School and the State School for Girls under nonpartisan control)—Filed March 31, 1950. No signature petitions presented for canvassing. Essential provisions of this measure enacted by the 1951 Legislature (Chapter 234, Laws of 1951).
- INITIATIVE MEASURE NO. 176 (Increasing to sixty-five dollars monthly the minimum grant for certain categories of public assistance, otherwise extending the social security program, and making an appropriation)—Filed April 20, 1950. Submitted to the voters at the state general election held on November 7, 1950. Failed to pass by the following vote: For—159,400 Against—534,689.
- INITIATIVE MEASURE NO. 177—Filed May 1, 1950. Refiled May 5, 1950, as Initiative Measure No. 178.
- *INITIATIVE MEASURE NO. 178 (Modifying the Citizens' Security Act of 1948 (Initiative Measure No. 172) and transferring the public assistance medical program to the State Department of Health)—Filed May 5, 1950. Submitted to the voters at the state general election held on November 7, 1950. Measure approved into law by the following vote: For—394,261 Against—296,290. Act is now identified as Chapter 1, Laws of 1951.
- INITIATIVE MEASURE NO. 179 (Liberalizing unemployment compensation benefits and repealing that portion of the Unemployment Compensation Act providing for employer experience rating)—Filed May 5, 1950. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 180 (Authorizing the Manufacture, Sale and Use of Colored Oleomargarine)—Filed February 4, 1952. Submitted to the voters at the state general election held on November 4, 1952. Measure approved into law by the following vote: For—836,580 Against—163,752. Act is now identified as Chapter 1, Laws of 1953.
- *INITIATIVE MEASURE NO. 181 (Prescribing the Observance of Standard Time)—Filed February 27, 1952. Submitted to the voters at the state general election held on November 4, 1952. Measure approved into law by the following vote: For—597,558 Against—397,928. Act is now identified as Chapter 2, Laws of 1953.
- INITIATIVE MEASURE NO. 182 (Repealing Sunday Blue Laws)—Filed March 24, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 183 (Petitioning Congress to declare a policy of the United States to live in peaceful coexistence with other nations and to call a conference of the heads of leading nations to negotiate a settlement of existing differences)—Filed March 26, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 184 (Liberalizing Old Age Pension Laws)—Filed April 3, 1952. Submitted to the voters at the state general election held on November 4, 1952. Failed by the following vote: For—265,193 Against—646,534.
- INITIATIVE MEASURE NO. 185 (Liberalizing Old Age Pension Laws)—Filed April 11, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 186 (Providing a Civil Service System for Employees of County Sheriffs)—Filed April 14, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 187 (Permitting a Modified Coloring of Oleomargarine)—Filed May 15, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 188 (Raising Standards for Chiropractic Examinations)—Filed January 4, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: For—320,179 Against—493,108.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 189 (**Legislative Reapportionment**)—Filed January 4, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 190 (**Presidential Preference Primary**)—Filed January 6, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 191 (**Attorneys' Fees in Probate**)—Filed January 21, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 192 (**Regulation of Commercial Salmon Fishing**)—Filed February 16, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For**—237,004 **Against**—555,151.
- INITIATIVE MEASURE NO. 193 (**State-Wide Daylight Saving Time**)—Filed February 23, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For**—370,005 **Against**—457,529.
- INITIATIVE MEASURE NO. 194 (**Restricting Television Alcoholic Beverage Advertising**)—Filed March 26, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For**—207,746 **Against**—615,794.
- INITIATIVE MEASURE NO. 195 (**State Toll Commission**)—Filed March 30, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 196 (**Amending the Unemployment Compensation Act**)—Filed April 23, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 197 (**Restricting Dams: Columbia River Tributaries**)—Filed May 12, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 198 (**Affecting Employer-Employee Relations**)—Filed January 19, 1956. Submitted to the voters at the state general election held on November 6, 1956. Failed to pass by the following vote: **For**—329,653 **Against**—704,903.
- *INITIATIVE MEASURE NO. 199 (**Legislative Reapportionment and Redistricting**)—Filed February 16, 1956. Submitted to the voters at the November 6, 1956 state general election. Measure approved into law by the following vote: **For**—448,121 **Against**—406,287. However, 1957 Legislature extensively amended this act by passing Chapter 289, Laws of 1957 by two-thirds approval of both branches of the Legislature.
- INITIATIVE MEASURE NO. 200 (**Increasing Public Assistance Benefits**)—Filed February 27, 1956. No signature petitions submitted for checking.
- INITIATIVE MEASURE NO. 201 (**Washington Fair Labor Standards Act**)—Filed March 2, 1956. No signature petitions submitted for checking.
- INITIATIVE MEASURE NO. 202 (**Restricting Labor Agreements**)—Filed January 6, 1958. Signature petitions filed July 3, 1958 and found sufficient. Submitted to voters at the state general election held on November 4, 1958. Failed by the following vote: **For**—339,742 **Against**—596,949.
- INITIATIVE MEASURE NO. 203 (**Wood Pulp Waste Tax**)—Filed February 28, 1959. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 204 (**Civil Service for State Employees**)—Filed January 8, 1960. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 205 (**Authorizing Tavern Spirituous Liquor Licenses**)—Filed January 8, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Failed by the following vote: **For**—357,455 **Against**—799,643.
- INITIATIVE MEASURE NO. 206 (**Authorizing and Licensing "Dentistry"**)—Filed January 11, 1960. No signature petitions presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- ***INITIATIVE MEASURE NO. 207 (Civil Service for State Employees)**—Filed January 13, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**—606,511 **Against**—471,730. Act is now identified as Chapter 1, Laws of 1961.
- ***INITIATIVE MEASURE NO. 208 (Authorizing Joint Tenancies in Property)**—Filed January 13, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**—647,529 **Against**—430,698. Act is now identified as Chapter 2, Laws of 1961.
- INITIATIVE MEASURE NO. 209 (Minimum Old Age Assistance Grants)**—Filed February 8, 1960. No signature petitions presented for checking.
- ***INITIATIVE MEASURE NO. 210 (State-Wide Daylight Saving Time)**—Filed April 15, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**—596,135 **Against**—556,623. Act is now identified as Chapter 3, Laws of 1961.
- INITIATIVE MEASURE NO. 211 (State Legislative Reapportionment and Redistricting)**—Filed January 8, 1962 by the League of Women Voters of Washington. Signature petitions filed on June 29, 1962 and as of August 22, 1962 it was determined that the necessary number of valid signatures had been submitted to certify measure to the voters for decision at the 1962 state general election. Measure was rejected by the voters by the vote: **For**—396,419 **Against**—441,085.
- INITIATIVE MEASURE NO. 212 (Repealing Certain 1961 Tax Laws)**—Filed January 8, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- INITIATIVE MEASURE NO. 213 (Authorizing and Licensing "Dentistry")**—Filed January 8, 1962 by the Washington Society of Denturists. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- INITIATIVE MEASURE NO. 214 (Restricting the Legislature's Tax Power)**—Filed February 19, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- ***INITIATIVE MEASURE NO. 215 (Marine Recreation Land Act)**—Filed January 3, 1964 by the Citizens for Outdoor Recreation—Marvin B. Durning, Chairman. Signature petitions filed July 3, 1964 and found sufficient. Submitted to the voters at the November 3, 1964 state general election. Measure approved into law by the following vote: **For**—665,737 **Against**—381,743. Act is now identified as Chapter 5, Laws of 1965.
- INITIATIVE MEASURE NO. 216 (Repeal—County, Regional Planning Act)**—Filed January 3, 1964 by the Committee for Private Property Rights—Joseph W. Shott, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 217 (Election of State Game Commissioners)**—Filed January 8, 1964 by the Washington State Wild Life Council, Inc.—Theodore E. Lohman, Vice President. Refiled as Initiative Measure No. 221.
- INITIATIVE MEASURE NO. 218 (Automotive Repair Regulatory Act)**—Filed January 10, 1964 by the Car Owners Association of Washington—John S. Kelly, President. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 219 (Repeal of Metro Enabling Act)**—Filed January 20, 1964 by the Committee on Constitutional Rights of the State of Washington—Mrs. Ann Katheryn Jensen, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 220 (Repeal of Urban Renewal Law)**—Filed January 20, 1964 by the Committee on Constitutional Rights of the State of Washington—Mrs. Ann Katheryn Jensen, Chairman. No signature petitions presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 221 (**Election of State Game Commissioners**)—Filed February 13, 1964 by the Washington State Wild Life Council, Inc.—Theodore E. Lohman, Vice President. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 222 (**Reallocation of Liquor Sales Revenue**)—Filed February 20, 1964 by the More & Better Schools for Washington—Lloyd M. Brown, President. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 223 (**Extending Saturday Night Closing Hours**)—Filed February 26, 1964 by the Citizens Committee for Sensible Closing Hours—Chester W. Ramage, President. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 224 (**Prohibiting City Street Parking Fees**)—Filed March 31, 1964 by the Committee to Ban Parking Meters in the State of Washington—Edward John Kiter, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 225 (**Repealing State Statutes Against Discrimination**)—Filed April 23, 1964 by the Committee for Preservation of Freedom of Choice—William P. Brophy, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 226 (**Cities Sharing Sales, Use Taxes**)—Filed January 10, 1966 by the Citizens' Committee for Community Betterment, Wayne C. Booth, Sr. of Seattle, Chairman. Signatures (180,896) filed July 8, 1966 and found sufficient. Measure submitted to the voters for decision at the November 8, 1966 state general election and rejected by the following vote: For—403,700 Against—514,281.
- INITIATIVE MEASURE NO. 227 (**Buying Back Breakable Beverage Bottles**)—Filed January 10, 1966 by W. N. Dahmen on behalf of his son Randall Douglas Dahmen of Spokane. No signatures presented for checking.
- INITIATIVE MEASURE NO. 228 (**Tax Exemption: Food and Medicine**)—Filed February 1, 1966 by Karl J. Beaty of Tacoma. No signatures presented for checking.
- *INITIATIVE MEASURE NO. 229 (**Repealing Sunday Activities Blue Law**)—Filed February 17, 1966 by Lembhard G. Howell, David Sternhoff and Mark Patterson. Signatures (187,463) filed July 6, 1966 and found sufficient. Measure submitted to the voters for decision at the November 8, 1966 state general election and approved into law by the following vote: For—604,096 Against—333,972. Act is now identified as Chapter 1, Laws of 1967.
- INITIATIVE MEASURE NO. 230 (**Rendering Emergency Aid—Liability Limitation**)—Filed February 17, 1966 and cosponsored jointly by the Washington State Association of Fire Chiefs, Washington State Firemen's Association, and Washington Association of Sheriffs and Police Chiefs. No signatures presented for checking.
- INITIATIVE MEASURE NO. 231 (**Repealing Freight Train Crew Law**)—Filed March 11, 1966 by the Committee for Transportation Economy—Fred H. Tolan, Chairman. Refiled as Initiative Measure No. 233.
- INITIATIVE MEASURE NO. 232 (**Supreme Court Judges—Powers—Election**)—Filed March 14, 1966 by Walter H. Philipp of Seattle. No signatures presented for checking. Refiled as Initiative Measure No. 31 to the Legislature.
- *INITIATIVE MEASURE NO. 233 (**Repealing Freight Train Crew Law**)—Filed March 22, 1966 by same sponsors of Initiative Measure No. 231. The only change in text of Initiative Measure No. 233 was the deletion of one sentence of the preamble as contained in Section 1 of Initiative Measure No. 231. Thus, for all practical purposes, the two initiative measures cover the same legal ground. Signatures (166,866) filed July 6, 1966 and found to be sufficient. Measure submitted to the voters for decision at the November 8, 1966 state general election and approved into law by the following vote: For—591,015 Against—339,978. Act is now identified as Chapter 2, Laws of 1967.
- INITIATIVE MEASURE NO. 234 (**Civil Service—Certain County Employees**)—Filed March 30, 1966 by the Committee to Improve County Government. The scope of this measure

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- was limited to class AA and class A counties (King, Pierce and Spokane). In order to obtain additional support, a new proposal was drafted extending civil service to all counties and filed as Initiative Measure No. 237. For this reason, no attempt was made to obtain signatures for Initiative Measure No. 234.
- INITIATIVE MEASURE NO. 235 (**Repealing Certain Mental Health Laws**)--Filed April 1, 1966 by Mrs. Rose R. Garrett Nelson of Puyallup. No signatures presented for checking.
- INITIATIVE MEASURE NO. 236 (**Regulating Highway--Railroad Crossings**)--Filed April 15, 1966 by the Committee for the Elimination of Public Grade Crossings--Arthur J. McGinn of Spokane, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 237 (**Civil Service for County Employees**)--Filed April 15, 1966 by the Committee to Improve County Government--Anne Shannon of Des Moines, Secretary. No signatures presented for checking.
- INITIATIVE MEASURE NO. 238 (**Prohibiting Regulation of Land Use**)--Filed January 5, 1968 by the Committee for Private Property Rights--Joseph W. Shott of Olympia, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 239 (**Mandatory County Civil Service System**)--Filed January 10, 1968 by the Special Committee of the King County Employees Association--Walter P. Barclay of Seattle, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 240 (**Termination: Certain Land Use Regulations**)--Filed January 15, 1968 by Robert W. Sollars of Everett. No signatures presented for checking.
- INITIATIVE MEASURE NO. 241 (**Calling 1970 State Constitutional Convention**)--Filed February 2, 1968 by the Committee to Call a Constitutional Convention--S. Lynn Sutcliffe of Seattle, Chairman. No signatures presented for checking.
- *INITIATIVE MEASURE NO. 242 (**Drivers' Implied Consent--Intoxication Tests**)--Filed February 8, 1968 by the Washington State Medical Association--Dr. Charles P. Larson of Seattle, Vice-President. Signatures (123,589) filed July 3, 1968 and found sufficient. Measure submitted to the voters for decision at the November 5, 1968 state general election and approved into law by the following vote: For--792,242 Against--394,644. Act is now identified as Chapter 1, Laws of 1969.
- INITIATIVE MEASURE NO. 243 (**Information for Life Insurance Purchasers**)--Filed February 19, 1968 by Theodore Radcliffe of Wenatchee. No signatures presented for checking.
- INITIATIVE MEASURE NO. 244 (**State--County Tax Millage Shift**)--Filed February 23, 1969 by the Washington State Association of County Commissioners. No signatures presented for checking.
- *INITIATIVE MEASURE NO. 245 (**Reducing Maximum Retail Service Charges**)--Filed April 4, 1968 by Joseph H. Davis, President, and Marvin L. Williams, Secretary-Treasurer of the Washington State Labor Council, AFL-CIO. Signatures (143,395) filed July 5, 1968 and found sufficient. Measure submitted to the voters for decision at the November 5, 1968 state general election and approved into law by the following vote: For--642,902 Against--551,394. Act is now identified as Chapter 2, Laws of 1969.
- INITIATIVE MEASURE NO. 246--Filed January 6, 1970 by Donald N. McDonald. Immediately after filing, the sponsor decided to abandon the initiative measure. For this reason, Attorney General did not issue ballot title and no further action was taken. Refiled January 22, 1970 as Initiative Measure No. 248.
- INITIATIVE MEASURE NO. 247 (**Increasing Maximum Retail Service Charges**)--Filed January 20, 1970 by the Washington Citizens for Competitive Credit--A. F. Carey of Seattle, Secretary-Treasurer. No signatures presented for checking.
- INITIATIVE MEASURE NO. 248 (**Property Tax Millage Rate Reallocation**)--Filed January 22, 1970 by Donald N. McDonald of Bothell. No signatures presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 249—Filed February 11, 1970 by the Committee for Bingo for Washington—State Representative Mark Litchman, Jr. of Seattle, Chairman. NOTE: Attorney General refused to issue a ballot title for this measure because, in his opinion, the initiative procedure cannot be used to amend the state constitution. No further action was taken by the sponsor.
- INITIATIVE MEASURE NO. 250 (Certain Salary Increases—Voter Approval)—Filed February 17, 1970 by the Committee for Voter Approved Salary Increases—Albert C. Navone of Seattle, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 251 (State Taxation—To Regulate Imposition)—Filed March 12, 1970 by Vick Gould of Tax Limit League, Bellevue. Signatures (135,668) filed July 3, 1970 and found sufficient. Measure submitted to the voters for decision at the November 3, 1970 state general election and rejected by the following vote: For—504,779 Against—527,263.
- INITIATIVE MEASURE NO. 252 (Property Taxation—Fixing Maximum Rate)—Filed March 12, 1970 by Overtaxed, Inc.—Harley H. Hoppe, President. Due to technical reasons, the sponsor abandoned this measure and no further action was taken.
- INITIATIVE MEASURE NO. 253 (Open Land—Special Taxation Basis)—Filed March 24, 1970 by the Island County Branch of American Taxpayers Association, Inc.—John Metcalf, Vice-chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 254 (Certain Gambling Activities—Criminal Exemptions)—Filed March 26, 1970 by the Washington State Federation of Fraternal, Patriotic, City and Country Clubs—M. R. Reynolds, President. No signatures presented for checking.
- INITIATIVE MEASURE NO. 255—Filed April 20, 1970 by Robert H. Keller, Jr. of Bellingham. Refined April 23, 1970 as Initiative Measure No. 256.
- INITIATIVE MEASURE NO. 256 (Prohibiting Certain Nonrefundable Beverage Receptacles)—Filed April 23, 1970 by Robert H. Keller, Jr., of Bellingham. Signatures (188,102) filed July 1, 1970 and found sufficient. Measure submitted to the voters for decision at the November 3, 1970 state general election and rejected by the following vote: For—511,248 Against—538,118.
- INITIATIVE MEASURE NO. 257 (Licensing Dog Racing—Parimutuel Betting)—Filed April 29, 1970 by Donald Nicholson of Kirkland. No signatures presented for checking.
- INITIATIVE MEASURE NO. 258 (Certain Cities—Greyhound Racing Franchises)—Filed January 7, 1972 by Donald Nicholson of Kirkland. Signatures (151,856) filed July 7, 1972 and found sufficient. Measure submitted to the voters for decision at the November 7, 1972 state general election and rejected by the following vote: For—526,371 Against—895,385.
- INITIATIVE MEASURE NO. 259 (Providing for Presidential Preference Primary)—Filed January 7, 1972 by Bellingham Junior Chamber of Commerce of Bellingham. No signatures presented for checking.
- INITIATIVE MEASURE NO. 260 (Regulating Horse and Dog Racing)—Filed January 7, 1972 by Friends of Dog Racing (et al.) of Federal Way. No signatures presented for checking.
- INITIATIVE MEASURE NO. 261 (Liquor Sales by Licensed Retailers)—Filed January 10, 1972 by Warren B. McPherson and Robert B. Gould of Seattle. Signatures (122,241) filed July 7, 1972 and found sufficient. Measure submitted to the voters for decision at the November 7, 1972 state general election and rejected by the following vote: For—634,973 Against—779,568.
- INITIATIVE MEASURE NO. 262 (Minimum Age—Alcoholic Beverage Purchases)—Filed January 13, 1972 by David G. Huey of Sedro Woolley. No signatures presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 263 (**Tax Reform**)—Filed January 19, 1972 by Robert J. Corcoran of Puyallup. Refiled January 31, 1972 as Initiative Measure No. 267.
- INITIATIVE MEASURE NO. 264 (**Liberalizing State Regulation of Marijuana**)—Filed January 20, 1972 by Stephen Wilcox, Debbie Yarbrough, and Thomsen Abbott of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 265—Filed January 20, 1972 by Joe Davis of Seattle. Refiled January 25, 1972 as Initiative Measure No. 266 with new sponsor.
- INITIATIVE MEASURE NO. 266 (**Changing Congressional and Legislative Districts**)—Filed January 25, 1972 by Vernon L. Martin of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 267 (**Repealing Most Property Tax Exemptions**)—Filed January 31, 1972 by Robert J. Corcoran of Puyallup. No signatures presented for checking.
- INITIATIVE MEASURE NO. 268 (**Unicameral Legislature**)—Filed February 8, 1972 by Philip Tenney Rensvold of Olympia. (Attorney General refused to issue ballot title because of opinion that initiative procedure cannot be used to amend constitution.)
- INITIATIVE MEASURE NO. 269 (**Examinations for Diplomas and Degrees**)—Filed February 9, 1972 by Eugene Lydic of Kelso. No signatures presented for checking.
- INITIATIVE MEASURE NO. 270 (**Election Campaign Financial Reports**)—Filed February 10, 1972 by Robert Corcoran of Puyallup. No signatures presented for checking.
- INITIATIVE MEASURE NO. 271 (**Income Tax and Revenue Distribution**)—Filed February 28, 1972 by Charles Clark Marshall of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 272 (**Recreational Personal Property—Taxation Removed**)—Filed March 1, 1972 by Gary K. Ballew of Vancouver. No signatures presented for checking.
- INITIATIVE MEASURE NO. 273—Filed March 2, 1972 by Margaret C. Tunks of Seattle. Refiled March 13, 1972 as Initiative Measure No. 274 with new sponsor.
- INITIATIVE MEASURE NO. 274 (**Reducing Motor Vehicle Fuel Tax**)—Filed March 13, 1972 by Jeffrey R. Perkins of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 275 (**Regulating Nonnative Wild Animal Sales**)—Filed March 23, 1972 by Harry and June Delaloye of Seattle. No signatures presented for checking.
- *INITIATIVE MEASURE NO. 276 (**Disclosure—Campaign Finances—Lobbying—Records**)—Filed March 29, 1972 by Michael T. Hildt of Seattle. Signatures (162,710) were submitted and found sufficient. Submitted to the voters for decision at the November 7, 1972 state general election and approved by the following vote: For—959,143 Against—372,693. Act is now identified as Chapter 1, Laws of 1973.
- INITIATIVE MEASURE NO. 277 (**Camping on Certain Ocean Beaches**)—Filed April 5, 1972 by Carl P. Hanun of Aberdeen. No signatures presented for checking.
- INITIATIVE MEASURE NO. 278 (**Tax Revision—Income Tax—Schools**)—Filed April 14, 1972 by Senator Francis E. Holman, Senator Nat Washington, and Representative Charles Moon of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 279 (**State Funding of Public Schools**)—Filed May 19, 1972 by Alvin C. Leonard, Jr., of Bothell. No signatures presented for checking.
- INITIATIVE MEASURE NO. 280 (**Limiting Special Legislative Sessions**)—Filed March 12, 1973 by Axel Julin, Chairman, Committee to Retain a Part Time Citizen Legislature. No signatures presented for checking.
- INITIATIVE MEASURE NO. 281—Filed June 8, 1973 by Bruce Helm of Alderwood Manor. Refiled June 12, 1973 as Initiative Measure No. 282 with a new sponsor, Kenneth D. Hansen of Seattle.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- *INITIATIVE MEASURE NO. 282 (Shall state elected officials' salary increases be limited to 5.5% over 1965 levels, and judges' the same over 1972 levels?)—Filed June 12, 1973 by Kenneth D. Hansen of Seattle. Signatures (699,098) were submitted and found sufficient. Measure submitted to the voters for decision at the November 6, 1973 state general election and was approved by the following vote: For—798,338 Against—197,795. Act is now identified as Chapter 149, Laws of 1974 Extraordinary Session.
- INITIATIVE MEASURE NO. 283 (Shall it be unlawful, except in an emergency, to hitchhike, or to pick up a hitchhiker along a public highway?)—Filed January 18, 1974 by Ms. Sallyann Devine of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 284 (Shall corporations pay a 12% excise tax measured by income so that special school levies may be reduced or eliminated?)—Filed January 22, 1974 by Representative Charles Moon. No signatures presented for checking.
- INITIATIVE MEASURE NO. 285 (Shall all privately or corporately owned land, including residential real estate, annually be taxed a minimum of \$2.50 per acre?)—Filed January 24, 1974 by Donn C. Higley of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 286 (Shall the membership of the legislature be reduced from forty-nine senators and ninety-eight representatives to twenty-one senators and sixty-three representatives?)—Filed January 30, 1974 by Harley H. Hoppe of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 287 (Shall salmon net fishing be prohibited in designated Puget Sound and adjacent waters unless permitted by a newly established commission?)—Filed January 31, 1974 by Dr. Charles F. Raab of Port Angeles. No signatures presented for checking.
- INITIATIVE MEASURE NO. 288 (Shall couples with children under 18 be ineligible for divorce and, upon separation, shall a commission oversee their children's rights?)—Filed February 1, 1974 by Joseph Garske of Yakima. No signatures presented for checking.
- INITIATIVE MEASURE NO. 289 (Shall additional gambling activities, including slot machines and card rooms, be legalized, local regulation prohibited, and the state gambling commission replaced?)—Filed February 4, 1974 by Roy Needham of Yakima. No signatures presented for checking.
- INITIATIVE MEASURE NO. 290 (Shall liquor prices be limited and revenue distribution formulas changed, a new seven-member liquor board created, and an administrator appointed?)—Filed February 25, 1974 by Senator William S. "Bill" Day of Spokane. No signatures presented for checking.
- INITIATIVE MEASURE NO. 291 (Shall parents and other persons be prohibited from inflicting or threatening bodily punishment upon children or mentally retarded persons?)—Filed March 12, 1974 by Ms. Shirley Amiel of Bellevue. No signatures presented for checking.
- INITIATIVE MEASURE NO. 292 (Shall criminal penalties for state traffic law violations and laws imposing state retail sales taxes and use taxes be repealed?)—Filed March 18, 1974 by Jack Zektzer of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 293 (Shall present laws governing modification, renewal or nonrenewal of certificated school employees' contracts be repealed and merit salary systems adopted?)—Filed March 18, 1974 by Senator Hubert F. Donohue of Dayton. No signatures presented for checking.
- INITIATIVE MEASURE NO. 294 (Shall the legislature be reduced to 21 senators and 63 representatives elected from single-member districts established by this initiative?)—Filed March 26, 1974 by Elizabeth J. Bracelin and Robert L. Burnham, Cosponsors. No signatures presented for checking.
- INITIATIVE MEASURE NO. 295 (Shall the retail sales tax be eliminated on sales of food, clothing, medicines and medical devices, and residential construction costs?)—Filed April

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- 4, 1974 by Richard Dymont, Chairman, Libertarian Party of Washington. No signatures presented for checking.
- INITIATIVE MEASURE NO. 296 (Shall the 1973 law substituting principles of comparative negligence for those of contributory negligence in civil damage actions be repealed?)—Filed April 9, 1974 by James M. Petra of Chehalis. No signatures presented for checking.
- INITIATIVE MEASURE NO. 297 (Shall any gambling activities be legal when licensed by the state gambling commission and authorized by the municipality where conducted?)—Filed April 15, 1974 by Gary Bacon, Chairman, Committee for Local Option. No signatures presented for checking.
- INITIATIVE MEASURE NO. 298 (Shall an initiative be adopted stating that no person shall serve for more than eight consecutive years in the legislature?)—Filed May 10, 1974 by Harry S. Foster of Edmonds. No signatures presented for checking.
- INITIATIVE MEASURE NO. 299 (Shall the tax on retail sales of liquor (splits) in the original package be reduced by two cents per ounce?)—Filed May 13, 1974 by Alfred J. Schweppe on behalf of the Citizens Committee for Lower Liquor Taxes. Signatures (134,695) filed July 5, 1974. Petition failed. Not enough valid signatures obtained to place the measure on the November 5, 1974 state general election ballot.
- INITIATIVE MEASURE NO. 300 (Shall certain rights of parents regarding public school curricula and teaching materials be defined and some school district programs restricted?)—Filed May 13, 1974 by Ms. Sally F. Tinner of Steilacoom. No signatures presented for checking.
- INITIATIVE MEASURE NO. 301 (Shall present laws governing modification, renewal or nonrenewal of certificated school employees' contracts be repealed?)—Filed January 16, 1975 by Ms. Dorothy Roberts of Bellevue. No signatures presented for checking.
- INITIATIVE MEASURE NO. 302 (Shall the minimum age for the purchase or consumption of alcoholic beverages be lowered to 18 years?)—Filed January 28, 1975 by Ms. Diahn Schmidt of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 303 (Shall an initiative be adopted declaring persons having served in the Congress a total of twelve years ineligible for reelection?)—Filed January 29, 1975 by Gene Goosman, Sr. of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 304 (Shall a new commission appoint the director of fisheries and manage food fish and shellfish for commercial and recreational purposes?)—Filed February 3, 1975 by Dr. Charles F. Raab of Port Angeles. No signatures presented for checking.
- INITIATIVE MEASURE NO. 305 (Shall the legal age for the use and consumption of alcoholic beverages be lowered to 19 years?)—Filed February 6, 1975 by Richard Spaulding and William G. Bowie, both of Cheney. No signatures presented for checking.
- INITIATIVE MEASURE NO. 306 (Shall state appropriations be limited to 9% of state personal income and decreases in state support to municipalities be restricted?)—Filed February 13, 1975 by Kenneth D. Hansen of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 307 (Shall some common school curricula be specified, teaching methods limited and written parental consent to certain school activities be required?)—Filed March 7, 1975 by Paul O. Snyder of Tacoma. No signatures presented for checking.
- INITIATIVE MEASURE NO. 308 (Shall sales and business and occupation taxes be removed from certain transactions involving clothing, food, shelter, and health care products?)—Filed March 10, 1975 by Carl R. Nicolai of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 309 (Shall the Shoreline Management Act of 1971 and the subsequent amendments to that Act be repealed?)—Filed March 14, 1975 by James Mark Toevs of Chehalis. No signatures presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 310 (Shall the present forest practices act be repealed and be replaced with provisions relating solely to requirements for reforestation?)—Filed March 18, 1975 by Ms. Betty J. Wells of Camano Island. No signatures presented for checking.
- INITIATIVE MEASURE NO. 311 (Shall the death penalty be mandatory in cases of first degree murder and the definitions of degrees of murder revised?)—Filed March 20, 1975 by Representative Earl F. Tilly. No signatures presented for checking.
- INITIATIVE MEASURE NO. 312 (Shall an initiative be passed lowering certain real property taxes to 1960 levels, or, if greater, those at last transfer?)—Filed April 4, 1975 by Donald H. Sallee of Brinnon. No signatures presented for checking.
- INITIATIVE MEASURE NO. 313 (Shall the names of signers of initiative and referendum petitions be confidential and the petitions destroyed after they are canvassed?)—Filed April 4, 1975 by Donald H. Sallee of Brinnon. No signatures presented for checking.
- INITIATIVE MEASURE NO. 314 (Shall corporations pay a 12% excise tax measured by income so that special school levies may be reduced or eliminated?)—Filed April 16, 1975 by Representative Charles Moon of Snohomish. Signatures (136,077) submitted and found sufficient. Submitted to the voters for decision at the November 4, 1975 state general election and was rejected by the following vote: For—323,831 Against—652,178.
- INITIATIVE MEASURE NO. 315 (Shall maximum income levels entitling elderly and disabled persons to certain property tax exemptions be raised to \$10,000.00?)—Filed April 18, 1975 by Representatives Eleanor A. Fortson and John M. Fischer. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 316 (Shall the death penalty be mandatory in the case of aggravated murder in the first degree?)—Filed May 26, 1975 by Representative Earl Tilly of Wenatchee. Signatures (134,290) submitted and found sufficient. Submitted to the voters for decision at the November 4, 1975 state general election and was approved by the following vote: For—662,535 Against—296,257. Act is now identified as Chapter 9, Laws of 1975-'76 2nd Extraordinary Session.
- INITIATIVE MEASURE NO. 317 (Shall evidence of speeding violations obtained by radar, certain other electronic devices or unmarked police vehicles be inadmissible in court?)—Filed January 2, 1976 by David L. Bovy of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 318 (Shall all minimum age requirements of twenty-one years be reduced to eighteen?)—Filed January 6, 1976 by Martin Ringhofer of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 319 (Shall an initiative be adopted memorializing Congress to call a federal constitutional convention to limit taxation on income?)—Filed January 7, 1976 by Clarence P. Keating, Jr. of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 320 (Shall new or increased taxes be prohibited and regular property taxes retained in the districts where they are collected?)—Filed January 2, 1976 by Shirley Amiel of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 321 (Shall municipalities be empowered to permit gambling within their boundaries, licensed by the state, with tax revenues allocated to schools?)—Filed January 13, 1976 by William O. Kumbera and the Committee for Tax Relief Through Local Option Gambling of Ocean Shores. Signatures (136,006) submitted and found insufficient to qualify measure to the state general election ballot.
- INITIATIVE MEASURE NO. 322 (Shall fluoridation of public water supplies be made unlawful and violations subject to criminal penalties?)—Filed January 2, 1976 by Caroline A. Sudduth of Seattle. Signatures (135,441) submitted and found insufficient to qualify measure to the state general election ballot. Suit was filed with Thurston County Superior Court against the Secretary of State and on appeal to the Supreme Court, Initiative Measure No. 322 was placed on the general election ballot on October 13. It was rejected

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- at the November 2, 1976 general election by the following vote: For—469,929 Against—870,631.
- INITIATIVE MEASURE NO. 323 (Shall an Initiative be adopted declaring that no person shall hold most state elective offices more than twelve consecutive years?)**—Filed January 2, 1976 by Senator Peter von Reichbauer of Burton and Jack Metcalf of Langley. No signature petitions presenting for checking.
- INITIATIVE MEASURE NO. 324 (Shall the Shoreline Management Act of 1971 and subsequent amendments to that act be repealed?)**—Filed January 12, 1976 by Melvin G. Toyne of Mt. Vernon. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 325 (Shall future nuclear power facilities which do not meet certain conditions and receive two-thirds approval by the legislature be prohibited?)**—Filed February 3, 1976 by David C. H. Howard of Olympia. Signatures (approximately 165,000) submitted and found sufficient. Submitted to the voters at the November 2, 1976 general election and rejected by the following vote: For—482,953 Against—963,756.
- INITIATIVE MEASURE NO. 326 (Shall grocery store sales of spirituous liquor be allowed, revenue distribution formulas changed, and the state liquor control board reconstituted?)**—Filed March 17, 1976 by Ruth Berliner of Tacoma. Sponsorship of initiative withdrawn May 17, 1976.
- INITIATIVE MEASURE NO. 327 (Shall commercial fishing and shellfishing be banned on Hood Canal until a sufficient supply is found to exist?)**—Filed March 12, 1976 by J.L. Parsons of Union. Refiled as Initiative Measure No. 330.
- INITIATIVE MEASURE NO. 328 (Relating to Term Limitation)**—Filed March 16, 1976 by Patrick W. Biggs of Seattle for the Thomas Jefferson Society. Attorney General declined to prepare ballot title.
- INITIATIVE MEASURE NO. 329 (Shall places where obscene films are publicly and regularly shown or obscene publications a principal stock in trade be prohibited?)**—Filed March 26, 1976 by C.R. Lonergan, Jr. of Seattle. Signatures (120,621) submitted and found insufficient to qualify measure for state general election ballot.
- INITIATIVE MEASURE NO. 330 (Shall the commercial taking of fish, crab and shrimp be banned on Hood Canal until a sufficient supply is available?)**—Filed April 12, 1976 by J.L. Parsons of Union. Refiled as Initiative to the Legislature No. 52.
- INITIATIVE MEASURE NO. 331 (Shall future school district special levies for operations be prohibited and previously approved operational levies for collection in 1977 be reduced?)**—Filed March 27, 1976 by Jerold W. Thiedt of Monroe. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 332 (Shall the state be removed from the liquor business in favor of large grocers and certain other private business enterprises?)**—Filed April 19, 1976 by Robert B. Gould and Warren McPherson of Woodinville. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 333 (Shall a single pension system, coordinated with social security, replace existing systems for most public employees hired after June 30, 1977?)**—Filed April 19, 1976 by Senator August P. Mardesich of Everett. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 334 (Shall the fluid ounce tax on spirituous liquor in the original package be lowered from four to two cents?)**—Filed April 29, 1976 by Juanita K. Heaton of Seattle. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 335 (Shall places where obscene films are publicly and regularly shown or obscene publications a principal stock in trade be prohibited?)**—Filed January 10,

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

1977 by C.R. Lonergan, Jr. of Seattle. Signatures (175,998) submitted and found sufficient. Submitted to the voters at the November 8, 1977 state general election and was approved by the following vote: For—522,921 Against—431,989. Act is now identified as Chapter 1, Laws of 1979.

INITIATIVE MEASURE NO. 336 (Shall every municipality be authorized to permit all forms of state licensed gambling with tax revenues allocated to schools?)—Filed January 11, 1977 by William O. Kurnbera of The Committee for Tax Relief Through Local Option Gambling in Ocean Shores. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 337 (Shall an initiative be adopted promoting the pursuit of peace through principals of mutual love and respect?)—Filed January 10, 1977 by Kevin McKeigue of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 338 (Shall driving motor vehicles up to 10 M.P.H. over the maximum speed limit be subject to fines not exceeding \$15.00?)—Filed January 10, 1977 by Timothy Ramey of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 339 (Shall the use of electronic voting devices and electronic vote tallying systems in any election in this state be prohibited?)—Filed January 24, 1977 by Clarence P. Keating, Jr. of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 340 (Shall a convention be called to propose a new state constitution for approval or rejection by the people in 1979?)—Filed January 20, 1977 by Tom A. Alberg, Citizens Coalition for a Constitutional Convention of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 341 (Shall minimum age requirements for various purposes other than drinking alcoholic beverages be reduced to eighteen years?)—Filed February 7, 1977 by Martin Ringhofer of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 342 (Shall an initiative be adopted urging all state legislatures to reject and rescind approval of the federal equal rights amendment?)—Filed February 15, 1977 by Mrs. J.L. Giesener of Kennewick. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 343 (Shall state property taxes be eliminated, all other taxes limited, and state support levels for local government, including schools, mandated?)—Filed February 29, 1977 by Shirley Amiel, State Tax Freeze and School Funding Initiative Political Committee of Bellevue. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 344 (Shall the laws of the state be rewritten by January 1, 1981, to eliminate, if possible, ambiguity, redundancy and complexity?)—Filed March 7, 1977 by Patrick M. Crawford of Tumwater. No signature petitions presented for checking.

*INITIATIVE MEASURE NO. 345 (Shall most food products be exempt from state and local retail sales and use taxes, effective July 1, 1978?)—Filed March 30, 1977 by J. Linsey Hinand, Chairperson. Signatures (168,281) submitted and found sufficient. Submitted to the voters at the November 8, 1977 state general election and was approved by the following vote: For—521,062 Against—443,840. Act is now identified as Chapter 2, Laws of 1979.

INITIATIVE MEASURE NO. 346 (Shall the system of property assessment be repealed and a state assessor adopt a system of uniform state-wide property assessment?)—Filed May 31, 1977 by Susan Sink of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 347 (Shall payment of legislator's per diem allowances be limited to 120 days in odd-numbered years and 60 days in even-numbered years?)—Filed June 13, 1977 by Robert B. Overstreet of Everett. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 348 (Shall the new variable motor vehicle fuel tax be repealed and the previous tax and distribution formula be reinstated?)—Filed June 29, 1977 by Harley Hoppe of Mercer Island. Signatures (202,168) submitted and found sufficient.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

Submitted to the voters at the November 8, 1977 general election and after a mandatory recount was rejected by the following vote: For--470,147 Against--471,031.

INITIATIVE MEASURE NO. 349 (Shall minimum age requirements for various purposes other than for drinking alcoholic beverages be reduced to eighteen years?)—Filed January 12, 1978 by Mr. Martin Ringhofer of Seattle. Sponsor failed to submit signatures for checking.

***INITIATIVE MEASURE NO. 350 (Shall public educational authorities be prohibited from, assigning students to other than the nearest or next-nearest school with limited exceptions?)**—Filed February 10, 1978 by Mr. Ben Caley of Seattle. Signatures (182,882) submitted and found sufficient. Submitted to the voters at the November 7, 1978 general election and was approved by the following vote: For—585,903 Against—297,991. Act is now identified as Chapter 4, Laws of 1979.

INITIATIVE MEASURE NO. 351 (Shall the age at which persons may purchase, consume or sell alcoholic beverages be lowered from 21 to 19 years?)—Filed February 24, 1978 by Timothy J. Niggemeyer of Spokane. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 352 (Shall property owners not be liable for a trespasser's injury, unless the property owner intentionally and knowingly caused the injury?)—Filed February 27, 1978 by Gayle Crawford of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 353 (Shall all containers of alcoholic beverages clearly bear the warning "Contents may cause brain damage, communication breakdown and family degradation"?)—Filed April 28, 1978 by June and Pam Riggs of Mountlake Terrace. Sponsors failed to submit signatures for checking.

INITIATIVE MEASURE NO. 354 (Shall the first \$10,000 value of a residence regularly occupied by its owner or tenant be exempt from property taxes?)—Filed May 5, 1978 by Harley Hoppe of Mercer Island. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 355 (Refiled as Initiative Measure No. 356)

INITIATIVE MEASURE NO. 356 (Shall gambling and lotteries be permitted, and time and food sale limitations removed from sales of liquor by the drink?)—Filed May 23, 1978 by Mr. James Banker of Renton. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 357 (Shall the system of property assessment be repealed and a state assessor adopt a system of uniform state-wide property assessment?)—Filed May 9, 1978 by Ms. Susan M. Sink of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 358 (Shall assessed valuations of retired persons' residences remain unchanged and nonvoted school levies generally be limited to 6% annual increase?)—Filed May 31, 1978 by Harley H. Hoppe of Mercer Island. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 359 (Shall increases in state tax revenues and expenditures be limited to the estimated rate of growth of state personal income?)—Filed June 6, 1978 by Mr. Will Knedlik of Kirkland. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 360 (Shall an initiative be adopted limiting property taxes to 1% of value and requiring 2/3 legislative approval to change taxes?)—Filed June 8, 1978 by Messrs. J. Van Self and A. M. Lee Parker of Tacoma. Sponsors submitted signatures but they were insufficient to appear on the November ballot.

INITIATIVE MEASURE NO. 361 (Shall minimum age requirements for various purposes other than for drinking alcoholic beverages be reduced to eighteen years?)—Filed January 8, 1979 by Mr. Martin Ringhofer of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE NO. 362 (Shall an initiative be adopted prohibiting the possession, construction, transportation or sale of nuclear weapons within the state of Washington?)—Filed January 19, 1979 by Mr. Randal South of Seattle. No signatures were presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 363 (Shall strikes by public school teachers and other certificated employees be prohibited and penalties imposed for participation in such strikes?)—Filed January 31, 1979 by Mr. Alan Gottlieb of Bellevue. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 364 (Shall persons with physical handicaps be allowed to serve in the state militia and state and local law enforcement units?)—Filed February 1, 1979 by Mr. Daniel M. Jones of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 365 (Shall liquor retailing become a private business and a new five-member Liquor Control Board be created?)—Filed February 22, 1979 by Mr. Dennis L. Weaver of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 366 (Shall liquor retailing become a private business and any required food to liquor sales ratio in licensed restaurants be prohibited?)—Filed February 22, 1979 by Mr. Dennis L. Weaver of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 367 (Shall nursing homes be required to pay employees wages and benefits equal to those paid hospital employees performing comparable work?)—Filed February 9, 1979 by Mr. John W. Hempelmann of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 368 (Shall the state be absolutely prohibited from levying any property taxes and school districts be similarly restricted?)—Filed February 16, 1979 by Mr. John R. McBride of Spokane. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 369 (Shall the possession or sale of firearms be restricted, and mandatory sentences imposed for the commission of crimes involving firearms?)—Filed February 26, 1979 by Mr. Steven L. Kendall of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 370 (Shall a presidential preference primary be held to determine the percentage of delegate positions allocated each major political party candidate?)—Filed March 30, 1979 by Mr. Edward H. Hilscher of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 371 (Shall nuclear facilities be required to meet certain safety and liability standards and obtain state-wide voter approval prior to operation?)—Filed April 26, 1979 by Mr. William C. Montague of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 372 (State Lottery)—Filed January 4, 1980 by Mr. Lawrence C. Clever of Olympia. This measure was refiled as Initiative Measure No. 380.
- INITIATIVE MEASURE NO. 373 (Shall a Retiree's Residence be Taxed at its 1977 Value or, when Retirement Occurs after 1981, its Retirement Year Value?)—Filed January 4, 1980 by Doyle R. Conner of Longview. No signatures presented for checking.
- INITIATIVE MEASURE NO. 374 (Shall Property Tax Increases be Limited to Two Percent Annually and Special Property Tax Exemptions Granted to Retired Persons?)—Filed January 4, 1980 by Bill E. Hughes of Vancouver. No signatures presented for checking.
- INITIATIVE MEASURE NO. 375 (Shall There be Mandatory Minimum Sentences, Restricted Local Firearms Regulations, No Affirmative Action for Police and Firemen, and Additional Prisons?)—Filed by Kent Pullen of Kent. No signatures presented for checking.
- INITIATIVE MEASURE NO. 376 (Shall Minimum Age Requirements for Various Legal Purposes, other than for Allowing Alcoholic Beverage consumption, be Reduced to Eighteen Years?)—Filed January 16, 1980 by Martin Ringhofer of Seattle. No signature presented for checking.
- INITIATIVE MEASURE NO. 377 (Shall Liquor Retailing Become a Private Business and any Required Food to Liquor Sales Ratio in Licensed Restaurants be Prohibited?)—Filed January 24, 1980. No signatures presented for checking. Sponsored by Walter M. Friel of Tacoma.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 378 (Shall the State be Absolutely Prohibited from Levying any Property Taxes and School Districts be Similarly Restricted with Limited Exceptions?)—Filed by Art Lee of Bellingham. No signatures presented for checking.
- INITIATIVE MEASURE NO. 379 (Shall Binding Arbitration of Public School Collective Bargaining Disputes be Required, Strikes by Public School Employees Prohibited and Penalties Established?)—Filed by Cathleen R. Pearsall of Tacoma. No signatures presented for checking. Filed on February 11, 1980.
- INITIATIVE MEASURE NO. 380 (Shall a State Lottery be Established and Operated by the Gambling Commission, with the Profits Deposited in the General Fund?)—Filed February 11, 1980 by Lawrence C. Clever of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 381 (Shall Snare and Leghold Traps be Prohibited after January 1, 1986, with Certain Exceptions Including Rodent Control and Public Health?)—Filed January 31, 1980 by Curtiss J. Clumpner and Howard F. McGraw of Bellingham. The sponsors refiled the measure as No. 386.
- INITIATIVE MEASURE NO. 382 (Shall Joint Operating Agencies Obtain Voter Approval Prior to Issuing Bonds for the Construction or Acquisition of Significant Energy Facilities?)—Filed February 15, 1980 by Tom Casey. Measure was later refiled as No. 385.
- *INITIATIVE MEASURE NO. 383 (Shall Washington Ban the Importation and Storage of Non-medical Radioactive Wastes Generated Outside Washington, Unless Otherwise Permitted by Interstate Compact?)—Filed February 7, 1980 by Allan H. Jones of Seattle. Sponsor submitted 148,166 signatures and the measure was subsequently certified to the ballot. Submitted to the voters at the November 4, 1980 general election and was approved by the following vote: For—1,211,606 Against—393,415.
- INITIATIVE MEASURE NO. 384 (Shall Limitations on Property Taxes and Assessments be Imposed and Other Tax Increases Prohibited Except by a Two-thirds Legislative Vote?)—Filed February 20, 1980 by Normal Hildebrand of Tacoma. No signatures presented for checking.
- INITIATIVE MEASURE NO. 385 (Shall Joint Operating Agencies Obtain Voter Approval Prior to Issuing Bonds for the Construction or Acquisition of Significant Energy Facilities?)—Filed March 3, 1980 by Tom Casey of Elma. No signatures presented for checking.
- INITIATIVE MEASURE NO. 386 (Shall Snare and Leghold Traps be Prohibited after January 1, 1986, with Certain Exceptions, Including Rodent Control and Public Health?)—Filed March 3, 1980 by Curtiss Clumpner of Lynnwood. No signatures presented for checking.
- INITIATIVE MEASURE NO. 387 (Shall Political Contributions and Campaign Practices be Limited, Conflicts of Interest Regulated, Disclosure Requirements Increased and Statutes in Conflict Repealed?)—Filed March 11, 1980 by Ann Quantock of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 388 (Shall Congress be Memorialized to Create a Space Shuttle/Energy Lottery to Increase Space Travel and Achieve Energy Independence?)—Filed March 11, 1980 by Jeff Vale of Des Moines. No signatures presented for checking.
- INITIATIVE MEASURE NO. 389 (Shall it be Unlawful to Drive a Motor Vehicle Between the Hours of One and Two O'Clock on Sunday Afternoon?)—Filed March 12, 1980 by Keith G. Wesley of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 390 (Shall Private Retailers Replace State Liquor Stores with Sunday Package Sales Permitted, Tax Rates Revised and Certain Licensing Conditions Prohibited?)—Filed April 1, 1980 by John Franco of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 391 (Shall an Initiative be Adopted Providing that all Washington Land Shall be Taxed Exclusive of any Improvements on the Land?)—Filed

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- April 11, 1980 by Jimmy D. Whittenburg of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 392 (Shall a retiree's residence be taxed at its 1977 value or, when retirement occurs after 1982, its retirement year value?)**—Filed January 19, 1981 by Doyle R. Conner of Longview. No signatures presented for checking.
- INITIATIVE MEASURE NO. 393 (Shall all timber sold by the state, or any political subdivision, be primarily processed within the state, and violations penalized?)**—Filed January 5, 1981 by Brian Sirls of Tacoma. No signatures presented for checking.
- *INITIATIVE MEASURE NO. 394 (Shall public agencies obtain voter approval prior to issuing bonds for the construction or acquisition of major public energy projects?)**—Filed January 6, 1981 by Steve Zemke of Seattle. Sponsor submitted 185,984 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 3, 1981 general election and was approved by the following vote: **For—532,178 Against—384,419**
- INITIATIVE MEASURE NO. 395 (Shall all property be taxable based on 1977 valuations; revaluations be prohibited; and excess school levies required two-thirds voter approval?)**—Filed January 5, 1981 by Art Lee of Bellingham. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 396 (Shall voter approval be required to construct or finance public or private energy facilities costing more than one billion dollars?)**—Filed January 19, 1981 by Gretchen J. Hendricks and Jim Lazar of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 397 (Shall an initiative be adopted requiring the legislature to petition Congress to call a constitutional convention to roll back gasoline prices?)**—Filed January 19, 1981 by Robert G. Materson of Ellensburg. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 398 (Inheritance and Gift Tax)**—Filed by Dick Patten of Seattle. This measure was refiled as Initiative Measure No. 402.
- INITIATIVE MEASURE NO. 399 (Shall inheritance and gift taxes be abolished, and state death taxes be restricted to the federal estate tax credit allowed?)**—Filed February 19, 1981 by Dick Patten of Seattle. Sponsor refiled this initiative as Initiative Measure No. 402.
- INITIATIVE MEASURE NO. 400 (Shall excise, inheritance, gift and property taxes be replaced by a transaction tax on receiving property, limited to one percent?)**—Filed March 27, 1981 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 401 (Shall contributions to legislative candidates be limited, publicity practices regulated, disclosure required, and civil enforcement and criminal penalties be imposed?)**—Filed April 1, 1981 by Carol Jean Coe of Federal Way. The sponsor presented 141,282 signatures for checking. These signatures were found insufficient to qualify for the general election ballot.
- *INITIATIVE MEASURE NO. 402 (Shall inheritance and gift taxes be abolished, and state death taxes be restricted to the federal estate tax credit allowed?)**—Filed April 3, 1981 by Dick Patten of Seattle. The sponsor presented 161,449 signatures for checking. The measure was subsequently certified to the ballot. Submitted to the voters at the November 3, 1981 general election and was approved by the following vote: **For—610,507 Against—297,445.**
- INITIATIVE MEASURE NO. 403 (Shall the legal possession of handguns or handgun ammunition be restricted, licensing requirements be broadened and criminal penalties be imposed?)**—Filed March 16, 1981 by Steven L. Kendall of Seattle. No signatures were presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 404 (Shall an independent commission be responsible for both congressional and legislative redistricting every ten years according to certain prescribed standards?)—Filed April 30, 1981 by Jolene Unsoeld of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 405 (Alcoholic beverages)—Filed April 23, 1981 by Robert J. Corcoran of Puyallup. This measure was refiled as Initiative Measure No. 406.
- INITIATIVE MEASURE NO. 406 (Shall all liquor retailing become a private business subject to certain restrictions, and the tax on liquor sales be reduced?)—Filed May 15, 1981 by Robert J. Corcoran of Puyallup. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 407 (Shall the crime victims' compensation program be continued, funds appropriated, and programs established to provide information to victims and witnesses?)—Filed May 20, 1981 by Manuel E. Costa of Marysville. This measure was refiled as Initiative to the Legislature No. 75.
- INITIATIVE MEASURE NO. 408 (Motor fuel taxes)—Filed May 20, 1981 by Harley H. Hoppe of Mercer Island. This measure was refiled as Initiative Measure No. 409.
- INITIATIVE MEASURE NO. 409 (Shall the motor vehicle fuel and license tax laws be amended to restore prior tax rates and revise revenue distribution?)—Filed June 1, 1981 by Harley H. Hoppe of Mercer Island. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 410 (Shall all real and personal property be taxable on the basis of 1977 valuations and any revaluation thereafter be prohibited?)—Filed January 4, 1982 by Arthur E. Lee of Wenatchee. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 411 (Shall most maximum loan and retail sales interest rates be the higher of 12% or 1% over the discount rate?)—Filed January 4, 1982 by Marvin L. Williams and Lawrence G. Kenney of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 412 (Shall the maximum interest rate on retail sales be the higher of 12% or 1% over the federal discount rates?)—Filed January 4, 1982 by Marvin L. Williams and Lawrence G. Kenney of Seattle. The sponsors submitted 183,249 signatures for checking. The measure was subsequently certified to the ballot. Submitted to the voters at the November 2, 1982 general election and was rejected by the following vote: For—452,710 Against—880,135.
- INITIATIVE MEASURE NO. 413 (Shall the present state owned and operated liquor distribution system be abolished and replaced with licensed privately owned liquor dealers?)—Filed January 6, 1982 by Robert J. Corcoran of Puyallup. This measure refiled as Initiative No. 434.
- INITIATIVE MEASURE NO. 414 (Shall a system requiring a minimum five cent refund on sales of beer, malt and carbonated beverage containers be established?)—Filed January 7, 1982 by Robert C. Swanson (Citizens for a Cleaner Washington) of Seattle. The sponsors submitted 193,347 signatures for checking. The measure was subsequently certified to the ballot. It was submitted to the voters at the November 2, 1982 general election and was rejected by the following vote: For—400,156 Against—965,951.
- INITIATIVE MEASURE NO. 415 (Shall a state board of dentistry be established to license and regulate the practice of dentistry independent of licensed dentists?)—Filed January 19, 1982 by Homer A. Moulthrop (Citizens of Washington for Independent Dentistry) of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 416 (Shall voter approval be required to increase private utility rates by more than eight percent in any twelve-month period?)—Filed January 27, 1982 by Wilmot A. Hall, Jr. of Olympia. This measure refiled as Initiative No. 419.
- INITIATIVE MEASURE NO. 417 (Shall the taxable value of principal residences of retirees over 60 be frozen at 75% of current assessed value?)—Filed January 27, 1982 by Ann Clifton of Olympia. No signatures were presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 418 (Shall the state's temporarily increased retail sales and use tax rate be reduced from 5.5% to 4.5%?)—Filed February 8, 1982 by Gregory R. McDonald of Redmond. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 419 (Shall voter approval be required to increase most utility rates by more than eight percent in any twelve-month period?)—Filed February 11, 1982 by Wilmot A. Hall of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 420 (Shall all penalties, taxes and other limitations pertaining to the use, possession, cultivation, sale or transportation of marijuana be removed?)—Filed February 22, 1982 by Lawrence P. McMahon of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 421 (Shall emission limitations for motor vehicles, air quality standards relating to such emissions, and vehicle emission inspection programs be abolished?)—Filed February 22, 1982 by Douglas L. Solbeck and Linda D. Solbeck of Lynnwood. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 422 (Shall a transaction tax on money and property transfers, not exceeding 1%, be substituted for excise, inheritance and property taxes?)—Filed February 10, 1982 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 423 (Shall most sales or transfers of vehicles, aircraft and boats be taxed at current values, less trade-in, unless previously taxed?)—Filed February 25, 1982 by Stephen Michael and Earl N. Dunham of Longview. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 424 (Number assigned in error.)
- INITIATIVE MEASURE NO. 425 (Shall state marijuana criminal prohibitions, except sales for profit, be repealed but municipal prohibitions be permitted for those under eighteen?)—Filed March 12, 1982 by Lawrence P. McMahon of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 426 (Shall the value of trade-ins of like kind be subtracted from the tax base for state sales and use taxes?)—Filed March 12, 1982 by Stephen Michael and Earl N. Dunham of Longview. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 427 (Shall the state Industrial Insurance Act be amended so as to eliminate the option for covered employers to self-insure?)—Filed March 4, 1982 by Jack C. Martin of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 428 (Shall per diem, travel expenses and moving allowances to public officers, employees, board members and elected officials be largely prohibited?)—Filed March 2, 1982 by V. R. Van Dyk of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 429 (Shall public officers' salaries be reduced to 1979 levels; benefits eliminated; and any further salary increases conditioned upon voter approval?)—Filed March 2, 1982 by V. R. Van Dyk of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 430 (Shall the possession, use, cultivation and transportation of marijuana by persons nineteen years of age and older be legalized?)—Filed March 25, 1982 by Lawrence P. McMahon of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 431 (Shall laws concerning lobbying, political fund raising, and the use of such funds be amended, with fees and penalties imposed?)—Filed March 10, 1982 by V. R. Van Dyk of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 432 (Shall monthly grants of Aid to Families with Dependent Children be limited to \$300 or \$450, depending upon family size?)—Filed March 16, 1982 by Robert S. Havens and Jean M. Havens of Spokane. No signatures were presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 433 (Shall able persons receiving aid to families with dependent children be required to participate in a community work experience program?)—Filed March 19, 1982 by Robert S. Havens and Jean M. Havens of Spokane. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 434 (Shall the state owned and operated liquor distribution system be abolished and replaced with licensed privately owned liquor dealers?)—Filed April 13, 1982 by Robert J. Corcoran of Puyallup. This initiative was withdrawn and later filed as Initiative to the Legislature No. 78.
- INITIATIVE MEASURE NO. 435 (Shall corporate franchise taxes, measured by net income, replace sales taxes on food and state corporate business and occupation taxes?)—Filed April 12, 1982 by Dr. James A. McDermott of Seattle. The sponsor submitted 250,285 signatures for checking. The measure was subsequently certified to the ballot. It was submitted to the voters at the November 2, 1982 general election and was rejected by the following vote: For—453,221 Against—889,091.
- INITIATIVE MEASURE NO. 436 (Shall most food products be exempt from state and local retail sales and use taxes, effective December 2, 1982?)—Filed April 16, 1982 by Gregory McDonald of Redmond. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 437 (Shall the Food Tax Elimination Act of 1982, exempting most food products from retail sales and use taxation be enacted?)—Filed April 15, 1982 by Stephen Michael and Frank Brunner of Lacey. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 438 (Shall tuition and fees be reduced, and the legislature set future increases based on a percentage of the educational costs?)—Filed April 16, 1982 by Dennis Eagle (People for Affordable College Tuition) of Bremerton. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 439 (Shall county energy allocations in energy emergencies be in direct proportion to the percentage voting against Initiative 394 in 1981?)—Filed May 5, 1982 by Richard Hastings of Pasco. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 440 (Shall sellers of home electronic equipment be licensed and commercial repairers of such equipment be required to meet competency standards?)—Filed April 20, 1982 by Carl E. McDonald of Sunnyside. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 441 (Shall Initiative 394, requiring voter approval of bonds for major energy project construction or acquisition by public agencies, be repealed?)—Filed April 27, 1982 by David L. Moore of Richland. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 442 (Shall the present gambling act be repealed, broader gambling activities authorized, taxes imposed, and certain revenues be dedicated to schools?)—Filed April 30, 1982 by Harry Rowe (Committee for Gambling Taxes for Schools) of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 443 (Shall the present gambling act be repealed, broader gambling activities authorized, taxes imposed, and certain revenues be dedicated to schools?)—Filed May 25, 1982 by Clifford A. Stone of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 444 (Shall a tax not to exceed 1% be imposed upon transfers of money or property and present taxes be repealed?)—Filed January 14, 1983 by Clarence P. Keating of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 445 (Shall eligibility for appointment to Game Commission be restricted; fees reduced; and processing of wildlife claims be eliminated?)—Filed January 14, 1983 by David Littlejohn of Olympia. No signatures were presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 446 (Shall elections be held to approve or disapprove the performance of state agencies designated by petitions signed by 10,000 registered voters?)—Filed January 31, 1983 by James R. Collier of Silverdale. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 447 (Shall the present Gambling Act be repealed; broader gambling activities authorized; taxes imposed; and certain revenues dedicated to schools?)—Filed February 14, 1983 by Audrey Stone of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 448 (Shall retail sales and use taxes be reduced, the watercraft use tax eliminated, and a penalty for tax nonpayment reduced?)—Filed February 25, 1983 by Kent Pullen of Kent. This measure refiled as Initiative Measure No. 452.
- INITIATIVE MEASURE NO. 449 (Elimination of WPPSS)—Filed March 1, 1983 by Theodore A. Mahr of Olympia. This measure refiled as Initiative Measure No. 451.
- INITIATIVE MEASURE NO. 450 (Attorney General declined to prepare a ballot title)—Filed March 4, 1983 by John A. Kilma of Mercer Island. This measure refiled as Initiative Measure No. 453.
- INITIATIVE MEASURE NO. 451 (Shall laws relating to electrical joint operating agencies be repealed and existing agencies be directed to sell assets and terminate?)—Filed March 7, 1983 by Theodore Mahr of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 452 (Shall the state sales tax be reduced to 4.5% and business and occupation surtaxes and boat excise taxes be repealed?)—Filed March 11, 1983 by Kent Pullen of Kent. The sponsors submitted 146,689 signatures for checking. Verification was not complete at time of publication.
- INITIATIVE MEASURE NO. 453 (Shall the federal Internal Revenue Service's notices of the Privacy and Paper Work Reduction Acts be, by state law declarations, prohibited?)—Filed March 21, 1983 by John A. Kilma of Mercer Island. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 454 (Shall abortions, unless necessary to preserve life, be ineligible for state medical aid to categorically needy persons under Title XIX?)—Filed March 28, 1983 by James L. King, Jr. of Tacoma. No signatures were presented for checking.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

INITIATIVES TO THE LEGISLATURE

- ***INITIATIVE TO THE LEGISLATURE NO. 1 (District Power Measure)**—Filed October 25, 1928. The 1929 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 4, 1930 state general election. Measure was approved into law by the following vote: **For—152,487 Against—130,901**. The act is now identified as Chapter 1, Laws of 1931.
- INITIATIVE TO THE LEGISLATURE NO. 1A (Brewers' Hotel Bill)**—Filed December 14, 1914. The 1915 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 7, 1916 state general election. Measure was defeated by the following vote: **For—48,354 Against—263,390**.
- ***INITIATIVE TO THE LEGISLATURE NO. 2 (Blanket Primary Ballot)**—Filed August 21, 1934. Passed by the Legislature February 21, 1935. Now identified as Chapter 26, Laws of 1935.
- INITIATIVE TO THE LEGISLATURE NO. 3 (Tax Free Homes)**—Filed August 25, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 4 (Unemployment Insurance)**—Filed September 5, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 5 (Prohibiting Fishing with Purse Seines)**—Filed November 20, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE TO THE LEGISLATURE NO. 6 (Legal Holiday on Saturday)**—Filed August 17, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 7 (Pension for Blind)**—Filed October 7, 1938. Referred as Initiative to the Legislature No. 8.
- INITIATIVE TO THE LEGISLATURE NO. 8 (Pension for Blind)**—Filed October 10, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 9 (Relating to Intoxicating Liquors)**—Filed December 8, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 10 (Unicameral Legislature)**—Filed May 23, 1940. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 11 (Reapportionment of State Legislative Districts)**—Filed July 8, 1942. No petition filed.
- ***INITIATIVE TO THE LEGISLATURE NO. 12 (Public Power Resources)**—Filed August 29, 1942. Passed by the Legislature February 17, 1943. Now identified as Chapter 15, Laws of 1943. Act invalidated through Referendum Measure No. 25.
- INITIATIVE TO THE LEGISLATURE NO. 13 (Restricting Sales of Beer and Wine to State Liquor Stores)**—This measure is the same as Initiative Measure No. 163 and was filed August 23, 1946. Signature petitions filed January 3, 1947. The 1947 Legislature failed to take action as provided by the state constitution the measure then was submitted to the voters for final decision at the November 2, 1948 state general election. Measure was defeated by the following vote: **For—208,337 Against—602,141**.
- INITIATIVE TO THE LEGISLATURE NO. 14 (Reapportionment of State Legislative Districts)**—Filed September 19, 1946. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 15 (Establishing a Civil Service System for the Employees of the State of Washington)**—Filed October 16, 1946. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 16 (Providing for the Election of State Game Commissioners)**—Filed September 8, 1948. No signature petitions presented.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 17 (**Regulating Legislative Committee Hearings**)—Filed October 16, 1948. No signature petitions filed.
- INITIATIVE TO THE LEGISLATURE NO. 18 (**Petitioning Congress to declare that it is the policy of the United States to live in peaceful coexistence with other nations, etc.**)—This measure is the same as Initiative Measure No. 183 and was filed September 3, 1952. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 19 (**Repealing the Subversive Activities Act**)—Filed September 19, 1952. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 20 (**Legislative and Congressional Districting**)—Filed April 16, 1954. Sponsors dissatisfied with ballot title and, as a consequence, measure (with some minor changes, all occurring in section 5) was refiled as of May 17, 1954 and measure refiled as Initiative No. 22 to the Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 21 (**Professional Practice Boards**)—Filed April 20, 1954. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 22 (**Legislative and Congressional Districting**)—Filed May 17, 1954. No signature petitions presented for checking.
- *INITIATIVE TO THE LEGISLATURE NO. 23 (**Civil Service for Sheriff's Employees**)—Measure filed August 7, 1956. Signature petitions filed December 5, 1956, and found sufficient. The 1957 Legislature failed to take action, and as provided by the state constitution the measure was then submitted to the voters for final decision at the November 4, 1958 state general election. Measure was approved by the following vote: **For**—539,640 **Against**—289,575. Act is now identified as Chapter 1, Laws of 1959.
- INITIATIVE TO THE LEGISLATURE NO. 24 (**Limiting Dams In Fish Sanctuaries**)—Measure filed September 18, 1956. Signature petitions containing approximately 85,600 signatures filed January 3, 1957. However, attorney general ruled that provisions of the 30th amendment to the state constitution approved by the voters at the 1956 state general election applied at the time signatures were presented. This amendment provided that the number of signatures necessary to validate an initiative must be equal to at least 8% of the votes cast on the position of governor at the last preceding gubernatorial election. This computation set the necessary number as 90,319 valid signatures. Sponsors appealed to the State Supreme Court which held that the attorney general was correct. For this reason the Secretary of State did not check signature petitions and the initiative was not certified to the 1957 Legislature.
- *INITIATIVE TO THE LEGISLATURE NO. 25 (**Dam Construction and Water Diversion**)—Measure filed April 3, 1958. Signature petitions filed January 2, 1959 and upon completion of canvass found sufficient. The 1959 Legislature failed to take final action and as provided by the state constitution the measure was submitted to the voters for final decision at the November 8, 1960 state general election. Measure was approved by the following vote: **For**—526,130 **Against**—483,449. Act is now identified as Chapter 4, Laws of 1961.
- INITIATIVE TO THE LEGISLATURE NO. 26 (**Abolishing Capital Punishment**)—Measure filed March 10, 1960. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 27 (**Restricting Federal Taxation and Activities**)—Measure filed June 27, 1960. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 28 (**Civil Service for County Employees**)—Measure filed July 1, 1960. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 29 (**Repealing Certain 1961 Tax Laws**)—Filed March 27, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 30 (Reorganization of State Fisheries Department)**—Filed May 28, 1962 by the Washington State Sportsmen's Council. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- INITIATIVE TO THE LEGISLATURE NO. 31 (Laws Regulating Courts—Judges—Attorneys)**—Filed May 17, 1966 by Walter H. Philipp of Seattle. This was, in effect, a refiled of Initiative Measure No. 232 and again no signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 32 (Local Processing of State Timber)**—Filed May 31, 1966 by the Committee for Full Employment in Washington. Signatures (136,181) filed December 30, 1966 and found sufficient. The 1967 Legislature failed to take final action and, as provided by the state constitution, the measure was submitted to the voters for final decision at the November 5, 1968 state general election. Measure was rejected by the following vote: **For**—450,559 **Against**—716,291.
- INITIATIVE TO THE LEGISLATURE NO. 33 (No caption written)**—Filed July 1, 1966 by George A. Guilmet of Edmonds. This was a proposed memorial to Congress concerning "the ending of the war now being waged by the United States Government and its armed forces in Vietnam and Southeast Asia." However, the office of the attorney general reversed its position in that a similar measure was filed in 1952 (Initiative to the Legislature No. 18) and declined to issue a ballot title on the grounds that the subject matter was not a proper subject to fall within the scope of the initiative procedure. As a consequence, the secretary of state returned the measure and filing fee to the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 34 ("Personal Effects" Tax Exemption)**—Filed March 20, 1968 by the Committee Against Unfair Personal Property Tax. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 35 (State Citizens—War and Taxes)**—Filed April 28, 1970 by the Seattle Liberation Front—William Edward Kononen, Initiative Circulation Chairman. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 36 (Licensing Dog Racing—Parimutuel Betting)**—Filed July 3, 1970 by Donald Nicholson of Kirkland. Because of technical errors, measure was refiled August 18, 1970 as Initiative to the Legislature No. 39.
- INITIATIVE TO THE LEGISLATURE NO. 37. (Transportation Revenues—Use and Distribution)**—Filed July 9, 1970 by William L. McCord and William L. Harrington, Co-sponsors. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 38 (Certain Cities—Greyhound Racing Franchises)**—Filed July 31, 1970 by Herbert B. Shannon of Medina. Signatures (121,077) filed December 31, 1970. Checking revealed insufficient valid signatures submitted and the initiative was not certified to the 1971 Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 39 (Licensing Dog Racing—Parimutuel Betting)**—Filed August 18, 1970 by Donald Nicholson and Dr. Lawrence Pirkle, Co-sponsors. Signatures (124,394) filed December 31, 1970. Checking revealed insufficient valid signatures submitted and the initiative was not certified to the 1971 Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 40 (Litter Control Act)**—Filed August 20, 1970 by the Washington Committee to Stop Litter—Irving B. Stimpson, Secretary. Signatures (141,228) filed December 30, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action insofar as Initiative Measure No. 40 but did pass an alternative measure No. 40B now identified as Chapter 307, Laws of 1971 1st Extraordinary Session, which contained an emergency clause and became effective law upon approval of the Governor on May 21, 1971. However, as required by the state constitution, both measures were submitted to the voters for final decision at the November 7, 1972 state general election. The votes cast on the original measure and the alternative proposal were as follows:

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

For Either	Against Both	Prefer No. 40	Prefer No. 40B
788,151	418,764	194,128	798,931

As a consequence, Alternative Measure No. 40B prevailed which sustained Chapter 307, Laws of 1971 1st Extraordinary Session, as law.

INITIATIVE TO THE LEGISLATURE NO. 41 (Public Schools—Certain Courses Curtailed)—Filed September 4, 1970 by the Schools Belong to You Committee of the State of Washington—Dale R. Dorman, Chairman. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 42—Filed September 21, 1970 by the Washington Environmental Council. Re filed September 25, 1970 as Initiative to the Legislature No. 43.

INITIATIVE TO THE LEGISLATURE NO. 43 (Regulating Shoreline Use and Development)—Filed September 25, 1970 by the Washington Environmental Council. Signatures (160,421) filed December 31, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The legislature took no action insofar as Initiative No. 43 but did pass an alternative measure No. 43B now identified as Chapter 286, Laws of 1971 1st Extraordinary Session, which became effective law as of June 1, 1971. However, as required by the state constitution both measures were submitted to the November 7, 1972 state general election. The votes cast on the original measure and the alternative proposal were as follows:

For Either	Against Both	Prefer No. 43	Prefer No. 43B
603,167	551,132	285,721	611,748

As a consequence, Alternative Measure No. 43B prevailed which sustained Chapter 286, Laws of 1971 1st Extraordinary Session, as law.

***INITIATIVE TO THE LEGISLATURE NO. 44 (Statutory Tax Limitation—20 Mills)**—Filed October 15, 1970 by the 40—Mill Tax Limit Committee—Lester P. Jenkins, Secretary. Signatures (229,785) filed December 30, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action and, as provided by the state constitution, the initiative was submitted to the voters for final decision at the November 7, 1972 state general election and approved by the following vote: For—930,275 Against—301,238. Act is now identified as Chapter 2, Laws of 1973.

INITIATIVE TO THE LEGISLATURE NO. 45 (Restoration of Law Prohibiting Hitchhiking)—Filed July 10, 1972 by Mildred C. Trantow, President, Washington State Chapter of Pro America. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 46 (Restricting School District Excess Levies)—Filed July 25, 1972 by Representative Paul Barden and Representative Vaughn Hubbard, Co-sponsors. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 47 (Shall public schools be prohibited from teaching either the theory of evolution or that of creation unless both are taught?)—Filed April 3, 1974 by Ward E. Ellsworth. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 48 (Shall state financial support for public schools be greatly increased for 1975-77 and school district excess levies restricted after 1975?)—Filed April 9, 1974 by the Committee for State School Support. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 49 (Shall an initiative be adopted declaring persons ineligible for election to given state offices for more than 12 consecutive years?)—Filed July 5, 1974 by Senator Peter von Reichbauer. No signatures presented for checking.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 50 (Shall greyhound dog racing, with parimutuel betting, be permitted when licensed by a state commission and subject to its control?)—Filed July 16, 1974 by Donald Nicholson. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 51 (Constitutional Amendment—Qualifications of Legislators)—Filed March 11, 1976 by Harley H. Hoppe of Mercer Island. Attorney General declined to prepare ballot title.
- INITIATIVE TO THE LEGISLATURE NO. 52 (Shall commercial fishing for or taking of food fish, crab or shrimp in Hood Canal be prohibited?)—Filed April 15, 1976 by J.L. Parsons of Union, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 53 (Shall special levies be limited, and additional state support provided to most districts which approve such limited levies?)—Filed April 21, 1976 by Representative Phyllis K. Erickson of Tacoma. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 54 (Shall an initiative be adopted prohibiting holding most state offices longer than twelve years and judicial offices past age 70?)—Filed April 28, 1976 by Jack Metcalf of Langley, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 55 (Shall persons convicted of certain felonies be imprisoned for a mandatory period of years?)—Filed May 7, 1976 by Senator Kent Pullen of Kent, WA. Re filed as Initiative to the Legislature No. 56.
- INITIATIVE TO THE LEGISLATURE NO. 56 (Shall persons convicted of most felonies be imprisoned for a mandatory period of years?)—Filed June 1, 1976 by Senator Kent Pullen of Kent, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 57 (Shall an initiative be adopted providing that special legislative sessions, however convened, be limited to thirty days and specific subjects?)—Filed July 14, 1976 by Senator Harry Lewis of Olympia. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 58 (Shall an initiative be adopted memorializing the legislature to impeach and remove King County Superior Court Judge Solie M. Ringold?)—Filed July 14, 1976 by Paul O. Snyder of Seattle. No petition submitted.
- *INITIATIVE TO THE LEGISLATURE NO. 59 (Shall new appropriations of public water for nonpublic agricultural irrigation be limited to farms of 2,000 acres or less?)—Filed August 16, 1976 by Ray Hill of Seattle. Signatures (191,012) submitted and found sufficient and measure was certified to the legislature January 14, 1977. The legislature referred this measure to the 1977 state general election ballot. At the November 8, 1977 general election the measure was approved by the following vote: For—457,054 Against—437,682. Act is now identified as Chapter 3, Laws of 1979.
- INITIATIVE TO THE LEGISLATURE NO. 60 (Shall an initiative be adopted authorizing a legislator to convene a grand jury to consider allegations of improper judicial conduct?)—Filed March 28, 1978 by Mr. Gerald P. Hanson of Maple Valley. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 61 (Shall a system requiring a minimum five cent refund on sales of beer, malt and carbonated beverage containers be established?)—Filed May 1, 1978 by Mr. Steve Zemke of Seattle. Signatures (164,325) submitted and a random sample of 8,180 was taken and found sufficient and measure was certified to the Legislature on February 19, 1979. The legislature referred this measure to the 1979 state general election ballot. At the November 6, 1979 general election the measure was rejected. The preliminary figures for the vote are: For—333,062 Against—427,822.
- *INITIATIVE TO THE LEGISLATURE NO. 62 (Shall state tax revenues be limited so that increases do not exceed the growth rate of total state personal income?)—Filed June 1, 1978 by Ron Dunlap and Ellen Craswell of the Washington Tax Limitation Committee.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

Signatures (169,456) submitted and found sufficient and measure was certified to the legislature on January 18, 1979. The legislature referred this measure to the 1979 state general election ballot. At the November 6, 1979 general election the measure was approved. The preliminary figures for the vote are: For—509,349 Against—235,431. Act is now identified as Chapter 1, Laws of 1980.

INITIATIVE TO THE LEGISLATURE NO. 63 (Shall participation in the state militia and law enforcement units not be denied to persons by reason of physical handicaps?)—Filed June 28, 1978 by Mr. Daniel M. Jones of Olympia. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 64—Attorney General refused to write a ballot title.

INITIATIVE TO THE LEGISLATURE NO. 65 (Shall state school levies be subject to the same six percent annual increase limit as other regular property tax levies?)—Filed July 12, 1978 by Mr. Ron Dunlap and Mrs. Ellen Craswell. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 66 (Shall the Consumer Protection Act be amended to provide trebled actual damages in private actions and define specific unlawful acts?)—Filed July 14, 1978 by Mr. Norman L. Bachert of Seattle. No signatures were brought in for checking.

INITIATIVE TO THE LEGISLATURE NO. 67 (Shall an initiative be adopted providing for the recall of United States senators and representatives during legislatively called special elections?)—Filed July 27, 1978 by Mr. Victor J. Bonagofski of Centralia. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 68 (Shall property tax assessments be based on 1976 values, with certain exceptions and assessment increases limited to 2% per year?)—Filed July 21, 1978 by Mr. Bruce Gould of Vancouver. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 69 (Shall single family dwellings and farm buildings be tax exempt, and state and local taxing and borrowing powers be restricted?)—Filed July 26, 1978 by Mr. Gerald P. Hanson of Maple Valley. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 70 (Shall the rates of state sales and business taxes temporarily be reduced 22.2% and 25% respectively during the year 1980?)—Filed August 11, 1978 by Mr. Paul Sanders of Bellevue. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 71 (Shall property taxes be based on 1976 values limited to 2% annual increases, and other property tax changes be enacted?)—Filed August 16, 1978 by Mr. J. Van Self of Tacoma. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 72 (Shall state school levies be limited to 6% annual increases and disabled retirees or elderly property tax exemptions be increased?)—Filed November 20, 1978 by Mr. Claude Oliver of Kennewick. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 73 (Shall Government Agencies, Employees, and Private Individuals be Prohibited from Promoting Certain Sexual Practices, and the Age of Consent Raised?)—Filed May 13, 1980 by David Estes of Seattle. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 74 (Shall There be Mandatory Minimum Prison Sentences for Certain Felonies, Expanded Concealed Weapons' Permits and State Preemption of Firearms' Regulation?)—Filed July 31, 1980 by Kent Pullen of Kent, WA. No signatures presented for checking.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 75. (Shall the Crime Victims Compensation Act be extended to crimes committed after July 1, 1981, and its coverage be broadened?)—Filed September 4, 1981 by Manuel E. Costa of Marysville. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 76 (Shall the legislature petition Congress to amend the Constitution, or call a constitutional convention, to require a balanced federal budget?)—Filed March 12, 1982 by Harry Erwin Truitt of Seattle. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 77 (Shall public employee compensation be reduced or frozen if state expenditures exceed revenues or new taxes are imposed or authorized?)—Filed March 22, 1982 by Glenn Blubaugh of Tacoma. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 78 (Shall the present state owned and operated liquor distribution system be abolished and replaced with licensed privately owned liquor dealers?)—Filed May 27, 1982 by Robert J. Corcoran of Puyallup. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 79 (Shall employers have the option, effective July 1, 1984, of securing private insurance to meet the state requirements for workmen's compensation?)—Filed September 29, 1982 by Richard M. Farrow of Seattle. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 80 (Unemployment Insurance)—Filed September 29, 1982 by Richard C. King of Seattle. Initiative withdrawn by the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 81 (Political Contributions)—Filed September 29, 1982 by R. M. (Dick) Bond of Spokane. Initiative withdrawn by the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 82 (Public Purchasing)—Filed September 29, 1982 by Priscilla K. Stockner of Puyallup. Initiative withdrawn by the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 83 (Shall the 1983–85 state general operating budget be limited by statute to a maximum of 109% of the 1981–83 budget?)—Filed September 29, 1982 by Charles I. McClure of Tacoma. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 84 (Shall state policies regarding natural resource management, Indian rights, federal court decisions, and the expenditure of state funds be enacted?)—Filed May 13, 1983 by John B. Mitchum of Mt. Vernon. Sponsors have until December 31, 1983 to submit signatures.
- INITIATIVE TO THE LEGISLATURE NO. 85 (Shall the legislature be directed to petition Congress to call a convention to propose a balanced federal budget constitutional amendment?)—Filed June 7, 1983 by James R. Medley of Seattle. Sponsors have until December 31, 1983 to submit signatures.

*Indicates measure became law.

REFERENDUM MEASURES

REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 1 (Chapter 48, Laws of 1913, Teachers' Retirement Fund)—Filed March 11, 1913. Submitted to the people at the state general election held on November 3, 1914. *Failed to pass by the following vote: For—59,051 Against—252,356. As a consequence, Chapter 48, Laws of 1913 did not become law.
- REFERENDUM MEASURE NO. 2 (Chapter 180, Laws of 1913, Quincy Valley Irrigation Measure)—Filed March 25, 1913. Submitted to the people at the state general election held on November 3, 1914. *Failed to pass by the following vote: For—102,315 Against—189,065. As a consequence, Chapter 180, Laws of 1913 did not become law.
- REFERENDUM MEASURE NO. 3 (Chapter 54, Laws of 1915, Relating to Initiative and Referendum)—Filed March 18, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For—62,117 Against—196,363. As a consequence, Chapter 54, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 4 (Chapter 55, Laws of 1915, Recall of Elective Public Officers)—Filed March 18, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For—63,646 Against—193,686. As a consequence, Chapter 55, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 5 (Chapter 52, Laws of 1915, Party Conventions Act)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For—49,370 Against—200,499. As a consequence, Chapter 52, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 6 (Chapter 181, Laws of 1915, Anti-Picketing)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For—85,672 Against—183,042. As a consequence, Chapter 181, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 7 (Chapter 178, Laws of 1915, Certificate of Necessity Act)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For—46,820 Against—201,742. As a consequence, Chapter 178, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 8 (Chapter 46, Laws of 1915, Port Commission)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For—45,264 Against—195,253. As a consequence, Chapter 46, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 9 (Chapter 49, Laws of 1915, Budget System)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For—67,205 Against—181,833. As a consequence, Chapter 49, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 10 (Chapter 19, Laws of 1917, Bone Dry Law)—Filed February 20, 1917. Submitted to the people at the state general election held on November 5, 1918. Measure passed by the following vote: For—96,100 Against—54,322.
- REFERENDUM MEASURE NO. 11 (Chapter 167, Laws of 1917, Capitol Building Fund Bonds)—Filed April 23, 1917. No petition filed.
- REFERENDUM MEASURE NO. 12A (Chapter 77, Laws of 1919, Salary of Judges)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 12B (Chapter 59, Laws of 1921, Certificate of Necessity)—Filed March 26, 1921. Submitted to the people at the state general election held on November 7, 1922. *Failed to pass by the following vote: For—64,800 Against—154,905. As a consequence, Chapter 59, Laws of 1921 did not become law.

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 13A (Chapter 112, Laws of 1919, Death Penalty)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 13B (Chapter 175, Laws of 1921, Physical Examination of School Children)—Filed April 4, 1921. Submitted to the people at the state general election held on November 7, 1922. *Failed to pass by the following vote: For--96,874 Against--156,113. As a consequence, Chapter 175, Laws of 1921 did not become law.
- REFERENDUM MEASURE NO. 14A (Senate Joint Resolution No. 1, Laws of 1919, Intoxicating Liquor)—Filed March 20, 1919. Insufficient number of signatures on petition.
- REFERENDUM MEASURE NO. 14B (Chapter 177, Laws of 1921, Primary Nominations and Registrations)—Filed April 9, 1921. Submitted to the people at the state general election held on November 7, 1922. *Failed to pass by the following vote: For--60,593 Against--164,004. As a consequence, Chapter 177, Laws of 1921 did not become law.
- REFERENDUM MEASURE NO. 15 (Chapter 176, Laws of 1921, Party Conventions)—Filed April 9, 1921. Submitted to the people at the state general election held on November 7, 1922. *Failed to pass by the following vote: For--57,324 Against--140,299. As a consequence, Chapter 176, Laws of 1921 did not become law.
- REFERENDUM MEASURE NO. 16 (Chapter 22, Laws of 1923, Butter Substitutes)—Filed March 22, 1923. Submitted to the people at the state general election held on November 4, 1924. *Failed to pass by the following vote: For--169,047 Against--203,016. As a consequence, Chapter 22, Laws of 1923 did not become law.
- REFERENDUM MEASURE NO. 17 (Chapter 115, Laws of 1929, Creating Department of Highways)—Filed April 27, 1929. No petition filed.
- REFERENDUM MEASURE NO. 18 (Chapter 51, Laws of 1933, Cities and Towns; Electric Energy)—Filed April 7, 1933. Submitted to the people at the state general election held on November 6, 1934. Measure passed by the following vote: For--221,590 Against--160,244.
- REFERENDUM MEASURE NO. 19 (Chapter 55, Laws of 1933, Horse Racing)—Filed April 3, 1933. No petition filed.
- REFERENDUM MEASURE NO. 20 (Chapter 118, Laws of 1935, Regulating Pilots)—Filed February 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 21 (Chapter 26, Laws of 1935, Blanket Primary Ballot)—Filed April 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 22 (Chapter 209, Laws of 1941, Industrial Insurance)—Filed April 3, 1941. Submitted to the people at the state general election held on November 3, 1942. Measure passed by the following vote: For--246,257 Against--108,845.
- REFERENDUM MEASURE NO. 23 (Chapter 158, Laws of 1941, Providing for Legal Adviser for Grand Juries)—Filed April 16, 1941. Submitted to the people at the state general election held on November 3, 1942. *Failed to pass by the following vote: For--126,972 Against--148,266. As a consequence, Chapter 158, Laws of 1941 did not become law.
- REFERENDUM MEASURE NO. 24 (Chapter 191, Laws of 1941, Prosecuting Attorneys; Providing that they shall no longer give advice to Grand Juries)—Filed April 16, 1941. Submitted to the people at the state general election held on November 3, 1942. *Failed to pass by the following vote: For--114,603 Against--148,439. As a consequence, Chapter 191, Laws of 1941 did not become law.
- REFERENDUM MEASURE NO. 25 (Chapter 15, Laws of 1943, Relating to Public Utility Districts)—Filed March 18, 1943. Submitted to the people at the state general election held on November 7, 1944. *Failed to pass by the following: For--297,919 Against--373,051. As a consequence, Chapter 15, Laws of 1943 did not become law.

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 26 (Chapter 37, Laws of 1945, Relating to appointment of State Game Commissioners by the Governor)—Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people at the state general election held on November 5, 1946. *Failed to pass by the following vote: For—69,490 Against—447,819. As a consequence, Chapter 37, Laws of 1945 did not become law.
- REFERENDUM MEASURE NO. 27 (Chapter 202, Laws of 1945, Relating to the creation of a State Timber Resources Board)—Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people at the state general election held on November 5, 1946. *Failed to pass by the following vote: For—107,731 Against—422,026. As a consequence, Chapter 202, Laws of 1945 did not become law.
- REFERENDUM MEASURE NO. 28 (Portion of Chapter 235, Laws of 1949, Relating to accident and health insurance covering employees eligible for unemployment compensation)—Filed March 30, 1949. Signature petitions filed June 8, 1949 and found sufficient. Submitted to the people at the state general election held on November 7, 1950. *Failed to pass by the following vote: For—163,923 Against—467,574. As a consequence, only sections 1 through 5, inclusive, became law.
- REFERENDUM MEASURE NO. 29 (Portion of Chapter 190, Laws of 1949, Amending State Insurance Code)—Filed April 2, 1949. No signature petitions presented for canvassing.
- REFERENDUM MEASURE NO. 30 (Chapter 280, Laws of 1957, Inheritance Tax on Insurance Proceeds)—Filed April 12, 1957. Signature petitions filed June 17, 1957, and found sufficient. Measure submitted to the voters at the state general election held on November 4, 1958. *Failed to pass by the following vote: For—52,223 Against—811,539. As a consequence, Chapter 280, Laws of 1957 did not become law.
- REFERENDUM MEASURE NO. 31 (Portion of Chapter 297, Laws of 1959, Authorizing corporations and joint stock associations to practice engineering)—Filed March 31, 1959. Signature petition sheets presented for canvassing June 10, 1959. Results of canvassing revealed that sponsors missed obtaining necessary number of valid signatures by 1,124 signatures. As a result attempt to refer law to voters failed.
- REFERENDUM MEASURE NO. 32 (Chapter 298, Laws of 1961, Washington State Milk Marketing Act)—Filed March 22, 1961 by the Washington State Milk Consumers' League. Supporting signature petition sheets filed June 14, 1961, and as of July 26, 1961, it was determined that the necessary number of valid signatures had been obtained to certify measure for final decision by the voters at the state general election held on November 6, 1962. *Failed to pass by the following vote: For—153,419 Against—677,530. As a consequence, Chapter 298, Laws of 1961 did not become law.
- REFERENDUM MEASURE NO. 33 (Chapter 275, Laws of 1961, Private Auditors of Municipal Accounts)—Filed April 3, 1961 by Cliff Yelle, State Auditor. Supporting signature petition sheets filed June 6, 1961, and as of July 18, 1961, it was determined that the necessary number of valid signatures had been obtained to certify measure for final decision by the voters at the state general election held on November 6, 1962. *Failed to pass by the following vote: For—242,189 Against—563,475. As a consequence, Chapter 275, Laws of 1961 did not become law.
- REFERENDUM MEASURE NO. 34 (Chapter 37, Laws of 1963, Mechanical Devices, Salesboards, Cardrooms, Dingo)—Filed April 11, 1963 by Dr. Homer W. Humiston of Tacoma, Washington. Since said act contained an emergency clause making the law effective upon the approval of the Governor it was necessary for Dr. Humiston to initiate court action to determine whether or not emergency clause was valid. As of April 11, 1963 the State Supreme Court setting en banc ruled that the emergency clause was not valid and directed the Secretary of State to accept and file papers relative to the referendum (Case No. 36998).
Dr. Humiston, as sponsor of Referendum Measure No. 34, filed signature petition sheets containing a total of 82,995 signatures supporting Referendum Measure No. 34, during the period June 3 through June 12, 1963.

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM MEASURES

As of June 24, 1963, it was discovered that all such signature petition sheets had been stolen. However, two days later (June 26, 1963), Secretary of State Victor A. Meyers certified Referendum Measure No. 34 to the respective county auditors with direction that said measure appear upon the November 3, 1964 state general election ballot in spite of the fact that the signatures had been stolen. Such action was justified upon the grounds that the sponsor of said referendum had filed 82,995 signatures when only 48,630 valid signatures were needed. On July 22, 1963 the Amusement Association of Washington brought court action against the Secretary of State challenging the certification of Referendum Measure No. 34.

On July 22, 1963, the Thurston County Superior Court ruled that the Secretary of State had acted properly under the circumstances. On March 26, 1964, the State Supreme Court sustained the Thurston County Superior Court by likewise ruling that the Secretary of State's certification was valid.

Measure then submitted to the voters at the state general election held on November 3, 1964. *Failed to pass by the following vote: For—505,633 Against—622,987. As a consequence, Chapter 37, Laws of 1963 did not become law.

REFERENDUM MEASURE NO. 35 (Portion of Chapter 22, Laws of 1967, Nondiscrimination by Realty Brokers, Salesmen)—Filed March 22, 1967 by the AD-HOC (Advisory Home Owners Committee). Signatures (81,146) filed June 6, 1967 and found sufficient. Measure submitted to the voters for decision at the November 5, 1968 state general election. Measure passed by the following vote: For—580,578 Against—276,161. Consequently, the attempt by the sponsors of this referendum to negate the open housing provision of Chapter 22, Laws of 1967 was unsuccessful.

REFERENDUM MEASURE NO. 36 (Chapter 100, Laws of 1973, Minimum Age—Alcoholic Beverage Control)—Filed April 4, 1973 by Lloyd C. Tremain, Chairman, Citizens United for Responsible Legislation. Signatures (79,389) filed June 7, 1973 and found sufficient. Measure submitted to the voters for decision at the November 6, 1973 state general election. *Failed to pass by the following vote: For—495,624 Against—510,491. As a consequence, Chapter 100, Laws of 1973 did not become law.

REFERENDUM MEASURE NO. 37 (Chapter 288, Laws of 1975 Extraordinary Session, Shall the present law governing professional negotiations for certificated educational employees be repealed, and a new law substituted therefore?)—Filed July 18, 1975 by Mrs. Alice K. Matz of Kent, Washington. No signatures presented for checking.

REFERENDUM MEASURE NO. 38 (Chapter 113, Laws of 1975-'76 2nd Extraordinary Session, Shall the salaries of state legislators be increased from \$3,800 to \$7,200 effective at the beginning of their next term?)—Filed April 6, 1976 by Mr. Paul E. Byrd of Tacoma. No signatures presented for checking.

REFERENDUM MEASURE NO. 39 (Chapter 361, Laws of 1977 Extraordinary Session, Shall certain changes be made in voter registration laws, including registration by mail and absentee voting on one day's registration?)—Filed June 22, 1977 by Kent Pullen. Signatures (74,000) filed September 20, 1977 and found sufficient. Measure submitted to the voters for decision at the November 8, 1977 state general election. *Failed to pass by the following vote: For—303,353 Against—632,131. As a consequence, Chapter 361, Laws of 1977 Ex. Sess. did not become law.

REFERENDUM MEASURE NO. 40 (Chapter 288, Laws of 1977 Extraordinary Session, Shall a state women's commission be established by statute?)—Filed July 29, 1977 by Susan Roylance, Representative of Women for Integrity in the Nation. Signatures (108,000) filed September 20, 1977 and found sufficient. Measure submitted to the voters for decision at the November 8, 1977 state general election. *Failed to pass by the following vote: For—259,761 Against—664,962. As a consequence, Chapter 288, Laws of 1977 Ex. Sess. did not become law.

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM BILLS

REFERENDUM BILLS

(Measures passed by the Legislature and referred to the voters)

- REFERENDUM BILL NO. 1 (Chapter 99, Laws of 1919, State System Trunk Line Highways)—Filed March 13, 1919. Submitted to the people at the state general election held on November 2, 1920. Failed to pass by the following vote: For—117,425 Against—191,783.
- *REFERENDUM BILL NO. 2 (Chapter 1, Laws of 1920 Extraordinary Session, Soldiers' Equalized Compensation)—Filed March 25, 1920. Submitted to the people at the state general election held on November 2, 1922. Measure approved by the following vote: For—224,356 Against—88,128.
- REFERENDUM BILL NO. 3 (Chapter 87, Laws of 1923, Electric Power Bill)—Filed March 22, 1923. Submitted to the people at the state general election held on November 4, 1924. Failed to pass by the following vote: For—99,459 Against—208,809.
- REFERENDUM BILL NO. 4 (Chapter 164, Laws of 1935, Flood Control; Creating Sinking Fund)—Filed March 22, 1935. Submitted to the people at the state general election held on November 3, 1936. Failed to pass by the following vote: For—114,055 Against—334,035.
- *REFERENDUM BILL NO. 5 (Chapter 83, Laws of 1939, 40-Mill Tax Limit)—Filed March 10, 1939. Submitted to the people at the state general election held on November 5, 1940. Measure approved by the following vote: For—390,639 Against—149,843.
- *REFERENDUM BILL NO. 6 (Chapter 176, Laws of 1941, Taxation of Real and Personal Property)—Filed March 22, 1941. Submitted to the people at the state general election held on November 3, 1942. Measure approved by the following vote: For—252,431 Against—75,540.
- *REFERENDUM BILL NO. 7 (Chapter 229, Laws of 1949—\$40,000,000.00 Bond Issue to Give State Assistance in Construction of Public School Plant Facilities)—Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Measure approved by the following vote: For—395,417 Against—248,200.
- *REFERENDUM BILL NO. 8 (Chapter 230, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions)—Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Measure approved by the following vote: For—377,941 Against—262,615.
- REFERENDUM BILL NO. 9 (Chapter 231, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Institutions of Higher Learning)—Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Failed to pass by the following vote: For—312,500 Against—314,840.
- *REFERENDUM BILL NO. 10 (Chapter 299, Laws of 1957—\$25,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions and State Institutions of Higher Learning)—Filed March 26, 1957. Measure submitted to the voters at the state general election held on November 4, 1958. Measure approved by the following vote: For—402,937 Against—391,726.
- *REFERENDUM BILL NO. 11 (Chapter 12, Laws of 1963 Extraordinary Session—Outdoor Recreation Bond Issue)—Filed April 18, 1963. Submitted to the voters at the state general election held on November 3, 1964. Measure approved by the following vote: For—614,903 Against—434,978.
- *REFERENDUM BILL NO. 12 (Chapter 26, Laws of 1963 Extraordinary Session—Bonds For Public School Facilities)—Filed April 18, 1963. Submitted to the voters at the state general election held on November 3, 1964. Measure approved by the following vote: For—782,682 Against—300,674.

*Indicates measure became law.

REFERENDUM BILLS

- *REFERENDUM BILL NO. 13 (Chapter 27, Laws of 1963 Extraordinary Session—Bonds For Juvenile Correctional Institution)—Filed April 18, 1963. Submitted to the voters at the state general election held on November 3, 1964. Measure approved by the following vote: For—761,862 Against—299,783.
- *REFERENDUM BILL NO. 14 (Chapter 158, Laws of 1965 Extraordinary Session—Bonds for Public School Facilities)—Filed May 12, 1965. Measure submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: For—583,705 Against—288,357.
- *REFERENDUM BILL NO. 15 (Chapter 172, Laws of 1965 Extraordinary Session—Bonds for Public Institutions)—Filed May 15, 1965. Measure submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: For—597,715 Against—263,902.
- *REFERENDUM BILL NO. 16 (Chapter 152, Laws of 1965 Extraordinary Session—Congressional Reapportionment and Redistricting)—Enrolled bill was received directly from the office of Chief Clerk, House of Representatives and filed May 7, 1965, thus bypassing the office of the Governor. Measure submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: For—416,630 Against—384,466.
- *REFERENDUM BILL NO. 17 (Chapter 106, Laws of 1967—Water Pollution Control Facilities Bonds)—Filed March 21, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: For—845,372 Against—276,161.
- *REFERENDUM BILL NO. 18 (Chapter 126, Laws of 1967 Extraordinary Session—Bonds for Outdoor Recreation)—Filed May 3, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: For—763,806 Against—354,646.
- *REFERENDUM BILL NO. 19 (Chapter 148, Laws of 1967 Extraordinary Session—State Building Projects: Bond Issue)—Filed May 10, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: For—606,236 Against—458,358.
- *REFERENDUM BILL NO. 20 (Chapter 3, Laws of 1970 Extraordinary Session—Changes in Abortion Law)—Filed February 9, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: For—599,959 Against—462,174.
- *REFERENDUM BILL NO. 21 (Chapter 40, Laws of 1970 Extraordinary Session—Outdoor Recreation Bonds—Sales; Interest)—Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: For—520,162 Against—474,548.
- REFERENDUM BILL NO. 22 (Chapter 66, Laws of 1970 Extraordinary Session—State Building Bonds—Sales; Interest)—Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and failed to pass by the following vote: For—399,608 Against—574,887.
- *REFERENDUM BILL NO. 23 (Chapter 67, Laws of 1970 Extraordinary Session—Pollution Control Bonds—Sales; Interest)—Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: For—581,819 Against—414,976.
- *REFERENDUM BILL NO. 24 (Chapter 82, Laws of 1972 Extraordinary Session—Lobbyists—Regulation, Registration and Reporting)—Filed February 22, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For—696,455 Against—576,404.
- *REFERENDUM BILL NO. 25 (Chapter 98, Laws of 1972 Extraordinary Session—Regulating Certain Electoral Campaign Financing)—Filed February 24, 1972. Measure submitted to

*Indicates measure became law.

REFERENDUM BILLS

the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For—694,818 Against—574,856.

*REFERENDUM BILL NO. 26 (Chapter 127, Laws of 1972 Extraordinary Session—Bonds for Waste Disposal Facilities)—Filed February 25, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For—827,077 Against—489,459.

*REFERENDUM BILL NO. 27 (Chapter 128, Laws of 1972 Extraordinary Session—Bonds for Water Supply Facilities)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For—790,063 Against—544,176.

*REFERENDUM BILL NO. 28 (Chapter 129, Laws of 1972 Extraordinary Session—Bonds for Public Recreation Facilities)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For—758,530 Against—579,975.

*REFERENDUM BILL NO. 29 (Chapter 130, Laws of 1972 Extraordinary Session—Health, Social Service Facility Bonds)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For—734,712 Against—594,172.

REFERENDUM BILL NO. 30 (Chapter 132, Laws of 1972 Extraordinary Session—Bonds for Public Transportation Improvements)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was rejected by the following vote: Against—665,493 For—637,841.

*REFERENDUM BILL NO. 31 (Chapter 133, Laws of 1972 Extraordinary Session—Bonds for Community College Facilities)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following votes: For—721,403 Against—594,963.

REFERENDUM BILL NO. 32 (Chapter 199, Laws of 1973 1st Extraordinary Session—Shall county auditors be required to appoint precinct committeemen of major political parties as deputy voting registrars upon their request?)—Filed April 26, 1973. Measure submitted to the voters for decision at the November 6, 1973 state general election and was rejected by the following vote: For—291,323 Against—609,306.

*REFERENDUM BILL NO. 33 (Chapter 200, Laws of 1973 1st Extraordinary Session—Shall personalized motor vehicle license plates be issued with resulting extra fees to be used exclusively for wildlife preservation?)—Filed April 26, 1973. Measure submitted to the voters for decision at the November 6, 1973 state general election and was approved by the following vote: For—613,921 Against—362,195.

REFERENDUM BILL NO. 34 (Chapter 152, Laws of 1974 Extraordinary Session—Shall a state lottery be conducted under gambling commission regulations with prizes totaling not less than 45% of gross income?)—Filed April 26, 1974. Measure submitted to the voters for decision at the November 5, 1974 state general election, received the following vote: For—515,404 Against—425,903, and thus failed to be approved by a sixty percent majority of the voters voting on the measure, see state Constitution, Amendment 56 and AGLO 1974 No. 49.

REFERENDUM BILL NO. 35 (Chapter 89, Laws of 1975 1st Extraordinary Session—Shall the Governor, in filling U.S. Senate vacancies, be limited to the same political party as the former incumbent?)—Filed March 27, 1975. Measure submitted to the voters for decision at the November 4, 1975 state general election and was defeated by the following vote: For—430,642 Against—501,894.

*REFERENDUM BILL NO. 36 (Chapter 104, Laws of 1975-'76 2nd Extraordinary Session—Shall certain appointed state officers be required to file reports of their financial affairs with

*Indicates measure became law.

REFERENDUM BILLS

- the public disclosure commission?)—Filed March 19, 1976. Measure submitted to the voters for decision at the November 2, 1976 state general election and was approved by the following vote: For—963,309 Against—419,693.
- *REFERENDUM BILL NO. 37 (Chapter 221, Laws of 1979 Extraordinary Session, Shall \$25 Million in State General Obligation Bonds be Authorized for Facilities to Train, Rehabilitate and Care for Handicapped Persons?)—Filed June 11, 1979. Measure submitted to the voters for decision at the November 6, 1979 state general election and was approved by the following vote: For—576,882 Against—286,365.
- *REFERENDUM BILL NO. 38 (Chapter 234, Laws of 1979 Extraordinary Session, Shall \$125 Million in State General Obligation Bonds be Authorized for Planning, Acquisition, Construction and Improvement of Water Supply Facilities?)—Passed November 4, 1980. Measure submitted to the voters for decision at the state general election and was approved by the following vote: For—1,008,646 Against—527,454.
- *REFERENDUM BILL NO. 39 (Chapter 159, Laws of 1980, 46th Legislature, Shall \$450,000,000 in State General Obligation Bonds be Authorized for Planning, Designing, Acquiring, Constructing and Improving Public Waste Disposal Facilities?)—Passed November 4, 1980. Measure submitted to the voters for decision at the state general election and was approved by the following vote: For—964,450 Against—558,328.

*Indicates measure became law.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

HISTORY OF CONSTITUTIONAL AMENDMENTS ADOPTED SINCE STATEHOOD

- No. 1. Amending Section 5, Article XVI. Re: **Permanent School Fund**. Adopted November, 1894.
- No. 2. Amending Section 1, Article VI. Re: **Qualification of Electors**. Adopted November, 1896.
- No. 3. Amending Section 2, Article VII. Re: **Uniform Rates of Taxation**. Adopted November, 1900.
- No. 4. Amending Section 11, Article I. Re: **Religious Freedom**. Adopted November, 1904.
- No. 5. Amending Section 1, Article VI. Re: **Equal Suffrage**. Adopted November, 1910.
- No. 6. Amending Section 10, Article III. Re: **Succession in Office of Governor**. Adopted November, 1910.
- No. 7. Amending Section 1, Article II. Re: **Initiative and Referendum**. Adopted November, 1912.
- No. 8. Adding Sections 33 and 34, Article I. Re: **Recall**. Adopted November, 1912.
- No. 9. Amending Section 16, Article I. Re: **Taking of Private Property**. Adopted November, 1922.
- No. 10. Amending Section 22, Article I. Re: **Right of Appeal**. Adopted November, 1922.
- No. 11. Amending Section 4, Article VIII. Re: **Appropriation**. Adopted November, 1922.
- No. 12. Amending Section 5, Article XI. Re: **Consolidation of County Offices**. Adopted November, 1924.
- No. 13. Amending Section 15, Article II. Re: **Vacancies in the Legislature**. Adopted November, 1930.
- No. 14. Amending Article VII. Re: **Revenue and Taxation**. Adopted November, 1930.
- No. 15. Amending Section 1, Article XV. Re: **Harbors and Harbor Areas**. Adopted November, 1932.
- No. 16. Amending Section 11, Article XII. Re: **Double Liability of Stockholders**. Adopted November, 1940.
- No. 17. Amending Section 2, Article VII. Re: **40-Mill Tax Limit**. Adopted November, 1944.
- No. 18. Adding Section 40, Article II. Re: **Restriction of motor vehicle license fees and excise taxes on motor fuels to highway purposes only**. Adopted November, 1944.
- No. 19. Adding Section 3, Article VII. Re: **State to tax the United States and its instrumentalities to the extent that the laws of the United States will allow**. Adopted November, 1946.
- No. 20. Adding Section 1, Article XXVIII. Re: **Legislature to fix the salaries of state elective officials**. Adopted November, 1948.
- No. 21. Amending Section 4, Article XI. Re: **Permit counties to adopt "Home Rule" charters**. Adopted November, 1948.
- No. 22. Repealing Section 7 of Article XI. Re: **County elective officials**. (These officials can now hold same office more than two terms in succession.) Adopted November, 1948.
- No. 23. Adding Section 16, Article XI. Re: **Permitting the formation, under a charter, of combined city and county municipal corporations having a population of 300,000 or more**. Adopted November, 1948.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 24. Amending Article II, Section 33. Re: **Permitting ownership of land by Canadians who are citizens of provinces wherein citizens of the State of Washington may own land.** (All provinces of Canada authorize such ownership.) Adopted November, 1950.
- No. 25. Adding Section 3(a), Article IV. Re: **Establishing Retirement Age for Judges of Supreme and Superior Courts.** Adopted November, 1952.
- No. 26. Adding Section 41, Article II. Re: **Permitting the Legislature to Amend Initiative Measures.** Adopted November, 1952.
- No. 27. Amending Section 6, Article VIII. Re: **Extending Bonding Powers of School Districts.** Adopted November, 1952.
- No. 28. Amending Sections 6 and 10, Article IV. Re: **Increasing Monetary Jurisdiction of Justice Courts.** Adopted November, 1952.
- No. 29. Amending Article II, Section 33. Re: **Redefining "Alien," thereby permitting the Legislature to determine the policy of the state respecting the ownership of land by corporations having alien shareholders.** Adopted November, 1954.
- No. 30. Adding Section 1A, Article II. Re: **Increasing the number of signatures necessary to certify a state initiative or referendum measure.** Adopted November, 1956.
- No. 31. Amending Section 25, Article III. Re: **Removing the restriction prohibiting the state treasurer from being elected for more than one successive term.** Adopted November, 1956.
- No. 32. Amending Section 2, Article XV. Re: **Filling vacancies in the state legislature.** Adopted November, 1956.
- No. 33. Amending Section 1, Article XXIV. Re: **Modification of state boundaries by compact.** Adopted November, 1958.
- No. 34. Amending Section 11, Article I. Re: **Employment of chaplains at state institutions.** Adopted November, 1958.
- No. 35. Amending Section 25, Article II. Re: **Pensions and Employees' Extra Compensation.** Adopted November, 1958.
- No. 36. Amending Section 1, Article II by adding a new subsection (c). Re: **Publication and Distribution of Voters' Pamphlet.** Adopted November, 1962.
- No. 37. Amending Section 1, Article XXIII. Re: **Publication of Proposed Constitutional Amendments.** Adopted November, 1962.
- No. 38. Adding Section 2(c), Article IV. Re: **Temporary Performance of Judicial Duties.** Adopted November, 1962.
- No. 39. Adding Section 42, Article II. Re: **Governmental Continuity During Emergency Periods.** Adopted November, 1962.
- No. 40. Amending Section 10, Article XI. Re: **Lowering minimum population for first class cities from 20,000 to 10,000. Also changing newspaper publication requirements for proposed charters.** Adopted November, 1964.
- No. 41. Amending Section 29, Article IV. Re: **Election of Superior Court Judges.** Adopted November, 1966.
- No. 42. Repealing Section 33, Article II and Amendments 24 and 29. Re: **Alien Ownership of Lands.** Adopted November, 1966.
- No. 43. Amending Section 3, Article IX. Re: **Funds for Support of the Common Schools.** Adopted November, 1966.
- No. 44. Amending Section 5, Article XVI. Re: **Investment of Permanent Common School Fund.** Adopted November, 1966.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 45. Adding Section 8, Article VIII. Re: **Port Expenditures—Industrial Development—Promotion**. Adopted November, 1966.
- No. 46. Adding Section 1A, Article VI. Re: **Voter Qualifications for Presidential Elections**. Adopted November, 1966.
- No. 47. Adding Section 10, Article VII. Re: **Retired Persons Property Tax Exemption**. Adopted November, 1966.
- No. 48. Amending Section 3, Article VIII. Re: **Public Special Indebtedness, How Authorized**. Adopted November, 1966.
- No. 49. Adding Section 1, Article XXIX. Re: **Investments of Public Pension and Retirement Funds**. Adopted November, 1968.
- No. 50. Adding Section 30, Article IV. Re: **Court of Appeals**. Adopted November, 1968.
- No. 51. Adding Section 9, Article VIII. Re: **State Building Authority**. Adopted November, 1968.
- No. 52. Amending Section 15, Article II. Re: **Vacancies in Legislature and in Partisan County Elective Office**. Also amending Section 6, Article XI. Re: **Vacancies in Township, Precinct or Road District Office**. Adopted November, 1968.
- No. 53. Adding Section 11, Article VII. Re: **Taxation Based on Actual Use**. Adopted November, 1968.
- No. 54. Adding Section 1, Article XXX. Re: **Authorizing Compensation Increase During Term**. Adopted November, 1968.
- No. 55. Amending Section 2, Article VII. Re: **Limitation on Levies**. Adopted November, 1972.
- No. 56. Amending Section 24, Article II. Re: **Lotteries and Divorce**. Adopted November, 1972.
- No. 57. Amending Section 5, Article XI. Re: **County Government**. Adopted November, 1972.
- No. 58. Amending Section 16, Article XI. Re: **Combined City—County**. Adopted November, 1972.
- No. 59. Amending Section 2, Article VII. Re: **Limitation on Levies**. Adopted November, 1972.
- No. 60. Amending Section 1, Article VIII. Re: **State Debt**. Also amending Section 3, Article VIII. Re: **Special Indebtedness, How Authorized**. Approved November, 1972.
- No. 61. Adding new Article XXXI. Re: **Sex Equality, Rights and Responsibilities**. Adopted November, 1972.
- No. 62. Amending Section 12, Article III. Re: **Veto Power**. Adopted November, 1974.
- No. 63. Amending Section 1, Article VI. Re: **Qualifications of Electors**. Adopted November, 1974.
- No. 64. Amending Section 2, Article VII. Re: **Limitation on Levies**. Adopted November, 1976.
- No. 65. Amending Section 6, Article IV. Re: **Jurisdiction of Superior Courts**. Also amending Section 10, Article IV. Re: **Justices of the Peace**. Adopted November, 1976.
- No. 66. Amending Section 18, Article XII. Re: **Rates for Transportation**. Adopted November, 1977.
- No. 67. Repealing Section 14, Article XII. Re: **Prohibition Against Combinations by Carriers**. Adopted November, 1977.
- No. 68. Amending Section 12, Article II. Re: **Legislative Sessions, When—Duration**. Adopted November, 1979.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 69. Amending Section 13, Article II. Re: **Limitation on Members Holding Office in the State.** Adopted November, 1979.
- No. 70. Adding Section 10, Article VIII. Re: **Residential Energy Conservation.** Adopted November, 1979.
- No. 71. Adding Section 31, Article IV. Re: **Judicial Qualifications Commission—Removal, Censure, Suspension, or Retirement of Judges or Justices.** Adopted November, 1980.
- No. 72. Amending Sections 1 and 1(a), Article II. Re: **Legislative Powers, Where Vested and Initiative and Referendum, Signatures Required.** Adopted November, 1981.
- No. 73. Adding Section 1, Article XXXII. Re: **Special Revenue Financing.** Adopted November, 1981.