

1965
SESSION LAWS
OF THE
STATE OF WASHINGTON

EXTRAORDINARY SESSION, THIRTY-NINTH LEGISLATURE
Convened March 15, 1965. Adjourned May 7, 1965.

VOLUME NO. 2
ALL LAWS OF THE 1965 EXTRAORDINARY SESSION



Compiled in Chapters by
A. LUDLOW KRAMER
Secretary of State

MARGINAL NOTES AND INDEX

By
RICHARD O. WHITE
Code Reviser

Published by Authority

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Preface

The Extraordinary Session of the 1965 Legislature convened at Olympia on March 15, 1965 (the Monday following the adjournment of the Regular Session) at the call of Governor Daniel J. Evans. The special session adjourned fifty-four days later *sine die* on May 7, 1965 and enacted 175 measures into law.

All acts passed by the Extraordinary Session, approved by the Governor, took effect ninety days after adjournment, on August 6, 1965 (**midnight**, August 5), except relief bills, appropriations and other acts declaring an emergency.



A. LUDLOW KRAMER
Secretary of State

LAWS OF WASHINGTON

PASSED AT THE

Extraordinary Session

1965

CHAPTER 1.

[Senate Bill No. 546.]

STATE HIGHWAY COMMISSION—QUALIFICATIONS OF MEMBERS.

AN ACT relating to the state highway commission; amending section 47.01.030, chapter 13, Laws of 1961 and RCW 47-.01.030; and declaring an emergency.

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

SECTION 1. Section 47.01.030, chapter 13, Laws of 1961 and RCW 47.01.030 are each amended to read as follows:

RCW 47.01.030
amended.

No two members of said state highway commission shall at the time of appointment or thereafter during their respective terms of office be residents of the same congressional district, and not more than three members of said state highway commission shall reside at the time of appointment or thereafter in one part of the state divided north and south by the summit of the Cascade mountains. Not more than three members of said state highway commission shall at the time of appointment or thereafter during their respective terms of office be members of the same major political party. No elective state official or state officer or state employee shall be a member of said commission. No state highway commissioner shall be removed from office by the governor before the expiration of his term unless for a disqualifying change of residence or for

State highway
commission.
Members—
Qualification—
Removal.

State highway
commission.
Members—
Removal.

cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the superior court of the state of Washington in and for Thurston county upon petition and show cause proceedings duly brought therefor in said court and directed to the commissioner in question.

Emergency.

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 March 21, 1965.

Passed the House March 24, 1965.

Approved by the Governor March 26, 1965.

CHAPTER 2.

[House Bill No. 643.]

PUBLIC ASSISTANCE.

AN ACT relating to public assistance; amending section 74.04.005, chapter 26, Laws of 1959 as last amended by section 1, chapter 228, Laws of 1963, and RCW 74.04.005; and repealing section 74.08.270, chapter 26, Laws of 1959 and RCW 74.08.270.

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

RCW 74.04.005
amended.

SECTION 1. Section 74.04.005, chapter 26, Laws of 1959 as last amended by section 1, chapter 228, Laws of 1963 are each amended to read as follows:

Public
assistance.
Definitions.

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 public assistance.

(3) "County office"—The administrative office for one or more counties.

(4) "Director"—The director of the state department of public assistance.

(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, including old age assistance, medical assistance for the aged, aid to families with dependent children, aid to the permanently and totally disabled persons, aid to the blind, child welfare services, medical care services, and any other programs of public assistance for which provision for federal funds or aid may from time to time be made.

(6) "General assistance"—Shall include aid to unemployable persons and unemployed employable persons who are not eligible to receive or are not receiving federal-aid assistance.

(a) Unemployable persons are those persons who by reason of bodily or mental infirmity or other cause are substantially incapacitated from gainful employment.

(b) Unemployed employable persons are those persons who although capable of gainful employment are unemployed.

(7) "Medical indigents"—Are persons without income or resources sufficient to secure necessary medical services.

(8) "Community work and training"—A plan jointly entered into between the state department of public assistance and an agency, department, board or commission of the state or federal government, county, city or municipal corporation which is sub-

Public
assistance.
Definitions.

ject to approval of the state department of public assistance under which the state or federal government, county, city or municipal corporation undertakes to provide work in and about public works or improvements, utilizing labor and services required to be performed by applicants or recipients of public assistance.

(9) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county office for assistance.

(10) "Recipient"—Any person receiving assistance or currently approved to receive assistance at any future date and in addition those dependents whose needs are included in the recipient's grant.

(11) "Requirement"—Items of goods and services included in the state department of public assistance standards of assistance and required by an applicant or recipient to maintain a defined standard of living.

(12) "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 consecu-

tive days such absence, unless due to hospitalization or health reasons, shall raise a 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 clothing used and useful to the person.

(c) An automobile used and useful to the person.

(d) Cash of not to exceed two hundred dollars for a single person or four hundred dollars for a family unit, or marketable securities of such value.

(e) Life insurance having a cash surrender value not in excess of five hundred dollars for a single person or one thousand dollars for a family unit: *Provided*, That (1) The applicant enters into a written agreement with the state department of public assistance that, unless he obtains the consent of the department, he will not: (a) Surrender the insurance contract for its cash value; (b) Assign the insurance contract or its proceeds; (c) Change the beneficiary under the insurance contract; and (2) The beneficiary under the insurance contract enters into a written agreement with the state department of public assistance that he will pay all costs necessary to provide a decent burial for the applicant unless his designation as beneficiary under the insurance contract is changed with the consent of the department: *Provided further*, That if by the terms of the policy or operation of law the applicant is unable to change the beneficiary designated in the policy, and the beneficiary refuses or is unable to agree to provide a burial for the applicant, the policy shall be considered an exempt resource, but the depart-

Public
assistance.
Definitions.

ment by rule and regulation shall decrease the maximum cash surrender value allowed by the amount of cash held by the person or the family under (d) above.

(f) Other personal property and belongings which are used and useful or which have great sentimental value to the applicant or recipient.

Whenever such person ceases to make use of any of the property specified in items (b), (c) and (f) of this section, the same shall be considered as income available to meet need: *Provided*, That the department may by rule and regulation exempt such personal property and belongings which can be used by the applicant or recipient to decrease his need for public assistance or aid in rehabilitating him or his dependents.

(g) The department shall by rule and regulation fix the ceiling value for the individual or family unit for all property and belongings as defined in items (c), (d) and (e) of this section. 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: *Provided*, That in the determination of need of applicants for or recipients of general assistance no resources or income shall be considered as exempt per se, but the department may by rule and regulation adopt standards which will permit the exemption of the home and personal property and belongings from consideration as an available resource or income when such resources or income are determined to be necessary to the applicant's or recipient's restoration to independence.

(13) "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 after applying for or receiving public assistance: *Provided*,

That all necessary expenses that may reasonably be attributed to the earning of income shall be considered in determining net income. The department may also allow the setting aside of funds derived from earnings of a child to cover the cost of special future identifiable needs of the child: *Provided further*, 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 a recipient of aid to the blind is entitled or to which any dependent of such recipient may be entitled under any category of public assistance, the department is hereby authorized to disregard as a resource or income the first eighty-five dollars per month of any earned income plus one-half of earned income in excess of eighty-five dollars per month and for a period of not in excess of thirty-six months such additional amounts of other income and resources, in the case of an individual who has a plan for achieving self-support approved by the department, as may be necessary for the fulfillment of such plan of such blind recipient who is otherwise eligible for an aid to the blind grant: *Provided further*, That in determining the amount of assistance to which a recipient of old age assistance is entitled, the department is hereby authorized to disregard as a resource or income the first ten dollars per month of any earned income plus one-half of additional earnings up to fifty dollars of such recipient who is otherwise eligible for an old age assistance grant; but the total amount of earnings or other income if accumulated

Public
assistance.
Definitions.

shall not, when added to the amount of cash or marketable securities exempted under (d) of subsection (12) of this section, exceed two hundred dollars for a single person or four hundred dollars for a family unit: *Provided further*, That a recipient of aid to the blind may accumulate without penalty from such exempt income, an amount not to exceed the maximum value of personal property as established by the department pursuant to this section less other cash, marketable securities, cash surrender value of insurance and/or car held by such recipient. In formulating rules and regulations pursuant to this chapter the department shall define "earned income" in such a manner as to meet with the approval of the department of health, education and welfare: *Provided further*, That the director may by rule exempt as a resource or income the first eighty-five dollars and one-half of any excess of eighty-five dollars of any payment made to or on behalf of any applicant or recipient with respect to any month under Title I or II of the Economic Opportunity Act (public law 88-452), and may exempt any income or other economic benefit derived from the use of, or appreciation in value of, said exempted payment; and *Provided further*, That 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.

(14) "Need"—The difference between the applicant's or recipient's cost of requirements 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 net income received by or available to the applicant or recipient and the dependent members of his family.

(15) 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. 2. Section 74.08.270, chapter 26, Laws of 1959 and RCW 74.08.270 are each repealed. Repeal.

Passed the House March 16, 1965.

Passed the Senate March 19, 1965.

Approved by the Governor March 29, 1965.

CHAPTER 3.

[House Bill No. 256.]

HAIRDRESSING AND BEAUTY CULTURE.

AN ACT relating to hairdressing and beauty culture; amending section 2, chapter 281, Laws of 1927 as last amended by section 1, chapter 324, Laws of 1959 and RCW 18.18.010; amending section 1, chapter 215, Laws of 1937 and RCW 18.18.030; amending section 2, chapter 324, Laws of 1959 and RCW 18.18.065; amending section 4, chapter 180, Laws of 1951 as amended by section 5, chapter 52, Laws of 1957 and RCW 18.18.070; amending section 9, chapter 215, Laws of 1937 and RCW 18.18.080; amending section 5, chapter 180, Laws of 1951 as last amended by section 4, chapter 324, Laws of 1959 and RCW 18.18.090; amending section 7, chapter 215, Laws of 1937 and RCW 18.18.100; amending section 2, chapter 168, Laws of 1953 and RCW 18.18.104; amending section 4, chapter 313, Laws of 1955 and RCW 18.18.110; amending section 14, chapter 215, Laws of 1937 as amended by section 6, chapter 180, Laws of 1951 and RCW 18.18.120; amending section 7, chapter 180, Laws of 1951 as last amended by section 5, chapter 324, Laws of 1959 and RCW 18.18.140; amending section 8, chapter 180, Laws of 1951 as amended by section 9, chapter 52, Laws of 1957 and RCW 18.18.190; amending section 9, chapter 180, Laws of 1951 as amended by section 10, chapter 52, Laws of 1957 and RCW 18.18.210; amending section 16, chapter 215, Laws of 1937 and RCW 18.18.230; amending section 11, chapter 52, Laws of 1957 as amended by section 9, chap-

ter 324, Laws of 1959 and RCW 18.18.260; adding new sections to chapter 18.18 RCW; and providing an effective date.

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

RCW 18.18.010 amended.

SECTION 1. Section 2, chapter 281, Laws of 1927 as last amended by section 1, chapter 324, Laws of 1959 and RCW 18.18.010 are each amended to read as follows:

Hairdressing—
Beauty culture.
Definitions.

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section:

(1) "Practice of hairdressing" or "hairdressing" means the arranging, dressing, curling, waving, permanent waving, cleansing, bleaching or coloring of the hair, fitting and dressing of wigs and hair pieces on or off the head other than incident to original retail sales, or doing similar work thereon by use of the hands or any method of mechanical application or appliances or the practice of haircutting on female persons;

(2) "Hairdresser" means any person, firm or corporation who engages in the practice of hairdressing;

(3) "Practice of beauty culture" or "beauty culture" means the massaging, cleansing, stimulating, manipulating, exercising or beautifying of the scalp, face, arms, bust or upper part of the body, or doing similar work thereon with the hands or with any mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptic tonics, lotions, creams, similar preparations or compounds, and manicuring the nails or removing superfluous hair or the practice of haircutting on female persons;

(4) "Beauty culturist" means any person, firm or corporation who engages in the practice of beauty culture;

(5) A "student" is any person of the age of seventeen or over who has graduated from an accredited high school, or has an equivalent education as determined by the director whose determination shall be conclusive, who attends a duly licensed beauty school, and who does not receive any wage or commission: *Provided*, That the amendments to this subdivision shall not apply to any person attending as a student prior to the effective date of this amendatory section;

(6) An "operator" is a person of the age of eighteen years or over, who has been licensed to practice hairdressing and beauty culture under the direct supervision and direction of a manager operator;

(7) A "manager operator" is any person having practiced as an operator under the supervision of a manager operator for at least one year;

(8) A "shop" is any building or structure, or any part thereof, other than a school, wherein the practice of hairdressing and beauty culture is conducted;

(9) A "school" is an institution of learning devoted exclusively to the instruction and training of students in the practice of hairdressing and beauty culture;

(10) An "instructor operator" is a person who gives instruction in the practice of hairdressing and beauty culture in a school and who has the qualifications of a manager operator and who has passed an instructor examination: *Provided*, That the provisions of this subdivision shall not apply to any person acting as an instructor operator on March 16, 1951. An instructor operator shall not perform in a beauty school, beauty culture services for members of the public except for instructional purposes;

(11) "Director" means the state director of licenses;

Hairdressing—
Beauty
culture.

- (12) "Committee" means the beauty culture examining committee;
(13) "Board" means the hearing board.

RCW 18.18.030
amended.

SEC. 2. Section 1, chapter 215, Laws of 1937 and RCW 18.18.030 are each amended to read as follows:

Licensing—
Required.

It shall be unlawful for any person, firm or corporation to engage in the practice of hairdressing and beauty culture for compensation, or hold himself or itself out as qualified to engage in the practice of, or solicit the practice of, hairdressing and beauty culture, or to own, manage, conduct, or give instruction in a hairdressing and beauty culture shop or school unless licensed to do so as in this chapter provided.

Every hairdressing and beauty culture establishment for the teaching of any branch thereof shall be classified as a school of hairdressing and beauty culture within the meaning of this chapter, and shall be required to comply with its provisions.

RCW 18.18.065
amended.

SEC. 3. Section 2, chapter 324, Laws of 1959 and RCW 18.18.065 are each amended to read as follows:

Shop or school
location
license—
Application—
Issuance.

It shall be unlawful for any person, firm, or corporation to operate a beauty shop or a beauty school without a shop or school location license for each beauty shop or beauty school. Application therefor shall be made on forms furnished by the director and shall contain such information as the director may reasonably require. Upon receipt of such application and the fee required by this chapter, the director shall issue a location license if such shop or school meets the other requirements of this chapter.

RCW 18.18.070
amended.

SEC. 4. Section 4, chapter 180, Laws of 1951 as amended by section 5, chapter 52, Laws of 1957 and RCW 18.18.070 are each amended to read as follows:

School license
—Qualifica-
tions.

No person shall be licensed to conduct a school unless it appears to the director: (1) That the school

will maintain the course of instruction herein provided; (2) that instruction in the school at all times is in charge of and under the supervision of a manager operator; (3) that the school will at all times maintain one instructor for each fifteen students or fraction thereof; and (4) that at no time does a school have less than two instructors on duty.

SEC. 5. Section 9, chapter 215, Laws of 1937 and RCW 18.18.080 are each amended to read as follows:

RCW 18.18.080
amended.

Applications for licenses to be issued pursuant to the terms of this chapter shall be made on forms furnished by the director and shall state therein the name, age, place of residence, nationality of the applicant, his experience or training, or the time in attendance at any school, if the applicant is a graduate of any school; and such other information as the board may prescribe; said application shall be accompanied by proof of school attendance (except with an application for an owner or school license), a certificate of health signed by a reputable physician to the effect that after a physical examination made within ten days prior to the filing thereof, he has found such applicant free from any infectious or contagious disease; and by the application fees provided for herein. An application for a new school license in addition to the foregoing applicable provisions, shall state the location of the school to be licensed and the names and addresses of the instructors who will initially instruct in said school, and shall also supply a copy of the complete curriculum and how it shall be taught.

Applications—
Form—Re-
newal of
licenses issued.

After the examination committee has examined the application and inspected the proposed location for the school, and has verified the instructors and approved the curriculum, it will authorize the applicant to proceed with the installation of the school plant, should the project be qualified.

Hairdressing—
Beauty
culture.
Licenses—
Applications—
Form—
Renewal of
licenses issued.

Final approval will be granted on compliance with all regulations, and with the sanitary rules and regulations approved by the state board of health together with the following minimum requirements:

(1) Separate rooms for class work, locker arrangements, and clinical services, (2) separate lavatories for women and men, (3) *a minimum of 3000 square feet per school.*

Any person initially issued a license after June 30, 1965 pursuant to the terms of the act may, upon the expiration thereof, have the same renewed upon compliance with the conditions, and payment of the fees, required for the renewal of licenses issued hereunder.

Notwithstanding any provision of this amendatory act, any person, firm, association or corporation operating a school as defined in RCW 18.18.010, subsection (9), who is so licensed to operate and is operating said school upon the effective date of this act, shall be conclusively presumed to have complied with the provisions of the amendatory act and upon the application for a license or annual renewal thereof and upon the payment of the fees required, the director shall issue a license to the said person, firm, association or corporation without the necessity of having the said person, firm, association or corporation so operating said school qualify with and conform to the requirements of this amendatory act with respect to RCW 18.18.080 or any term or provision thereof.

RCW 18.18.090
amended.

SEC. 6. Section 5, chapter 180, Laws of 1951 as last amended by section 4, chapter 324, Laws of 1959 and RCW 18.18.090 are each amended to read as follows:

Applications—
Fees.

Each application shall be accompanied by the following fees: Student enrollment, five dollars; operator, ten dollars; instructor operator, fifteen dol-

lars; manager operator, five dollars; shop, twenty-five dollars; school, one hundred fifty dollars. Any applicant who fails to pass the examination may take the next succeeding examination with payment of an additional fee of seven dollars and fifty cents.

SEC. 7. Section 7, chapter 215, Laws of 1937 and RCW 18.18.100 are each amended to read as follows:

RCW 18.18.100 amended.

All examinations for license shall be conducted and given by the examining committee under the supervision and direction of the director of licenses, in the manner provided by law. No person shall, however, be appointed as a member of an examining committee for the purpose of conducting examinations and performing other duties imposed by this chapter unless he is an operator and of the age of at least twenty-five years, has the qualifications of an instructor, has been a citizen of the state for at least three years immediately prior to his appointment, has been engaged in actual practice as a hairdresser, beauty culturist, or instructor for at least five years, is not connected directly or indirectly with any school of hairdressing and beauty culture, and is not connected directly or indirectly in the business of the manufacturing, renting or selling of hairdressing or beauty culture appliances and supplies at wholesale.

Examining committee. Qualifications.

SEC. 8. Section 2, chapter 168, Laws of 1953 and RCW 18.18.104 are each amended to read as follows:

RCW 18.18.104 amended.

The secretary of the examining committee shall keep a record of all the proceedings of the committee. The committee shall meet in order to hold examinations and to conduct any other proper business. The committee shall set a schedule for such meetings a year in advance. The principal office of the committee shall be and is hereby established in Olympia, Washington. A majority of the committee in meeting duly assembled may exercise all the powers devolving upon the committee. For any urgent pur-

—Meetings—
Principal office—Duties, compensation, expenses, of secretary—
Compensation, expenses, of members—
Compensation, expenses, from fees.

Hairdressing—
Beauty
culture.
Examining
committee.
Compensation,
expenses, of
members—
Compensation,
expenses, from
fees.

pose a special meeting may be called. Notice from the secretary signed by three members of the committee may convene the committee for a special meeting. Only business specified in the notice shall be transacted. The secretary shall arrange for and conduct all examinations called for under the provisions of this chapter. The secretary shall deliver all records and findings of the examining committee as a result of examinations and hearings to the director. The secretary shall have a full time position with a salary to conform with standards set by the department of licenses for similar positions. The secretary shall be reimbursed for necessary traveling expenses incurred in the actual performance of his duties. Each member of the committee shall receive as compensation for attendance at proper meetings of the committee thirty-five dollars for each day's attendance and shall be reimbursed for necessary traveling expenses: *Provided, however,* That all salaries, compensation, and travel expenses shall come from the license and application fees collected pursuant to this act.

RCW 18.18.110
amended.

SEC. 9. Section 4, chapter 313, Laws of 1955 and RCW 18.18.110 are each amended to read as follows:

Examinations
—When—
Subjects—
Conduct.

All examinations for licenses shall be conducted six times a year, an examination to be given once every two months.

The examination shall consist of written and oral questions and answers and practical tests. Written examinations shall cover each of the branches of hairdressing and beauty culture required in the course of study.

Practical tests shall consist of actual demonstrations in hairdressing and beauty culture under the direction and supervision of the committee.

Applicants shall also be required to pass an examination in anatomy, physiology, hygiene, sanita-

tion, sterilization and the use of antiseptics in hair-dressing and beauty culture.

Passing grades shall be based upon the standard of one hundred percent.

An applicant who receives a passing grade of not less than seventy-five percent in each branch, and in addition thereto passes the required examination in anatomy, physiology, hygiene, sanitation, sterilization and the use of antiseptics, shall be entitled to a license as an operator.

An instructor's examination shall consist of a lesson plan and a demonstration in the art of teaching at least two subjects of the beauty culture law.

SEC. 10. Section 14, chapter 215, Laws of 1937 as amended by section 6, chapter 180, Laws of 1951 and RCW 18.18.120 are each amended to read as follows:

RCW 18.18.120 amended.

Any person who has been licensed by proper authority of any state or territory or possession of the United States or any country may be issued a license without examination, provided the applicant's qualifications are substantially equal to the requirements of this chapter. Each application for a license under this section shall be accompanied by a fee of fifty dollars.

Exemption from examination—
Licensed by another state or country—
Fee.

SEC. 11. Section 7, chapter 180, Laws of 1951 as last amended by section 5, chapter 324, Laws of 1959 and RCW 18.18.140 are each amended to read as follows:

RCW 18.18.140 amended.

Licenses may be renewed from year to year upon the payment on or before the first day of each July following their issuance, of a renewal fee as follows: Operator, three dollars; instructor operator, six dollars; manager operator, five dollars; shop, seven dollars; school, one hundred and fifty dollars.

Licenses—
Renewal.

A certificate of health is required with an application for an original license, one must also be filed with a renewal application.

Hairdressing—
Beauty cul-
ture. Licenses
—Renewal.

Any operator, manager operator, or instructor operator whose license has lapsed may have the same renewed upon payment of all fees which the applicant would have been required to pay to keep such license in effect, and an additional fee of five dollars for each lapsed year: *Provided*, That any person whose license has lapsed for more than three years shall be reexamined, as in the case of any applicant for an original license.

RCW 18.18.190
amended.

SEC. 12. Section 8, chapter 180, Laws of 1951 as amended by section 9, chapter 52, Laws of 1957 and RCW 18.18.190 are each amended to read as follows:

Schools—
Courses of
instruction.

The courses of instruction in theory and practical application in every school shall comprise at least the following:

- (1) Shampooing, soap and dry;
- (2) Care of the face and massaging, including make up and care of eyebrows and lashes;
- (3) Care of the scalp and massaging, rinses and packs;
- (4) Hair coloring and bleaching;
- (5) Cold permanent waving;
- (6) Iron curling or waving;
- (7) Finger waving;
- (8) Hair fashioning, shaping and cutting;
- (9) Manicuring;
- (10) Electricity as applied to cosmetology, and the use and application of electrical appliances;
- (11) The study of the law on beauty culture of the state of Washington;
- (12) Shop management, ownership, and business ethics.
- (13) Theory and science of cosmetology.

RCW 18.18.210
amended.

SEC. 13. Section 9, chapter 180, Laws of 1951 as amended by section 10, chapter 52, Laws of 1957 and RCW 18.18.210 are each amended to read as follows:

Every school shall cause the word "school" to appear conspicuously on its literature and advertising matter, and to be painted in letters at least four inches high on all doors leading to the school, which are open to the public generally.

Schools—
Regulations
governing.

Every school shall have available for every twenty-five students, subject to other requirements by the director, at least: Three shampoo bowls; seven hair dryers; two facial chairs; one sterilizer; one heating cap; and cold permanent wave equipment.

No charge shall be made for student work until the student has completed four hundred hours of instruction and practice: *Provided*, That no student shall perform such services for charge unless he displays such identification issued by the schools which certifies the completion of four hundred hours of instruction and practice.

SEC. 14. There is added to chapter 18.18 RCW a new section to read as follows:

New section.

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

Hearing
board.
Established—
Members,
appointment,
compensation,
expenses—
Chairman—
Meetings—
Reports—
Compensation,
expenses, from
fees.

The board shall select one of its members as its chairman. Meetings shall be held as often as shall be

Hairdressing—
Beauty
culture.
Hearing
board. Meet-
ings—Reports
—Members,
compensation,
expenses, from
fees.

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

Each member of the board shall receive as compensation for his attendance at hearings or other proper meetings thirty-five dollars for each day or part of a day's attendance and shall be reimbursed for necessary traveling expenses: *Provided, however,* That all compensation and travel expenses shall come from the license and application fees collected pursuant to this act.

RCW 18.18.230
amended.

SEC. 15. Section 16, chapter 215, Laws of 1937 and RCW 18.18.230 are each amended to read as follows:

Revocation of
license—
Notice and
procedure—
Right to
appeal board
decision.

(1) Before any license shall be revoked or the penalties herein provided be imposed, the holder thereof shall have a written notice of the charge or charges brought against him, and a hearing had thereon not less than twenty days after the service of such notice. Such charges, which shall be filed with the director who shall refer them to the board, shall be verified with the oath of the person making the same, and a copy thereof shall be served upon the holder of the license with a notice, which notice shall be served in the manner provided by law for service of summons in civil actions. The director of licenses is hereby granted the right of subpoena to require the attendance of witnesses and the production of pertinent records, such witnesses shall be entitled to fees and mileage as provided by [chapter] 2.40 RCW. Such hearing shall be public and the holder of such license shall be given an opportunity to produce evidence in his behalf and to confront the witnesses produced against him. The hearings shall be conducted by the hearing board, in the county or an

adjacent county, where the accused conducts his business. The board shall be the sole judge of the charges and the evidence produced, and the decision of any two members of the board shall be the decision of the board. If the charges are sustained in the judgment of the board, the board may direct the revocation of such license, or that such holder may be barred from exercising any rights or privileges under said license for any term not exceeding one year;

(2) Any person feeling himself aggrieved by the refusal of the director to issue any license provided for in this chapter, or renew the same, or by the revocation or suspension of any license issued under the provisions of this chapter, shall have the right to appeal from the decision of the board to the superior court of the county in which he maintains his place of business.

SEC. 16. There is added to chapter 18.18 RCW a new section to read as follows:

A training program is hereby adopted for all licensed instructors, or instructors subsequently licensed, consisting of not less than thirty clock-hours of post-graduate study to be taken within a three year period of the subjects hereinafter enumerated. No instructor license shall be renewed as provided in RCW 18.18.140 without a certificate of attendance from a state accredited institution recognized by the state board of education. The study shall include the following subjects:

- (1) Analysis
- (2) Basic lesson planning
- (3) Advance lesson planning
- (4) Psychology
- (5) Instructional aids
- (6) Test planning.

Completion of this additional training within the current year or preceding two years is a prerequisite

Instructors' additional training—Prerequisite to renewal of license.

Hairdressing
—Beauty
culture.

to the issuance of a renewal license by the director. Evidence of completion of this training program shall first be required of instructors seeking renewal of their licenses in 1968.

RCW 18.18.260
amended.

SEC. 17. Section 11, chapter 52, Laws of 1957 as amended by section 9, chapter 324, Laws of 1959 and RCW 18.18.260 are each amended to read as follows:

Unlawful
practices and
omissions.

No person shall engage in the practice of hairdressing, and beauty culture in any place other than a hairdressing and beauty culture shop or school, except in case of his own family or in case of a person whose physical condition prevents his presence at a shop or school.

No person shall sleep in, or use for residential purposes, any room used wholly or in part as a hairdressing and beauty culture shop, nor engage in hairdressing and beauty culture in any room used for sleeping or residential purposes.

Every hairdressing and beauty culture shop shall maintain an outside entrance separate from the entrances to rooms used for sleeping or residential purposes.

From and after July 1, 1959 every hairdressing and beauty culture shop shall provide and maintain for the use of the customers adequate toilet facilities.

No hairdressing or beauty shop shall be operated unless it is under the direct supervision of a manager operator.

No person other than an operator in demonstrating, or instructing in the use of any cosmetics or supplies of any kind, shall engage in any of the acts enumerated in RCW 18.18.010 and 18.18.190.

No student shall engage in the practice of hairdressing and beauty culture except in a school under the direct supervision of an instructor.

SEC. 18. The effective date of this 1965 amendatory act is July 1, 1965. Effective date.

Passed the House March 18, 1965.

Passed the Senate March 17, 1965.

Approved by the Governor March 29, 1965, except for certain items in sections 5, 6, 11 and 14, which were vetoed.

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

Veto message.

"This bill amends the licensing statutes regarding beauty schools. Licensing statutes are designed to insure that only businesses which meet minimum standards serve the people of the State of Washington. They also tend to restrict entry into a particular field by smaller businesses, whether or not they meet the minimum standards relating to quality. I believe that a requirement that a school covered by this act have a minimum 3,000 square feet is an arbitrary dividing line without direct relationship to the quality of the school, and is unnecessarily prohibitive to entry of new schools, otherwise meeting the standards of the profession. I have therefore vetoed section 5(3) which establishes this restriction.

"The bill also provides that schools presently in existence shall not be required to meet the requirements of the amendments to the licensing law. Unless the requirements of the law are unreasonable, presently existing businesses should be required to meet the same requirements that newly organized businesses must meet. This portion of the bill would require new schools to comply with the sanitary rules and regulations approved by the state board of health, but conclusively presumes that presently existing schools have met this requirement.

"I believe this distinction between presently existing schools is without merit, and have therefore vetoed the portion of section 5 establishing this exemption.

"In addition I believe that an increase in a licensing fee for new schools from \$150 to \$500 is totally disproportionate to the increase in the amounts of other licenses under the bill and to the comparative cost of licensing schools. While some increase is undoubtedly in order, my power of veto does not allow me to substitute a more reasonable figure. I have therefore vetoed that portion of section 6 increasing the license fee for new schools, returning the language to its original form.

"Section 11 requires that a certificate of health be submitted by individuals applying for licenses, but deletes the requirement that they be submitted with renewal applications. The necessity that those in a profession requiring such close personal contact with the public be in good health does not dissipate once they have been granted an initial license. If it is necessary for original applicants, it is also necessary when licenses are renewed. I have therefore vetoed the deletion of the requirement that a health certificate accompany a renewal application, returning that provision to the law.

"Section 14 provides that membership of a hearing board shall consist of three members appointed by the governor. The first is appointed from a list, but the source of the list nor the number on the list is not given. The second member is to be appointed from a list submitted by the licensed cosmetology schools. It does not prohibit each school from submitting a list, nor does it have any provision which would require more than one person to be listed.

Veto message.

"I believe these restrictions are contrary to sound public policy. The person who makes an appointment should be held responsible for it. If it is good, he deserves the credit; if it is bad, he deserves the blame. But no appointing power can properly be held to account for an appointment which he is not free to make in accordance with his own best judgment. When making appointments to this hearing board I will seek the advice and counsel of persons knowledgeable in the field of cosmetology. I will welcome suggestions from all interested parties and organizations, including those groups named in this bill. I believe any succeeding governor would follow this example.

"In exercise of the power of item veto, I have retained the basic make-up of the board, in that the one member of the board must have six years experience in cosmetology, one member must be from the licensed Washington state cosmetology schools, and one member must be unaffiliated with the above listed groups. Only the requirement that appointments be made from restricted lists submitted to the governor has been removed.

"The remainder of the bill is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 4.

[Senate Bill No. 520.]

HIGHER EDUCATION FACILITIES ACT—CAPITAL
PROJECTS—APPROPRIATIONS.

AN ACT relating to institutions of higher education; making appropriations; and declaring an emergency.

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

Capital projects, U. of Wash. and E.W.S.C. Purpose.

SECTION 1. In order to facilitate the consideration of projects proposed by the University of Washington, and by the Eastern Washington State College for federal funds available under the Higher Education Facilities Act of 1964, it is necessary that immediate appropriation be made of the state portion of these projects.

"Capital project" defined.

SEC. 2. As used in this act, the words "capital project" shall include acquisition of sites, easements, rights of way or improvements thereon or appurtenances thereto, construction and initial equipment, reconstruction, demolition or major alteration of new or presently owned capital assets.

SEC. 3. The following amounts, or so much thereof as shall be sufficient to accomplish the purposes designated, are appropriated and authorized to be disbursed for capital projects from the effective date of this act through June 30, 1967:

Appropriations.

(1) For the University of Washington from the University of Washington Building Construction Account for the purpose of the construction of a chemical engineering building, the sum of two million two hundred thirty-five thousand dollars;

(2) For Eastern Washington State College from the Eastern Washington State College Capital Projects account for the purpose of the construction of a new library, the sum of one million five hundred thousand dollars.

SEC. 4. Before a capital project shall be begun or an obligation incurred or a contract entered into, the budget director, with the approval of the governor, shall first allot funds therefor, or so much as may be necessary, from the appropriations made herein.

Allocation of funds as prerequisite to incurring obligation.

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.

Emergency.

Passed the Senate March 19, 1965.

Passed the House March 25, 1965.

Approved by the Governor March 29, 1965.

CHAPTER 5.

[Senate Bill No. 148.]

UNIVERSITY OF WASHINGTON—SALE OF LANDS
IN BENTON COUNTY.

AN ACT relating to public lands; and authorizing the sale of certain property by the board of regents of the University of Washington.

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

University of Washington.
Sale of lands in Benton county by—
Description.

SECTION 1. The board of regents of the University of Washington is authorized to sell all or any part of those certain premises situated in Richland, Benton county, Washington, acquired under deed of the United States of America, acting by and through the Atomic Energy Commission, to said board of regents under date of July 15, 1960, recorded in Volume 185 of Deeds, page 339, records of Benton county, Washington, which said property is described as follows:

Parcel A.

All of Lot 6, Block 628, Plat of Richland, as recorded in Volumes 6 and 7 of Plats, records of Benton County, Washington.

Parcel B.

That portion of Lot 5 of said Block lying West of the following described line: BEGINNING at the most Westerly Southeast corner of said Lot 5 (which is also the Southwest corner of said Lot 6); thence N 0° 39' 35" W along the West boundary of said Lot 6, 201.91 feet; thence N 89° 28' 55" E along the North boundary of said Lot 6, 179.85 feet; thence N 0° 40' 35" W along a Northerly extension of the East boundary of said Lot 6, 58.95 feet; thence S 89° 14' 25" W, 30 feet; thence N 0° 50' 36" W, 322 feet, more or less, to the North boundary of said Block.

Appraisal—
Sale by bids.

SEC. 2. Any sale under the provisions of this act shall be made only after the property shall be ap-

praised by two independent competent real estate appraisers. Any sale pursuant to the provisions of this act shall be made to the best bidder for a price not less than the appraised value of said property and pursuant to a call for bids published at least fifteen days prior to the date fixed for the sale thereof in one issue of a legal weekly newspaper printed and published in Benton county.

Passed the Senate March 16, 1965.

Passed the House March 25, 1965.

Approved by the Governor March 30, 1965.

CHAPTER 6.

[Senate Bill No. 177.]

CITIES AND TOWNS—LOCAL IMPROVEMENT BONDS
OR WARRANTS—PAYMENT—CANCELLATION.

AN ACT relating to local improvements in cities and towns; and adding new sections to chapter 7, Laws of 1965 and to Title 35 RCW.

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

SECTION 1. There is added to chapter 7, Laws of 1965 and to Title 35 RCW a new section to read as follows:

New section.

Any city or town having any outstanding and unpaid local improvement bonds or warrants issued in connection with a local improvement therein to which the local guaranty fund law is not applicable and that have been delinquent for more than fifteen years, by ordinance, may direct that the money, if any, remaining in a given local improvement fund for which no real property is held in trust shall be distributed by the city or town on a pro rata basis, without any reference to numerical order, to the

L.I.D.'s in cities and towns. Procedure for cancellation of nonguaranteed bonds. Distribution of moneys to holders of bonds and warrants—Notice—Time limitation.

L.I.D.'s in cities and towns. Procedure for cancellation of nonguaranteed bonds. Distribution of moneys to holders of bonds and warrants—Notice—Time limitation.

holders of outstanding bonds or warrants for each such fund, excluding the accrued interest thereon. If such outstanding bonds or warrants are not presented for payment within one year after the last date of publication of notice provided for herein, the money being held in the local improvement fund of a city or town shall be deemed abandoned, and shall be transferred to the city or town general fund: *Provided*, That such city or town shall publish a notice once each week for two successive weeks in a newspaper published in such city or town in which it is indicated that L.I.D. bonds for _____ L.I.D. improvement Nos. _____ to _____ inclusive must be presented to the city or town for payment not later than one year from this date or the money being held in the local improvement fund of the city or town shall be transferred to the city or town general fund.

New section.

SEC. 2. There is added to chapter 7, Laws of 1965 and to Title 35 RCW a new section to read as follows:

Declaration of obsolescence and cancellation—When.

After the city or town having said bonds or warrants referred to in section 1 hereof has distributed the money in a local improvement district fund in accordance with section 1 hereof, or such bonds or warrants are not presented for payment within one year after the last date of publication of notice provided for in section 1 hereof, such city or town may, by ordinance, declare such bonds and warrants, without any reference to numerical order, to be obsolete, cancel the same, and terminate all accounting thereon, and clear such bonds and warrants off their records including any unguaranteed bonds or warrants outstanding against districts in which there remains no money in the given local improvement fund.

New section.

SEC. 3. There is added to chapter 7, Laws of 1965 and to Title 35 RCW a new section to read as follows:

If the bonds or warrants outstanding against a district are unguaranteed and if there remains no money in the appropriate local improvement fund to pay them, and if no real property is held in trust for the fund, the city or town shall give notice in the same manner as provided in section 1 of this act, stating that L.I.D. _____ (bonds or warrants) for _____ L.I.D. improvement Nos. _____ to _____ inclusive will be canceled as provided in section 2 of this act, unless such bonds or warrants are presented to the city or town within one year from the date of last publication of the notice, together with good cause shown as to why such cancellation should not take place. If such bonds or warrants are not presented, with good cause shown, within one year after the last date of publication of such notice, they may be canceled as provided in section 2 of this act.

Cancellation procedure where no money in fund.

SEC. 4. There is added to chapter 7, Laws of 1965 and to Title 35 RCW a new section to read as follows:

New section.

Nothing in chapter 35.48 RCW or other existing law to the contrary shall preclude the action authorized herein.

Other law not to affect.

SEC. 5. The special assessments provided for in RCW 87.84.070 shall be subject to and inferior to existing local improvement district assessments of any city or town which is included within the boundaries of an irrigation and rehabilitation district. The collection of local improvement district assessments of a city or town, and the right to foreclose the same when delinquent, shall not be impaired in any manner whatsoever by subsequent special assessments of an irrigation and rehabilitation district. In the event that the county treasurer forecloses on land located within the corporate limits of a city or town for nonpayment of irrigation and rehabilitation district assessments, the certificates of sale and the

Irrigation and rehabilitation district assessments as inferior to city and town L.I.D. assessments.

L.I.D.'s in cities and towns. Assessments, precedence.

deeds issued pursuant to the foreclosure proceedings shall contain a recital that the certificate of sale and/or deed is subject to outstanding local improvement district assessments of the city or town.

Severability.

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

Passed the Senate March 21, 1965.

Passed the House March 25, 1965.

Approved by the Governor March 30, 1965.

CHAPTER 7.

[Senate Bill No. 199.]

TAX ROLLS—EXTENSION OF TAXES—DELIVERY—WARRANT FOR COLLECTION.

AN ACT relating to delivery of the tax rolls and duties relating thereto; amending section 84.52.080, chapter 15, Laws of 1961, and RCW 84.52.080; and section 84.56.010, chapter 15, Laws of 1961, and RCW 84.56.010.

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

RCW 84.52.080 amended.

SECTION 1. Section 84.52.080, chapter 15, Laws of 1961 and RCW 84.52.080 are each amended to read as follows:

Property tax—Levy of. Extension of taxes on rolls—Form of certificate—Delivery to treasurer—Abstract to auditor.

The county assessor shall extend the taxes upon the tax rolls in the form herein prescribed. The rate percent necessary to raise the amounts of taxes levied for state and county purposes, and for purposes of taxing districts coextensive with the county, shall be computed upon the assessed value of the property of the county; the rate percent necessary to raise the amount of taxes levied for any taxing district within the county shall be computed upon

the assessed value of the property of the district; all taxes assessed against any property shall be added together and extended on the rolls in a column headed consolidated or total tax. In extending any tax, whenever it amounts to a fractional part of a cent greater than five mills it shall be made one cent, and whenever it amounts to five mills or less than five mills it shall be dropped. The amount of all taxes shall be entered in the proper columns, as shown by entering the rate percent necessary to raise the consolidated or total tax and the total tax assessed against the property.

Upon the completion of such tax extension, it shall be the duty of the county assessor to make in each assessment book, tax roll or list a certificate in the following form:

I, _____, assessor of _____ county, state of Washington, do hereby certify that the foregoing is a correct list of taxes levied on the real and personal property in the county of _____ for the year one thousand nine hundred and _____.

Witness my hand this _____ day of _____, 19_____.

_____, County Assessor

The county assessor shall deliver said tax rolls to the county treasurer on or before the fifteenth day of December, taking his receipt therefor, and at the same time the county assessor shall provide the county auditor with an abstract of the tax rolls showing the total amount of taxes collectible in each of the taxing districts.

SEC. 2. Section 84.56.010, chapter 15, Laws of 1961 and RCW 84.56.010 are each amended to read as follows:

RCW 84.56.010 amended.

On or before the first Monday in January next succeeding the date of levy of taxes the county auditor shall issue to the county treasurer his warrant

Warrant for collection to county treasurer.

Property tax—
Levy of.
Warrant for
collection to
county
treasurer.

authorizing the collection of taxes listed on the tax rolls of his county as certified by the county assessor for such assessment year, and said rolls shall be preserved as a public record in the office of the county treasurer. The amount of said taxes levied and extended upon said rolls shall be charged to the treasurer in an account to be designated as treasurer's "Tax roll account" for and said rolls with the warrants for collection shall be full and sufficient authority for the county treasurer to receive and collect all taxes therein levied: *Provided, That the county treasurer shall in no case collect such taxes or issue receipts for the same or enter payment or satisfaction of such taxes upon said assessment rolls before the fifteenth day of February following.*

Passed the Senate March 3, 1965.

Passed the House March 25, 1965.

Approved by the Governor March 30, 1965.



CHAPTER 8.
[Senate Bill No. 68.]

INHERITANCE TAXES—PENSION, ANNUITY, ETC.
EXEMPTION.

AN ACT relating to inheritance taxes; and adding a new section to chapter 15, Laws of 1961 and to chapter 83.20 RCW.

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

New section.

SECTION 1. There is added to chapter 15, Laws of 1961 and to chapter 83.20 RCW a new section to read as follows:

Inheritance
tax. Exemp-
tions from.

The right of a person to a pension, annuity or retirement allowance, any optional benefit, any other

right accrued or accruing to any person under RCW Title 41 shall be exempt from inheritance tax.

Passed the Senate March 15, 1965.

Passed the House March 23, 1965.

Approved by the Governor March 31, 1965.

CHAPTER 9.

[Senate Bill No. 76.]

CRIMINAL PROCEDURE—CRIMINALLY INSANE— PENITENTIARY INMATES.

AN ACT relating to institutions; and amending section 8, chapter 30, Laws of 1907 as amended by section 1, chapter 48, Laws of 1957 and RCW 10.76.060; amending section 6, chapter 30, Laws of 1907 as amended by section 2, chapter 48, Laws of 1957 and RCW 10.76.070; providing that the director of institutions shall institute programs at the state penitentiary which are corrective in nature rather than penal, authorizing the director to make rules for the administration of the penitentiary and providing for the superintendent to be custodian of personal property of inmates, and repealing section 72.08.100, chapter 28, Laws of 1959 and RCW 72.08.100; and repealing section 10, chapter 30, Laws of 1907 as amended by section 3, chapter 48, Laws of 1957 and RCW 10.76.090.

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

SECTION 1. Section 8, chapter 30, Laws of 1907 as amended by section 1, chapter 48, Laws of 1957 and RCW 10.76.060 are each amended to read as follows:

RCW 10.76.060
amended.

The director of institutions shall forthwith provide adequate facilities at one or several of the state institutions under his direction and control wherein shall be confined persons committed as criminally insane. Such persons shall be under the custody and control of the director of institutions to the same extent that other persons are who are committed to

Criminally
insane. Com-
mitment and
custody of.

Criminally
insane. Com-
mitment and
custody of.

his custody, but such provision shall be made for their control, care and treatment as is proper in view of their derangement. In order that the director can adequately determine the nature of the mental illness of the person committed to him as criminally insane, and in order for the director to place such individual in a proper institution, all persons who are committed to the director of institutions as criminally insane shall be promptly examined by qualified personnel in such manner as to provide a proper evaluation and diagnosis of such individual. Any person so committed shall not be discharged from the custody of the director of institutions save upon the order of a court of competent jurisdiction made after a trial and judgment of discharge.

When any person so committed petitions for a discharge, the director of institutions shall send him in the custody of a guard to the county where the hearing is to be held at the time the case is called for trial. During the time he is absent from the institution, he shall be confined in the county jail, but shall at all times be deemed to be in the custody of the guard. If he is remitted to custody, the guard shall forthwith return him to such institution as designated by the director of institutions.

If the state does not desire to appeal, the order of discharge shall be sufficient acquittal to the director of institutions. If the state does appeal from an order of discharge, it shall operate as a stay, and the person in custody shall so remain and be forthwith returned to the institution designated by the director of institutions until the supreme court has rendered a final decision in the cause.

RCW 10.76.070
amended.

SEC. 2. Section 6, chapter 30, Laws of 1907 as amended by section 2, chapter 48, Laws of 1957 and RCW 10.76.070 are each amended to read as follows:

When any person committed under the authority of this chapter, including persons found sane at the

time of trial but committed by reason of being so liable to a relapse or recurrence of the insane or mentally irresponsible condition as to be an unsafe person to be so at large, claims to be sane or mentally responsible and to be free from danger of any relapse or recurrence of mental unsoundness and a safe person to be at large, he shall apply to the director of institutions for an examination of his mental condition and fitness to be at large. If the director of institutions certifies that there is reasonable cause to believe that the person has either become sane since his commitment, and is not liable to a recurrence of the mental unsoundness or relapse, or not having been found insane at the time of the trial, that he is not liable to a recurrence of a prior insane or mentally irresponsible condition, and is a safe person to be at large, the director of institutions shall permit him to present a petition to the court that committed him, setting up the facts leading to his commitment, and that he has since become sane and mentally responsible, and is in such condition that he is a safe person to be at large, and shall pray his discharge from custody.

Procedure to secure discharge from confinement as criminally insane.

The petition shall be served upon the prosecuting attorney of the county, and it shall be his duty to resist the application. No other pleadings than the petition need be filed, and the court shall set the cause down for trial before a jury, and the trial shall proceed as in other cases. The sole issue to be tried in the case shall be whether the person petitioning for a discharge has, since his commitment, become a safe person to be at large, and the burden of proof shall be upon him. If the evidence given upon his trial upon the criminal charge has been preserved by a certified statement of facts or bill of exceptions filed in the cause, either party may read such parts of the record as may be desired as evidence upon the hearing.

Criminally insane. Procedure to secure discharge from confinement as.

The jury shall be required to find whether the petitioner has either become sane since his commitment, and is not liable to a recurrence of the mental unsoundness or relapse, or not having been found insane at the time of the trial, whether he is still liable to a recurrence of a prior insane or mentally irresponsible condition, and, in either case, whether he is a safe person to be at large. If they so find, he shall be entitled to discharge. If not, his petition shall be dismissed, and he shall be remitted to custody. Either party may appeal to the supreme court from the judgment discharging the petitioner or remitting him to custody. The procedure on appeal shall be the same as in other cases. The judgment of remission shall be conclusive that the petitioner is an unsafe person to be at large at the time of its entry.

If he subsequently claims to have become sane and a safe person to be at large, he may upon a certificate of probable cause by the director of institutions, which shows a change in his mental condition since the last trial and his present sanity and fitness to be at large, again petition for discharge, and the proceedings thereon shall be as in this chapter provided.

State penitentiary. Corrective and rehabilitative programs for inmates of.

SEC. 3. The director of institutions shall provide for the establishment of programs and procedures for convicted persons at the state penitentiary, which are designed to be corrective, rehabilitative and reformatory of the undesirable behavior problems of such persons, as distinguished from programs and procedures essentially penal in nature.

Security and disciplinary measures, rules and regulations.

SEC. 4. The director of institutions is authorized to make rules and regulations for the administration, supervision, security and disciplinary measures inflicted upon convicted persons at the state penitentiary.

SEC. 5. The superintendent shall be custodian of all funds and valuable personal property of a convicted person as shall be in his possession upon admission to the state penitentiary, or which shall be sent or brought to such person, or earned by him while in custody, or which shall be forwarded to the superintendent on behalf of a convicted person. All such funds shall be deposited in the personal account of the convicted person and the superintendent shall have authority to disburse moneys from such person's personal account for the personal and incidental needs of the convicted person as may be deemed reasonably necessary. When a convicted person is released from the confines of the state penitentiary either on parole or discharge, all funds and valuable personal property in the possession of the superintendent belonging to such convicted person shall be delivered to him.

Funds and
personal
property of
inmates—
Custody—
dispersal.

SEC. 6. Section 72.08.100, chapter 28, Laws of 1959 and RCW 72.08.100 are each repealed.

Repeal.

SEC. 7. Section 10, chapter 30, Laws of 1907 as amended by section 3, chapter 48, Laws of 1957 and RCW 10.76.090 are each repealed.

Repeal.

Passed the Senate March 19, 1965.

Passed the House March 23, 1965.

Approved by the Governor March 31, 1965.

CHAPTER 10.

[Senate Bill No. 97.]

CORRECTIONAL INSTITUTIONS FOR JUVENILES—
FINANCING—EQUIPMENT.

AN ACT relating to state institutions; and adding a new section to chapter 27, Laws of 1963 extraordinary session (Referendum Bill No. 13) and to chapter 72.19 RCW.

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

New section.

SECTION 1. There is added to chapter 27, Laws of 1963 extraordinary session (Referendum Bill No. 13) and to chapter 72.19 RCW a new section to read as follows:

Juvenile
correctional
institution.
Funds for
purchasing
equipment for.

The state finance committee is hereby authorized to expend funds derived from the sale of general obligation bonds, as authorized in RCW 72.19.070 and deposited in the juvenile correctional institution building construction account, through allotments made when requested by the director of institutions as approved by the budget director, for the purpose of purchasing equipment necessary for the operation of the juvenile correctional institution established in RCW 72.19.010.

Passed the Senate March 24, 1965.

Passed the House March 23, 1965.

Approved by the Governor March 31, 1965.

CHAPTER 11.

[Senate Bill No. 119.]

CONDOMINIUMS.

AN ACT relating to condominiums; and amending sections 1, 5, 10, 12, 17, 20 and 23, chapter 156, Laws of 1963 and RCW 64.32.010, 64.32.050, 64.32.100, 64.32.120, 64.32.170, 64.32.200 and 64.32.230.

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

SECTION 1. Section 1, chapter 156, Laws of 1963 and RCW 64.32.010 are each amended to read as follows:

RCW 64.32.010 amended.

As used in this chapter unless the context otherwise requires:

Condominiums.
Definitions.

(1) "Apartment" means a part of the property intended for any type of independent use, including one or more rooms or enclosed spaces located on one or more floors (or part or parts thereof) in a building, regardless of whether it is destined for a residence, an office, the operation of any industry or business, or for any other use not prohibited by law, and which has a direct exit to a public street or highway, or to a common area leading to such street or highway. The boundaries of an apartment are the interior surfaces of the perimeter walls, floors, ceilings, windows and doors thereof, and the apartment includes both the portions of the building so described and the air space so encompassed. In interpreting declarations, deeds, and plans, the existing physical boundaries of the apartment as originally constructed or as reconstructed in substantial accordance with the original plans thereof shall be conclusively presumed to be its boundaries rather than the metes and bounds expressed or depicted in the declaration, deed or plan, regardless of settling or lateral movement of the building and regardless of minor variance between boundaries shown in the

Condomin-
iums.
Definitions.

declaration, deed, or plan and those of apartments in the building.

(2) "Apartment owner" means the person or persons owning an apartment, as herein defined, in fee simple absolute or qualified, by way of leasehold or by way of a periodic estate, or in any other manner in which real property may be owned, leased or possessed in this state, together with an undivided interest in a like estate of the common areas and facilities in the percentage specified and established in the declaration as duly recorded or as it may be lawfully amended.

(3) "Apartment number" means the number, letter, or combination thereof, designating the apartment in the declaration as duly recorded or as it may be lawfully amended.

(4) "Association of apartment owners" means all of the apartment owners acting as a group in accordance with the bylaws and with the declaration as it is duly recorded or as they may be lawfully amended.

(5) "Building" means a building, containing two or more apartments, or two or more buildings each containing one or more apartments, and comprising a part of the property.

(6) "Common areas and facilities", unless otherwise provided in the declaration as duly recorded or as it may be lawfully amended, includes: (a) The land on which the building is located;

(b) The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbys, stairs, stairways, fire escapes, and entrances and exits of the building;

(c) The basements, yards, gardens, parking areas and storage spaces;

(d) The premises for the lodging of janitors or persons in charge of the property;

(e) The installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning and incinerating;

(f) The elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use;

(g) Such community and commercial facilities as may be provided for in the declaration as duly recorded or as it may be lawfully amended;

(h) All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

(7) "Common expenses" include: (a) All sums lawfully assessed against the apartment owners by the association of apartment owners;

(b) Expenses of administration, maintenance, repair, or replacement of the common areas and facilities;

(c) Expenses agreed upon as common expenses by the association of apartment owners;

(d) Expenses declared common expenses by the provisions of this chapter, or by the declaration as it is duly recorded, or by the bylaws, or as they may be lawfully amended.

(8) "Common profits" means the balance of all income, rents, profits and revenues from the common areas and facilities remaining after the deduction of the common expenses.

(9) "Declaration" means the instrument by which the property is submitted to provisions of this chapter, as hereinafter provided, and as it may be, from time to time, lawfully amended.

(10) "Land" means the material of the earth, whatever may be the ingredients of which it is composed, whether soil, rock, or other substance, and includes free or occupied space for an indefinite distance upwards as well as downwards, subject to limitations upon the use of airspace imposed, and rights

Condomin-
iums.
Definitions.

in the use of the airspace granted, by the laws of this state or of the United States.

(11) "Limited common areas and facilities" includes those common areas and facilities designated in the declaration, as it is duly recorded or as it may be lawfully amended, as reserved for use of certain apartment or apartments to the exclusion of the other apartments.

(12) "Majority" or "majority of apartment owners" means the apartment owners with fifty-one percent or more of the votes in accordance with the percentages assigned in the declaration, as duly recorded or as it may be lawfully amended, to the apartments for voting purposes.

(13) "Person" includes any individual, corporation, partnership, association, trustee, or other legal entity.

(14) "Property" means the land, the building, all improvements and structures thereon, all owned in fee simple absolute or qualified, by way of leasehold or by way of a periodic estate, or in any other manner in which real property may be owned, leased or possessed in this state, and all easements, rights and appurtenances belonging thereto, none of which shall be considered as a security or security interest, and all articles of personalty intended for use in connection therewith, which have been or are intended to be submitted to the provisions of this chapter.

RCW 64.32.050
amended.

SEC. 2. Section 5, chapter 156, Laws of 1963 and RCW 64.32.050 are each amended to read as follows:

Common
areas and
facilities.

(1) Each apartment owner shall be entitled to an undivided interest in the common areas and facilities in the percentage expressed in the declaration. Such percentage shall be computed by taking as a basis the value of the apartment in relation to the value of the property.

(2) The percentage of the undivided interest of each apartment owner in the common areas and facilities as expressed in the declaration shall not be altered except in accordance with procedures set forth in the bylaws and by amending the declaration. The percentage of the undivided interest in the common areas and facilities shall not be separated from the apartment to which it appertains even though such interest is not expressly mentioned or described in the conveyance or other instrument. Nothing in this section or this chapter shall be construed to detract from or limit the powers and duties of any assessing or taxing unit or official which is otherwise granted or imposed by law, rule, or regulation.

(3) The common areas and facilities shall remain undivided and no apartment owner or any other person shall bring any action for partition or division of any part thereof, unless the property has been removed from the provisions of this chapter as provided in RCW 64.32.150 and 64.32.230. Any covenant to the contrary shall be void. Nothing in this chapter shall be construed as a limitation on the right of partition by joint owners or owners in common of one or more apartments as to the ownership of such apartment or apartments.

(4) Each apartment owner shall have a nonexclusive easement for, and may use the common areas and facilities in accordance with the purpose for which they were intended without hindering or encroaching upon the lawful right of the other apartment owners.

(5) The necessary work of maintenance, repair and replacement of the common areas and facilities and the making of any addition or improvement thereto shall be carried out only as provided in this chapter and in the bylaws.

Condomin-
iums.
Common areas
and facilities.

(6) The association of apartment owners shall have the irrevocable right, to be exercised by the manager or board of directors, to have access to each apartment from time to time during reasonable hours as may be necessary for the maintenance, repair, or replacement of any of the common areas and facilities therein or accessible therefrom, or for making emergency repairs therein necessary to prevent damage to the common areas and facilities or to another apartment or apartments.

RCW 64.32.100
amended.

SEC. 3. Section 10, chapter 156, Laws of 1963 and RCW 64.32.100 are each amended to read as follows:

Copy of
survey map,
building,
plans, to be
filed—
Contents.

Simultaneously with the recording of the declaration there shall be filed in the office of the county auditor of the county in which the property is located a survey map of the surface of the land submitted to the provisions of this chapter showing the location or proposed location of the building or buildings thereon.

There also shall be filed simultaneously, a set of plans of the building or buildings showing as to each apartment:

(a) the vertical and horizontal boundaries, as defined in RCW 64.32.010 (1), in sufficient detail to identify and locate such boundaries relative to the survey map of the surface of the land by the use of standard survey methods; and

(b) the number of the apartment and its dimensions.

The set of plans shall bear the verified statement of a registered architect, registered professional engineer, or registered land surveyor certifying that the plans accurately depict the location and dimensions of the apartments as built.

If such plans do not include such verified statement there shall be recorded prior to the first conveyance of any apartment an amendment to the

declaration to which shall be attached a verified statement of a registered architect, registered professional engineer, or registered land surveyor, certifying that the plans theretofore filed or being filed simultaneously with such amendment, fully and accurately depict the apartment numbers, dimensions, and locations of the apartments as built.

Such plans shall each contain a reference to the date of recording of the declaration and the volume, page and county auditor's receiving number of the recorded declaration. Correspondingly, the record of the declaration or amendment thereof shall contain a reference to the file number of the plans of the building affected thereby.

All plans filed shall be in such style, size, form and quality as shall be prescribed by the county auditor of the county where filed, and a copy shall be delivered by the county assessor.

SEC. 4. Section 12, chapter 156, Laws of 1963 and RCW 64.32.120 are each amended to read as follows:

RCW 64.32.120 amended.

Deeds or other conveyances of apartments shall include the following:

Contents of deeds or other conveyances of apartments.

(1) A description of the land as provided in RCW 64.32.090, or the post office address of the property, including in either case the date of recording of the declaration and the volume, page and county auditor's receiving number of the recorded declaration;

(2) The apartment number of the apartment in the declaration and any other data necessary for its proper identification;

(3) A statement of the use for which the apartment is intended;

(4) The percentage of undivided interest appertaining to the apartment, the common areas and facilities and limited common areas and facilities appertaining thereto, if any;

(5) Any further details which the grantor and grantee may deem desirable to set forth consistent with the declaration and with this chapter.

RCW 64.32.170 amended.

SEC. 5. Section 17, chapter 156, Laws of 1963 and RCW 64.32.170 are each amended to read as follows:

Condominiums. Books and records—Availability for examination—Audits.

The manager or board of directors, as the case may be, shall keep complete and accurate books and records of the receipts and expenditures affecting the common areas and facilities, specifying and itemizing the maintenance and repair expenses of the common areas and facilities and any other expenses incurred. Such books and records and the vouchers authorizing payments shall be available for examination by the apartment owners, their agents or attorneys, at any reasonable time or times. All books and records shall be kept in accordance with good accounting procedures and be audited at least once a year by an auditor outside of the organization.

RCW 64.32.200 amended.

SEC. 6. Section 20, chapter 156, Laws of 1963 and RCW 64.32.200 are each amended to read as follows:

Assessment for common expenses—Enforcement of collection—Liens—Liability of mortgagee or purchaser.

(1) The declaration may provide for the collection of all sums assessed by the association of apartment owners for the share of the common expenses chargeable to any apartment and the collection may be enforced in any manner provided in the declaration including but not limited to (a) ten days notice shall be given the delinquent apartment owner to the effect that unless such assessment is paid within ten days any or all utility services will be forthwith severed and shall remain severed until such assessment is paid, or (b) collection of such assessment may be made by such lawful method of enforcement, judicial or extra-judicial, as may be provided in the declaration and/or bylaws.

(2) All sums assessed by the association of apartment owners but unpaid for the share of the com-

mon expenses chargeable to any apartment shall constitute a lien on such apartment prior to all other liens except only (a) tax liens on the apartment in favor of any assessing unit and/or special district, and (b) all sums unpaid on all mortgages of record. Such lien may be foreclosed by suit by the manager or board of directors, acting on behalf of the apartment owners, in like manner as a mortgage of real property. In any such foreclosure the apartment owner shall be required to pay a reasonable rental for the apartment, if so provided in the bylaws, and the plaintiff in such foreclosure shall be entitled to the appointment of a receiver to collect the same. The manager or board of directors, acting on behalf of the apartment owners, shall have power, unless prohibited by the declaration, to bid in the apartment at foreclosure sale, and to acquire and hold, lease, mortgage and convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment, the period of redemption shall be eight months after the sale. Suit to recover any judgment for any unpaid common expenses shall be maintainable without foreclosing or waiving the liens securing the same.

(3) Where the mortgagee of a mortgage of record or other purchaser of an apartment obtains possession of the apartment as a result of foreclosure of the mortgage, such possessor, his successors and assigns shall not be liable for the share of the common expenses or assessments by the association of apartment owners chargeable to such apartment which became due prior to such possession. Such unpaid share of common expenses or assessments shall be deemed to be common expenses collectible from all of the apartment owners including such possessor, his successors and assigns.

SEC. 7. Section 23, chapter 156, Laws of 1963 and RCW 64.32.230 are each amended to read as follows:

RCW 64.32.230
amended.

Condomin-
iums.
Destruction or
damage to all
or part of
property—
Disposition.

If, within ninety days of the date of damage or destruction to all or part of the property it is not determined by the apartment owners to repair, reconstruct, or rebuild in accordance with the original plan, or by a unanimous vote of all apartment owners to do otherwise, then and in that event:

(1) The property shall be owned in common by the apartment owners;

(2) The undivided interest in the property owned in common which appertains to each apartment owner shall be the percentage of undivided interest previously owned by such owner in the common areas and facilities;

(3) Any mortgages or liens affecting any of the apartments shall be deemed transferred in accordance with the existing priorities to the percentage of the undivided interest of the apartment owner in the property as provided herein; and

(4) The property shall be subject to an action for partition at the suit of any apartment owner, in which event the net proceeds of sale, together with the net proceeds of the insurance of the property, if any, shall be considered as one fund; such fund shall be divided into separate shares one for each apartment owner in a percentage equal to the percentage of undivided interest owned by each such owner in the property; then, after first paying out of the respective share of each apartment owner, to the extent sufficient for the purpose, all mortgages and liens on the undivided interest in the property owned by such apartment owner, the balance remaining in each share shall then be distributed to each apartment owner respectively.

Passed the Senate March 16, 1965.

Passed the House March 24, 1965.

Approved by the Governor March 31, 1965.

CHAPTER 12.

[Substitute Senate Bill No. 183.]

FOREST PROTECTION.

AN ACT relating to forest protection; adding new sections to chapter 76.04 RCW; amending section 11, chapter 142, Laws of 1955 and RCW 76.04.260; amending section 12, chapter 142, Laws of 1955, as amended by section 2, chapter 151, Laws of 1959, and RCW 76.04.270; repealing section 10, chapter 142, Laws of 1955, as last amended by section 1, chapter 151, Laws of 1959, and RCW 76.04.250; providing penalties; and declaring an emergency.

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

SECTION 1. There is added to chapter 76.04 RCW new sections to read as set forth in sections 2 through 8 of this act. New sections.

SEC. 2. It shall be unlawful for anyone to operate during the closed season as defined in section 3 of this 1965 act, any steam, internal combustion, or electric engines, or any other spark emitting equipment or devices on any forest land or in any place where, in the opinion of the supervisor, within reason, fire could be communicated to forest land, without first complying with the requirements for each situation and type of equipment listed in the following paragraphs: Forest protection. Equipment required for forest operations during closed season.

(1) For operations employing more than five men:

(a) To be kept in a sealed tool box;

(i) Three double bitted axes having heads weighing not less than three pounds and not less than thirty-two inch handles;

(ii) Six long handle round point shovels or "D" handle round point shovels;

(iii) Six adze eye forestry fire fighting hoes;

(b) To be kept adjacent to the tool box;

(i) One five gallon back pack pump can filled with water;

Forest protection. Equipment required for forest operation during closed season.

(ii) One hundred gallons of water in two fifty-gallon containers.

(2) For operations employing five men or less:

(a) To be kept in a sealed tool box;

(i) Two double bitted axes having heads weighing not less than three pounds and thirty-two inch handles;

(ii) Three long handle round point shovels or "D" handle round point shovels;

(iii) Three adze eye forestry fire fighting hoes;

(b) To be kept adjacent to the tool box;

(i) One five gallon back pack pump can filled with water;

(ii) Fifty gallons of water;

(iii) Option—in lieu of (i) and (ii) above, two buckets and one hundred gallons of water.

(3) Any steam, internal combustion, or electric engine used for yarding, skidding, loading, or land clearing from a fixed position unless equipped with:

(a) Two chemical fire extinguishers, each rated by the Underwriters' Laboratories as not less than one B. C.;

(b) It has a suitable exhaust pipe extending up vertically a minimum of eighteen inches above the manifold and projects at least four inches above the cab or hood and is clear of all obstructions or is equipped with an adequate spark arrester of a type approved by the supervisor.

(4) Any tractor or other mobile yarding machine, unless equipped with:

(a) One chemical fire extinguisher, rated by the Underwriters' Laboratories as not less than one B. C.;

(b) A suitable exhaust pipe extending up vertically a minimum of eighteen inches in length above the manifold and projects at least four inches above the hood or is equipped with an adequate spark arrester of a type approved by the supervisor.

(5) Any truck or vehicle used for hauling forest products, rock, or minerals for commercial purposes in any forest area unless equipped with:

(a) One chemical fire extinguisher, rated by the Underwriters' Laboratories as not less than one B. C.;

(b) One long handle round point shovel or a "D" handle round point shovel;

(c) An exhaust pipe turned up vertically or equipped with an adequate spark arrester or muffler of a type approved by the supervisor.

(6) Any portable power saw unless the power saw is equipped with:

(a) A suitable chemical fire extinguisher of at least eight ounce capacity and a type approved by the supervisor, kept in the immediate possession of the operator;

(b) One long handle or "D" handle round point shovel, which shall be kept in the immediate proximity of the operator;

(c) A spark arrester having fire prevention features as to spark arresting efficiency, temperature, configuration, and placement on the machine, as approved by the supervisor.

(7) Any steam, internal combustion, or electric engine used in a mill or other fixed position for uses not specifically mentioned above and any road construction or mining machines, or other devices used in a fixed position for any other purpose which, in the opinion of the supervisor, may cause a forest fire to start unless equipped with:

(a) One chemical fire extinguisher, rated by the Underwriters' Laboratories as not less than one B. C.;

(b) An exhaust turned up vertically and is clear of all obstructions or is equipped with an adequate spark arrester of a type approved by the supervisor;

(c) One hundred gallons of water and two buckets at the site of each fixed position engine.

Forest protection. Closed season defined.

SEC. 3. The period April 15th to October 15th inclusive shall be known as the closed season, unless different dates are designated by the supervisor because of fire weather conditions prevailing.

Fire equipment, where kept.

SEC. 4. The fire equipment listed in subdivisions (1) and (2) of section 2 of this act is to be kept at each landing and/or yarding tree or mill, or at a place more suitable, as designated by the supervisor.

Serviceable equivalents acceptable.

SEC. 5. The supervisor shall accept serviceable equivalents to any of the above fire tool requirements. Such substitutions must be made in writing by the supervisor or his agent on forms provided for this purpose.

Reduction of requirements —Procedure.

SEC. 6. The supervisor may reduce the requirements set forth in sections 2 through 8 of this 1965 act by written permission whenever in his judgment the operation is of such type or location and/or the weather is such that all of the requirements herein are not needed for the protection of life and property.

Specifications for water equipment.

SEC. 7. The water requirements specified in sections 2 through 8 of this 1965 act will be satisfied, provided the containers are equipped with a gate valve three quarters of an inch or larger inside diameter and have provisions for venting or have the top open, and are so located that the contents may be withdrawn by one man working alone.

Equipment to be in serviceable condition.

SEC. 8. All equipment required in this chapter must be kept in serviceable condition at all times. Tool boxes must have waterproof lids, must be of sound construction, and provided with hinges and hasp so arranged that the box can be properly sealed.

SEC. 9. Section 11, chapter 142, Laws of 1955 and RCW 76.04.260 are each amended to read as follows: amended.

It shall be unlawful for anyone to operate within one-eighth mile of any forest land during the period April 15th to October 15th inclusive, which period shall be designated as the closed season unless different dates are designated by the supervisor due to dangerous fire condition: Locomotives, steam boilers—Speeder patrols.

(1) Any spark emitting railroad logging locomotive unless:

(a) Equipped with a safe and suitable device for arresting sparks;

(b) Equipped with a suitable power pump with a capacity of not less than twenty gallons per minute at pressures not less than forty pounds per square inch;

(c) Equipped with three hundred feet of hose not less than one inch in diameter equipped with a standard nozzle;

(d) Equipped with all the complement of hand tools listed under subdivision (1) of section 2 of this 1965 act, kept in a sealed tool box on such locomotive ready for instant use;

(e) Equipped with a sprinkler system which can be capable of wetting the tracks and at least two feet on either side of each rail. Such sprinkler system shall be manually controlled from the cab. The water supply tank for such sprinkler shall be capable of carrying an adequate supply of water in direct relation to the mileage of track covered and the available water supply;

(f) During the closed season it is followed by a speeder or other patrol. Such patrol shall be equipped with two long handle round point shovels or "D" handle round point shovels, one double bitted axe having a head weighing not less than three pounds and not less than a thirty-two inch handle,

Forest protection. Locomotives, steam boilers—
Speeder patrols.

and one five-gallon back pack pump can filled with water. When a logging train operates on a common carrier track the patrol will be regulated under laws pertaining to common carrier railroads.

(2) Any common carrier railroad trains operating through forest lands unless:

(a) Such trains are followed by a speeder patrol at such times and in such places as the supervisor may designate, each patrol to be equipped with a five-gallon back pack pump can, two long handle round point shovels or "D" handle round point shovels and one double bitted axe having a head weighing not less than three pounds and not less than a thirty-two inch handle. In case a railroad company fails to provide patrol as required, the supervisor is hereby authorized to employ patrolmen for such purpose and the railroad company concerned shall be liable for the expense of the same to be collected in a civil suit brought by the state against said railroad company;

(b) At the request of the supervisor, such common carrier shall maintain pumping equipment and fire fighting tools specified by the supervisor but not to exceed those required of logging locomotives.

(3) Any steam logging engine or boiler unless:

(a) Being equipped with and using a safe and suitable device for arresting sparks;

(b) Equipped with a suitable power pump with a capacity of not less than twenty gallons per minute at pressures of not less than forty pounds per square inch;

(c) Equipped with three hundred feet of hose not less than one inch in diameter equipped with a standard nozzle.

(4) Any railroad locomotive, logging locomotive, logging or other engine or boiler unless equipped with an adequate device to prevent the escape of fire or live coals or other burning substance from all

ash pans, and all fire boxes, except when ash pans or fire boxes are being cleaned when not in motion. Any donkey boiler, when equipped to operate without the use of exhaust steam within the stack, and without any artificial means of creating a forced draught, shall not require a spark arrester.

(5) Any railroad speeder unless:

- (a) Equipped with one No. 2 shovel round point;
- (b) Exhaust is pointed up perpendicular and is cleared of all obstructions or is equipped with an adequate spark arrester.

SEC. 10. Section 12, chapter 142, Laws of 1955, as amended by section 2, chapter 151, Laws of 1959, and RCW 76.04.270 are each amended to read as follows:

RCW 76.04.270 amended.

Every person upon receipt of written notice issued by the supervisor or any regularly employed warden or ranger, that such person has or is violating any of the provisions of RCW 76.04.240, 76.04.245, sections 2 through 8 of this 1965 act, 76.04.260, 76.04.310, and 76.04.320, as amended, shall cease such operations until the provisions of the sections specified in such notice have been complied with. The forest officer may specify in the notice of violation the special conditions and precautions under which the operation would be allowed to continue until the end of that working day. Any person violating the statutory provisions above referenced, and as amended, or the written notice provided for herein, shall upon conviction be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars.

Penalty for violations—
Work stoppage notice.

SEC. 11. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Severability.

Forest protection. Emergency.

SEC. 12. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Repeal.

SEC. 13. Section 10, chapter 142, Laws of 1955, as last amended by section 1, chapter 151, Laws of 1959, and RCW 76.04.250 are each repealed.

Passed the Senate March 16, 1965.

Passed the House March 23, 1965.

Approved by the Governor March 31, 1965.

CHAPTER 13.

[Senate Bill No. 205.]

STATE OFFICERS AND EMPLOYEES—VACATION LEAVE.

AN ACT relating to state employees; and amending section 43-.01.040, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.01.040.

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

RCW 43.01.040 amended.

SECTION 1. Section 43.01.040, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.01.040 are each amended to read as follows:

State officers, employees. Vacations—Computation—Accrual—Transfer.

Each subordinate officer and employee of the several offices, departments, and institutions of the state government shall be entitled under their contract of employment with the state government to not less than one working day of vacation leave with full pay for each month of employment if said employment is continuous for six months.

Each such subordinate officer and employee shall be entitled under such contract of employment to not less than one additional working day of vacation with full pay each year for satisfactorily com-

pleting the first two, three and five continuous years of employment respectively.

Such part time officers or employees of the state government who are employed on a regular schedule of duration of not less than one year shall be entitled under their contract of employment to that fractional part of the vacation leave that the total number of hours of such employment bears to the total number of hours of full time employment.

Each subordinate officer and employee of the several offices, departments and institutions of the state government shall be entitled under his contract of employment with the state government to accrue unused vacation leave not to exceed thirty working days. Officers and employees transferring within the several offices, departments and institutions of the state government shall be entitled to transfer such accrued vacation leave to each succeeding state office, department or institution. All vacation leave shall be taken at the time convenient to the employing office, department or institution: *Provided*, That if a subordinate officer's or employee's request for vacation leave is deferred by reason of the convenience of the employing office, department or institution, and a statement of the necessity therefor is filed by such employing office, department or institution with the appropriate personnel board or other state agency or officer, then the aforesaid maximum thirty working days of accrued unused vacation leave shall be extended for each month said leave is so deferred.

Passed the Senate March 7, 1965.

Passed the House March 25, 1965.

Approved by the Governor March 31, 1965.

CHAPTER 14.

[Senate Bill No. 222.]

CITIES AND TOWNS—UNEXPENDED APPROPRIATIONS.

AN ACT relating to cities and towns; amending section 35.33-150, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.33.150.

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

RCW 35.33.150 amended.

SECTION 1. Section 35.33.150, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.33.150 are each amended to read as follows:

Cities under 300,000—Budgets. Unexpended appropriations.

All appropriations in current operating funds shall lapse at the end of each fiscal year: *Provided*, That this shall not prevent payments in the following year upon uncompleted improvements in progress or unfilled orders, for the purchase of material, equipment, and supplies, or for personal or contractual services not completed at the end of the fiscal year, all of which have been properly budgeted and contracted for prior to the close of such fiscal year.

All appropriations in special funds authorized by ordinance or by state law to be used only for the purpose or purposes therein specified, including any cumulative reserve funds lawfully established in specific or general terms for any municipal purpose or purposes, shall not lapse, but shall be carried forward from year to year until fully expended.

The accounts for budgetary control shall be kept open for twenty days after the close of each fiscal year for the purpose of paying and recording claims for indebtedness incurred during such fiscal year; any claim presented after the twentieth day following the close of the fiscal year shall be paid from appropriations lawfully provided for the ensuing period, including those made available by provisions of this section.

Passed the Senate March 19, 1965.

Passed the House March 25, 1965.

Approved by the Governor March 31, 1965.

CHAPTER 15.

[Senate Bill No. 423.]

DIVORCE—GROUNDS.

AN ACT relating to divorce; and amending section 2, chapter 215, Laws of 1949 and RCW 26.08.020.

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

SECTION 1. Section 2, chapter 215, Laws of 1949 and RCW 26.08.020 are each amended to read as follows:

RCW 26.08.020 amended.

Divorce may be granted by the superior court on application of the party injured for the following reasons:

Divorce. Grounds for.

(1) When the consent to the marriage of the party applying for the divorce was obtained by force or fraud, and there has been no voluntary cohabitation after the discovery of the fraud, or when either party shall be incapable of consenting thereto, for want of legal age or a sufficient understanding.

(2) For adultery on the part of the wife or of the husband, when unforgiven, and the application is made within one year after it shall have come to the knowledge of the party applying for a divorce.

(3) Impotency.

(4) Abandonment for one year.

(5) Cruel treatment of either party by the other, or personal indignities rendering life burdensome.

(6) Habitual drunkenness of either party.

(7) The neglect or refusal of the husband to make suitable provision for his family.

Divorce.
Grounds for.

(8) Imprisonment in a state or federal penal institution if complaint is filed during the term of such imprisonment.

(9) A divorce may be granted to either or both parties in all cases where they have heretofore lived or shall hereafter live separate and apart for a period of two consecutive years or more, without regard to fault in the separation.

(10) In all cases where the defendant, at the time of commencement of the action, is suffering from chronic mania or dementia, established by competent medical testimony to have existed for at least two years prior to the filing of the complaint, such insanity shall be the sole and exclusive ground upon which the court may, in its discretion, grant a divorce.

Passed the Senate March 17, 1965.

Passed the House March 23, 1965.

Approved by the Governor March 31, 1965.

CHAPTER 16.

[House Bill No. 76.]

COLLEGES AND UNIVERSITIES—CAMPUS POLICE.

AN ACT relating to campus police at state colleges; and amending sections 1, 2, and 3, chapter 123, Laws of 1949, and RCW 28.76.310, 28.76.320 and 28.76.330.

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

RCW 28.76.310
amended.

SECTION 1. Section 1, chapter 123, Laws of 1949, and RCW 28.76.310 are each amended to read as follows:

State colleges,
universities—
Police force.
Authorized.

The board of regents of Washington State University, the board of regents of the University of Washington, and the boards of trustees of the state

colleges, acting independently and each on behalf of its own institution:

(1) may each establish a police force for its own institution, which force shall function under such conditions and regulations as the board prescribes; and

(2) may supply appropriate badges and uniforms indicating the positions and authority of the members of such police force.

SEC. 2. Section 2, chapter 123, Laws of 1949, and RCW 28.76.320 are each amended to read as follows: RCW 28.76.320 amended.

The members of a police force established in conformity with the provisions of RCW 28.76.310, when appointed and duly sworn: —Powers.

(1) shall be peace officers of the state and have such police powers as are vested in sheriffs and peace officers generally under the laws of this state; and

(2) may exercise such powers upon state lands devoted mainly to the educational or research activities of the institution to which they were appointed; and

(3) shall have power to pursue and arrest beyond such limits, if necessary, all or any violators of the rules or regulations herein provided for.

SEC. 3. Section 3, chapter 123, Laws of 1949 and RCW 28.76.330 are each amended to read as follows: RCW 28.76.330 amended.

The board of regents of Washington State University and of the University of Washington, and the boards of trustees of the state colleges, acting independently and each on behalf of its own institution, may each 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. —Establishment of traffic regulations.

Passed the House March 18, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 17.

[House Bill No. 86.]

CRIMES—ARSON.

AN ACT relating to crimes and punishments; and amending section 40, page 82, Laws of 1854 as last amended by section 2, chapter 11, Laws of 1963 and RCW 9.09.020; and prescribing penalties.

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

RCW 9.09.020 amended.

SECTION 1. Section 40, page 82, Laws of 1854 as last amended by section 2, chapter 11, Laws of 1963 and RCW 9.09.020 are each amended to read as follows:

Arson. Second degree.

Every person who, under circumstances not amounting to arson in the first degree, shall wilfully and maliciously burn or set on fire any building, or any structure or erection appurtenant to or joining any building, or any wharf, dock, threshing machine, threshing engine, automobile or other motor vehicle, motorboat, steamboat, sailboat, aircraft, bridge or trestle, or any hay, grain, crop or timber, whether cut or standing, or any range land, or pasture land, or any fence, or any lumber, shingle or other timber products, or other property, shall be guilty of arson in the second degree, and shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

Passed the House March 20, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 18.

[House Bill No. 103.]

FIRE PROTECTION DISTRICTS—ANNEXATIONS—
MERGERS.

AN ACT relating to fire districts; amending section 3, chapter 70, Laws of 1941 as last amended by section 3, chapter 237, Laws of 1959 and RCW 52.08.060; and amending section 5, chapter 176, Laws of 1953 as amended by section 1, chapter 42, Laws of 1963 and RCW 52.24.090.

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

SECTION 1. Section 3, chapter 70, Laws of 1941 as last amended by section 3, chapter 237, Laws of 1959 and RCW 52.08.060 are each amended to read as follows:

RCW 52.08.060 amended.

Any territory contiguous to a fire protection district and not within the boundaries of a city or town or other fire protection district may be annexed to such fire protection district, for the purpose of obtaining fire fighting protection or prevention facilities, by petition of fifteen percent of the qualified registered electors residing within the territory proposed to be annexed. Such petition shall be filed with the fire commissioners of the fire protection district and if the said fire commissioners shall concur in the said petition they shall then file such petition with the county auditor who shall within thirty days from the date of filing such petition examine the signatures thereof and certify to the sufficiency or insufficiency thereof. After the county auditor shall have certified to the sufficiency of the petition, the proceedings thereafter by the board of county commissioners and the rights and powers and duties of the board of county commissioners, petitioners and objectors and the election and canvass thereof shall be the same as in the original proceedings to form a fire protection district: *Provided*, That the board of county commissioners shall have authority and it shall be its duty to determine on an equitable basis,

Fire protection districts. Annexation of territory.

Fire protection districts. Annexation of territory.

the amount of obligation which the territory to be annexed to the district shall assume, if any, to place the taxpayers of the existing district on a fair and equitable relationship with the taxpayers of the territory to be annexed by reason of the benefits of coming into a going district previously supported by the taxpayers of the existing district, and such obligation may be paid to the district in yearly installments to be fixed by the county board if within the four mill annual tax limit and included in the annual tax levies against the property in such annexed territory until fully paid. The amount of the obligation and the plan of payment thereof fixed by the county board shall be set out in general terms in the notice of election for annexation: *Provided, however,* That the special election shall be held only within the boundaries of the territory proposed to be annexed to said fire protection district. Upon the entry of the order of the board of county commissioners incorporating such contiguous territory with such existing fire protection districts, said territory shall become subject to the indebtedness, bonded or otherwise, of said existing district in like manner as the territory of said district. Should such petition be signed by sixty percent of the qualified registered electors residing within the territory proposed to be annexed, and should the fire commissioners concur therein, an election in such territory and a hearing on such petition shall be dispensed with and the board of county commissioners shall enter its order incorporating such territory within the said existing fire protection district.

RCW 52.24.090 amended.

SEC. 2. Section 5, chapter 176, Laws of 1953 as amended by section 1, chapter 42, Laws of 1963 and RCW 52.24.090 are each amended to read as follows:

Merger of part of district with adjacent district.

A part of one district may be transferred and merged with an adjacent district whenever such area can be better served by the merged district.

To effect such a merger a petition, signed by not less than fifteen percent of the qualified electors residing in the area to be merged, shall be filed with the commissioners of the merging district. Such petition shall be promoted by one or more qualified electors within the area to be transferred. If the commissioners of the merging district act favorably upon the petition, then the petition shall be presented to the commissioners of the merger district. If the commissioners of the merger district act favorably upon the petition, an election shall be called in the area merged.

In the event that either board of fire district commissioners should not concur with the petition, the petition may then be presented to a county review board established for such purposes, if there be no county review board for such purposes then to the state review board and if there be no state review board, then to the county commissioners of the county in which the area to be merged is situated, who shall decide if the area can be better served by such a merger; upon an affirmative decision an election shall be called in the area merged.

A majority of the votes cast shall be necessary to approve the transfer.

Passed the House March 18, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 19.

[House Bill No. 113.]

COUNTY BUDGETS—EXPENDITURES—
APPROPRIATIONS.

AN ACT relating to county budgets and expenditures; and amending section 36.40.100, chapter 4, Laws of 1963 and RCW 36.40.100.

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

RCW 36.40.100 amended.

SECTION 1. Section 36.40.100, chapter 4, Laws of 1963 and RCW 36.40.100 are each amended to read as follows:

County budget. Constitutes appropriations—Transfers.

The estimates of expenditures itemized and classified as required in RCW 36.40.040 and as finally fixed and adopted in detail by the board of county commissioners shall constitute the appropriations for the county for the ensuing fiscal year; and the county commissioners and every other county official shall be limited in the making of expenditures or the incurring of liabilities to the amount of such detailed appropriation items or classes respectively: *Provided*, That upon a resolution formally adopted by the board at a regular or special meeting and entered upon the minutes, transfers or revisions between and within the general classes of "salaries and wages," "maintenance and operation" and "capital outlay" may be made: *Provided further*, That no salary class shall be increased above the total amount appropriated therefor.

Passed the House March 16, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 20.

[House Bill No. 134.]

INDUSTRIAL INSURANCE—CONTRACT WORK.

AN ACT relating to industrial insurance; and amending section 51.12.070, chapter 23, Laws of 1961, and RCW 51.12.070.

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

SECTION 1. Section 51.12.070, chapter 23, Laws of 1961 and RCW 51.12.070 are each amended to read as follows:

RCW 51.12.070 amended.

The provisions of this title shall apply to all extrahazardous work done by contract; the person, firm, or corporation who lets a contract for such extrahazardous work shall be responsible primarily and directly for all payments due to the accident fund and medical aid fund upon the work. The contractor and any subcontractor shall be subject to the provisions of this title and the person, firm, or corporation letting the contract shall be entitled to collect from the contractor the full amount payable to the accident fund and medical aid fund, and the contractor in turn shall be entitled to collect from the subcontractor his proportionate amount of the payment.

Industrial insurance. Work done by contract—Liability for premiums.

It shall be unlawful for any county, city or town to issue a construction building permit to any person who has not submitted to the department an estimate of payroll and paid premium thereon as provided by chapter 51.16 of this title.

Passed the House March 18, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 21.

[House Bill No. 142.]

COUNTIES—EXCHANGES OF PROPERTY.

AN ACT relating to counties; authorizing the exchange of county real property for privately owned real property of equal value; prescribing procedures relating thereto; and adding a new section to chapter 4, Laws of 1963 and to chapter 36.34 RCW.

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

New section.

SECTION 1. There is added to chapter 4, Laws of 1963 and to chapter 36.34 RCW, a new section to read as follows:

Counties.
Exchange of
county real
property for
privately
owned real
property—
Procedure.

The board of county commissioners of any county shall have authority to exchange county real property for privately owned real property of equal value whenever it is determined by a decree of the superior court in the county in which the real property is located, after publication of notice of hearing is given as fixed and directed by such court, that:

(1) The county real property proposed to be exchanged is not necessary to the future foreseeable needs of such county; and

(2) The real property to be acquired by such exchange is necessary for the future foreseeable needs of such county; and

(3) The value of the county real property to be exchanged is not more than the value of the real property to be acquired by such exchange.

Passed the House March 16, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 22.

[House Bill No. 152.]

PORT DISTRICTS—TAX LEVIES—DREDGING, CANALS,
LAND LEVELING OR FILLING.

AN ACT relating to port districts; and amending sections 1 and 2, chapter 29, Laws of 1925 and RCW 53.36.070 and 53.36.080.

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

SECTION 1. Section 1, chapter 29, Laws of 1925 and RCW 53.36.070 are each amended to read as follows:

RCW 53.36.070 amended.

Any port district organized under the laws of this state shall, in addition to the powers otherwise provided by law, have the power to raise revenue by the levy and collection of an annual tax on all taxable property within such port district of not to exceed two mills on each dollar of the assessed valuation of the taxable property in such port district, for dredging, canal construction, or land leveling or filling purposes, the proceeds of any such levy to be used exclusively for such dredging, canal construction, or land leveling and filling purposes: *Provided*, That no such levy for dredging, canal construction, or land leveling or filling purposes under the provisions of RCW 53.36.070 and 53.36.080 shall be made unless and until the question of authorizing the making of such additional levy shall have been submitted to a vote of the electors of the district in the manner provided by law for the submission of the question of making additional levies in school districts of the first class at an election held under the provisions of RCW 29.13.030 and shall have been authorized by a majority of the electors voting thereon.

Port district finances. Levy for dredging, canal construction, land leveling or filling purposes.

SEC. 2. Section 2, chapter 29, Laws of 1925 and RCW 53.36.080 are each amended to read as follows:

RCW 53.36.080 amended.

Port district
finances.
Levy for
dredging,
canal con-
struction, land
leveling or
filling pur-
poses—
Collection of.

Whenever such additional levy for dredging, canal construction, or land leveling or filling purposes shall have been authorized by the electors of the district at an election, held subsequent to the time of making the levy for the district for general purposes, in any year, such levy shall be certified by the port commission in the manner provided by law for certifying levies for general purposes of the district, and shall be forthwith spread and extended upon the tax rolls for the current year, and the taxes so levied and extended shall be collected in the manner provided by law for the collection of general taxes.

Passed the House March 18, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 23.

[House Bill No. 156.]

COUNTIES—PROPERTY SALES—SITUS.

AN ACT relating to property sales by counties; amending section 36.34.080, chapter 4, Laws of 1963 and RCW 36.34.080; amending section 46.52.110, chapter 12, Laws of 1961 as amended by section 1, chapter 44, Laws of 1963 and RCW 46.52.110; amending section 49, chapter 255, Laws of 1927 as amended by section 20, chapter 257, Laws of 1959 and RCW 79.01.196; amending section 20, chapter 130, Laws of 1925 extraordinary session, as last amended by section 1, chapter 8, Laws of 1963 and RCW 84.64.080; amending section 84.64.270, chapter 15, Laws of 1961 and RCW 84.64-.270; and adding a new section to chapter 4, Laws of 1963 and to chapter 36.16 RCW.

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

RCW 36.34.080
amended.

SECTION 1. Section 36.34.080, chapter 4, Laws of 1963 and RCW 36.34.080 are each amended to read as follows:

All sales of county property ordered after a public hearing upon the proposal to dispose thereof must be made by the county treasurer at such place on county property as the board of county commissioners may direct to the highest and best bidder at public auction.

County prop-
erty—Sale of.
Place of sales
—Public auc-
tion.

SEC. 2. Section 46.52.110, chapter 12, Laws of 1961 as amended by section 1, chapter 44, Laws of 1963 and RCW 46.52.110 are each amended to read as follows:

RCW 46.52.110
amended.

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of every incorporated city and town of this state, constables and members of the Washington state patrol to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

Stolen and
abandoned
vehicles—
Reports of—
Notice—Sale
—Violations—
Penalty.

In the event that any motor vehicle reported as stolen has been recovered, the person so reporting the same as stolen shall be guilty of a misdemeanor unless he shall report the recovery thereof to the sheriff, chief of police, or other chief police officer to whom such motor vehicle was reported as stolen.

Upon receipt of such information the chief of the Washington state patrol shall file the same in a "stolen vehicle index." He shall also file any reports of vehicles stolen in other states and reported to him as such. It shall be the duty of the chief of the Washington state patrol to keep a file record of all vehicles reported to him as recovered.

The chief of the Washington state patrol shall publish at least once a month a list of all vehicles reported as stolen and not reported as having been recovered and all abandoned vehicles and forward a copy of such list to every sheriff in this state, the chief of police or chief police officer of every incor-

Stolen and
abandoned
vehicles—
Reports of—
Notice—Sale
—Violations—
Penalty.

porated city and town with a population in excess of three thousand inhabitants, each member of the Washington state patrol and the cognizant state officer of each state in the United States.

Such information shall be provided by the chief of the Washington state patrol for the use of the director of licenses as will permit the director of licenses to check the motor or serial number set forth in any application for certificate of ownership or certificate of license registration against such "stolen vehicle index" and no such certificates shall be issued upon any vehicle recorded as stolen and the director of licenses shall immediately inform the chief of the Washington state patrol of any application upon any such vehicle.

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of each incorporated city and town, members of the Washington state patrol and constables to report to the chief of the Washington state patrol all vehicles found abandoned on a public highway or at any other place and the same shall be taken into the custody of the sheriff of the county wherein found abandoned and stored and the same shall, for the purposes of listing the same, be considered as a recovered vehicle. Personal notice that such vehicle has been found abandoned shall be forwarded to the registered and legal owners of such vehicle if any record of registered or legal owner thereof exists in this state. In the event there appears to be a registered or legal ownership thereof in another state the sheriff shall send notice thereof to the official having cognizance of issuing legal or registered ownerships in such other state. If, at the expiration of twenty days from the date of mailing such notices by registered or certified mail with return receipt requested, the vehicle remains unclaimed and has not been reported as a stolen vehicle, then the same may be sold at public auc-

tion either at the site of the vehicle or at such place on county property as the board of county commissioners may direct upon notice published in one issue of a paper of general circulation in the county in which such vehicle has been found abandoned, such publication to describe the vehicle and set forth the place, date and time at which such vehicle shall be put up for public auction, which date shall be not sooner than three days following the date of such publication. Any surplus accruing at said sale after deducting the cost of placing the vehicle in custody, advertising and selling the same, shall be held for the owner a period of ten days and if not claimed by the expiration thereof shall be certified one-half to the county treasurer of such county to be placed in the county current expense fund and one-half to the state treasurer to be credited to the highway safety fund.

If no bids are received at said sale the sheriff shall deliver the vehicle to the garage operators who may be entitled to reimbursement for towing and storing the vehicle. In this event such garage operators may dispose of all or any part of the vehicle as they may determine.

Any vehicle left in a garage for storage more than fifteen days where the same has not been left by the registered owner under a contract of storage and has not during such period been removed by the person leaving the same shall be an abandoned vehicle and shall be delivered to the sheriff of the county with notice of such fact. Any garage keeper failing to report such fact to the sheriff and tender delivery to him of such vehicle at the end of fifteen days shall thereby forfeit any claims for the storage of such vehicle. All such vehicles considered abandoned by being left in a garage shall be disposed of in accordance with the procedure prescribed above for abandoned vehicles.

Except for the forfeiture of claim for storage as set forth herein for failure to report vehicle left in excess of fifteen days, nothing in this section shall be construed to impair any lien for storage accruing to a garage keeper under other law of this state.

RCW 79.01.196 amended.

SEC. 3. Section 49, chapter 255, Laws of 1927 as amended by section 20, chapter 257, Laws of 1959 and RCW 79.01.196 are each amended to read as follows:

Public lands, sale of. Place of sale— Hours.

When sales are made by the county auditor, they shall take place at such place on county property as the board of county commissioners may direct in the county in which the whole, or the greater part, of each lot, block or tract of land, or the material thereon, to be sold, is situated. All other sales shall be held at the departmental district offices having jurisdiction over the respective sales. Sales shall be conducted between the hours of ten o'clock in the forenoon and four o'clock in the afternoon.

Any sale which has been offered, and for which there are no bids received shall not be reoffered until it has been readvertised as specified in RCW 79.01.188 and 79.01.192. If all sales cannot be offered within the specified time on the advertised date, the sale shall continue on the following day between the hours of ten o'clock in the forenoon and four o'clock in the afternoon.

RCW 84.64.080 amended.

SEC. 4. Section 20, chapter 130, Laws of 1925 extraordinary session as last amended by section 1, chapter 8, Laws of 1963 and RCW 84.64.080 are each amended to read as follows:

Property taxes. Foreclosure proceedings— Judgment— Sale— Notice— Form of deed— Recording.

The court shall examine each application for judgment foreclosing tax lien, and if defense (specifying in writing the particular cause of objection) be offered by any person interested in any of said

lands or lots to the entry of judgment against the same, the court shall hear and determine the matter in a summary manner, without other pleadings, and shall pronounce judgment as the right of the case may be; or said court may, in its discretion, continue such individual cases, wherein defense is offered, to such time as may be necessary, in order to secure substantial justice to the contestants therein; but in all other cases said court shall proceed to determine the matter in a summary manner as above specified. In all judicial proceedings of any kind for the collection of taxes, and interests and costs thereon, all amendments which by law can be made in any personal action pending in such court shall be allowed, and no assessments of property or charge for any of said taxes shall be considered illegal on account of any irregularity in the tax list or assessment rolls or on account of the assessment rolls or tax list not having been made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax lists without name, or in any other name than that of the owner, and no error or informality in the proceedings of any of the officers connected with the assessment, levying or collection of the taxes, shall vitiate or in any manner affect the tax or the assessment thereof, and any irregularities or informality in the assessment rolls or tax lists or in any of the proceedings connected with the assessment or levy of such taxes or any omission or defective act of any officer or officers connected with the assessment or levying of such taxes, may be, in the discretion of the court, corrected, supplied and made to conform to the law by the court. The court shall give judgment for such taxes, interest and costs as shall appear to be due upon the several lots or tracts described in said notice of application for judg-

Property
taxes.
Foreclosure
proceedings—
Judgement—
Sale—Notice
Form of deed
—Recording.

ment or complaint, and such judgment shall be a several judgment against each tract or lot or part of a tract or lot for each kind of tax included therein, including all interest and costs, and the court shall order and direct the clerk to make and enter an order for the sale of such real property against which judgment is made, or vacate and set aside the certificate of delinquency or make such other order or judgment as in the law or equity may be just. Said order shall be signed by the judge of the superior court and attested by the clerk thereof, and a certified copy of said order, together with the list of the property therein ordered sold, shall be delivered to the county treasurer, and shall be full and sufficient authority for him to proceed to sell said property for said sum as set forth in said order and to take such further steps in the matter as are provided by law. The county treasurer shall immediately after receiving the order and judgment of the court proceed to sell the property as provided in this chapter to the highest and best bidder for cash. All sales shall be made at such place on county property as the board of county commissioners may direct on Friday between the hours of 9 o'clock in the morning and 4 o'clock in the afternoon, and shall continue from day to day (Saturdays and Sundays excepted) during the same hours until all lots or tracts are sold, after first giving notice of the time and place where such sale is to take place for ten days successively by posting notice thereof in three public places in the county, one of which shall be in the office of said treasurer. The notice shall be substantially in the following form:

TAX JUDGMENT SALE

Public notice is hereby given that pursuant to real property tax judgment of the superior court of the county of in the state of Washington, and an order of sale duly issued by

said court, entered the day of,
, in proceedings for foreclosure of tax liens
 upon real property, as per provisions of law, I shall
 on the day of,, at
 o'clock a.m., at in the
 city of, and county of,
 state of Washington, sell the following described
 lands or lots, to the highest and best bidder for
 cash, to satisfy the full amount of taxes, interest
 and costs adjudged to be due thereon as follows,
 to wit: (Description of property.)

In witness whereof, I have hereunto affixed my
 hand and seal this day of,

.....
 Treasurer of county.

No county officer or employee shall directly or
 indirectly be a purchaser of such property at such
 sale.

The treasurer may include in one notice any
 number of separate tracts or lots.

If any buildings or improvements are upon an
 area encompassing more than one tract or lot, the
 same must be advertised and sold as a single unit.

If the highest amount bid for any such separate
 unit tract or lot is in excess of the entire amount
 of the taxes and interest due upon the whole prop-
 erty included in the certificate of delinquency, the
 excess shall be refunded, on application therefor,
 to the record owner of the property. In the event
 no claim for the said excess is received by the county
 treasurer within three years after the date of the
 sale he shall at expiration of the three year period
 deposit such excess in the current expense fund of
 the county. The county treasurer shall execute to
 the purchaser of any piece or parcel of land a tax
 deed. The deed so made by the county treasurer,
 under the official seal of his office, shall be recorded

Property
taxes.
Foreclosure
proceedings—
Judgment—
Sale—Notice
Form of deed
—Recording.

in the same manner as other conveyances of real property, and shall vest in the grantee, his heirs and assigns the title to the property therein described, without further acknowledgment or evidence of such conveyance, and shall be substantially in the following form:

State of Washington }
County of } ss.

This indenture, made this day of,
....., between, as treasurer of
..... county, state of Washington, party
of the first part, and, party of
the second part:

Witnesseth, that, whereas, at a public sale of real property held on the day of,
....., pursuant to a real property tax judgment entered in the superior court in the county of on the day of,
....., in proceedings to foreclose tax liens upon real property and an order of sale duly issued by said court, duly purchased in compliance with the laws of the state of Washington, the following described real property, to wit: (Here place description of real property conveyed) and that said has complied with the laws of the state of Washington necessary to entitle (him, or her or them) to a deed for said real property.

Now, therefore, know ye, that, I,
county treasurer of said county of,
state of Washington, in consideration of the premises and by virtue of the statutes of the state of Washington, in such cases provided, do hereby grant and convey unto, his heirs and assigns, forever, the said real property hereinbefore described.

Given under my hand and seal of office this.....
day of, A. D.

.....
County Treasurer.

SEC. 5. Section 84.64.270, chapter 15, Laws of 1961 and RCW 84.64.270 are each amended to read as follows:

RCW 84.64.270 amended.

Real property heretofore or hereafter acquired by any county of this state by foreclosure of delinquent taxes may be sold by order of the board of county commissioners of the county when in the judgment of the members of the board they deem it for the best interests of the county to sell the same. When the board desires to sell any such property it may, if deemed advantageous to the county, combine any or all of the several lots and tracts of such property in one or more units, and may reserve from sale coal, oil, gas, gravel, minerals, ores, fossils, timber, or other resources on or in said lands, and the right to mine for and remove the same, and it shall then enter an order on its records fixing the unit or units in which the property shall be sold and the minimum price for each of such units, and reserving from sale such of said resources as it may determine and from which units such reservations shall apply, and directing the county treasurer to sell such property in the unit or units and at not less than the price or prices and subject to such reservations so fixed by said board: *Provided*, That the said order shall be subject to the approval of the county treasurer if several lots or tracts of land are combined in one unit. It shall be the duty of the county treasurer upon receipt of such order to publish once a week for three consecutive weeks a notice of the sale of such property in a newspaper printed and published in the county where the land is situated: *Provided*, That in counties where there is no newspaper published,

Sales of tax-title property
—Reservations
—Notices—
Installment contracts—
Separate sale of reserved resources.

County prop-
erty—Sale of.
Sale of tax—
title property
—Reservations
—Notices—In-
stallment con-
tracts—Sep-
arate sale of
reserved
resources.

the treasurer of such county shall cause such notice to be published in some newspaper in the state of general circulation in such county having no resident newspaper, said notice shall describe the property to be sold, the unit or units, the reservations, and the minimum price fixed in said order, together with the time and place and terms of sale, which said sale shall be made at such place on county property as the board of county commissioners may direct in the county in which the land is situated between the hours of 9 o'clock a. m. and 4 o'clock p. m., and all sales so made shall be to the highest and best bidder at such sale, and sales to be made under the provisions of this chapter may be adjourned from day to day by the county treasurer by public announcement made by the treasurer at the time and place designated in the notice of such sale, or at the time and place to which said sale may be adjourned. The person making the bid shall state whether he will pay cash for the amount of his bid or accept a real estate contract of purchase in accordance with the provisions hereinafter contained. The person making the highest bid shall become the purchaser of said property. If the highest bidder is a contract bidder the purchaser shall be required to pay twenty percent of the total purchase price at the time of said sale and shall enter into a contract with the county as vendor and the purchaser as vendee which shall obligate and require the purchaser to pay the balance of said purchase price in ten equal annual installments commencing November 1st and each year following the date of said sale, and shall require said purchaser to pay six percent interest on all deferred payments, interest to be paid at the time the annual installment is due; and may contain a provision authorizing the purchaser to make payment in full at any time of any balance due on the total purchase price plus accrued interest on such balance. Said contract shall contain

a provision requiring the purchaser to pay before delinquency all subsequent taxes and assessments that may be levied or assessed against said property subsequent to the date of said contract, and shall contain a provision that time is of the essence of the contract and that in event of a failure of the vendee to make payments at the time and in the manner required and to keep and perform the covenants and conditions therein required of him that the said contract may be forfeited and terminated at the election of the vendor, and that in event of said election all sums theretofore paid by the vendee shall be forfeited as liquidated damages for failure to comply with the provisions of said contract; and shall require the vendor to execute and deliver to the vendee a deed of conveyance covering said property upon the payment in full of the purchase price, plus accrued interest: *Provided further*, That said board may, by order entered in its records, direct said coal, oil, gas, gravel, minerals, ores, timber, or other resources sold apart from the land, such sale to be conducted in the manner hereinabove prescribed for the sale of the land: *Provided further*, That any such reserved minerals or resources not exceeding two hundred dollars in value may be sold, when said board deems it advisable, either with or without such publication of the notice of sale, and in such manner as the board may determine will be most beneficial to the county.

SEC. 6. There is added to chapter 4, Laws of 1963 and to chapter 36.16 RCW a new section to read as follows:

New section.

Public auction sales of property conducted by or for the county or an officer thereof shall be held at such places on county property as the board of county commissioners may direct.

County public
auction sales—
Commissioners
to direct place
of.

Passed the House March 16, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 24.

[House Bill No. 161.]

COUNTIES—PLANNING—BOARD OF ADJUSTMENT.

AN ACT relating to county boards of adjustment and amending section 36.70.210, chapter 4, Laws of 1963, and RCW 36-.70.210.

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

RCW 36.70.210 amended.

SECTION 1. Section 36.70.210, chapter 4, Laws of 1963, and RCW 36.70.210 are each hereby amended to read as follows:

County board of adjustment. Membership—Quorum.

A board of adjustment shall consist of five or seven members as may be provided by ordinance, and a majority of the members shall constitute a quorum for the transaction of all business.

Passed the House March 16, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 25.

[House Bill No. 163.]

COUNTIES—ROAD FUND—EQUIPMENT RENTAL AND
REVOLVING FUND.

AN ACT relating to the road fund and equipment rental and revolving fund; and adding a new section to chapter 4, Laws of 1963 and chapter 36.82 RCW.

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

SECTION 1. There is added to chapter 4, Laws of 1963 and to chapter 36.82 RCW a new section to read as follows:

In lieu of issuing separate payroll warrants on the county road fund and the equipment rental and revolving fund the county commissioners may authorize the county treasurer to make appropriate transfers by approved voucher and the issuing of a warrant to cover expenditures between funds.

New section.

County funds. Salaries, warrant covering expenditures between funds.

Passed the House March 16, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 26.

[House Bill No. 192.]

INTERSTATE COMPACT ON MENTAL HEALTH.

AN ACT relating to mentally ill and mentally deficient persons; adopting the interstate compact on mental health relating to care and treatment of such persons in this and other participating states; authorizing agreements supplemental thereto; providing for the administration thereof; and adding a new chapter to chapter 28, Laws of 1959 and to Title 72 RCW.

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

Interstate compact on mental health. Formal contents.

SECTION 1. The Interstate Compact on Mental Health is hereby enacted into law and entered into by this state with all other states legally joining therein in the form substantially as follows:

The contracting states solemnly agree that:

Article I

The party states find that the proper and expeditious treatment of the mentally ill and mentally deficient can be facilitated by cooperative action, to the benefit of the patients, their families, and society as a whole. Further, the party states find that the necessity of and desirability for furnishing such care and treatment bears no primary relation to the residence or citizenship of the patient but that, on the contrary, the controlling factors of community safety and humanitarianism require that facilities and services be made available for all who are in need of them. Consequently, it is the purpose of this compact and of the party states to provide the necessary legal basis for the institutionalization or other appropriate care and treatment of the mentally ill and mentally deficient under a system that recognizes the paramount importance of patient welfare and to establish the responsibilities of the party states in terms of such welfare.

Article II

As used in this compact:

(a) "Sending state" shall mean a party state from which a patient is transported pursuant to the provisions of the compact or from which it is contemplated that a patient may be so sent.

(b) "Receiving state" shall mean a party state to which a patient is transported pursuant to the provisions of the compact or to which it is contemplated that a patient may be so sent.

(c) "Institution" shall mean any hospital or other facility maintained by a party state or political subdivision thereof for the care and treatment of mental illness or mental deficiency.

(d) "Patient" shall mean any person subject to or eligible as determined by the laws of the sending state, for institutionalization or other care, treatment, or supervision pursuant to the provisions of this compact.

(e) "After-care" shall mean care, treatment and services provided a patient, as defined herein, on convalescent status or conditional release.

(f) "Mental illness" shall mean mental disease to such extent that a person so afflicted requires care and treatment for his own welfare, or the welfare of others, or of the community.

(g) "Mental deficiency" shall mean mental deficiency as defined by appropriate clinical authorities to such extent that a person so afflicted is incapable of managing himself and his affairs, but shall not include mental illness as defined herein.

(h) "State" shall mean any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

Article III

(a) Whenever a person physically present in any party state shall be in need of institutionalization

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by reason of mental illness or mental deficiency, he shall be eligible for care and treatment in an institution in that state irrespective of his residence, settlement or citizenship qualifications.

(b) The provisions of paragraph (a) of this article to the contrary notwithstanding, any patient may be transferred to an institution in another state whenever there are factors based upon clinical determinations indicating that the care and treatment of said patient would be facilitated or improved thereby. Any such institutionalization may be for the entire period of care and treatment or for any portion or portions thereof. The factors referred to in this paragraph shall include the patient's full record with due regard for the location of the patient's family, character of the illness and probable duration thereof, and such other factors as shall be considered appropriate.

(c) No state shall be obliged to receive any patient pursuant to the provisions of paragraph (b) of this article unless the sending state has given advance notice of its intention to send the patient; furnished all available medical and other pertinent records concerning the patient; given the qualified medical or other appropriate clinical authorities of the receiving state an opportunity to examine the patient if said authorities so wish; and unless the receiving state shall agree to accept the patient.

(d) In the event that the laws of the receiving state establish a system of priorities for the admission of patients, an interstate patient under this compact shall receive the same priority as a local patient and shall be taken in the same order and at the same time that he would be taken if he were a local patient.

(e) Pursuant to this compact, the determination as to the suitable place of institutionalization for a patient may be reviewed at any time and such fur-

ther transfer of the patient may be made as seems likely to be in the best interest of the patient.

Article IV

(a) Whenever, pursuant to the laws of the state in which a patient is physically present, it shall be determined that the patient should receive after-care or supervision, such care or supervision may be provided in a receiving state. If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state shall have reason to believe that after-care in another state would be in the best interest of the patient and would not jeopardize the public safety, they shall request the appropriate authorities in the receiving state to investigate the desirability of affording the patient such after-care in said receiving state, and such investigation shall be made with all reasonable speed. The request for investigation shall be accompanied by complete information concerning the patient's intended place of residence and the identity of the person in whose charge it is proposed to place the patient, the complete medical history of the patient, and such other documents as may be pertinent.

(b) If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state and the appropriate authorities in the receiving state find that the best interest of the patient would be served thereby, and if the public safety would not be jeopardized thereby, the patient may receive after-care or supervision in the receiving state.

(c) In supervising, treating, or caring for a patient on after-care pursuant to the terms of this article, a receiving state shall employ the same standards of visitation, examination, care, and treatment that it employs for similar local patients.

Article V

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Whenever a dangerous or potentially dangerous patient escapes from an institution in any party state, that state shall promptly notify all appropriate authorities within and without the jurisdiction of the escape in a manner reasonably calculated to facilitate the speedy apprehension of the escapee. Immediately upon the apprehension and identification of any such dangerous or potentially dangerous patient, he shall be detained in the state where found pending disposition in accordance with law.

Article VI

The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the patient, shall be permitted to transport any patient being moved pursuant to this compact through any and all states party to this compact, without interference.

Article VII

(a) No person shall be deemed a patient of more than one institution at any given time. Completion of transfer of any patient to an institution in a receiving state shall have the effect of making the person a patient of the institution in the receiving state.

(b) The sending state shall pay all costs of and incidental to the transportation of any patient pursuant to this compact, but any two or more party states may, by making a specific agreement for that purpose, arrange for a different allocation of costs as among themselves.

(c) No provision of this compact shall be construed to alter or affect any internal relationships among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

(d) Nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to any provision of this compact.

(e) Nothing in this compact shall be construed to invalidate any reciprocal agreement between a party state and a nonparty state relating to institutionalization, care or treatment of the mentally ill or mentally deficient, or any statutory authority pursuant to which such agreements may be made.

Article VIII

(a) Nothing in this compact shall be construed to abridge, diminish, or in any way impair the rights, duties, and responsibilities of any patient's guardian on his own behalf or in respect of any patient for whom he may serve, except that where the transfer of any patient to another jurisdiction makes advisable the appointment of a supplemental or substitute guardian, any court of competent jurisdiction in the receiving state may make such supplemental or substitute appointment and the court which appointed the previous guardian shall upon being duly advised of the new appointment, and upon the satisfactory completion of such accounting and other acts as such court may by law require, relieve the previous guardian of power and responsibility to whatever extent shall be appropriate in the circumstances: *Provided, however,* That in the case of any patient having settlement in the sending state, the court of competent jurisdiction in the sending state shall have the sole discretion to relieve a guardian appointed by it or continue his power and responsibility, whichever it shall deem advisable. The court in the receiving state may, in its discretion, confirm or reappoint the person or persons previously serving as

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guardian in the sending state in lieu of making a supplemental or substitute appointment.

(b) The term "guardian" as used in paragraph (a) of this article shall include any guardian, trustee, legal committee, conservator, or other person or agency however denominated who is charged by law with power to act for or responsibility for the person or property of a patient.

Article IX

(a) No provision of this compact except Article V shall apply to any person institutionalized while under sentence in a penal or correctional institution or while subject to trial on a criminal charge, or whose institutionalization is due to the commission of an offense for which, in the absence of mental illness or mental deficiency, said person would be subject to incarceration in a penal or correctional institution.

(b) To every extent possible, it shall be the policy of states party to this compact that no patient shall be placed or detained in any prison, jail or lockup, but such patient shall, with all expedition, be taken to a suitable institutional facility for mental illness or mental deficiency.

Article X

(a) Each party state shall appoint a "compact administrator" who, on behalf of his state, shall act as general coordinator of activities under the compact in his state and who shall receive copies of all reports, correspondence, and other documents relating to any patient processed under the compact by his state either in the capacity of sending or receiving state. The compact administrator or his duly designated representative shall be the official with whom other party states shall deal in any matter relating to the compact or any patient processed thereunder.

(b) The compact administrators of the respective party states shall have power to promulgate reasonable rules and regulations to carry out more effectively the terms and provisions of this compact.

Article XI

The duly constituted administrative authorities of any two or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the states concerned shall find that such agreements will improve services, facilities, or institutional care and treatment in the fields of mental illness or mental deficiency. No such supplementary agreement shall be construed so as to relieve any party state of any obligation which it otherwise would have under other provisions of this compact.

Article XII

This compact shall enter into full force and effect as to any state when enacted by it into law and such state shall thereafter be a party thereto with any and all states legally joining therein.

Article XIII

(a) A state party to this compact may withdraw therefrom by enacting a statute repealing the same. Such withdrawal shall take effect one year after notice thereof has been communicated officially and in writing to the governors and compact administrators of all other party states. However, the withdrawal of any state shall not change the status of any patient who has been sent to said state or sent out of said state pursuant to the provisions of the compact.

(b) Withdrawal from any agreement permitted by Article VII(b) as to costs or from any supplementary agreement made pursuant to Article XI

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shall be in accordance with the terms of such agreement.

Article XIV

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party 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 party thereto, 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.

Compact administrator—Rules and regulations—Cooperation between state agencies.

SEC. 2. Pursuant to said compact provided in section 1 of this act, the director of the department of institutions shall be the compact administrator and who, acting jointly with like officers of other party states, shall have power to promulgate rules and regulations to carry out more effectively the terms of the compact. The compact administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or any supplementary agreement or agreements entered into by this state thereunder.

Agreement with other states—Agency approval for use of its facilities.

SEC. 3. The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to Articles VII and XI of the compact. In the event that such supplementary agree-

ments shall require or contemplate the use of any institution or facility of this state or require or contemplate the provision of any service by this state, no such agreement shall have force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

SEC. 4. The compact administrator, subject to the moneys available therefor, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into thereunder. Financing.

SEC. 5. No person shall be transferred to another party state pursuant to this chapter unless the compact administrator first shall have obtained either: Prerequisites
before transfer
of persons to
another state.

(a) The written consent to such transfer by the proposed transferee or by others on his behalf, which consent shall be executed in accordance with the requirements of RCW 72.23.070, and if such person was originally committed involuntarily, such consent also shall be approved by the committing court; or

(b) An order of the superior court approving such transfer, which order shall be obtained from the committing court, if such person was committed involuntarily, otherwise from the superior court of the county where such person resided at the time of such commitment; and such order shall be issued only after notice and hearing in the manner provided for the involuntary commitment of mentally ill or mentally deficient persons as the case may be.

The courts of this state shall have concurrent jurisdiction with the appropriate courts of other party states to hear and determine petitions seeking the release or return of residents of this state who have been transferred from this state under this

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chapter to the same extent as if such persons were hospitalized in this state; and the laws of this state relating to the release of such persons shall govern the disposition of any such proceeding.

Copies of law transmitted.

SEC. 6. Duly authorized copies of this chapter shall, upon its approval be transmitted by the secretary of state to the governor of each state, the attorney general and the administrator of general services of the United States, and the council of state governments.

Nonapplication to Chapter 72.25 RCW.

SEC. 7. Nothing in this chapter shall affect the right of the director of the department of institutions to deport aliens and return residents of non-party states as provided in chapter 72.25 RCW.

New chapter.

SEC. 8. The foregoing provisions of this act are added to chapter 28, Laws of 1959 and to Title 72 RCW, and shall constitute a new chapter therein.

Effective date.

SEC. 9. This act shall take effect upon July 1, 1965.

Passed the House March 18, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 27.

[House Bill No. 216.]

CLAM DIGGER'S LICENSES.

AN ACT relating to food fish and shellfish; making it unlawful to dig hard shell clams for commercial purposes, except on licensed clam farms; and amending section 75.28.285, chapter 12, Laws of 1955 and RCW 75.28.285.

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

SECTION 1. Section 75.28.285, chapter 12, Laws of 1955 and RCW 75.28.285 are each amended to read as follows:

RCW 75.28.285 amended.

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 fee for such license shall be 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.

Food fish and shellfish. Clam digger's license — Digging hard shell clams for commercial purposes unlawful, when.

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.

Passed the House March 16, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 28.

[House Bill No. 218.]

WHOLESALE FISH DEALER'S LICENSES.

AN ACT relating to food fish and shellfish; requiring wholesale fish dealer's license for certain commercial activities; and amending section 75.28.300, chapter 12, Laws of 1955 as amended by section 11, chapter 212, Laws of 1955 and RCW 75.28.300.

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

RCW 75.28.300 amended.

SECTION 1. Section 75.28.300, chapter 12, Laws of 1955, as amended by section 11, chapter 212, Laws of 1955 and RCW 75.28.300 are each amended to read as follows:

Food fish and shellfish, wholesale fish dealer's license.

A wholesale fish dealer's license is required for:

(1) Any business in the state engaged in the freezing, salting, smoking, kippering, preserving in ice or any processing or curing of any food fish or shellfish, or the shucking or cleaning of shellfish for commercial purposes;

(2) Any business in the state engaged in the wholesale selling or buying of food fish or shellfish except those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail; and

(3) Any fisherman or clam or oyster farmer who lands his catch or his shellfish harvest in the state of Washington and sells it directly to retail fish or shellfish dealers located either within or outside the state of Washington as well as to wholesale dealers, canners, freezers, or processors located outside the state of Washington.

The fee for said permit is thirty-seven dollars and fifty cents per annum. This section shall not

apply to persons buying or selling oyster seed for transplant.

Passed the House March 16, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 29.

[House Bill No. 219.]

FISH BUYER'S LICENSES.

AN ACT relating to food fish and shellfish; and amending section 75.28.350, chapter 12, Laws of 1955 and RCW 75.28.350.

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

SECTION 1. Section 75.28.350, chapter 12, Laws of 1955 and RCW 75.28.350 are each amended to read as follows:

RCW 75.28.350 amended.

A fish buyer's license shall be obtained by every wholesaler, canner, byproducts manufacturer, or broker for each and every fish buyer engaged as a representative in the state for such wholesaler, canner, byproducts manufacturer or broker, and the fee for said license is seven dollars and fifty cents per annum.

Food fish and shellfish. Fish buyer's license.

The term "fish buyer" as used in this section means a buyer who purchases at a place or places other than his employer's business premises, and who buys for only one person. In the event the buyer buys for two or more persons, he shall be deemed a wholesale fish dealer and shall be required to be licensed as such.

Passed the House March 16, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 30.

[House Bill No. 220.]

COMMERCIAL FISHING LICENSES—TRANSFERABILITY
—NONRESIDENTS.

AN ACT relating to food fish and shellfish; and amending section 75.28.060, chapter 12, Laws of 1955 as last amended by section 8, chapter 309, Laws of 1959 and RCW 75.28.060.

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

RCW 75.28.060 amended.

SECTION 1. Section 75.28.060, chapter 12, Laws of 1955 as last amended by section 8, chapter 309, Laws of 1959 and RCW 75.28.060 are each amended to read as follows:

Food fish and shellfish. Licenses transferable.

All commercial fishing licenses provided for in this chapter shall be transferable. It shall be unlawful for any license to be operated or caused to be operated by any person other than the licensee or any agent or employee of the licensee. In the event gear is operated by a nonresident, the gear shall be licensed as nonresident gear. In the event 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.

Passed the House March 16, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 31.

[House Bill No. 240.]

WASHINGTON COMMERCIAL FEED LAW.

AN ACT relating to commercial feed including customer-formula feed; repealing sections 15.53.010 through 15.53.900, chapter 11, Laws of 1961 and RCW 15.53.010 through 15.53.900; providing penalties; and making an effective date.

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

SECTION 1. This act shall be known as the "Washington Commercial Feed Law".

Commercial
feed law.
Short title.

SEC. 2. For the purposes of this act:

Definitions.

(1) "Department" means the department of agriculture of the state of Washington or its duly authorized representative.

(2) "Person" means a natural person, individual, firm, partnership, corporation, company, society, or association.

(3) "Distribute" means to offer for sale, hold for sale, sell, or barter, commercial feed, or to supply, furnish or otherwise provide commercial feed to a contract feeder.

(4) "Distributor" means any person who distributes.

(5) "Sell" or "sale" includes exchange.

(6) "Commercial feed" means all materials including customer-formula feed which are distributed for use as feed or for mixing in feed, for animals other than man except:

(a) Unmixed seed, whole or processed, made directly from the entire seed;

(b) Unground hay, straw, stover, silage, cobs, husks, and hulls when not mixed with other materials;

(c) Individual chemical compounds when not mixed with other materials; or

Commercial
feed law.
Definitions.

(d) Bona fide experimental feeds, on which accurate records and experimental programs are maintained.

(7) "Feed ingredient" means each of the constituent materials making up a commercial feed.

(8) "Customer-formula feed" means a mixture of commercial feed and/or materials each batch of which mixture is mixed according to the specific instructions of the final purchaser, or contract feeder.

(9) "Brand" means the term, design, trademark, or other specific designation under which an individual commercial feed is distributed in this state.

(10) "Label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed is distributed.

(11) "Ton" means a net weight of two thousand pounds avoirdupois.

(12) "Percent" or "percentage" means percentage by weight.

(13) "Official sample" means any sample of feed taken by the department, obtained and analyzed as provided in section 9 of this act.

(14) "Contract feeder" means an independent contractor, or any other person who feeds commercial feed to animals pursuant to an oral or written agreement whereby such commercial feed is supplied, furnished or otherwise provided to such person by any distributor and whereby such person's remuneration is determined all or in part by feed consumption, mortality, profits, or amount or quality of product: *Provided*, That it shall not include a bona fide employee of a manufacturer or distributor of commercial feed.

(15) "Retail" means to distribute to the ultimate consumer.

SEC. 3. The department shall administer, enforce and carry out the provisions of this act and may adopt rules necessary to carry out its purpose. The adoption of rules shall be subject to a public hearing and all other applicable provisions of chapter 34.04 RCW (Administrative Procedure Act), as enacted or hereafter amended.

Administration
of law—Rules
and
regulations.

The director when adopting rules in respect to the feed industry shall consult with affected parties, such as manufacturers and distributors of commercial feed and any final rule adopted shall be designed to promote orderly marketing and shall be reasonable and necessary and based upon the requirements and condition of the industry and shall be for the purpose of promoting the well-being of the members of the feed industry as well as the well-being of the purchasers and users of feed and for the general welfare of the people of the state.

SEC. 4. (1) Each commercial feed shall be registered with the department and such registration shall be renewed annually before such commercial feed may be distributed in this state: *Provided*, That customer-formula feeds are exempt from such registration.

Registration—
Fees—Appli-
cation—
Changes in
guarantee per-
mitted, when—
Refusal or
cancellation,
when.

(a) The first and original application for a brand registration for a commercial feed, under the provisions of this act, shall be accompanied by a registration fee of ten dollars.

(b) Each annual renewal of a brand registration for a commercial feed shall be accompanied by a renewal fee of five dollars.

(c) Any person who distributes a commercial feed in packages of less than ten pounds shall pay an annual registration fee of ten dollars on each such commercial feed so distributed: *Provided*, That no inspection fee shall be collected on packages of less than ten pounds of the commercial feed so registered.

Commercial
feed law.
Application—
Changes in
guarantee per-
mitted, when—
Refusal or
cancellation,
when.

(2) The application for registration shall be on forms provided by the department.

(3) The department may require that such application be accompanied by a label and/or other printed matter describing the product. All registrations issued on or after January 1, 1966, shall be renewable as provided in (1) (b) of this section unless such registration is canceled by the department or it has called for a new registration, or unless canceled by the registrant.

(4) The application shall include the information required by section 5 (1) (b) through (1) (e) of this act.

(5) A distributor shall not be required to register any brand of commercial feed which is already registered under the provisions of this act by any other person.

(6) Changes in the guarantee of either chemical or ingredient composition of a commercial feed registered under the provisions of this act may be permitted provided there is satisfactory evidence that such changes would not result in a lowering of the feed value of the product for the purpose for which designed.

(7) The department is empowered to refuse registration of any application not in compliance with the provisions of this act and to cancel any registration subsequently found not to be in compliance with any provisions of the act: *Provided*, That no registration shall be refused or canceled until the registrant shall have been given opportunity to be heard before the department and to amend his application in order to comply with the requirements of this act.

Registration—
Label—Con-
tents—
Customer-
formula feed
labeled by in-
voice, contents.

SEC. 5. (1) Any commercial feed registered with the department and distributed in this state shall be accompanied by a legible label bearing the following information:

(a) The net weight as required under chapter 19.93 RCW as enacted or hereinafter amended.

(b) The name or brand under which the commercial feed is distributed.

(c) The guaranteed analysis of the commercial feed, listing the minimum percentage of crude protein, minimum percentage of crude fat, and maximum percentage of crude fiber. For mineral feeds the list shall include the following if added: Minimum and maximum percentages of calcium (Ca), minimum percentage of phosphorus (P), minimum percentage of iodine (I), and minimum and maximum percentages of salt (NaCl). Other substances or elements, determinable by laboratory methods, may be guaranteed by permission of the department. When any items are guaranteed, they shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the department. Products distributed solely as mineral and/or vitamin supplements and guaranteed as specified in this section need not show guarantees for protein, fat, and fiber.

(d) The common or usual name of each ingredient used in the manufacture of the commercial feed, except as the department may, by regulation, permit the use of a collective term for a group of ingredients all of which perform the same function. An ingredient statement is not required for single standardized ingredient feeds which are officially defined.

(e) The name and principal address of the person responsible for distributing the commercial feed.

(2) When a commercial feed is distributed in this state in bags or other containers, the label shall be placed on or affixed to the container; when a commercial feed is distributed in bulk the label shall accompany delivery and be furnished to the purchaser at time of delivery.

Commercial
feed law.
Customer-for
mula feed
labeled by in-
voice, contents.

(3) A customer-formula feed shall be labeled by invoice. The invoice, which is to accompany delivery and be supplied to the purchaser at the time of delivery, shall bear the following information:

- (a) Name and address of the mixer;
- (b) Name and address of the purchaser;
- (c) Date of sale; and

(d) Brand name and number of pounds of each registered commercial feed used in the mixture and the name and number of pounds of each other feed ingredient added.

(4) If a commercial feed contains a nonnutritive substance which is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or which is intended to affect the structure or any function of the animal body, the department may require the label to show the amount present, directions for use, and/or warnings against misuse of the feed.

(5) A customer-formula feed shall be considered to be in violation of this act if it does not conform to the invoice labeling. Upon request of the department it shall be the duty of the person distributing the customer-formula feed to supply the department with a copy of the invoice which represents that particular feed: *Provided*, That such person shall not be required to keep such invoice for a period of longer than six months.

Inspection fee
on distributors
—Payment—
Records—
Additional fee
for late
payment—
Application to
feed brought
into state for
use.

SEC. 6. (1) On or after October 1, 1965, there shall be due and owing to the department an inspection fee of four cents per ton on all commercial feed distributed in this state. Such inspection fee shall be paid by any person who distributes commercial feed in this state: *Provided*, That when more than one person is involved in the distribution of a commercial feed, the person who distributes to the consumer is responsible for reporting the tonnage and paying the inspection fee unless the report and pay-

ment have been made by a prior distributor of the feed: *And provided further*, That no inspection fee shall be paid on that part of any commercial feed on which an inspection fee has been paid to the department, or any commercial feed which is shipped out of state.

(2) The distributor of any commercial feed to a consumer in this state shall:

(a) File, not later than the last day of January, April, July, and October of each year, a quarterly statement under oath, setting forth the number of net tons of commercial feed distributed in this state during the preceding calendar quarter; and upon filing such statement shall pay the inspection fee at the rate stated in subsection (1) hereof;

(b) Keep such reasonable and practical records as may be necessary or required by the department to indicate accurately the tonnage of commercial feed distributed in this state, and the department shall have the right to examine such records to verify statements of tonnage.

Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein shall constitute a violation of this act.

(3) Inspection fees which are due and owing and have not been remitted to the department within thirty days following the due date shall have a collection fee of ten percent added to the amount due when payment is finally made. The assessment of this collection fee shall not prevent the department from taking other actions as provided for in this act.

(4) Any commercial feed purchased by a consumer or contract feeder outside the jurisdiction of this state and brought into this state for use shall be subject to all the provisions of this act including inspection fees.

Commercial
feed law.
Adulterated
feed—Defined
—Unlawful to
distribute.

SEC. 7. It shall be unlawful for any person to distribute an adulterated feed. A commercial feed shall be deemed to be adulterated:

(1) If any poisonous, deleterious, or nonnutritive ingredient has been added in sufficient amount to render it injurious to health when fed in accordance with directions for use on the label;

(2) If any valuable constituent has been in whole or in part omitted or abstracted therefrom and/or any less valuable substance added;

(3) If it contains viable primary noxious weed seeds in excess of one per pound, or if it contains viable secondary noxious weed seeds in excess of twenty-five per pound. The primary and secondary noxious weed seeds shall be those as named pursuant to the provisions of chapter 15.48 RCW as enacted or hereafter amended and rules adopted thereunder.

Misbranded
feed—Defined
—Unlawful to
distribute.

SEC. 8. It shall be unlawful for any person to distribute misbranded feed. A commercial feed shall be deemed to be misbranded:

(1) If its labeling is false or misleading in any particular;

(2) If it is distributed under the name of another feed;

(3) If it is not labeled as required in section 5 of this act and in regulations prescribed under this act;

(4) If it purports to be or is represented as a feed ingredient, or if it purports to contain or is represented as containing a feed ingredient, unless such feed ingredient conforms to the definition of identity, if any, prescribed by regulation of the department. In the adopting of such regulations the department may consider commonly accepted definitions such as those issued by nationally recognized associations or groups of feed control officials;

(5) If any word, statement, or other information required by or under authority of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(6) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

SEC. 9. (1) It shall be the duty of the department to sample, inspect, make analysis of, and test commercial feed distributed within this state at such time and place and to such an extent as it may deem necessary to determine whether such feeds are in compliance with the provisions of this act. The department is authorized to stop any commercial vehicle transporting feed on the public highways and direct it to the nearest scales approved by the department to check weights of feeds being delivered. The department is also authorized, upon presentation of proper identification, to enter any distributor's premises including any vehicle of transport at all reasonable times in order to have access to commercial feed and to records relating to their distribution. This includes the determining of the weight of packages and bulk shipments.

(2) The methods of sampling and analysis shall be those adopted by the department from officially recognized sources.

(3) The department, in determining for administrative purposes whether a feed is deficient in any component, shall be guided solely by the official sample as defined in subsection (13) of section 2 of this act and obtained and analyzed as provided for in this section.

Sampling,
testing and
analysis of
commercial
feed, depart-
mental powers
relating to—
Methods—
Analysis as
evidence.

Commercial
feed law.
Sampling,
testing and
analysis of
commercial
feed—
Analysis as
evidence.

(4) When the inspection and analysis of an official sample has been made the results of analysis shall be forwarded by the department to the distributor and to the purchaser if known. Upon request and within thirty days the department shall furnish to the distributor a portion of the sample concerned.

(5) Analysis of an official sample by the department shall be accepted as prima facie evidence by any court of competent jurisdiction.

Distribution at
retail—
Annual
license fee.

SEC. 10. No person shall distribute commercial feed at retail without first having obtained an annual license from the department which shall expire on the thirty-first day of December. A separate license shall be required for each establishment or vehicle used by the applicant to sell commercial feed at retail: *Provided*, That such license shall not be required of any vehicle used by a licensee merely in delivering commercial feed, nor to any dealer as to his sales of foods for domestic pets, such as dogs, cats, and birds.

—Applica-
tion—Contents.

SEC. 11. Application for a license to distribute feed at retail shall be on a form prescribed by the department and shall include the following:

(1) The full name of the person applying for the license;

(2) If such applicant is an individual, receiver, trustee, firm, partnership, association, or corporation, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application;

(3) The principal business address of the applicant in the state and elsewhere;

(4) The name of a person domiciled in this state authorized to receive and accept service or legal notices of all kinds;

(5) Any other reasonable and practical information prescribed by the department necessary to carry out the purposes and provisions of this act.

The department shall issue a license to an applicant upon its satisfaction that the applicant has satisfied the requirements of this act and rules adopted hereunder and that such applicant has paid the required license fee.

SEC. 12. The application for an annual license to distribute feed at retail shall be accompanied by an annual license fee of ten dollars. —Fee.

SEC. 13. If an application for renewal of the license provided for in section 10 of this act is not filed prior to January 1st of any one year, a penalty of five dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: *Provided*, That such penalty shall not apply if the applicant furnishes an affidavit that he has not acted as a retail feed dealer subsequent to the expiration of his prior license. —Penalty for late renewal.

SEC. 14. The department is authorized to deny, suspend, or revoke the license provided for in section 10 of this act subsequent to a hearing, in any case in which it finds that there has been a failure or refusal to comply with the provisions of this act or rules adopted hereunder. —Denial, suspension or revocation authorized—Grounds.

SEC. 15. All hearings for a denial, suspension, or revocation of any license or registration provided for in this act shall be subject to the provisions of chapter 34.04 RCW (The Administrative Procedure Act) concerning contested cases, as enacted or hereafter amended. Hearings subject to Administrative Procedure Act.

SEC. 16. (1) When the department has determined that any lot of commercial feed is adulterated or misbranded and is being distributed in violation "Withdrawal from distribution order".

Commercial feed law. "Withdrawal from distribution order" for adulterated or misbranded feeds—Proceedings for condemnation.

of this act or any regulations hereunder it may issue and enforce a written or printed "withdrawal from distribution" order, warning the distributor not to dispose of the lot of feed in any manner until written permission is given by the department or a court of competent jurisdiction. The department shall release the lot of commercial feed so withdrawn when said provisions and regulations have been complied with. If compliance is not obtained within thirty days, the department may begin proceedings for condemnation.

(2) Any lot of commercial feed not in compliance with said provisions and regulations shall be subject to seizure on complaint of the department to a court of competent jurisdiction in the area in which said commercial feed is located. In the event the court finds the said commercial feed to be in violation of this act and orders the condemnation of said commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the state: *Provided*, That in no instance shall the disposition of said commercial feed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial feed or for permission to process or relabel said commercial feed to bring it into compliance with this act.

Violations, generally—Penalty—Prosecuting attorney to act—Injunctive relief.

SEC. 17. (1) Any person convicted of violating any of the provisions of this act or the rules and regulations issued thereunder or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the department in the performance of its duty in connection with the provisions of this act, shall be adjudged guilty of a misdemeanor and shall be fined not less than fifty dollars nor more than one hundred dollars for the first violation, and not less than two hundred dollars nor more than five hundred dollars for a subsequent violation. In

all prosecutions under this act involving the composition of a lot of commercial feed, a certified copy of the official analysis signed by the department shall be accepted as prima facie evidence of the composition.

(2) Nothing in this act shall be construed as requiring the department to report for prosecution or for the institution of seizure proceedings as a result of minor violations of the act when it believes that the public interest will be best served by a suitable notice of warning in writing.

(3) It shall be the duty of each prosecuting attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. Before the department reports a violation for such prosecution, an opportunity shall be given the distributor to present his view in writing or orally to the department.

(4) The department is hereby authorized to apply for and the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this act or any rule or regulation promulgated under the act notwithstanding the existence of other remedies at law. Said injunction to be issued without bond.

SEC. 18. The department shall publish at least annually, in such forms as it may deem proper, information concerning the distribution of commercial feed, together with such data on their production and use as it may consider advisable, and a report of the results of the analyses of official samples of commercial feed within the state as compared with the analyses guaranteed in the registration and on the label or as calculated from the invoice data for customer-formula feeds: *Provided*, That the information concerning production and use of com-

Information to
be published.

mercial feeds shall not disclose the operations of any person.

Commercial feed law. Disposition of fees.

SEC. 19. All fees collected under the provisions of this act shall be paid to the state treasurer to be deposited in the commercial feed account in the state general fund as provided in RCW 43.79.330 to be used only in the enforcement of this act. All moneys collected under the provisions of chapter 15.53 RCW and remaining in such commercial feed account on the effective date of this act, shall be used in enforcement of this act.

Act cumulative, not exclusive.

SEC. 20. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy.

Civil and criminal liability continued.

SEC. 21. The enactment of this act shall not have the effect of terminating, or in any way modifying any liability, civil or criminal, which shall already be in existence on the effective date of this act.

Prior rules and regulations continued.

SEC. 22. The repeal of sections 15.53.010 through 15.53.900, chapter 11, Laws of 1961 and chapter 15.53 RCW and the enactment of this act shall not be deemed to have repealed any rules adopted under the provisions of sections 15.53.010 through 15.53.900, chapter 11, Laws of 1961 and chapter 15.53 RCW and in effect immediately prior to such repeal and not inconsistent with the provisions of this act. All such rules shall be considered to have been adopted under the provisions of this act.

Prior registrations and licenses continued—No refunds on registrations.

SEC. 23. All registrations and licenses in effect under sections 15.53.010 through 15.53.900, chapter 11, Laws of 1961, and RCW 15.53.010 through 15.53.900 on the effective date of this act shall continue in full force and effect until December 31, 1965. No registration that has already been paid under the requirements of any prior act shall be refunded.

SEC. 24. 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.

Agreements
agencies.
with other
governmental

SEC. 25. Sections 15.53.010 through 15.53.900, chapter 11, Laws of 1961 and RCW 15.53.010 through 15.53.900 are each repealed.

Repeal.

SEC. 26. The effective date of this act is July 1, 1965.

Effective date.

SEC. 27. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision, or part thereof, not adjudged invalid or unconstitutional.

Severability.

Passed the House March 18, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 32.

[House Bill No. 243.]

AGRICULTURAL FAIRS—STATE FAIR FUND
ALLOCATIONS.

AN ACT relating to agricultural fairs; and amending sections 5 and 6, chapter 61, Laws of 1961 and RCW 15.76.140 and 15.76.150.

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

RCW 15.76.140 amended.

SECTION 1. Section 5, chapter 61, Laws of 1961 and RCW 15.76.140 are each amended to read as follows:

Agricultural fairs. Eligibility requirements for state allocations.

Before any agricultural fair may become eligible for state allocations it must have conducted two successful consecutive annual fairs immediately preceding application for such allocations, and have its application therefor approved by the director.

RCW 15.76.150 amended.

SEC. 2. Section 6, chapter 61, Laws of 1961 and RCW 15.76.150 are each amended to read as follows:

Allocation formula—Considerations.

The director shall have the authority to make allocations from the state fair fund as follows: Eighty-five percent to participating agricultural fairs, distributed according to the merit of such fairs measured by a merit rating to be set up by the director. This merit rating shall take into account such factors as area and population served, open and/or youth participation, attendance, gate receipts, number and type of exhibits, premiums and prizes paid, community support, evidence of successful achievement of the aims and purposes of the fair, extent of improvements made to grounds and facilities from year to year, and overall condition and appearance of grounds and facilities. The remaining fifteen percent of money in the state fair fund may be used for special assistance to any participating fair or fairs and for administrative expenses incurred in the administration of this chapter, including ex-

penses incurred by the commission as may be approved by the director: *Provided*, That not more than five percent of the state fair fund may be used for such expenses.

The division and payment of funds authorized in this section shall occur at such times as the director may prescribe.

Passed the House March 16, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 33.

[House Bill No. 247.]

USE FUEL TAX.

AN ACT relating to the use fuel tax; and amending sections 82.40.050, 82.40.060, 82.40.130, 82.40.220, 82.40.250 and 82.40.270, chapter 15, Laws of 1961 and RCW 82.40.050, 82.40.060, 82.40.130, 82.40.220, 82.40.250 and 82.40.270.

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

SECTION 1. Section 82.40.050, chapter 15, Laws of 1961 and RCW 82.40.050 are each amended to read as follows:

RCW 82.40.050
amended.

It shall be unlawful for any person to use fuel within this state unless a use fuel tax permit has been issued to him as provided herein and shall not have been revoked. Applications for such permits must be made to the director upon forms prescribed by him and shall set forth such information as he may require. On receipt of an application, the director shall issue to the applicant a use fuel tax permit authorizing such applicant to use fuel within this state. Such permit shall be valid only for the person in whose name it is issued and shall be valid until revoked or canceled.

Use fuel tax.
Fuel tax
permit—
Vehicle identi-
fication card
carried.

Use fuel tax.
Vehicle identi-
fication card
carried.

A vehicle identification card shall be issued without charge by the director upon application by a user holding an unrevoked use fuel tax permit, shall show the number of such permit and shall identify the motor vehicle with respect to which it is issued. Each such vehicle identification card shall be carried on each motor vehicle in connection with which fuel is used by the permit holder.

RCW 82.40.060
amended.

SEC. 2. Section 82.40.060, chapter 15, Laws of 1961 and RCW 82.40.060 are each amended to read as follows:

Revocation of
permit—
Reissuance—
Request for
cancellation on
cessation of
use, procedure.

The director may revoke the permit of any person who fails to comply with the provisions of this chapter or any rule or regulation adopted hereunder. Before revoking any such permit the director shall serve written notice on the holder ordering him to appear before the director at a time not less than ten days after such service and show cause why the permit should not be revoked. The notice shall be served in the manner prescribed by RCW 82.40.170. A new permit shall not be issued to a person whose permit has been revoked, unless it appears to the satisfaction of the director that such person will comply with the provisions of this chapter and the rules and regulations adopted hereunder.

In the event any person to whom a permit has been issued ceases using fuel within this state, such person shall immediately request in writing that the director cancel his permit. Upon receipt of such request the director shall determine that all tax, penalty, and interest now due and which may become due and payable under the provisions of this chapter, shall become due and payable concurrently with the date and time of the request for cancellation of his permit. The permit holder shall forthwith file a report for any period not covered by preceding reports filed by him to the date of can-

cellation and shall remit and pay all tax, penalty and interest to the state treasurer, which have been collected or required to be collected and which have accrued from the amount of fuel used up to and including the date of cancellation. The director shall continue the force and effect of such permit until the above cancellation compliance shall be well and truly discharged. Cancellation of the permit shall not, therefore, be effective until the first day of the month immediately following compliance with the cancellation provisions: *Provided*, That the surety on a bond, as provided in RCW 82.40.130, shall not be released and discharged from any liability which shall accrue (due and to become due) as may be determined, subsequent to the date of cancellation, by department audit of the permit holder's reports and/or records, whereby such audit shall establish his compliance with this chapter, and the payment of any and all taxes, penalties and interest to become due hereunder.

In the event any person ceases using fuel within this state in connection with a motor vehicle with respect to which a vehicle identification card has been issued but continues using fuel within this state in connection with another motor vehicle, such person shall immediately notify the director.

Any person whose permit has been revoked shall return to the director each vehicle identification card issued in conjunction with the revoked permit.

SEC. 3. Section 82.40.130, chapter 15, Laws of 1961 and RCW 82.40.130 are each amended to read as follows:

RCW 82.40.130
amended.

The director shall require any user subject to the excise tax imposed hereunder to provide a bond as defined in RCW 82.40.010, to secure his compliance with this chapter, and the payment of any and all taxes, penalties and interest due and to become due hereunder.

Bond to secure
payments and
compliance.

Use fuel tax.
Bond to secure
payments and
compliance.

The total amount of the bond or bonds required of any user subject to the tax shall be fixed by the director in an amount not less than three times the estimated amount of the monthly tax, determined in such manner as the director shall deem proper, and may be increased or reduced by the director at any time subject to the limitations herein prescribed: *Provided, however,* That the total amount of such bond or bonds shall not exceed fifty thousand dollars.

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 use fuel tax permit of the principal 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 after the expiration of thirty days from the date upon which such surety shall have lodged with the director 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 accrue (due and to become due hereunder) before the expiration of the thirty day period. The director shall promptly, upon receiving any such request, notify the principal who furnished the bond; and unless the principal shall, on or before the expiration of the thirty day period, file a new bond, the director shall forthwith cancel the principal's use fuel tax permit.

RCW 82.40.220
amended.

SEC. 4. Section 82.40.220, chapter 15, Laws of 1961 and RCW 82.40.220 are each amended to read as follows:

Refund or
credit for
overpayment—
Interest.

If the director determines any amount of tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected, he shall credit such amount against any amounts then

due from the user under this chapter and shall refund any balance to the user, his successor, administrator, or executor, but no such credit or refund shall be allowed unless a claim therefor is filed with the director within three years from the date of overpayment or, with respect to an assessment made under the provisions of RCW 82.40.170 or 82.40.180, within six months after such assessment becomes final. Every such claim must be in writing and state the specific grounds upon which it is founded.

Failure to file such claim within the time prescribed in this section shall constitute waiver of any and all demands against this state on account of overpayments hereunder. Within fifteen days of allowing or disallowing any such claim in whole or in part, the director shall serve notice of such action on the claimant, such service to be made in the manner prescribed by RCW 82.40.170.

Interest shall be computed, allowed, and paid upon any overpayment of tax, penalty, or interest, unless such overpayment was made intentionally or by reason of negligence, at the rate of one-half of one percent per month, or fraction thereof, from the date of overpayment as follows:

(1) In the case of a refund, to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the director.

(2) In the case of a credit, to the same date that interest is computed on the tax against which the credit is applied.

SEC. 5. Section 82.40.250, chapter 15, Laws of 1961 and RCW 82.40.250 are each amended to read as follows:

Every user and every person selling, distributing, storing, transporting, or otherwise handling fuel shall maintain and keep for a period of not

RCW 82.40.250
amended.

Record to be
kept by users
and sellers.

Use fuel tax.
Records to be
kept by users
and sellers—
Liability of
persons
delivering into
noncommercial
vehicles—
Examination
of records—
Enforcement—
Rules and
regulations.

less than three years such records, receipts, invoices, and other pertinent papers as the director may require.

Every person required to remit the tax on fuel delivered into noncommercial passenger vehicles shall be subject to the same penalties imposed upon users. The director shall pursue against such persons the same procedure and remedies for audit, adjustment, collection, and enforcement of this chapter as is provided with respect to users.

The director may examine during normal business hours the books, papers, records, and equipment of any user or of any person selling, distributing, storing, transporting, or otherwise handling fuel and investigate the character of the disposition which any such user or such other person makes of fuel in order to determine whether all taxes due hereunder are being properly reported and paid.

Every such user or such other person not maintaining records in this state so that an audit of such records may be made by the director or his duly authorized representative shall be required to make the necessary records available to the director at his request and at his designated office within this state; or, in lieu thereof, shall agree to pay as reimbursement to the director or his duly appointed representative subsistence and travel allowance at the rates prescribed by statute of this state to proceed to any out-of-state office at which the records are prepared and maintained to make such examination.

The director is charged with the enforcement of the provisions of this chapter and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement hereof. State patrolmen shall aid the director in the enforcement of this chapter, and, for this purpose, are de-

clared to be peace officers, and given police power and authority throughout the state to arrest on sight any person known to have committed a violation of the provisions of this chapter.

SEC. 6. Section 82.40.270, chapter 15, Laws of 1961 and RCW 82.40.270 are each amended to read as follows:

It shall be unlawful for any person to deliver fuel, which is to be consumed in propelling a motor vehicle in this state, into or place such fuel into, or cause such fuel to be delivered into or placed into, any receptacle on such motor vehicle from which receptacle such fuel can be supplied to propel such motor vehicle, unless a vehicle identification card is presented and/or exhibited on such motor vehicle in connection with which fuel is used as provided in RCW 82.40.050: *Provided, however,* Users operating noncommercial passenger vehicles, as provided in RCW 82.40.045, for which fuel is delivered into the fuel supply tank of such vehicles tax-inclusive shall be exempt from the provision requiring a vehicle identification card. Delivery of fuel into storage facilities having dispensing equipment designed to fuel motor vehicles shall be prima facie evidence that the intended use of such fuel is for motor vehicles.

RCW 82.40.270 amended.

Vehicle identification card to be exhibited before vehicle can be fueled—Storage delivery evidence of intended use.

Passed the House March 18, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 34.

[House Bill No. 264.]

PUBLIC ASSISTANCE—FRAUD—PENALTIES.

AN ACT relating to public assistance; adding a new section to chapter 26, Laws of 1959 and Title 74 RCW; repealing section 74.08.330, chapter 26, Laws of 1959 and RCW 74.08-.330; providing penalties; and declaring an emergency.

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

New section.

SECTION 1. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Public assistance. Fraud in procurement of public assistance, aiding in disposal of real property of recipient—Penalties.

Any person who by means of a wilfully false statement, or representation, or impersonation, or a wilful failure to reveal any material fact, condition or circumstance affecting eligibility of need for assistance, including medical care, surplus commodities and food stamps, as required by law, or a wilful failure to promptly notify the county office in writing as required by law or any change in status in respect to resources, or income, or need, or family composition, money contribution and other support, from whatever source derived, or any other change in circumstances affecting his eligibility or need for assistance, or other fraudulent device, obtains, or attempts to obtain, or aids or abets any person to obtain any public assistance to which he is not entitled or greater public assistance than that to which he is justly entitled shall be guilty of grand larceny and upon conviction thereof shall be punished by imprisonment in the state penitentiary for not more than fifteen years.

Any person who by means of a wilfully false statement or representation or by impersonation or other fraudulent device aids or abets in buying, selling, or in any other way disposing of the real property of a recipient of public assistance without the

consent of the director shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than one year in the county jail or a fine of not to exceed one thousand dollars or by both.

SEC. 2. Section 74.08.330, chapter 26, Laws of 1959 and RCW 74.08.330 are each repealed. Repeal.

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. Emergency.

Passed the House March 16, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 35.

[House Bill No. 271.]

PUBLIC ASSISTANCE—INCOME—DEDUCTIONS FROM GRANTS.

AN ACT relating to public assistance; amending section 74.04-.265, chapter 26, Laws of 1959 and RCW 74.04.265.

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

SECTION 1. Section 74.04.265, chapter 26, Laws of 1959 and RCW 74.04.265 are each amended to read as follows: RCW 74.04.265 amended.

The director may issue rules consistent with federal laws and with memorials of the legislature, as will recognize the income of any persons without the deduction in full thereof from the amount of their grants. Public assistance. Rules may allow income without grant deduction.

Passed the House March 18, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 36.

[House Bill No. 274.]

PUBLIC ASSISTANCE—MEDICAL CARE.

AN ACT relating to public assistance; amending section 74.09-.090, chapter 26, Laws of 1959 and RCW 74.09.090; amending section 4, chapter 211, Laws of 1963 and RCW 74.09-.430; and declaring an emergency.

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

RCW 74.09.090 amended.

SECTION 1. Section 74.09.090, chapter 26, Laws of 1959 and RCW 74.09.090 are each amended to read as follows:

Public assistance—
Medical care.
Use of county institutions, budgets—
Charges to noncovered patients—
Duties of division.

(1) The division of medical care may utilize county hospitals and county infirmaries as determined necessary. County institutions so used shall submit a county hospitalization budget and/or infirmary budget to the director not less than forty days prior to the time county budgets are finally approved and adopted by the county commissioners. He shall consider the proposed budget or budgets and return it or them to the commissioners with his recommendations within thirty days of its receipt by him. The commissioners shall be empowered to adopt as the final budget the proposed budget or budgets as submitted by the board or boards of trustees, recommended budget or budgets of the director or such budget or budgets as the county commissioners themselves determine to adopt: *Provided*, That if the total of the budget or budgets as finally adopted shall be in excess of the total of the budget or budgets as recommended by the director, the said director may withhold from the county the amount of the excess over and above the total set forth in his recommended budget or budgets.

Any county infirmary so used shall comply with all rules and regulations of the Washington state

department of health applicable to nursing homes adopted by the said department under authority of chapter 18.51.

County hospitals and county infirmaries financed by state funds shall be empowered to accept and care for eligible patients from any county in the state.

(2) Persons other than recipients or medical indigents who require hospital care for communicable disease, whether under quarantine or not, and persons sufficiently mentally disturbed or ill to be placed in a county hospital for observation, diagnosis and/or treatment shall be required to pay for such hospital and medical care at the same rate as charged by nongovernmental hospitals and/or private physicians in the county where the hospital is located.

(3) Persons other than recipients or medical indigents who receive emergency medical or hospital care at a county hospital shall pay for such medical and/or hospital services or care at the same rate as charged by nongovernmental hospitals and private physicians in the county where the hospital is located.

(4) Considering the appropriations available and the recommendations of the medical care advisory committee the division of medical care shall provide for necessary physicians' services, hospital care, dental service, nursing home care, ambulance services, drugs, medical supplies, nursing services in the home, and other appliances.

(5) The division of medical care shall provide (a) for evaluation of employability when a person is applying for public assistance representing a medical condition as the basis for need, and (b) for medical reports to be used in the evaluation of total and permanent disability. It shall further provide for medical consultation and assistance in determining the need for special diets, housekeeper and at-

Public assistance—
Medical care.

tendants' services, and other requirements as found necessary because of the medical condition under rules promulgated by the director after considering the recommendation thereon of the medical care advisory committee.

RCW 74.09.430 amended.

SEC. 2. Section 4, chapter 211, Laws of 1963 and RCW 74.09.430 are each amended to read as follows:

Medical assistance to the aged—
Nursing home services.

Nursing home services shall be provided for persons who are eligible for or receiving federal aid assistance, and who are otherwise eligible for medical assistance to the aged, pursuant to the provisions of RCW 74.09.400 through 74.09.440 exclusively: *Provided*, That the director may provide nursing home services for recipients of federal aid assistance other than medical assistance to the aged for a period of not to exceed sixty days.

Emergency.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 22, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 37.

[House Bill No. 276.]

PUBLIC ASSISTANCE—AID TO FAMILIES WITH
DEPENDENT CHILDREN.

AN ACT relating to public assistance; amending section 74.12-.010, chapter 26, Laws of 1959 as last amended by section 18, chapter 228, Laws of 1963 and RCW 74.12.010.

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

SECTION 1. Section 74.12.010, chapter 26, Laws of 1959 as last amended by section 18, chapter 228, Laws of 1963 and RCW 74.12.010 are each amended to read as follows:

RCW 74.12.010 amended.

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, or any child between eighteen and twenty-one years of age regularly attending high school in pursuance of a course of study leading to a high school diploma or its equivalent or a course of vocational or technical training designed to fit him for gainful employment, 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 after April 30, 1961, 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

Public assistance—
Aid to dependent children.
Definitions.

Public
assistance—
Aid to
dependent
children.
Definitions.

placement and care the state department of public assistance 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 was receiving an aid to families with dependent children grant for the month in which court proceedings leading to such determination were initiated as authorized by the social security act: *Provided*, That the director shall have discretion to provide that 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 stepparent liable under this chapter for the support of such 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.

Passed the House March 18, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 38.

[House Bill No. 289.]

CREDIT UNIONS.

AN ACT relating to credit unions; amending section 11, chapter 23, Laws of 1957 and RCW 31.12.270; and amending section 12, chapter 23, Laws of 1957, as amended by section 7, chapter 138, Laws of 1959, and RCW 31.12.280.

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

SECTION 1. Section 11, chapter 23, Laws of 1957 and RCW 31.12.270 are each amended to read as follows:

RCW 31.12.270
amended.

A credit union may make (1) personal loans to its members secured by the note of the borrower; (2) loans to its members secured by first mortgages or real estate contracts in which members are buyers if such mortgage or contract relates to real estate which is situated within the state; such real estate must be within fifty miles of the principal office of the credit union unless with prior approval of the supervisor; and (3) loans to other credit unions upon a two-thirds majority vote of the board: *Provided*, That the total amount of such loans does not exceed twenty-five percent of the paid-in and unimpaired capital and surplus of the lending credit union.

Credit unions.
Classes of
loans—
Preference—
Term—
Indorsers.

Personal loans shall be given preference, and in the event there are not sufficient funds available to satisfy all loan applicants approved by the credit committee, further preference shall be given to the smaller loan. Each personal loan shall be payable within two years from the date thereof: *Provided*, That loans with satisfactory security may be made payable within five years from the date thereof. Each endorser of a note given as security for a personal loan shall be a resident of the state at the time the loan is made, unless he is a member of the credit

union, and if he leaves the state, a new resident endorser shall be immediately provided or the loan shall be at once collectible.

RCW 31.12.280 amended.

SEC. 2. Section 12, chapter 23, Laws of 1957, as amended by section 7, chapter 138, Laws of 1959, and RCW 31.12.280 are each amended to read as follows:

Credit unions. Limits and conditions of personal loans.

Loans to any one member shall not exceed five thousand dollars without the permission of the supervisor and shall be limited as follows:

(1) To an amount not exceeding seven hundred fifty dollars on the unindorsed or unsecured note of the borrower;

(2) Loans to an individual or family community in excess of seven hundred fifty dollars must be adequately secured.

Passed the House March 16, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 39.

[House Bill No. 298.]

WATER DISTRICTS—LOCAL IMPROVEMENT DISTRICTS
—UTILITY LOCAL IMPROVEMENT DISTRICTS.

AN ACT relating to water districts; providing that a notice of adoption of certain resolutions relating to local improvement districts and utility local improvement districts shall be published rather than the full text of the resolution; amending section 11, chapter 18, Laws of 1959 and RCW 57.16.060; and amending section 13, chapter 114, Laws of 1929 and RCW 57.16.090.

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

SECTION 1. Section 11, chapter 18, Laws of 1959 and RCW 57.16.060 are each amended to read as follows:

RCW 57.16.060 amended.

Local improvement districts or utility local improvement districts to carry out the whole or any portion of the comprehensive plan of improvements or plan providing for additions and betterments to the original plan previously adopted may be initiated either by resolution of the board of water commissioners or by petition signed by the owners according to the records of the office of the county auditor of at least fifty-one percent of the area of the land within the limits of the local improvement district to be created.

Water district
L.I.D.'s.
Resolution or
petition for
district—
Procedure—
Notice—
Improvement
ordered—
Divestment of
power to order.

In case the board of water commissioners shall desire to initiate the formation of a local improvement district or a utility local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed local improvement district or utility local improvement district, and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount

Water district
L.I.D.'s.
Resolution or
petition for
district—
Procedure—
Notice—
Improvement
ordered—
Divestment of
power to order.

thereof which will be borne by the property within the proposed district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

In case any such local improvement district or utility local improvement district shall be initiated by petition, such petition shall set forth the nature and territorial extent of the proposed improvement requested to be ordered and the fact that the signers thereof are the owners according to the records of the county auditor of at least fifty-one percent of the area of land within the limits of the local improvement district or utility local improvement district to be created. Upon the filing of such petition the board shall determine whether the same shall be sufficient, and the board's determination thereof shall be conclusive upon all persons. No person shall withdraw his name from the petition after the same has been filed with the board of water commissioners. If the board shall find the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for, setting forth the nature and territorial extent of said improvement, designating the number of the proposed local district and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed local district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

Notice of the adoption of the resolution of intention, whether the resolution was adopted on the initiative of the board or pursuant to a petition of the property owners, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed local district, the date of the first publication to be at least fifteen days prior

to the date fixed by such resolution for hearing before the board of water commissioners. Notice of the adoption of the resolution of intention shall also be given each owner or reputed owner of any lot, tract, parcel of land or other property within the proposed improvement district by mailing said notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon. The notices shall refer to the resolution of intention and designate the proposed improvement district by number. Said notices shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the date, time and place of the hearing before the board of water commissioners; and in the case of improvements initiated by resolution, said notice shall also state that all persons desiring to object to the formation of the proposed district must file their written protests with the secretary of the board of water commissioners before the time fixed for said public hearing. In the case of the notice given each owner or reputed owner by mail, the notice shall set forth the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract, parcel of land or other property.

Whether the improvement is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in the plans for the proposed improvement as shall be deemed necessary: *Provided*, That the board may not change the boundaries of

Water district
L.I.D.'s
Resolution or
petition for
district—
Procedure—
Notice—
Improvement
ordered—
Divestment of
power to order.

the district to include property not previously included therein without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time herein provided for the original notice.

After said hearing the commissioners shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution: *Provided*, That the jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested by protests filed with the secretary of the board prior to said public hearing signed by the owners, according to the records of the county auditor, of at least forty percent of the area of land within the proposed local district.

If the commissioners find that the district should be formed, they shall by resolution order the improvement, provide the general funds of the water district to be applied thereto, adopt detailed plans of the local improvement district or utility local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the water district such eminent domain proceedings as may be necessary to entitle the district to proceed with the work. The board shall thereupon proceed with the work and file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property situated within the improvement district in proportion to the special benefits to be derived by the property therein from the improvement.

RCW 57.16.090
amended.

Review.

SEC. 2. Section 13, chapter 114, Laws of 1929 and RCW 57.16.090 are each amended to read as follows:

The decision of the water district commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by

the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the secretary of said water district commission and with the clerk of the superior court in the county in which such water district is situated within ten days after publication of a notice that the resolution confirming such assessment roll has been adopted, and such notice of appeal shall describe the property and set forth the objections of such appellant to such assessment; and within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his objections thereto, together with the resolution confirming such assessment roll and the record of the water district commission with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such secretary of said water district commission and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with at least two sureties, to be approved by the judge of said court, conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the water district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, as aforesaid, the appel-

Water district
L.I.D.'s.
Review.

lant shall give written notice to the secretary of such water district, that such transcript is filed. Said notice shall state a time (not less than three days from the service thereof) when the appellant will call up the said cause for hearing; and the superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury; and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such water district and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court from the judgment of the superior court, as in other cases: *Provided, however,* That such appeal must be taken within fifteen days after the date of the entry of the judgment of such superior court; and the record and opening brief of the appellant in said cause shall be filed in the supreme court within sixty days after the appeal shall have been taken by notice as provided in this act. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. And the supreme court on such appeal may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify

and correct such assessment roll in accordance with such decision.

Passed the House March 20, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 40.

[House Bill No. 299.]

SEWER DISTRICTS—LOCAL IMPROVEMENT DISTRICTS —UTILITY LOCAL IMPROVEMENT DISTRICTS.

AN ACT relating to sewer districts; providing that a notice of adoption of certain resolutions relating to local improvement districts and utility local improvement districts shall be published rather than the full text of the resolution; amending section 27, chapter 210, Laws of 1941 as amended by section 17, chapter 250, Laws of 1953 and RCW 56.20-.020; and amending section 32, chapter 210, Laws of 1941 and RCW 56.20.080.

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

SECTION 1. Section 27, chapter 210, Laws of 1941 as amended by section 17, chapter 250, Laws of 1953, and RCW 56.20.020 are each amended to read as follows:

RCW 56.20.020 amended.

Utility local improvement districts to carry out all or any portion of the comprehensive plan, or additions and betterments thereof, adopted for the sewer district may be initiated either by resolution of the board of sewer commissioners or by petition signed by the owners according to the records of the office of the county auditor of at least fifty-one percent of the area of the land within the limits of the utility local improvement district to be created.

Sewer district L.I.D.'s. Petition or resolution to form local district—Notice—Procedure.

In case the board of sewer commissioners shall desire to initiate the formation of a utility local improvement district by resolution, it shall first pass

Sewer district
L.I.D.'s.
Petition or
resolution to
form local
district—
Notice—
Procedure.

a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed utility local improvement district, describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

In case any such utility local improvement district shall be initiated by petition, such petition shall set forth the nature and territorial extent of such proposed improvement and the fact that the signers thereof are the owners according to the records of the county auditor of at least fifty-one percent of the area of land within the limits of the utility local improvement district to be created. Upon the filing of such petition with the secretary of the board of sewer commissioners, the board shall determine whether the same shall be sufficient, and the board's determination thereof shall be conclusive upon all persons. No person shall withdraw his name from said petition after the filing thereof with the secretary of the board of sewer commissioners. If the board shall find the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for, setting forth the nature and territorial extent of said improvement, designating the number of the proposed local district, describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed local district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

Notice of the adoption of the resolution of intention, whether the resolution was adopted on the initiative of the board or pursuant to a petition of the property owners, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed local district, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of sewer commissioners. Notice of the adoption of the resolution of intention shall also be given each owner or reputed owner of any lot, tract, parcel of land or other property within the proposed improvement district by mailing said notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon. The notices shall refer to the resolution of intention and designate the proposed improvement district by number. Said notices shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the date, time and place of the hearing before the board of sewer commissioners; and in the case of improvements initiated by resolution, said notice shall also state that all persons desiring to object to the formation of the proposed district must file their written protests with the secretary of the board of sewer commissioners before the time fixed for said public hearing. In the case of the notice given each owner or reputed owner by mail, the notice shall set forth the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract, parcel of land or other property.

Sec. 2. Section 32, chapter 210, Laws of 1941 and RCW 56.20.080 are each amended to read as follows:

RCW 56.20.080
amended.

Sewer district
L.I.D.'s.
Review.

The decision of the sewer commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the secretary of said sewer commission and with the clerk of the superior court in the county in which such sewer district is situated within ten days after publication of a notice that the resolution confirming such assessment roll has been adopted, and such notice of appeal shall describe the property and set forth the objections of such appellant to such assessment. Within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his objections thereto, together with the resolution confirming such assessment roll and the record of the sewer district commission with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such secretary of said sewer commission and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with sureties thereon as provided by law for appeals in civil cases, shall be filed conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the sewer district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or

bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the secretary of such sewer district, that such transcript is filed. Said notice shall state a time, not less than three days from the service thereof, when the appellant will call up the said cause for hearing. The superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury, and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such sewer district and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have the custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court from the judgment of the superior court, as in other cases, however, such appeal must be taken within fifteen days after the date of the entry of the judgment of such superior court, and the record and opening brief of the appellant in said cause shall be filed in the supreme court within sixty days after the appeal shall have been taken by notice as provided in this title. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. The supreme court on such appeal may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court upon such appeal shall be filed with the officer hav-

Sewer district
L.I.D.'s
Review.

ing custody of such assessment roll, who shall there-
upon modify and correct such assessment roll in
accordance with such decision.

Passed the House March 20, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 41.

[House Bill No. 319.]

INDUSTRIAL INSURANCE—EXCESS FUNDS—
INVESTMENT.

AN ACT relating to industrial insurance and the funds there-
under; and amending section 51.44.100, chapter 23, Laws
of 1961 as amended by section 10, chapter 281, Laws of
1961, and RCW 51.44.100.

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

RCW 51.44.100
amended.

SECTION 1. Section 51.44.100, chapter 23, Laws
of 1961 as amended by section 10, chapter 281, Laws
of 1961, and RCW 51.44.100 are each amended to
read as follows:

Industrial
Insurance
funds.
Investment of
accident,
medical aid,
reserve fund.

Whenever, in the judgment of the state finance
committee, there shall be in the accident fund, med-
ical aid fund, or in the reserve fund, funds in excess
of that amount deemed by such committee to be
sufficient to meet the current expenditures properly
payable therefrom, the committee may invest such
excess funds in national, state, county, municipal,
or school district bonds, and shall exercise the same
discretion and have the same authority with respect
to the investment of such excess funds as is provided
by law with respect to the investment of the state
employees' retirement funds. The committee may, in
addition, invest such excess funds in motor vehicle
fund warrants issued to pay the costs of acquisition
of real property or property rights therein necessary

for the improvement of the state highway system when authorized by agreement between the committee and the state highway commission requiring repayment of the invested funds from any moneys in the motor vehicle fund available for state highway construction.

Passed the House March 22, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 42.

[House Bill No. 347.]

CITIES AND TOWNS—INCORPORATION— FRANCHISES.

AN ACT relating to cities and towns; and adding a new section to chapter 7, Laws of 1965 and to chapter 35.02 RCW.

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

SECTION 1. There is added to chapter 7, Laws of 1965 and to chapter 35.02 RCW a new section to read as follows: New section.

The incorporation of any territory within the boundaries of any city pursuant to the provisions of chapters 35.02 through 35.04 shall cancel, as of the effective date of such incorporation, any franchise or permit theretofore granted to any person, firm or corporation by the state of Washington, or by the governing body of such incorporated territory, authorizing or otherwise permitting the operation of any public transportation, garbage collection and/or disposal or other similar public service business or facility within the limits of the incorporated territory, but the holder of any such franchise or permit canceled pursuant to this section shall be forthwith granted by the incorporating city a franchise to con-

Cities and towns—
Incorporation.
Effect as to existing franchises or permits—
Rights respecting.

Cities and towns—
Incorporation.
Effect as to
existing
franchises or
permits—
Rights respect-
ing.

tinue such business within the incorporated territory for a term of not less than the remaining term of the original franchise or permit, or five years, whichever is the shorter period, and the incorporating city, by franchise, permit or public operation, shall not extend similar or competing services to the incorporated territory except upon a proper showing of the inability or refusal of such person, firm or corporation to adequately service said incorporated territory at a reasonable price: *Provided*, That the provisions of this section shall not preclude the purchase by the incorporating city of said franchise, business, or facilities at an agreed or negotiated price, or from acquiring the same by condemnation upon payment of damages, including a reasonable amount for the loss of the franchise or permit. In the event that any person, firm or corporation whose franchise or permit has been canceled by the terms of this section shall suffer any measurable damages as a result of any incorporation pursuant to the provisions of chapters 35.02 through 35.04, such person, firm or corporation shall have a right of action against any city causing such damages.

Passed the House March 18, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 43.

[House Bill No. 362.]

SOFT TREE FRUITS—ASSESSMENTS.

AN ACT relating to agriculture, and the marketing of soft tree fruits and amending section 15.28.180, chapter 11, Laws of 1961 as amended by section 4, chapter 51, Laws of 1963 and RCW 15.28.180.

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

SECTION 1. Section 15.28.180, chapter 11, Laws of 1961 as amended by section 4, chapter 51, Laws of 1963 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 fruit, or any classification thereof, for any year or years, the commission may levy such assessment for such year or years up to the maximum of two 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 ten 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 three dollars for each two thousand pounds: *Provided*, That no increase in such assessment on pears shall become effective unless the same shall be first referred by the commission to a referendum by the Bartlett pear growers of the state and be approved by a majority of such growers voting thereon. The method and procedure of conducting such 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.

RCW 15.28.180 amended.

Soft tree fruits. Increase in assessment for a fruit or classification—Exemptions.

Soft tree
fruits. Increase
in assessments.

The commission shall have the authority in its discretion to exempt in whole or in part from future assessments hereunder, during such period as the commission may prescribe, any of the said soft tree fruits or any particular strain or classification thereof.

Passed the House March 18, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 44.

[House Bill No. 382.]

DAIRY PRODUCTS—ASSESSMENTS—DAIRY PRODUCTS
COMMISSION.

AN ACT relating to dairy products; increasing the assessment on milk and cream; providing for a referendum; providing for the election of members to Washington state dairy products commission; amending section 15.44.080, chapter 11, Laws of 1961 and RCW 15.44.080; amending section 15.44.020, chapter 11, Laws of 1961 and RCW 15.44.020; amending section 15.44.025, chapter 11, Laws of 1961 and RCW 15.44.025; amending section 15.44.030, chapter 11, Laws of 1961 and RCW 15.44.030; amending section 15.44.032, chapter 11, Laws of 1961 and RCW 15.44.032; adding new sections to chapter 15.44 RCW; and repealing section 15.44.034, chapter 11, Laws of 1961 and RCW 15.44.034, and section 15.44.036, chapter 11, Laws of 1961 and RCW 15.44.036.

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

RCW 15.44.080
amended.

SECTION 1. Section 15.44.080, chapter 11, Laws of 1961 and RCW 15.44.080 are each amended to read as follows:

Dairy products
commission.
Assessments on
milk and
cream—Limit
—Exception—
Referendum.

There is hereby levied upon all milk and cream produced in this state an assessment not to exceed:

- (1) One cent per pound butter fat of wholly or partially farm separated cream; and

(2) Four cents per hundredweight of all milk and the components thereof, other than wholly or partially farm separated cream.

The amount to be assessed shall be determined by the commission within the limits prescribed by this section, and shall be determined according to the necessities required to effectuate the stated purposes of the commission subject to approval by a producer referendum as herein provided. This section shall apply where milk or cream is marketed either in bulk or package. However, this section shall not apply to milk or cream used upon the farm or in the household where produced.

The increase in assessment or any part thereof to be charged producers on milk and cream provided for in this act shall not become effective until approved by fifty-one percent of the producers voting in a referendum conducted by the commission.

The referendum for approval of any increase in assessment or part thereof provided for in this act shall be by secret mail ballot furnished to all producers paying assessments to the commission. The commission shall furnish ballots to producers at least ten days in advance of the day it has set for concluding the referendum and counting the ballots. Any interested producer may be present at such time the commission counts said ballots.

Any proposed increase in assessments by the commission subsequent to a decrease in assessments as provided for in RCW 15.44.130 (2) shall be subject to a referendum and approval by producers as herein provided.

SEC. 2. Section 15.44.020, chapter 11, Laws of 1961 and RCW 15.44.020 are each amended to read as follows:

There is hereby created a Washington state dairy products commission to be thus known and designated. The commission shall be composed of seven

RCW 15.44.020
amended.

Created—
Composition—
Members
elected.

Dairy products
commission.
Members
elected.

practical producers of dairy products to be elected by such producers and the director of agriculture who shall be an ex officio member without vote.

RCW 15.44.025
amended.

SEC. 3. Section 15.44.025, chapter 11, Laws of 1961 and RCW 15.44.025 are each amended to read as follows:

Commission
districts—
Representa-
tion.

Each elected commission member shall represent one of the following districts:

(1) District I, which shall include the counties of Pend Oreille, Spokane and Stevens;

(2) District II, which shall include the counties of Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Whitman and Walla Walla;

(3) District III, which shall include the counties of Benton, Klickitat and Yakima;

(4) District IV, which shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania and Wahkiakum;

(5) District V, which shall include the counties of King, Pierce and Snohomish;

(6) District VI, which shall include the counties of Island, San Juan, Skagit and Whatcom; and

(7) District VII, which shall include the counties of Clallam, Grays Harbor, Jefferson, Kitsap, Mason and Thurston.

RCW 15.44.030
amended.

SEC. 4. Section 15.44.030, chapter 11, Laws of 1961 and RCW 15.44.030 are each amended to read as follows:

Member quali-
fications.

Each of the seven producer members of the commission shall:

(1) Be a citizen and resident of this state and the district which he represents; and

(2) Be and for the five years last preceding his election have been actually engaged in producing dairy products within this state. These qualifica-

tions must continue during each member's term of office.

SEC. 5. Section 15.44.032, chapter 11, Laws of 1961 and RCW 15.44.032 are each amended to read as follows: RCW 15.44.032 amended.

The regular term of office of each producer member of the commission shall be three years. Commission members shall be first nominated and elected in 1966 in the manner set forth in section 6 of this 1965 amendatory act and shall take office as soon as they are qualified. However, expiration of the term of the respective commission members first elected in 1966 shall be as follows: Terms—
Vacancies.

- (1) District I and II on July 1, 1967;
- (2) District III and IV on July 1, 1968; and
- (3) District V, VI and VII on July 1, 1969.

The respective terms shall end on July 1st of each third year thereafter. Any vacancies that occur on the commission shall be filled by appointment by the other members of the commission, and such appointee shall hold office for the remainder of the term for which he is appointed to fill, so that commission memberships shall be on a uniform staggered basis.

SEC. 6. There is added to chapter 15.44 RCW a new section to read as follows: New section.

Producer members of the commission shall be nominated and elected by producers within the district that such producer members represent in the year in which a commission member's term shall expire. Such producer members receiving the largest number of the votes cast in the respective districts which they represent shall be elected. The election shall be by secret mail ballot and under the supervision of the director. Producer
members—
Nomination—
Election.

The director shall conduct nomination meetings where vacancies will occur as follows:

Dairy products
commission.
Producer
members—
Nomination—
Election.

- (1) The first Tuesday in April, District I, II and V.
- (2) The first Wednesday in April, District III and VI.
- (3) The first Thursday in April, District IV and VII.

Notice of such meetings shall be published for a period of at least five days in a newspaper of general circulation in the district where nominations are about to take place. No such meeting shall be held prior to five days after the last day of such period of publication. Such notice shall set forth the purpose, date, time and place of said meeting. The director may also use any other form or trade media which will effectuate such notice in the same manner as newspaper publication.

The director shall accept nominations signed by five eligible producers for a period not exceeding ten days after such nomination dates.

Ballots for electing members to the commission will be mailed by the director to all eligible producers no later than May 15th, in districts where elections are to be held and such ballots to be valid shall be returned postmarked no later than May 31st of the year mailed, to the director in Olympia.

New section.

SEC. 7. There is added to chapter 15.44 RCW a new section to read as follows:

List of pro-
ducers fur-
nished
director.

The commission shall prior to each election, in sufficient time to satisfy the requirements of section 6 of this 1965 amendatory act, furnish the director with a list of all producers within the district for which the election is being held. The commission shall require each dealer and shipper in addition to the information required under RCW 15.44.110 to furnish the commission with a list of names of producers whose milk they handle. Any producer may on his own motion file his name with the commission for the purpose of receiving notice of election.

SEC. 8. There is added to chapter 15.44 RCW a **New section.**
new section to read as follows:

The commission shall reimburse the director for **Dairy products
commission.
Election costs
reimbursed.**
the necessary costs of conducting elections under the
provisions of this chapter.

SEC. 9. There is added to chapter 15.44 RCW a **New section.**
new section to read as follows:

The term of the members of the commission ap- **Termination of
terms of
present
members.**
pointed by the governor prior to the effective date
of this 1965 amendatory act shall continue until their
successors are elected and qualified as provided in
this 1965 amendatory act.

SEC. 10. Section 15.44.034, chapter 11, Laws of **Repeal.**
1961 and RCW 15.44.034, and section 15.44.036, chap-
ter 11, Laws of 1961 and RCW 15.44.036 are each
hereby repealed.

Passed the House March 18, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 45.

[Substitute House Bill No. 391.]

FIREMEN'S RELIEF AND PENSIONS.

AN ACT relating to firemen's relief and pensions; amending section 6, chapter 91, Laws of 1947 as last amended by section 9, chapter 255, Laws of 1961 and RCW 41.16.060; amending section 1, chapter 382, Laws of 1955 as amended by section 1, chapter 255, Laws of 1961 and RCW 41.18.010; amending section 4, chapter 382, Laws of 1955 as amended by section 3, chapter 255, Laws of 1961 and RCW 41.18.040; and amending section 8, chapter 382, Laws of 1955 and RCW 41.18.100.

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

RCW 41.16.060 amended.

SECTION 1. Section 6, chapter 91, Laws of 1947 as last amended by section 9, chapter 255, Laws of 1961 and RCW 41.16.060 are each amended to read as follows:

Firemen's relief and pensions. Tax levy for firemen's pension fund.

It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy, to levy and place in the fund a tax of one mill on all the taxable property of such municipality: *Provided*, That if a report by a qualified actuary on the condition of the fund establishes that the whole or any part of said millage is not necessary to maintain the actuarial soundness of the fund, the levy of said one mill may be omitted, or the whole or any part of said millage may be levied and used for any other municipal purpose.

It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy and in addition to the city fifteen mill levy limit now provided by law, to levy and place in the fund an additional tax of one mill on all taxable property of such municipality: *Provided*, That if a report by a qualified actuary establishes that all or any part of the additional one mill levy is unnecessary to meet the estimated demands on the fund

under this chapter for the ensuing budget year, the levy of said additional one mill may be omitted, or the whole or any part of such millage may be levied and used for any other municipal purpose.

SEC. 2. Section 1, chapter 382, Laws of 1955 as amended by section 1, chapter 255, Laws of 1961 and RCW 41.18.010 are each amended to read as follows:

RCW 41.18.010
amended.

For the purpose of this chapter, unless clearly indicated otherwise by the context, words and phrases shall have the meaning hereinafter ascribed.

Definitions.

(1) "Beneficiary" shall mean any person or persons designated by a fireman in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased fireman under this chapter.

(2) "Fireman" means any person hereafter regularly or temporarily, or as a substitute newly employed and paid as a member of a fire department, who has passed a civil service examination for fireman and who is actively employed as a fireman; and any person heretofore regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, and who has contributed under and been covered by the provisions of chapter 41.16 and who has come under the provisions of this chapter in accordance with RCW 41.18.170 and who is actively engaged as a fireman or as a member of the fire department.

(3) "Retired fireman" means and includes a person employed as a fireman and retired under the provisions of this chapter.

(4) "Basic salary" means the basic monthly salary, including longevity pay, attached to the rank held by the retired fireman at the date of his retirement, without regard to extra compensation which such fireman may have received for special duties assignments not acquired through civil service examination: *Provided*, That such basic salary shall

not be deemed to exceed the salary of a battalion chief.

(5) "Widow" means the surviving wife of a fireman and shall include the surviving wife of a fireman, retired on account of length of service, who was lawfully married to him for a period of five years prior to the time of his retirement; and the surviving wife of a fireman, retired on account of disability, who was lawfully married to him at and prior to the time he sustained the injury or contracted the illness resulting in his disability. The word shall not mean the divorced wife of an active or retired fireman.

(6) "Child" or "children" means a fireman's child or children under the age of eighteen years, unmarried, and in the legal custody of such fireman at the time of his death.

(7) "Earned interest" means and includes all annual increments to the firemen's pension fund from income earned by investment of the fund. The earned interest payable to any fireman when he leaves the service and accepts his contributions, shall be that portion of the total earned income of the fund which is directly attributable to each individual fireman's contributions. Earnings of the fund for the preceding year attributable to individual contributions shall be allocated to individual firemen's accounts as of January 1st of each year.

(8) "Board" shall mean the municipal firemen's pension board.

(9) "Contributions" shall mean and include all sums deducted from the salary of firemen and paid into the fund as hereinafter provided.

(10) "Disability" shall mean and include injuries or sickness sustained by a fireman.

(11) "Fire department" shall mean the regularly organized, full time, paid, and employed force of firemen of the municipality.

(12) "Fund" shall have the same meaning as in RCW 41.16.010. Such fund shall be created in the manner and be subject to the provisions specified in chapter 41.16 RCW.

(13) "Municipality" shall mean every city, town and fire protection district having a regularly organized full time, paid, fire department employing firemen.

(14) "Performance of duty" shall mean the performance of work or labor regularly required of firemen and shall include services of an emergency nature normally rendered while off regular duty.

SEC. 3. Section 4, chapter 382, Laws of 1955 as amended by section 3, chapter 255, Laws of 1961 and RCW 41.18.040 are each amended to read as follows:

RCW 41.18.040
amended.

Whenever any fireman, at the time of taking effect of this act or thereafter, shall have been appointed under civil service rules and have served for a period of twenty-five years or more as a member in any capacity of the regularly constituted fire department of any city, town or fire protection district which may be subject to the provisions of this chapter, and shall have attained the age of fifty years, he shall be eligible for retirement and shall be retired by the board upon his written request. Upon his retirement such fireman shall be paid a monthly pension which shall be equal to fifty percent of his basic salary.

Retirement for
service—
Widow's
pension.

Upon the death of any such retired fireman, his pension shall be paid to his widow, at the same monthly rate that the retired fireman would have received had he lived, if such widow was his wife for a period of five years prior to the time of his retirement. If there be no widow, then such monthly payments shall be distributed to and divided among his children, share and share alike, until they reach the age of eighteen or are married, whichever occurs first.

RCW 41.18.100
amended.

SEC. 4. Section 8, chapter 382, Laws of 1955 and RCW 41.18.100 are each amended to read as follows:

Firemen's
relief and
pensions.
Payment on
death in line
of duty or
while disabled.

In the event a fireman is killed in the performance of duty, or in the event a fireman retired on account of service connected disability shall die from any cause, his widow shall receive a monthly pension equal to fifty percent of his basic salary or, if she at any time so elects in writing and the board after hearing finds it to be financially beneficial to the pension fund, she may receive in lieu of all future monthly pension and other benefits, including benefits to child or children, the sum of five thousand dollars in cash. If there be no widow at the time of such fireman's death or upon the widow's death the monthly pension benefits hereinabove provided for shall be paid to and divided among his child or children share and share alike, until they reach the age of eighteen or are married, whichever occurs first. If there be a widow and a child or children at the time of such fireman's death, the widow's monthly pension benefit shall be increased in a sum equal to five percent of the basic salary of such fireman for each child until such child reaches the age of eighteen years: *Provided*, That such increased benefit shall in no event exceed ten percent of the basic salary of such fireman. The widow's monthly pension benefit, including increased benefits to her children shall cease if and when she remarries.

Passed the House March 18, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 46.

[House Bill No. 392.]

CITIES AND TOWNS—INVESTMENTS.

AN ACT relating to cities and towns; amending section 35.39-.030, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.39.030; and repealing sections 35.22.240, 35.22.250, 35.22-.260, 35.22.270, 35.39.010 and 35.39.020, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.22.240, 35.22.250, 35-.22.260, 35.22.270, 35.39.010 and 35.39.020.

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

SECTION 1. Section 35.39.030, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.39.030 are each amended to read as follows:

RCW 35.39.030 amended.

Every city and town may invest any portion of the moneys in its inactive funds or in other funds in excess of current needs in:

Cities and towns. Excess and inactive funds —Investment.

- (1) United States bonds;
- (2) United States certificates of indebtedness;
- (3) Bonds or warrants of this state;
- (4) General obligation or utility revenue bonds

or warrants of its own or of any other city or town in the state;

(5) Its own bonds or warrants of a local improvement or condemnation award district which is within the protection of the local improvement guaranty fund law; and

- (6) In other investments authorized by law.

No investment shall be made without the approval of the legislative authority of the city or town expressed by ordinance: *Provided*, That except as otherwise provided by law, the legislative authority may by ordinance authorize a city official or a committee composed of several city officials to make the investments authorized as indicated above, without the consent of the legislative authority for each investment. The responsible official

Cities and towns. Excess and inactive funds—Investment.

or committee shall make a monthly report of all investment transactions to the city legislative authority. The legislative authority of a city or town or the city official or committee authorized to invest city or town funds may at any time convert the above-mentioned securities, or any part thereof, into cash.

Repeal.

SEC. 2. Sections 35.22.240, 35.22.250, 35.22.260, 35.22.270, 35.39.010 and 35.39.020, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.22.240, 35.22.250, 35.22.260, 35.22.270, 35.39.010 and 35.39.020 are each hereby repealed.

Passed the House March 22, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 47.

[House Bill No. 402.]

CITIES AND TOWNS—CHARTERS—ADOPTION.

AN ACT relating to adoption of charters by cities; and amending sections 35.17.430, 35.18.290, 35.22.030, 35.21.600, 35.22.050, 35.22.060, 35.22.070, 35.22.110, 35.22.140, 35.22.170, and 35.22.200, chapter 7, Laws of 1965 (Senate Bill No. 3), and RCW 35.17.430, 35.18.290, 35.22.030, 35.21.600, 35.22.050, 35.22.060, 35.22.070, 35.22.110, 35.22.140, 35.22.170, and 35.22.200; and adding two new sections to chapter 35.01 RCW and repealing section 35.22.040, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.22.040.

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

Cities—Charters. Cities over 10,000 may frame charter for own government.

SECTION 1. Notwithstanding any other provision of chapters 35.01 and 35.06 RCW, any city having a population of ten thousand inhabitants, or more, may elect to frame a charter for its own government in the same manner as is provided for in RCW

35.22.030 through 35.22.200, as now or hereafter amended, without changing its classification unless it desires to do so by taking the action provided therefor in chapter 35.06 RCW: *Provided*, That if a city has a population of twenty thousand inhabitants, or more, and desires to become a city of the first class, it may do so in accordance with chapter 35.22 RCW without following the procedure prescribed by chapter 35.06 RCW to effect a change in its classification.

SEC. 2. Any city adopting a charter under Article XI, section 10 of the Constitution of the state of Washington, as amended by amendment 40, shall have all of the powers which are conferred upon incorporated cities and towns by Title 35 RCW (chapter 7, Laws of 1965, Senate Bill No. 3), or other laws of the state, and all such powers as are usually exercised by municipal corporations of like character and degree.

Powers of city adopting charter under Art. XI, sec. 10, state Constitution.

SEC. 3. Section 35.17.430, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.17.430 are each amended to read as follows:

RCW 35.17.430 amended.

Any city which has operated under the commission form for more than six years may again reorganize as a noncommission city without changing its classification unless it desires to do so.

Abandonment of commission form—Classification may stay same.

SEC. 4. Section 35.18.290, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.18.290 are each amended to read as follows:

RCW 35.18.290 amended.

Any city or town which has operated under the council-manager plan for more than six years may abandon such organization and accept the provisions of the general laws then applicable to municipalities upon the petition of not less than twenty percent of the registered voters therein, without changing its classification unless it desires to do so.

Abandonment of council-manager plan—Classification may stay same.

RCW 35.22.030
amended.

SEC. 5. Section 35.22.030, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.22.030 are each amended to read as follows:

Cities over
10,000 may
frame charter.

Any city with a population of ten thousand or more inhabitants may frame a charter for its own government.

RCW 35.21.600
amended.

SEC. 6. Section 35.21.600, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.21.600 are each amended to read as follows:

Cities having
10,000 or more
may frame
charter for
own govern-
ment.

Any city of ten thousand or more population shall have all power to conduct its affairs consistent with and subject to state law, including the power to frame a charter for its own government in accordance with RCW 35.22.030 through 35.22.200, as now or hereafter amended. "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made under the direction of the state census board. Once any city has ten thousand or more population, any subsequent decrease in population below ten thousand shall not affect any powers theretofore acquired under this section.

RCW 35.22.050
amended.

SEC. 7. Section 35.22.050, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.22.050 are each amended to read as follows:

Election of
freeholders.

Whenever the population of a city is ten thousand or more, the legislative authority thereof shall provide by ordinance for an election to be held therein for the purpose of electing fifteen freeholders for the purpose of framing a charter for the city. The members of the board of freeholders must be qualified electors and must have been residents of the city for a period of at least two years prior to their election.

SEC. 8. Section 35.22.060, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.22.060 are each amended to read as follows:

RCW 35.22.060
amended.

The board of freeholders shall convene within ten days after their election and frame a charter for the city and within thirty days thereafter, they, or a majority of them, shall submit the charter to the legislative authority of the city, which, within five days thereafter, shall cause it to be published in the daily newspaper of largest general circulation published in the city, or if no daily newspaper is published therein, then it shall be published in the newspaper having the largest general circulation within the city at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval.

Submission of
charter—
Publication.

SEC. 9. Section 35.22.070, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.22.070 are each amended to read as follows:

RCW 35.22.070
amended.

Within five days after the filing with the city clerk of affidavits of publication, which affidavits shall be filed immediately after the last publication, the legislative authority of the city shall initiate the proceedings for the submission of the proposed charter to the qualified voters of the city for their adoption or rejection at either a general or special election. At this election the first officers to serve under the provisions of the proposed charter shall also be elected. In electing from wards, the division into wards as specified in the proposed charter shall govern; in all other respects the then existing laws relating to such elections shall govern. The notice shall specify the objects for which the election is held, and shall be given as required by law.

Election on
adoption of
charter—
Notice.

RCW 35.22.110 amended.

SEC. 10. Section 35.22.110, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.22.110 are each amended to read as follows:

Cities—Char-
ters.
Authentication
of charter.

The authentication of the charter shall be by certificate of the mayor in substance as follows:

“I, mayor of the city of do hereby certify that in accordance with the provisions of the Constitution and statutes of the State of Washington, the city of caused fifteen freeholders to be elected on the day of 19 to prepare a charter for the city; that due notice of that election was given in the manner provided by law and that the following persons were declared elected to prepare and propose a charter for the city, to wit:

That thereafter on the day of 19..... the board of freeholders returned a proposed charter for the city of signed by the following members thereof:

That thereafter the proposed charter was published in (Indicate name of newspaper in which published) for at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval. (Indicate dates of publication)

That thereafter on the day of 19....., at an election duly called and held, the proposed charter was submitted to the qualified electors thereof, and the returns canvassed resulting as follows: For the proposed charter, votes; against the proposed charter, votes; majority for the proposed charter, votes; whereupon the charter was declared adopted by a majority of the qualified electors voting at the election.

I further certify that the foregoing is a full, true and complete copy of the proposed charter so voted upon and adopted as aforesaid.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the corporate seal of said city at my office this day of 19.....

Attest:

.....
Mayor of the city of

Clerk of the city of (Corporate Seals).”

Immediately after authentication, the authenticated charter shall be recorded by the city clerk in a book provided for that purpose known as the charter book of the city of and when so recorded shall be attested by the clerk and mayor under the corporate seal of the city. All amendments shall be in like manner recorded and attested.

All courts shall take judicial notice of a charter and all amendments thereto when recorded and attested as required in this section.

SEC. 11. Section 35.22.140, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.22.140 are each amended to read as follows:

RCW 35.22.140 amended.

On the petition of a number of registered voters of a city equal to twenty-five percent of the total votes cast at the last preceding city election, the city council of a charter city shall, or without such petition may, cause an election to be held for the purpose of electing a board of fifteen freeholders for the purpose of preparing a new charter for the city by altering, revising, adding to or repealing the existing charter including all amendments thereto. The members of the board of freeholders must be qualified electors and must have been residents in

New or revised charter—
Petition—
Freeholders.

Cities—Char-
ters.
New or revised
charter—
Petition—
Freeholders.

the city for a period of at least two years prior to their election. At such election the proposition of whether or not a board of freeholders shall be created at all shall be separately stated on the ballots and unless a majority of the votes cast upon that proposition favor it, no further steps shall be taken in the proceedings.

RCW 35.22.170
amended.

SEC. 12. Section 35.22.170, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.22.170 are each amended to read as follows:

Publication of
proposed
charter.

The proposed new, altered or revised charter shall be published in the daily newspaper of largest general circulation published in the city, or if no daily newspaper is published therein, then it shall be published in the newspaper having the largest general circulation within the city at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval.

RCW 35.22.200
amended.

SEC. 13. Section 35.22.200, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.22.200 are each amended to read as follows:

Legislative
powers of a
charter city—
where vested—
Direct legisla-
tion.

The legislative powers of a charter city shall be vested in a mayor and a city council, to consist of such number of members and to have such powers as may be provided for in its charter. The charter may provide for direct legislation by the people through the initiative and referendum upon any matter within the scope of the powers, functions, or duties of the city. The mayor and council and such other elective officers as may be provided for in such charter shall be elected at such times and in such manner as provided in Title 29 RCW (chapter 9, Laws of 1965, Senate Bill No. 5), and for such terms and shall perform such duties and receive such compensation as may be prescribed in the charter.

SEC. 14. Section 35.22.040, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.22.040 are hereby repealed.

Passed the House March 19, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 48.

[House Bill No. 430.]

YOUTH DEVELOPMENT AND CONSERVATION CORPS.

AN ACT relating to state government; authorizing parks and recreation commission to enter agreements with and to accept grants from the federal government for the support of the youth development and conservation corps program; and adding three new sections to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.51 RCW.

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

SECTION 1. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.51 RCW a new section to read as follows:

The state parks and recreation commission is authorized to enter into agreements with and accept grants from the federal government for the support of any program within the purposes of RCW 43.51.500 through 43.51.570.

SEC. 2. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.51 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 43.51.530 and 43.51.540, the commission may determine the length of enrollment and the compensation of enrollees in accordance with the standards of any federal act or regulation under which an agreement is made with, or a grant is received from the fed-

eral government pursuant to section 1 of this 1965 amendatory act.

New section.

SEC. 3. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.51 RCW a new section to read as follows:

Youth corps.
Bi-weekly
payment.

The compensation of enrollees of any program under RCW 43.51.500 through 43.51.570 may be paid biweekly.

Passed the House March 16, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 49.

[House Bill No. 444.]

TEACHERS—FACULTY MEMBERS—BENEFITS.

AN ACT relating to teachers' benefits; and amending section 2, chapter 68, Laws of 1955, as last amended by section 1, chapter 104, Laws of 1963, and RCW 28.58.100.

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

RCW 28.58.100
amended.

SECTION 1. Section 2, chapter 68, Laws of 1955, as last amended by section 1, chapter 104, Laws of 1963, and RCW 28.58.100 are each amended to read as follows:

School
districts.
Directors—
General
powers.

Every board of directors, unless otherwise specially provided by law, shall:

(1) Employ for not more than one year, and for sufficient cause discharge teachers, and fix, alter, allow and order paid their salaries and compensation;

(2) Enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils and teachers, and enforce the course

of study lawfully prescribed for the schools of their districts;

(3) Rent, repair, furnish and insure schoolhouses and employ janitors, laborers and mechanics;

(4) Cause all schoolhouses to be properly heated, lighted and ventilated, and cause all school premises to be maintained in a cleanly and sanitary condition;

(5) Purchase personal property in the name of the district and receive, lease, issue and hold for their district real and personal property;

(6) Suspend or expel pupils from school who refuse to obey the rules thereof. This subsection shall be construed to include, but shall not be limited to, the right to suspend or expel pupils for the violation of reasonable rules relative to discipline or scholarship.

(7) Provide free textbooks and supplies to be loaned to the pupils of the school, when in its judgment the best interests of the district will be subserved thereby, prescribe rules and regulations to preserve such books and supplies from unnecessary damage and provide for the expenditure of a reasonable amount for suitable commencement exercises;

(8) Require all pupils to be furnished with such books as may have been adopted by the lawful authority of this state;

(9) Exclude from schools and school libraries all books, tracts, papers and other publications of immoral or pernicious tendency;

(10) Authorize schoolrooms to be used for summer or night schools, or for public, literary, scientific, religious, political, mechanical or agricultural meetings, under such regulations as the board of directors may adopt;

(11) Provide and pay for transportation of children to and from school whether such children live within or without the district when in its judgment the best interests of the district will be subserved

School
districts.
Directors—
General
powers.

thereby, but the board is not compelled to transport any pupil living within two miles of the schoolhouse.

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. The school board shall charge, for any extra-curricular uses, an amount sufficient to reimburse the district for its complete cost incurred by reason of such use.

Whenever any school children 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 by reason of theft, fire or property damage to the motor vehicle, and to protect the district against loss by reason of liability of the district to persons from the operation of such motor vehicle.

If the transportation of children is arranged for by contract of the district with some person, the board may require such contractor to procure liability, property, collision or other insurance for the motor vehicle used in such transportation;

(12) Establish and maintain night schools whenever it is deemed advisable;

(13) Make arrangements for free instruction in lip reading to adults handicapped by defective hear-

ing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned: *Provided*, That in the apportionment of the current school fund each district maintaining such classes for free instruction in lip reading shall be credited with one full day's attendance for each day's attendance of two hours or more;

(14) Join with boards of directors of other school districts in buying supplies, equipment and services collectively, by establishing and maintaining a joint purchasing agency or otherwise, when deemed to be for the best interests of the district;

(15) Adopt such rules and regulations as the board deems necessary or advisable in regard to granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or noncertification qualifications, including leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness and injury and bereavement for both certified and noncertified employees, and with such compensation as the board of directors prescribe: *Provided*, That the board of directors shall adopt rules and regulations granting to such persons annual leave with compensation for illness and injury as follows:

(a) For such persons under contract with the school district for a full year, at least ten days;

(b) for such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

School districts. Directors—General powers.

(d) leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days, and such accumulated time may be taken at any time during the school year;

(e) sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (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 (RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(f) accumulated leave under this proviso not taken at the time such person retires or ceases to be employed in the public schools shall not be compensable;

(g) accumulated leave under this proviso shall be transferred from one district to another;

(h) leave accumulated by a person in a district prior to leaving said district may, under rules and regulations of the board, be granted to such person when he returns to the employment of the district.

Accumulated sick leave fund—Established—Source—Disbursement.

SEC. 2. There shall be established in the office of the superintendent of public instruction an accumulated sick leave fund. Each school district shall contribute to the fund according to a plan established by the superintendent of public instruction based upon the sick leave experience of the previous school year. All school districts shall be reimbursed from this fund for payments made for sick leave.

Seniority, leave, other employee benefits, retained on transfer.

SEC. 3. When any faculty member, instructor, teacher, or other certificated employee or instructor leaves one public school, community college, or school district within the state and commences employment with another public school, community

college or 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 public school, community college or 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.

Passed the House March 18, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 50.

[House Bill No. 456.]

BOARD OF CHIROPRACTIC EXAMINERS.

AN ACT relating to the practice of chiropractic; prescribing penalties; amending section 1, chapter 53, Laws of 1959 and RCW 18.25.015.

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

SECTION 1. Section 1, chapter 53, Laws of 1959 and RCW 18.25.015 are each amended to read as follows:

RCW 18.25.015 amended.

There is hereby created a state board of chiropractic examiners consisting of three practicing chiropractors to conduct examinations and perform duties as provided in this chapter.

State board of chiropractic examiners. Created—Composition—Terms.

Members of the board shall be appointed by the governor from a list of five or more names submitted by the Washington Chiropractors Association, Inc. and/or the Chiropractic Society of Washington. At the time of their appointment, and during their tenure of office, the members of the board must be

State board of
chiropractic
examiners.
Terms.

actual residents of Washington, licensed to practice chiropractic in this state, and must be citizens of the United States.

In order that the term of one member shall expire each year, first members appointed shall serve one for a term of three years, one for a term of two years, and one for a term of one year; thereafter appointments shall be for a term of three years. Vacancies shall be filled by the governor as in the case of original appointment, such appointee to hold office for the remainder of the unexpired term.

Passed the House March 19, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 51.

[House Bill No. 491.]

STATE FOREST LANDS—EXCHANGE AUTHORIZED.

AN ACT authorizing the exchange of certain state forest lands for other lands of equal value for county park purposes.

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

Forest lands in
Clallam
county,
exchange of for
lands for
county park
purposes.

SECTION 1. For the purpose of securing and preserving certain lands for county park purposes, the commissioner of public lands is hereby authorized, with the advice and approval of the board of natural resources, to exchange any state forest lands of equal value held in trust for Clallam county for any lands, located in the following described tracts, which may be selected and requested for county park purposes: Government lot 4 of section 18; Government lots 1, 2, 3 and 4 of section 19; and Government lot 1 of section 30, all in Township 32 North, Range 15 West of the Willamette Meridian, in Clal-

lam county, Washington, and containing 193 acres, more or less.

The commissioner of public lands shall, with the advice and approval of the attorney general, execute such agreements, writings, or relinquishments and certify to the governor, such deeds as are necessary or proper to effect such exchanges. When such exchanges have been effected, the lands so acquired in exchange shall be reserved for and shall be conveyed to Clallam county for county park purposes.

Passed the House March 16, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 52.

[House Bill No. 515.]

DEPOSITING DEBRIS—HIGHWAYS, PARKS, BEACHES— PENALTY—PROCEDURE.

AN ACT relating to public highways; amending section 46.56-.135, chapter 12, Laws of 1961, and RCW 46.56.135; adding a new section to chapter 12, Laws of 1961 and to chapter 46.56 RCW; and providing penalties.

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

SECTION 1. Section 46.56.135, chapter 12, Laws of 1961 and RCW 46.56.135 are each amended to read as follows:

RCW 46.56.135 amended.

No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in the cleaning or maintaining of such roadway by public authority having jurisdiction. Any person operating

Motor vehicle driving delinquencies. Permitting escape of load materials.

Motor vehicle driving delinquencies.

a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects.

New section.

SEC. 2. There is added to chapter 12, Laws of 1961 and to chapter 46.56 RCW a new section to read as follows:

Throwing, dropping debris from moving vehicle upon public highways, parks, etc.—
Penalty—
Condition for suspension.

It shall be unlawful for any person to throw or drop any glass object, debris, or any waste from any moving vehicle, upon or along the right of way of any public highway, or in any public park or upon any public beach, or into waters less than ten feet in depth immediately adjacent to any public beach, except into a receptacle or litter container.

Any person violating the provisions of this act shall be guilty of a misdemeanor. Any fine or penalty may be suspended upon the condition that the violator pick up and remove from any public street or highway or right of way, or public beach or public park, any or all debris and waste deposited thereon by prior users. The extent of the area to be so policed shall be within the discretion of the court.

Passed the House March 18, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 53.

[House Bill No. 660.]

NEGOTIABLE INSTRUMENTS—NONPAYMENT—
INTEREST, COSTS, ATTORNEYS' FEES.

AN ACT relating to negotiable instruments; and adding a new section to chapter 35, Laws of 1955 and to chapter 62.01 RCW.

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

SECTION 1. There is added to chapter 35, Laws of 1955 and to chapter 62.01 RCW a new section to read as follows:

Whenever a check or a bill of exchange payable on demand has been dishonored by nonacceptance or nonpayment and the instrument does not provide for the payment of interest, or collection costs and attorneys' fees, the person primarily liable for payment of the amount of such instrument shall also be liable for payment of interest at the rate of six percent from the date of dishonor, and reasonable costs of collection and attorneys' fees as set by the court: *Provided*, That this section shall not apply to any instrument which has been dishonored by reason of any valid stop payment order.

New section.

Negotiable instruments. Demand notes, liability for interest, costs and attorney's fees on.

Passed the House March 22, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 54.

[House Bill No. 665.]

PORT DISTRICTS—FINANCES—BONDS.

AN ACT relating to port districts; amending section 12, chapter 65, Laws of 1955 as amended by section 1, chapter 52, Laws of 1959 and RCW 53.36.030; and declaring an emergency.

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

RCW 53.36.030 amended.

SECTION 1. Section 12, chapter 65, Laws of 1955 as amended by section 1, chapter 52, Laws of 1959 and RCW 53.36.030 are each amended to read as follows:

Port district finances. Indebtedness—Limitation.

A district may at any time contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor not exceeding an amount, together with any existing indebtedness of the district not authorized by the voters, of one percent of the assessed value of the taxable property in the district, to be ascertained by the last assessment for state and county purposes previous to incurring the indebtedness; and, with the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, may contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor provided the total indebtedness of the district at any such time shall not exceed three percent of the assessed valuation of the taxable property in the district to be ascertained as hereinabove provided: *Provided further*, That port districts having less than fifty million dollars of assessed valuation and operating a municipal airport may at any time contract indebtedness or borrow money for airport capital improvement purposes and may issue general obligation bonds therefor not exceeding an additional one-half percent of

the assessed value of the taxable property in the district without authorization by the voters to be ascertained has hereinabove provided; and, with the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, may contract indebtedness or borrow money for airport capital improvement purposes and may issue general obligation bonds therefor for an additional one and one-half percent provided the total indebtedness of the district for all port purposes at any such time shall not exceed five percent of the assessed value of the taxable property in the district to be ascertained as hereinabove provided. Any district may issue general district bonds evidencing any indebtedness, payable at any time not exceeding fifty years from the date of the bonds.

SEC. 2. This act is necessary for the immediate Emergency. preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 19, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 55.

[House Bill No. 676.]

DESCENT AND DISTRIBUTION—COMMUNITY PROPERTY.

AN ACT relating to probate law and procedure; and amending section 11.04.015, chapter 145, (Senate Bill No. 6) Laws of 1965 (uncodified).

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

RCW 11.04.015 amended.

SECTION 1. Section 11.04.015, chapter 145, (Senate Bill No. 6) Laws of 1965 (uncodified), is amended to read as follows:

Probate. Descent and distribution of real and personal estate.

The net estate of a person dying intestate shall descend subject to the provisions of RCW 11.04.250 and be distributed as follows:

(1) Share of surviving spouse. The surviving spouse shall receive the following share:

(a) All of the net community estate unless there be surviving issue or parents, in which event, the surviving spouse shall take three-fourths of the net community estate; and

(b) One-half of the net separate estate if the intestate is survived by issue; or

(c) Three-quarters of the net separate estate if there is no surviving issue, but the intestate is survived by one or more of his parents, or by one or more of the issue of one or more of his parents; or

(d) All of the net separate estate, if there is no surviving issue nor parent nor issue of parent.

(2) Shares of others than surviving spouse. The share of the net estate not distributable to the surviving spouse, or the entire net estate if there is no surviving spouse, shall descend and be distributed as follows:

(a) To the issue of the intestate; if they are all in the same degree of kinship to the intestate, they shall take equally, or if of unequal degree, then

those of more remote degrees shall take by representation.

(b) If the intestate not be survived by issue, then to the parent or parents who survive the intestate.

(c) If the intestate not be survived by issue nor by either parent, then to those issue of the parent or parents who survive the intestate; if they are all in the same degree of kinship to the intestate, they shall take equally, or, if of unequal degree, then those of more remote degree shall take by representation.

(d) If the intestate not be survived by issue nor by either parent, nor by any issue of the parent or parents who survive the intestate, then to the grandparent or grandparents who survive the intestate, the maternal grandparent or grandparents sharing equally with the paternal grandparent or grandparents.

(e) If the intestate not be survived by issue nor by either parent, nor by any issue of the parent or parents who survive the intestate, nor by any grandparent or grandparents who survive the intestate, then to the issue of any grandparent or grandparents who survive the intestate, the issue of any maternal grandparent or grandparents sharing equally with the issue of the paternal grandparent or grandparents.

Passed the House March 22, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 56.

[Senate Bill No. 518.]

URBAN MASS TRANSPORTATION—FERRY VESSELS—
BONDS.

AN ACT relating to urban mass transportation; authorizing the state highway commission to make application to the United States for a grant of financial assistance for the acquisition of new ferry vessels; authorizing the sale of limited obligation bonds and the use of the proceeds for acquisition of new ferry vessels; and making an appropriation; and declaring an emergency.

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

Ferries—
Financing.
Commission to
seek federal
assistance
financing
ferries.

SECTION 1. Recognizing that the Washington state ferries system is an integral part of the state highway system, the Washington state highway commission is authorized to enter into an agreement with the administrator of the housing and home finance agency and to make application for a grant for financial assistance for the acquisition by construction or purchase of new vessels pursuant to the provisions of the Urban Mass Transportation Act of 1964.

Bonds for
matching funds
—Amount—
Committee to
supervise
issuance, sale
and retire-
ment.

SEC. 2. In order to provide necessary state matching funds as required by the Urban Mass Transportation Act of 1964, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of eleven million dollars, or such amount thereof and at such times as determined to be necessary by the state highway commission. No bonds shall be issued under the provisions of this act until the administrator of the housing and home finance agency has approved a grant to the Washington state highway commission of not less than fifty percent of the cost of acquisition of vessels referred to in section 1 of this act. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance com-

mittee which, upon request being made by the Washington state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as may be necessary for the orderly progress of said project.

SEC. 3. Each of such bonds shall be made payable at any time not exceeding twenty-five years from the time of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein.

Bonds—
Maturity—
Interest on—
Terms—
Conditions.

SEC. 4. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York city, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places at the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

Bonds—
Signatures—
Registration—
Payable, where
—Negotiable
instruments.

SEC. 5. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in

Bonds—
Denominations
—Sale—As
legal invest-
ment for state
funds.

such manner as it shall deem sufficient. Bonds issued under the provisions of this act shall be legal investment for any of the funds of the state, except the permanent school fund.

Ferries—
Financing,
proceeds from
bonds,
Disposition,
use.

SEC. 6. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the acquisition by construction or purchase of new ferry vessels and for the payment of all expense incurred in the drafting, printing, issuance, and sale of any such bonds.

Bonds limited
obligation—
Tax proceeds
pledged to
payment.

SEC. 7. Bonds issued under the provisions of this act shall distinctly state that they are not a general obligation of the state but are payable in the manner provided in this act from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 and 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of this act, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of this act.

Bonds to reflect
federal grant
agreement.

SEC. 8. Bonds issued under the provisions of section 2 of this act shall fully reflect the terms and conditions of the grant agreement to be executed pursuant to the provisions of section 1 of this act.

Source of
funds to repay
bonds.

SEC. 9. Any funds required to repay such bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and

towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

SEC. 10. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments under the provisions of this act when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

Procedure for
payment of
interest and
bonds.

SEC. 11. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, or in the event there is appropriated from time to time additional amounts

Excess in bond
retirement
fund, use.

Ferries—
Financing.
Excess in bond
retirement
fund, use.

to be placed in the said bond retirement fund, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

Appropriation
—Limitation.

SEC. 12. There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1967, the sum of eleven million dollars, or so much thereof as may be necessary to carry out the provisions of this act, but no money shall be available under this appropriation from said fund unless a like amount of bonds provided for herein are sold and the moneys derived therefrom are deposited to the credit of such funds.

Emergency.

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 immediately.

Passed the Senate March 18, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 57.

[Senate Bill No. 502.]

COMMERCIAL FISHING LICENSES—APPLICATIONS.

AN ACT relating to commercial fishing licenses; and amending section 3, chapter 171, Laws of 1957, as amended by section 4, chapter 309, Laws of 1959, and RCW 75.28.014.

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

SECTION 1. Section 3, chapter 171, Laws of 1957, as amended by section 4, chapter 309, Laws of 1959, and RCW 75.28.014 are each amended to read as follows:

RCW 75.28.014 amended.

Applications accompanied by the prescribed fees for the licenses required in RCW 75.28.013, as amended, shall be made in person, or postmarked not later than midnight of April 15th of the year in which the commercial salmon fishing license is to be effected.

Commercial salmon fishing license. Application for.

Passed the Senate March 15, 1965.

Passed the House March 23, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 58.

[Substitute Senate Bill No. 479.]

HEALING PROFESSIONS—REBATES, FEE-SPLITTING,
ETC. PROHIBITED—PENALTIES.

AN ACT relating to practitioners of the healing professions and prohibiting certain practices relating thereto; reenacting section 1, chapter 204, Laws of 1949 and RCW 19.68.010; amending section 2, chapter 204, Laws of 1949 and RCW 19.68.020; reenacting section 3, chapter 204, Laws of 1949 and RCW 19.68.030; and prescribing penalties.

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

RCW 19.68.010 amended.

SECTION 1. Section 1, chapter 204, Laws of 1949 and RCW 19.68.010 are each reenacted to read as follows:

Rebating by practitioners of healing professions. Prohibited—Penalty.

It shall be unlawful for any person, firm, corporation or association, whether organized as a cooperative, or for profit or nonprofit, to pay, or offer to pay or allow, directly or indirectly, to any person licensed by the state of Washington to engage in the practice of medicine and surgery, drugless treatment in any form, or dentistry, and it shall be unlawful for such person to request, receive or allow, directly or indirectly, a rebate, refund, commission, unearned discount or profit by means of a credit or other valuable consideration in connection with the referral of patients to any person, firm, corporation or association, or in connection with the furnishings of medical, surgical or dental care, diagnosis, treatment or service, on the sale, rental, furnishing or supplying of clinical laboratory supplies or services of any kind, or any other goods, services or supplies prescribed for medical diagnosis, care or treatment.

Any person violating the provisions of this section is guilty of a misdemeanor.

RCW 19.68.020 amended.

SEC. 2. Section 2, chapter 204, Laws of 1949 and RCW 19.68.020 are each amended to read as follows:

Deemed unprofessional conduct.

The acceptance directly or indirectly by any person so licensed of any rebate, refund, commission,

unearned discount, or profit by means of a credit or other valuable consideration whether in the form of money or otherwise, as compensation for referring patients to any person, firm, corporation or association as set forth in section 3 of this act, constitutes unprofessional conduct.

SEC. 3. Section 3, chapter 204, Laws of 1949 and RCW 19.68.030 are each reenacted to read as follows:

RCW 19.68.030 amended.

The license of any person so licensed may be revoked or suspended if he has directly or indirectly requested, received or participated in the division, transference, assignment, rebate, splitting or refunding of a fee for, or has directly or indirectly requested, received or profited by means of a credit or other valuable consideration as a commission, discount or gratuity in connection with the furnishing of medical, surgical or dental care, diagnosis or treatment or service, including x-ray examination and treatment, or for or in connection with the sale, rental, supplying or furnishing of clinical laboratory service or supplies, x-ray services or supplies, inhalation therapy service or equipment, ambulance service, hospital or medical supplies, physiotherapy or other therapeutic service or equipment, artificial limbs, teeth or eyes, orthopedic or surgical appliances or supplies, optical appliances, supplies or equipment, devices for aid of hearing, drugs, medication or medical supplies or any other goods, services or supplies prescribed for medical diagnosis, care or treatment, except payment, not to exceed thirty-three and one-third percent of any fee received for x-ray examination, diagnosis or treatment, to any hospital furnishing facilities for such examination, diagnosis or treatment.

License may be revoked or suspended.

Passed the Senate March 21, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 59.

[Senate Bill No. 477.]

INTOXICATING LIQUOR—SELLING, ETC. ON ELECTION DAYS.

AN ACT relating to crimes and punishment; and amending sections 907 and 908, Code of 1881 as amended by section 18, chapter 69, Laws of 1891 and RCW 66.44.260.

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

RCW 66.44.260 amended.

SECTION 1. Sections 907 and 908, Code of 1881 as amended by section 18, chapter 69, Laws of 1891, and RCW 66.44.260 are each amended to read as follows:

Intoxicating liquor. Sales on election days prohibited—Exception.

Any person who shall barter, sell, give away, or in any manner dispose of any intoxicating liquors on the day of any general or special election of state, county or municipal officers within the state, district, county or corporation in which said election is held, and before the polls have closed, shall upon conviction thereof be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days, or both, in the discretion of the court: *Provided, however,* That this section shall not apply to the day of any election, general or special, of any diking district, drainage district, diking and drainage district, irrigation district or any other district election when such elections are held on an isolated date and the ownership of property is a prerequisite to voting at such elections.

Passed the Senate March 15, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 60.

[Senate Bill No. 476.]

TELETYPEWRITER COMMUNICATIONS NETWORK.

AN ACT relating to state government; transferring the powers, duties and functions of the director of budget relating to the state teletypewriter communications network to the chief of the Washington state patrol; amending section 43.89.010, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.89.010; amending section 43.89.020, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.89.020; amending section 43.89.030, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.89.030; adding new sections to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.89 RCW; and providing an effective date.

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

SECTION 1. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.89 RCW a new section to read as follows:

New section.

The powers, duties, and functions of the director of budget relating to the state teletypewriter communication network are transferred to the chief of the Washington state patrol. All existing contracts, orders, rules, regulations, records, and obligations together with communications equipment, motor vehicles, and any other property, device, or thing and any remaining appropriation pertaining to such communication network shall be transferred by the director of budget or his agent to the chief of the Washington state patrol as of the effective date of this 1965 amendatory act.

Teletypewriter communications network. Powers, functions, transferred.

SEC. 2. Section 43.89.010, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.89.010 are each amended to read as follows:

RCW 43.89.010 amended.

The chief of the Washington state patrol is hereby authorized to establish a teletypewriter communications network which will inter-connect the law enforcement agencies of the state and its political

Network—Establishment—Use—Charges—Duties of chief of state patrol.

Teletypewriter
communications network.
Use—Charges
—Duties of
chief of state
patrol.

subdivisions into a unified written communications system. The chief of the Washington state patrol is authorized to lease or purchase such facilities and equipment as may be necessary to establish and maintain such teletypewriter communications network.

(1) The communications network shall be used exclusively for the official business of the state, and the official business of any city, county, city and county, or other public agency.

(2) This section does not prohibit the occasional use of the state's communications network by any other state or public agency thereof when the messages transmitted relate to the enforcement of the criminal laws of the state.

(3) The chief of the Washington state patrol shall fix the monthly operational charge to be paid by any department or agency of state government, or any city, county, city and county, or other public agency participating in the communications network: *Provided*, That in computing charges to be made against a city, county, or city and county the state shall bear at least fifty percent of the costs of such service as its share in providing a modern unified communications network to the law enforcement agencies of the state.

(4) The chief of the Washington state patrol is authorized to arrange for the connection of the communications network with the law enforcement communications system of any adjacent state, or the Province of British Columbia, Canada.

RCW 43.89.020
amended.

SEC. 3. Section 43.89.020, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.89.020 are each amended to read as follows:

State commu-
nications
advisory com-
mittee. Cre-
ated—
Members—Pay

There is hereby created the state communications advisory committee which shall advise the chief of the Washington state patrol on matters re-

lating to the operation of the teletypewriter communications system established hereunder.

—Terms—
Powers and
duties.

(1) The committee shall serve without pay and shall meet at such times as the chairman or chief of the Washington state patrol so determine. Attendance at meetings of the committee shall be deemed performance by a member of the duties of his state or political subdivision's employment.

(2) The committee shall consist of seven members appointed by the governor and shall include:

- (a) An incumbent county sheriff;
- (b) An incumbent chief of police;
- (c) An incumbent county commissioner;
- (d) An incumbent city chief executive officer;
- (e) A member of the Washington state patrol;
- (f) The director of state institutions or his duly authorized representative;
- (g) The state director of civil defense.

(3) The term of each member of the committee shall be two years, except that the term of three of the original members, to be determined by the governor, shall expire on July 1, 1964. The governor shall designate one of the members to serve as chairman.

(4) The committee shall advise the chief of the Washington state patrol on the initial formation and installation of a teletypewriter communications network and approve the initial or subsequent connection of any city, county, city and county or local subdivision to the network.

(5) The committee shall adopt such rules, regulations, procedures, and methods of operation as it deems necessary to effectuate the most efficient and economical use of the communications network.

SEC. 4. Section 43.89.030, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.89.030 are each amended to read as follows:

RCW 43.89.030
amended.

Teletypewriter communications network. Political subdivision participation.

Any city, county, city and county, or other public agency may connect with and participate in the teletypewriter communications network subject to the rules, regulations, procedures and methods of operation adopted by the state communications advisory committee: *Provided*, That such city, county, city and county, or other public agency shall first agree to pay such installation charges as may be necessary for such connection and such monthly operational charges as may be established by the chief of the Washington state patrol.

New section.

SEC. 5. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.89 RCW a new section to read as follows:

Liability of state not affected by transfer.

The transfer of the powers, duties, and functions relating to the state teletypewriter communication network from the director of budget to the chief of the Washington state patrol shall not terminate or affect the liability of the state accruing with respect to such communications network to any person, company, or corporation.

Effective date.

SEC. 6. This 1965 amendatory act shall take effect on July 1, 1965.

Passed the Senate March 19, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 61.

[Senate Bill No. 464.]

LOST OR DESTROYED WARRANTS—BONDS—
INSTRUMENTS—PROCEDURE.

AN ACT relating to lost or destroyed instruments issued by public agencies; and amending sections 43.08.064 through 43.08.068, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.08.064 through 43.08.068.

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

SECTION 1. Section 43.08.064, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.08.064 are each amended to read as follows:

RCW 43.08.064 amended.

In case of the loss or destruction of a state warrant for the payment of money, or any bond or other instrument or evidence of indebtedness, issued by any state officer, or agency, such officer, or such agency through its appropriate officer may issue or cause to be issued a duplicate in lieu thereof, bearing the same number, class, or designation in all respects and for the same amount as the original, except that the word duplicate shall plainly appear upon the face of the new instrument in such a manner as to clearly identify it as a duplicate instrument. The duplicate instrument so issued shall be subject in all other respects to the same provisions of law as the original instrument.

Duplicate warrants or other evidences of indebtedness.

SEC. 2. Section 43.08.066, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.08.066 are each amended to read as follows:

RCW 43.08.066 amended.

Before a duplicate instrument is issued, the state treasurer or other issuing officer shall require the person making application for its issue to file in his office a written affidavit specifically alleging on oath that he is the proper owner, payee, or legal representative of such owner or payee of the original instrument. giving the date of issue, the number,

—Conditions on issuance.

Duplicate warrants or other evidences of indebtedness. Conditions on issuance.

amount, and for what services or claim or purpose the original instrument or series of instruments of which it is a part was issued, and that the same has been lost or destroyed, and has not been paid; and to give a bond, in twice the face amount of the original instrument, with one or more sufficient sureties, conditioned to save harmless the state, its paying agent or any trustee under the terms of the instrument from the payment of the original instrument, and the payment of all costs and charges on account thereof.

RCW 43.08.068 amended.

SEC. 3. Section 43.08.068, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.08.068 are each amended to read as follows:

—Record of all lost or destroyed instruments, duplicates— Notice of cancellation of original.

The state treasurer or other issuing officer shall keep a full and complete record of all warrants, bonds or other instruments alleged to have been lost or destroyed, which were issued by such agency, and of the issue of any duplicate therefor; and upon the issuance of any duplicate, the officer shall enter upon his books the cancellation of the original instrument and immediately notify the state treasurer, the state auditor, and all trustees and paying agents authorized to redeem such instruments on behalf of the state of Washington, of such cancellation. The treasurer shall keep a similar list of all warrants, bonds or other instruments so canceled.

Municipal corporations— Duplicate warrants or other evidences of indebtedness— Conditions on issuance.

SEC. 4. In case of the loss or destruction of a warrant for the payment of money, or any bond or other instrument or evidence of indebtedness, issued by any county, city or town, district or other political subdivision or municipal corporation of the state of Washington, hereinafter referred to as a municipal corporation, or by any department or agency of such municipal corporation, such municipal corporation may cause a duplicate to be issued in lieu thereof, subject to the same requirements

and conditions, and according to the same procedure, as prescribed for the issuance of duplicate state instruments in sections 43.08.064 and 43.08.066, chapter 8, Laws of 1965 (Senate Bill No. 4), now or as such statutes may be amended to read as set forth in sections 1 and 2 of this amendatory act.

SEC. 5. When a municipal corporation issues a duplicate instrument, as authorized in this amendatory act, the issuing officer of such municipal corporation shall keep a full and complete record of all warrants, bonds or other instruments alleged to have been lost or destroyed, which were issued by such municipal corporation, and of the issue of any duplicate therefor; and upon the issuance of any duplicate such officer shall enter upon his books the cancellation of the original instrument and immediately notify the treasurer of the county, city or other municipal corporation, the state auditor, and all trustees and paying agencies authorized to redeem such instruments on behalf of the municipal corporation, of such cancellation. The treasurer shall keep a similar list of all warrants, bonds or other instruments so canceled.

—Record of all lost, or destroyed instruments, duplicates—Notice of cancellation of original.

Passed the Senate March 22, 1965.

Passed the House March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 62.

[Senate Bill No. 377.]

STATE CAPITOL HISTORICAL ASSOCIATION AND MUSEUM.

AN ACT relating to the state capitol historical association and museum; amending section 1, chapter 44, Laws of 1941 and RCW 27.36.010; amending section 2, chapter 44, Laws of 1941 and RCW 27.36.030; amending section 5, chapter 44, Laws of 1941 and RCW 27.36.050; and adding new sections to chapter 44, Laws of 1941 and to chapter 27.36 RCW.

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

RCW 27.36.010 amended.

SECTION 1. Section 1, chapter 44, Laws of 1941 and RCW 27.36.010 are each amended to read as follows:

State capitol historical association. As trustee—Duties.

The state capitol historical association, a corporation existing under and by virtue of the laws of the state of Washington, be, and the same is hereby, created a trustee of the state of Washington for the intent and purposes hereinafter mentioned:

It shall be the duty of the said association

(1) To collect books, maps, charts, papers, relics and other materials illustrative of the history of this state, and, in particular, of the progress and development of the territorial capitol and the state capitol at Olympia;

(2) To procure from pioneers authentic narratives of the experiences and of incidents relating to the early settlement of this state;

(3) To shelf, store and safely keep such books, maps, charts, papers, relics and other historical material now or hereafter to come into its possession;

(4) To catalog the collections of said association for the convenient reference of persons having occasion to consult the same;

(5) To keep the museum display rooms open at reasonable hours for the reception of citizens and visitors, without charge;

(6) To engage in cultural and educational activities;

(7) To display items of interest to the people of the state, including but not limited to scientific, industrial, agricultural, commercial, and cultural exhibits;

(8) To engage in the sale of various articles which are consistent with the basic purposes of the state capitol museum to visitors to the museum;

(9) To dispose of items which are no longer of historical value to the museum or of interest to the patrons of the museum.

SEC. 2. Section 2, chapter 44, Laws of 1941 and RCW 27.36.030 are each amended to read as follows:

The books, maps, charts, papers, relics and other historical material now or hereafter acquired by said association shall be held by said association in trust for the use and benefit of the people of the state of Washington and shall be housed at the state capitol museum: *Provided*, That the board of trustees of said association are hereby authorized to loan items to and receive on loan items from various public and private museums and agencies: *Provided further*, That the board of trustees of said association may exchange items with other public and private museums and agencies except in those instances where the items belonging to the museum were received with a restriction as to their use or disposition.

RCW 27.36.030 amended.

Property held in trust for people—Loans or exchanges authorized, when.

SEC. 3. Section 5, chapter 44, Laws of 1941 and RCW 27.36.050 are each amended to read as follows:

There shall be appointed by the state capitol historical association, with the consent of the gov-

Director—Duties.

State capitol
historical
association.
Director—
Duties.

ernor, a person to be designated as director of the state capitol museum, whose duties shall be:

- (1) To designate arrangements and locations of the various collections and historical material in the state capitol museum;
- (2) To administer the affairs of the museum under the policies established by the board of trustees;
- (3) To perform such other duties and functions as may be delegated to him by the board of trustees;
- (4) To prepare a biennial report to the state legislature on the progress of development of the state capitol museum.

New section.

SEC. 4. There is added to chapter 44, Laws of 1941 and to chapter 27.36 RCW a new section to read as follows:

Cultural and
educational
activities au-
thorized—
Conditions.

Notwithstanding the provisions of this act, the state capitol historical association may engage in cultural and educational activities at the museum or elsewhere in the community which do not involve the expenditure of state funds so long as any funds derived from such activities inure to the benefit of the state capitol museum and do not result in a profit to private individuals or corporations.

New section.

State capitol
historical
account. Estab-
lished—Use—
Moneys trans-
ferred to.

SEC. 5. There is added to chapter 44, Laws of 1941 and to chapter 27.36 RCW a new section to read as follows: All moneys collected under this chapter shall be paid to the state treasurer who shall deposit them in an account which is hereby established and shall be known as the state capitol historical association museum account, within the general fund, which shall be expended for such museum purposes as shall be determined proper by a majority of the board of trustees of said association. Moneys in the state capitol historical association museum trust fund at the time of the effective

date of this act shall be transferred to, and shall constitute a part of, the account herein created.

Passed the Senate March 19, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 63.

[Senate Bill No. 421.]

INDUSTRIAL INSURANCE—ATTORNEYS' FEES.

AN ACT relating to industrial insurance; amending section 51.52.120, chapter 23, Laws of 1961 and RCW 51.52.120; and amending section 51.52.132, chapter 23, Laws of 1961 and RCW 51.52.132; and providing penalties.

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

SECTION 1. Section 51.52.120, chapter 23, Laws of 1961 and RCW 51.52.120 are each amended to read as follows:

RCW 51.52.120 amended.

(1) It shall be unlawful for an attorney engaged in the representation of any workman or beneficiary to charge for services in the department any fee in excess of a reasonable fee, of not more than thirty percent of the increase in the award secured by the attorney's services. Such reasonable fee shall be fixed by the director for services performed by an attorney for such workman or beneficiary, prior to the notice of appeal to the board if written application therefor is made by the attorney, workman or beneficiary.

Industrial insurance. Attorney's fee before department or board —Unlawful fee —Penalty.

(2) If, on appeal to the board, the order, decision or award of the department is reversed or modified and additional relief is granted to a workman or beneficiary, or in cases where a party other than the workman or beneficiary is the appealing party and the workman's or beneficiary's right to relief

Industrial in-
surance. Attor-
ney's fee
before depart-
ment or board.
—Unlawful fee
—Penalty.

is sustained by the board, the board shall fix a reasonable fee for the services of his attorney in proceedings before the board if written application therefor is made by the attorney, workman or beneficiary. In fixing the amount of such attorney's fee, the board shall take into consideration the fee allowed, if any, by the director, for services before the department, and the board may review the fee fixed by said director. Any attorney's fee set by the department or the board may be reviewed by the superior court upon application of such attorney. Where the board, pursuant to this section, fixes the attorney's fee, it shall be unlawful for an attorney to charge or receive any fee for services before the board in excess of that fee fixed by the board. Any person who violates any provision of this section shall be guilty of a misdemeanor.

RCW 51.52.132
amended.

SEC. 2. Section 51.52.132, chapter 23, Laws of 1961 and RCW 51.52.132 are each amended to read as follows:

Unlawful
attorney's fees
—Penalty.

Where the department, the board or the court, pursuant to RCW 51.52.120 or 51.52.130 fixes the attorney's fee, it shall be unlawful for an attorney to charge or receive any fee in excess of that fixed by the department, board or the court. Any person who violates any provision of this section shall be guilty of a misdemeanor.

Passed the Senate March 20, 1965.

Passed the House March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 64.

[Senate Bill No. 366.]

HIGHWAY CONSTRUCTION—BIDS—COPIES OF MAPS,
PLANS, ETC.—FEES.

AN ACT relating to the construction and maintenance of state highways; amending section 47.28.060, chapter 13, Laws of 1961 and RCW 47.28.060.

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

SECTION 1. Section 47.28.060, chapter 13, Laws of 1961 and RCW 47.28.060 are each amended to read as follows:

RCW 47.28.060
amended.

Any person, firm or corporation shall be entitled to receive copies of the maps, plans, specifications and directions for any work upon which call for bids has been published, upon written request therefor and payment to the highway commission of a reasonable sum as required by the highway commission in the call for bids for each copy of such maps, plans and specifications. Any money so received shall be in payment of rental for such maps, plans and specifications, and the same shall be certified by the highway commission to the state treasurer and deposited to the credit of the motor vehicle fund: *Provided*, That the highway commission may deliver without charge informational copies of maps, plans, specifications and directions at such places as it may from time to time designate: *Provided further*, That in addition to the above rental charge, the highway commission may require the deposit of a reasonable sum to assure return of such copies of maps, plans and specifications after which refund of such deposit shall be made.

Highway
construction
and maintenance.
Copy of map,
plans, etc.,
after call for
bid—Fees.

Passed the Senate March 22, 1965.

Passed the House March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 65.

[Senate Bill No. 346.]

ELECTRICAL CONSTRUCTION—SPECIFICATIONS—
RULES.

AN ACT relating to electrical construction; amending section 1, chapter 130, Laws of 1913 and RCW 19.29.010.

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

RCW 19.29.010 amended.

SECTION 1. Section 1, chapter 130, Laws of 1913 and RCW 19.29.010 are each amended to read as follows:

Electrical apparatus construction—Rules for use of.

It shall be unlawful from and after the passage of this chapter for any officer, agent, or employee of the state of Washington, or of any county, city or other political subdivision thereof, or for any other person, firm or corporation, or its officers, agents or employees, to run, place, erect, maintain, or use any electrical apparatus or construction, except as provided in the rules of this chapter.

Rule 1. No wire or cable carrying a current of less than seven hundred fifty volts of electricity within the corporate limits of any city or town shall be run, placed, erected, maintained or used on any insulator the center of which is less than thirteen inches from the center line of any pole. And no such wire shall be run past any pole to which it is not attached at a distance of less than thirteen inches from the center line thereof. This rule shall not apply to any wire or cable where the same is run from under ground and placed vertically on the pole; nor to any wire or cable where the same is attached to the top of the pole; nor to a pole top fixture as between it and the same pole; nor to any wire or cable between the points where the same is made to leave any pole or fixture thereon for the purpose of entering any building or other struc-

ture and the point of attachment to such building or structure; nor to any jumper wire or cable carrying a current or connected with a transformer or other appliance on the same pole; nor to bridle or jumper wires on any pole which are attached to or connected with signal wires on the same pole; nor to any aerial cable as between such cable and any pole upon which it originates or terminates; nor to exclusive telephone or telegraph toll lines; nor to aerial cables containing telephone, telegraph, or signal wires, or wires continuing from same, where the cable is attached to poles on which no wires or cables other than the wires continuing from said cable are maintained, provided, that electric light or power wires or cables are in no case maintained on the same side of the street or highway on which said aerial cable is placed.

Rule 2. No wire or cable used to carry a current of over seven hundred fifty volts of electricity within the incorporate limits of any city or town shall be run, placed, erected, maintained or used on any insulator the center of which is nearer than twenty-four inches to the center line of any pole. And no such wire or cable shall be run past any pole to which it is not attached at a distance of less than twenty-four inches from the center line thereof: *Provided*, That this shall not apply to any wire or cable where the same is run from under ground and placed vertically on the pole; nor to any wire or cable where the same is attached to the top of the pole; nor to a pole top fixture, as between it and the same pole; nor to any wire or cable between the points where the same is made to leave any pole or fixture thereon for the purpose of entering any building or other structure, and the point of attachment to said building or structure; nor to any jumper wire or cable carrying a current or connected with transformers or other appliances

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construction—
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use of.

on the same pole: *Provided further*, That where said wire or cable is run vertically, it shall be rigidly supported and where possible run on the ends of the cross-arms.

Rule 3. No wire or cable carrying a current of more than seven hundred fifty volts, and less than seventy-five hundred volts of electricity, shall be run, placed, erected, maintained or used within three feet of any wire or cable carrying a current of seven hundred fifty volts or less of electricity; and no wire or cable carrying a current of more than seventy-five hundred volts of electricity shall be run, placed, erected, maintained, or used within seven feet of any wire or cable carrying less than seventy-five hundred volts: *Provided*, That the foregoing provisions of this paragraph shall not apply to any wire or cable within buildings or other structures; nor where the same are run from under ground and placed vertically upon the pole; nor to any service wire or cable where the same is made to leave any pole or fixture thereon for the purpose of entering any building or other structure, and the point of attachment to said building or structure; nor to any jumper wire or cable carrying a current or connected with a transformer or other appliance on the same pole: *Provided*, That where run vertically, wires or cables shall be rigidly supported, and where possible run on the ends of the cross-arms: *Provided further*, That as between any two wires or cables mentioned in Rules 1, 2 and 3 of this section, only the wires or cables last in point of time so run, placed, erected or maintained, shall be held to be in violation of the provisions thereof.

Rule 4. No wire or cable used for telephone, telegraph, district messenger, or call bell circuit, fire or burglar alarm, or any other similar system, shall be run, placed, erected, maintained or used on any pole at a distance of less than three feet

from any wire or cable carrying a current of over three hundred volts of electricity; and in all cases (except those mentioned in exceptions to Rules 1, 2 and 3) where such wires or cables are run, above or below, or cross over or under electric light or power wires, or a trolley wire, a suitable method of construction, or insulation or protection to prevent contact shall be maintained as between such wire or cable and such electric light, power or trolley wire; and said methods of construction, insulation or protection shall be installed by, or at the expense of the person owning the wire last placed in point of time: *Provided*, That telephone, telegraph or signal wires or cables operated for private use and not furnishing service to the public, may be placed less than three feet from any line carrying a voltage of less than seven hundred and fifty volts.

Rule 5. Transformers, either single or in bank, that exceed a total capacity of over ten K. W. shall be supported by a double cross-arm, or some fixture equally as strong. No transformer shall be placed, erected, maintained or used on any cross-arm or other appliance on a pole upon which is placed a series electric arc lamp or arc light: *Provided*, This shall not apply to a span wire supporting a lamp only. All aerial and underground transformers used for low potential distribution shall be subjected to an insulation test in accordance with the standardized rules of the American Institute of Electrical Engineers. In addition to this each transformer shall be tested at rated line voltage prior to each installation and shall have attached to it a tag showing the date on which the test was made, and the name of the person making the test.

Rule 6. No wire or cable carrying more than seventy-five hundred volts of electricity shall be run, placed, erected, maintained or used on curves

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or corners of greater than fifteen degrees without maintaining guards sufficient to hold said wire or cable in case of breakage of pins or insulators to which the same are attached, except where said wire or cable terminates or dead-ends on curves or corners.

No wire or cable, other than ground wires, used to conduct or carry electricity, shall be placed, run, erected, maintained or used vertically on any pole without causing such wire or cable to be at all times sufficiently insulated the full length thereof to insure the protection of anyone coming in contact with said wire or cable.

Rule 7. The neutral point or wire of all transformer secondaries strung or erected for use in low potential distributing systems shall be grounded in all cases where the normal maximum difference of potential between the ground and any point in the secondary circuit will not exceed one hundred and fifty volts. When no neutral point or wire is accessible one side of the secondary circuit shall be grounded in the case of single phase transformers, and any one common point in the case of interconnected polyphase bank or banks of transformers. Where the maximum difference of potential between the ground and any point in the secondary circuit will, when grounded, exceed one hundred fifty volts, grounding shall be permitted. Such grounding shall be done in the manner provided in Rule 33.

Rule 8. In all cases where a wire or cable larger than No. 14 B. W. G. originates or terminates on insulators attached to any pin or other appliance, said wire or cable shall be attached to at least two insulators: *Provided however*, That this section shall not apply to service wires to buildings; nor to wires run vertically on a pole; nor to wires originating or terminating on strain insulators or circuit breakers;

nor to telephone, telegraph or signal wires outside the limits of any incorporated city or town.

Rule 9. All poles along which shall be run vertically any wire or cable used to conduct or carry a current of over two hundred fifty volts shall be provided with steps, and no steps shall be placed on any pole nearer the ground than seven feet.

Rule 10. Fixtures placed or erected for the support of wires on the roofs of buildings shall be of sufficient strength to withstand all strains to which they may be subjected, due to the breaking of all wires on one side thereof, and except where insulated wires or cables are held close to fire walls by straps or rings, shall be of such height and so placed that all of the wire supported by such fixtures shall be at least seven feet above any point of roofs less than one-quarter pitch over which they pass or may be attached, and no roof fixtures or wire shall be so placed that they will interfere with the free passage of persons upon, over, to or from the roofs.

Rule 11. No guy wire or cable shall be placed, run, erected, maintained or used within the incorporate limits of any city or town on any pole or appliance to which is attached any wire or cable used to conduct electricity without causing said guy wire or cable to be efficiently insulated with circuit breakers at all times at a distance of not less than eight feet nor more than ten feet measured along the line of said guy wire or cable from each end thereof: *Provided*, No circuit breaker shall be required at the lower end of the guy wire or cable where the same is attached to a ground anchor, nor shall any circuit breaker be required where said guy wire or cable runs direct from a grounded messenger wire to a grounded anchor rod.

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use of.

Rule 12. In all span wires used for the purpose of supporting trolley wires or series arc lamps there shall be at least two circuit breakers, one of which shall at all times be maintained no less than four feet nor more than six feet distant from the trolley wire or series arc lamp, and in cases where the same is supported by a building or metallic pole, the other circuit breaker shall be maintained at the building or at the pole: *Provided*, That in span wires which support two or more trolley wires no circuit breaker shall be required in the span wire between any two of the trolley wires: *Provided further*, That in span wires supporting trolley wires attached to wooden poles only the circuit breaker adjacent to the trolley wire shall be required.

Rule 13. At all points where in case of a breakdown of trolley span wires, the trolley wire would be liable to drop within seven feet of the ground, there shall be double span wires and hangers placed at such points.

Rule 14. All energized wires or appliances installed inside of any building or vault, for the distribution of electrical energy, shall be sufficiently insulated, or so guarded, located, or arranged as to protect any person from injury.

Rule 15. The secondary circuit of current transformers, the casings of all potential regulators and arc light transformers, all metal frames of all switch boards, metal oil tanks used on oil switches except where the tank is part of the conducting system, all motor and generator frames, the entire frame of the crane and the tracks of all traveling cranes and hoisting devices, shall be thoroughly grounded, as provided in Rule 33.

Rule 16. All generators and motors having a potential of more than three hundred volts shall be

provided with a suitable insulated platform or mat so arranged as to permit the attendant to stand upon such platform or mat when working upon the live parts of such generators or motors.

Rule 17. Suitable insulated platforms or mats shall be provided for the use of all men while working on any live part of switchboards on which any wire or appliance carries a potential in excess of three hundred volts.

Rule 18. Every generator, motor, transformer, switch or other similar piece of apparatus and device used in the generation, transmission or distribution of electrical energy in stations or substations, shall be either provided with a name plate giving the capacity in volts and amperes, or have this information stamped thereon in such a manner as to be clearly legible.

Rule 19. In all cases there shall be two switches used at the station or substation in each feeder for the transmission of electrical energy at constant potential of seven hundred fifty volts or over; one shall be an oil switch so situated as to insure the safety of the person operating the same; the other shall be a disconnecting switch: *Provided*, That oil switches shall not be required in direct current feeders.

Rule 20. When lines of seven hundred fifty volts or over are cut out at the station or substation to allow employees to work upon them, they shall be short-circuited and grounded at the station, and shall in addition, if the line wires are bare, be short-circuited, and where possible grounded at the place where the work is being done.

Rule 21. All switches installed with overload protection devices, and all automatic overload circuit breakers must have the trip coils so adjusted

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construction—
Rules for
use of.

as to afford complete protection against overloads and short circuits, and the same must be so arranged that no pole can be opened manually without opening all the poles, and the trip coils shall be instantly operative upon closing.

Rule 22. All feeders for electric railways must, before leaving the plant or substation, be protected by an approved circuit breaker which will cut off the circuit in case of an accidental ground or short circuit.

Rule 23. There shall be provided in all distributing stations a ground detecting device.

Rule 24. There shall be provided in all stations, plants, and buildings herein specified warning cards printed on red cardboard not less than two and one-quarter by four and one-half inches in size, which shall be attached to all switches opened for the purpose of linemen or other employees working on the wires. The person opening any line switch shall enter upon said card the name of the person ordering the switch opened, the time opened, the time line was reported clear and by whom, and shall sign his own name.

Rule 25. No manhole containing any wire carrying a current of over three hundred volts shall be less than six feet from floor to inside of roof; if circular in shape it shall not be less than six feet in diameter; if square it shall be six feet from wall to wall: *Provided however*, That this paragraph shall not apply to any manhole in which it shall not be required that any person enter to perform work: *Provided further*, That the foregoing provisions of this paragraph shall not apply where satisfactory proof shall be submitted to the proper authorities that it is impracticable or physically impossible to comply with this law within the space or location designated by the proper authorities.

Rule 26. All manholes containing any wires or appliances carrying electrical current shall be kept in a sanitary condition, free from stagnant water or seepage or other drainage which is offensive or dangerous to health, either by sewer connection or otherwise, while any person is working in the same.

Rule 27. No manhole shall have an opening to the outer air of less than twenty-six inches in diameter, and the cover of same shall be provided with vent hole or holes equivalent to three square inches in area.

Rule 28. No manhole shall have an opening which is, at the surface of the ground, within a distance of three feet at any point from any rail of any railway or street car track: *Provided*, That this shall not apply where satisfactory proof shall be submitted to the proper authorities that it is impracticable or physically impossible to comply with the provisions of this paragraph: *Provided*, That in complying with the provisions of this rule only the construction last in point of time performed, placed or erected shall be held to be in violation thereof.

Rule 29. Whenever persons are working in any manhole whose opening to the outer air is less than three feet from the rail of any railway or street car track, a watchman or attendant shall be stationed on the surface at the entrance of such manhole at all times while work is being performed therein.

Rule 30. There shall be provided proper cut-out switches on all primary and secondary wires in all manholes where the wires are connected with transformers or other electrical devices therein.

Rule 31. All persons employed in manholes shall be furnished with insulated platforms so as to protect the workmen while at work in the manholes: *Provided*, That this paragraph shall not apply to

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apparatus
construction—
Rules for
use of.

manholes containing only telephone, telegraph or signal wires or cables.

Rule 32. No work shall be permitted to be done on any live wire, cable or appliance carrying more than seven hundred fifty volts of electricity by less than two competent and experienced persons, who, at all times while performing such work shall be in the same room, chamber, manhole or other place in which, or on the same pole on which, such work is being done: *Provided*, That in districts where only one competent and experienced person is regularly employed, and a second competent and experienced person cannot be obtained without delay at prevailing rate of pay in said district, such work shall be permitted to be done by one competent and experienced person and a helper who need not be on the same pole on which said work is being done.

No work shall be permitted to be done in any manhole or subway on any live wire, cable or appliance carrying more than three hundred volts of electricity by less than two competent and experienced persons, who at all times while performing such work shall be in the same manhole or subway in which such work is being done.

Rule 33. The grounding provided for in these rules shall be done in the following manner: By connecting a wire or wires not less than No. 6 B. & S. gauge to a water pipe of a metallic system outside of the meter, if there is one, or to a copper plate one-sixteenth inch thick and not less than three feet by six feet area buried in coke below the permanent moisture level, or to other device equally as efficient. The ground wire or wires of a direct current system of three or more wires shall not be smaller than the neutral wire at the central station, and not smaller than a No. 6 B. & S. gauge elsewhere: *Provided*, That the maximum cross section area of any ground wire

or wires at the central station need not exceed one million circular mils. The ground wires shall be carried in as nearly a straight line as possible, and kinks, coils and short bends shall be avoided: *Provided*, That the provisions of this rule shall not apply as to size to ground wires run from instrument transformers or meters.

Passed the Senate March 16, 1965.

Passed the House March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 66.

[Senate Bill No. 324.]

FORT WORDEN SCHOOL—ACQUISITION OF PROPERTY.

AN ACT relating to the department of institutions; authorizing the acquisition of certain real property for the Fort Worden school near Port Townsend from the United States department of health, education and welfare.

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

SECTION 1. The director of the department of institutions is authorized to acquire by purchase or lease/purchase agreement from the United States department of health, education and welfare for the Fort Worden school near Port Townsend, a certain parcel of real property, containing approximately 0.3 of an acre of land along with two five thousand gallon fuel tanks with connecting pipes, all imbedded in the ground on said parcel of real property which is more particularly described as follows:

Institutions.
Acquisition of
property for
Fort Worden
school—
Authorized—
Description.

“Commencing at Boundary corner No. 31 of the former Fort Worden Military Reservation, said corner being an 18" x 18" x 5½' concrete

Fort Worden school—
Acquisition of property for—
Description.

corner post with brass rod imbedded in the top located at the southwest corner of the cemetery in said Fort; thence N. 77° 16'20" E. 2659.40' to the true point of beginning; thence N. 88° 26' 00" E. 131.04'; thence N. 9° 46' 30" E. 101.99"; thence S. 88° 26' 00" W. 151.09'; thence S. 1° 34' 00" E. 100.00' to the true point of beginning, containing 0.265 acres more or less all being within SE¼ of Sec. 35, T. 31 N., R. 1 W. W. M."

Passed the Senate March 19, 1965.

Passed the House March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 67.

[Senate Bill No. 337.]

GIFT TAXES—EXCLUSIONS.

AN ACT relating to revenue and taxation; and amending section 83.56.050, chapter 15, Laws of 1961 and RCW 83.56.050.

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

RCW 83.56.050
amended.

SECTION 1. Section 83.56.050, chapter 15, Laws of 1961 and RCW 83.56.050 are each amended to read as follows:

Gift taxes.
Annual exclusion of three thousand dollars—Gift to minors when not one of a future interest in property.

(1) In the case of gifts, other than of future interests in property, made to any person by the donor during any calendar year, the first three thousand dollars of such gifts to such person or body politic or corporate shall not, for the purpose of this chapter, be included in the total amount of gifts made during such year.

(2) No part of a gift to an individual who has not attained the age of twenty-one years on the

date of the transfer shall be considered a gift of a future interest in property for the purposes of subsection (1) of this section if the property and the income therefrom:

(a) May be expended by or for the benefit of, the donee before his attaining the age of twenty-one years; and

(b) Will to the extent not so expended:

(i) pass to the donee on his attaining the age of twenty-one years; and

(ii) in the event the donee dies before attaining the age of twenty-one years, be payable to the estate of the donee, or as he may appoint under a general power of appointment.

Passed the Senate March 20, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 68.

[Senate Bill No. 327.]

STATE OFFICERS AND EMPLOYEES—LIFE INSURANCE
—AIRCRAFT FLIGHTS.

AN ACT relating to state government; and authorizing the departments thereof to procure life insurance for state employees, state elected officials including legislators while passengers on nonscheduled aircraft flights; and adding a new section to chapter 43.01, Laws of 1965 (Senate Bill No. 4) and to chapter 43.01 RCW.

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

New section.

SECTION 1. There is added to chapter 43.01, Laws of 1965 (Senate Bill No. 4) and to chapter 43.01 RCW a new section to read as follows:

State officers,
employees.
Insurance
coverage while
on non-
scheduled
aircraft flights
—Maximum.

The departments of state government are authorized to procure at state expense life insurance coverage not to exceed one hundred thousand dollars per person for the benefit of state employees and state elected officials, including legislators, while they are, in the course of their employment, passengers on or crew members of any nonscheduled aircraft flight.

Passed the Senate March 19, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 69.

[Senate Bill No. 294.]

EMPLOYEE WELFARE TRUST FUNDS.

AN ACT relating to employee welfare trust funds; amending section 2, chapter 8, Laws of 1955 extraordinary session as last amended by section 1, chapter 174, Laws of 1961 and RCW 48.52.020, section 3, chapter 8, Laws of 1955 extraordinary session as last amended by section 2, chapter 174, Laws of 1961 and RCW 48.52.030, section 7, chapter 8, Laws of 1955 extraordinary session and RCW 48.52.070; and adding one new section to chapter 8, Laws of 1955 extraordinary session and to chapter 48.52 RCW.

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

SECTION 1. Section 2, chapter 8, Laws of 1955 extraordinary session as last amended by section 1, chapter 174, Laws of 1961 and RCW 48.52.020 are each amended to read as follows:

RCW 48.52.020
amended.

The commissioner may examine each employee welfare trust fund as often as he deems necessary, and the commissioner shall examine each employee welfare trust fund consisting of more than twenty-five participants at least once every five years. The commissioner, for the purpose of this section, shall have the same powers and duties of examination as provided in chapter 48.03: *Provided*, That the costs and expenses of the commissioner and examiners shall be paid by the state, except as provided in RCW 48.52.030.

Insurance—
Employee
welfare trust
funds.
Examination of
—Costs.

SEC. 2. Section 3, chapter 8, Laws of 1955 extraordinary session as last amended by section 2, chapter 174, Laws of 1961 and RCW 48.52.030 are each amended to read as follows:

RCW 48.52.030
amended.

(1) The trustees of every employee welfare trust fund existing within this state shall be responsible for the maintenance of full and accurate records and accounts of the transactions and affairs of such employee welfare trust fund in conformance

Records,
accounts,
reports—
Annual
statement—
Cost of
examination if
out of state.

Insurance—
Employee
welfare trust
funds.
Records,
accounts,
reports—
Annual
statement—
Cost of
examination if
out of state—
Trustees'
duties.

with generally accepted accounting practices and principles. If such records and accounts are not maintained within this state, then the costs and expenses of the commissioner and examiners provided for in RCW 48.52.020 shall be paid by the employee welfare trust fund being examined in the same manner and to the same extent as is provided in RCW 48.03.060 for examination of insurers.

(2) Such trustees shall promptly file with the commissioner a copy of the trust instrument or other instrument by which the employee welfare trust fund is established, together with all amendments thereto. The trustees of every employee welfare trust fund consisting of more than twenty-five participants shall file in the office of the commissioner, annually within five months after the close of the fiscal year used in maintaining the records of such fund, a statement, to be known as the annual statement of such fund, verified by the oath of the trustee, or if there is more than one trustee, then by the oath of at least two of such trustees, showing its condition and affairs during such fiscal year. Such statement shall be in such form and contain such information as the commissioner from time to time prescribes. Upon request of the commissioner the trustees shall file with the commissioner such other reports concerning the transactions and affairs of such employee welfare trust fund as the commissioner may from time to time deem to be necessary or advisable for carrying out the purposes of this chapter. All such reports shall be open to inspection by the public in the commissioner's office, and when obsolete shall be subject to destruction by the commissioner as provided in RCW 48.02.120.

RCW 48.52.070
amended.

SEC. 3. Section 7, chapter 8, Laws of 1955 extraordinary session and RCW 48.52.070 are each amended to read as follows:

Section 4 of this 1965 amendatory act and RCW 48.52.020 and 48.52.030 shall not apply to such an employee welfare trust fund where the trustee, or all of the trustees are subject to examination by the supervisor of banking of the state of Washington or the comptroller of the currency of the United States or the board of governors of the federal reserve system. Exemptions.

SEC. 4. There is added to chapter 8, Laws of 1955 extraordinary session and to chapter 48.52 RCW a new section to read as follows: New section.

The trustees of every employee welfare trust fund hereafter formed or presently existing within this state shall register such fund with the commissioner. The registration shall be in such form and shall contain such information relating to the organization, operations and affairs of such fund as is prescribed by the commissioner. Fund registered—Contents.

Passed the Senate March 19, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 70.

[Senate Bill No. 292.]

INSURANCE.

AN ACT relating to insurance; amending section .03.04, chapter 79, Laws of 1947 and RCW 48.03.040; amending section .05.23, chapter 79, Laws of 1947 and RCW 48.05.230; amending section .07.04, chapter 79, Laws of 1947 and RCW 48.07.040; amending section .10.08, chapter 79, Laws of 1947 and RCW 48.10.080; amending section .17.11, chapter 79, Laws of 1947 as last amended by section 17, chapter 195, Laws of 1963 and RCW 48.17.110; amending section .17.50, chapter 79, Laws of 1947 as last amended by section 9, chapter 193, Laws of 1957 and RCW 48.17.500; amending section .24.03, chapter 79, Laws of 1947 as last amended by section 1, chapter 192, Laws of 1963 and RCW 48.24.030; amending section .30.01, chapter 79, Laws of 1947 and RCW 48.30.010; amending section .30.22, chapter 79, Laws of 1947 and RCW 48.30.220; adding a new section to chapter 79, Laws of 1947 and to chapter 48.05 RCW; adding nine new sections to chapter 79, Laws of 1947 and to chapter 48.08 RCW; adding five new sections to chapter 79, Laws of 1947 and to chapter 48.13 RCW; adding a new section to chapter 79, Laws of 1947 and to chapter 48.23 RCW; adding a new chapter to chapter 79, Laws of 1947 and to Title 48 RCW; and repealing section 19, chapter 195, Laws of 1963 and RCW 48.20.400; prescribing penalties.

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

RCW 48.03.040 amended.

SECTION 1. Section .03.04, chapter 79, Laws of 1947 and RCW 48.03.040 are each amended to read as follows:

Insurance. Examination reports.

(1) The commissioner shall make a full written report of each examination made by him containing only facts ascertained from the accounts, records, and documents examined and from the sworn testimony of individuals, and such conclusions and recommendations as may reasonably be warranted from such facts.

(2) The report shall be certified by the commissioner or by his examiner in charge of the examination, and shall be filed in the commissioner's office subject to subsection (3) of this section.

(3) The commissioner shall furnish a copy of the examination report to the person examined not less than ten days prior to the filing of the report for public inspection in the commissioner's office. If such person so requests in writing within such ten-day period, the commissioner shall hold a hearing to consider objections of such person to the report as proposed, and shall not so file the report until after such hearing and until after any modifications in the report deemed necessary by the commissioner have been made.

SEC. 2. Section .05.23, chapter 79, Laws of 1947 and RCW 48.05.230 are each amended to read as follows:

RCW 48.05.230 amended.

(1) No insurer shall issue an insurance contract covering a subject of insurance resident, located, or to be performed in this state unless the insurance contract or countersignature endorsement is countersigned by its licensed agent, or manager or general agent, resident in this state, except as provided in RCW 48.05.240. The commissioner may suspend or revoke the certificate of authority of any insurer violating this provision.

Countersignature of policies — Fee, when.

(2) An agent, general agent, or manager shall not sign or countersign any insurance contract or countersignature endorsement in blank. The commissioner may suspend or revoke the license of any agent or general agent violating this provision.

(3) If pursuant to the laws of any other state or country a fee or charge is required to be made by a resident insurance agent of such state or country for countersigning policies of insurance written on risks in such state or country by nonresident licensees of such state or country, no resident of this state shall countersign a policy of insurance on like risks in this state written by a nonresident licensee resident in such state or coun-

try unless a fee or charge in the same amount as is provided under the laws of such other state or country is collected.

(4) Such violations shall not invalidate any insurance contract.

New section.

SEC. 3. There is added to chapter 79, Laws of 1947 and to chapter 48.05 RCW a new section to read as follows:

Insurance.
Fines—
Authorized—
Civil action to
recover—
Disposition.

After hearing and in addition to or in lieu of the suspension, revocation or refusal to renew any certificate of authority the commissioner may levy a fine upon the insurer in an amount not less than two hundred fifty dollars and not more than one thousand dollars. The order levying such fine shall specify the period within which the fine shall be fully paid and which period shall not be less than fifteen nor more than thirty days from the date of such order. Upon failure to pay any such fine when due the commissioner shall revoke the certificate of authority of the insurer if not already revoked, and the fine shall be recovered in a civil action brought in behalf of the commissioner by the attorney general. Any fine so collected shall be paid by the commissioner to the state treasurer for the account of the general fund.

RCW 48.07.040
amended.

SEC. 4. Section .07.04, chapter 79, Laws of 1947 and RCW 48.07.040 are each amended to read as follows:

Domestic
insurers,
powers.
Annual
meeting.

Each incorporated domestic insurer shall, in the month of January, or February, or March, or April, hold the annual meeting of its shareholders or members for the purpose of receiving reports of its affairs and to elect directors.

New section.

SEC. 5. There is added to chapter 79, Laws of 1947 and to chapter 48.08 RCW a new section to read as follows:

(1) This section shall apply to all domestic stock insurers except:

(a) A domestic stock insurer having less than one hundred stockholders; except, that if ninety-five percent or more of the insurer's stock is owned or controlled by a parent or affiliated insurer, this section shall not apply to such insurer unless its remaining shares are held by five hundred or more stockholders.

(b) Domestic stock insurers which file with the Securities and Exchange Commission forms of proxies, consents and authorizations pursuant to the Securities and Exchange Act of 1934, as amended.

(2) Every such insurer shall seasonably furnish its stockholders in advance of stockholder meetings, information in writing reasonably adequate to inform them relative to all matters to be presented by the insurer's management for consideration of stockholders at such meeting.

(3) No person shall solicit a proxy, consent, or authorization in respect of any stock of such an insurer unless he furnishes the person so solicited with written information reasonably adequate as to

(a) the material matters in regard to which the powers so solicited are proposed to be used, and

(b) the person or persons on whose behalf the solicitation is made, and the interest of such person or persons in relation to such matters.

(4) No person shall so furnish to another, information which the informer knows or has reason to believe, is false or misleading as to any material fact, or which fails to state any material fact reasonably necessary to prevent any other statement made from being misleading.

(5) The form of all such proxies shall:

Domestic stock insurers.
Stockholder meetings—
Duty to inform stockholders of matters to be presented—
Proxies.

Insurance.
Domestic
stock insurers.
Stockholder
meetings—
Duty to inform
stockholders of
matters to be
presented—
Proxies.

- (a) Conspicuously state on whose behalf the proxy is solicited;
- (b) Provide for dating the proxy;
- (c) Impartially identify each matter or group of related matters intended to be acted upon;
- (d) Provide means for the principal to instruct the vote of his shares as to approval or disapproval of each matter or group, other than election to office; and
- (e) Be legibly printed, with context suitably organized.

Except, that a proxy may confer discretionary authority as to matters as to which choice is not specified pursuant to item (d), above, if the form conspicuously states how it is intended to vote the proxy or authorization in each such case; and may confer discretionary authority as to other matters which may come before the meeting but unknown for a reasonable time prior to the solicitation by the persons on whose behalf the solicitation is made.

(6) No proxy shall confer authority (a) to vote for election of any person to any office for which a bona fide nominee is not named in the proxy statement, or (b) to vote at any annual meeting (or adjournment thereof) other than the annual meeting next following the date on which the proxy statement and form were furnished stockholders.

(7) The commissioner shall have authority to make and promulgate reasonable rules and regulations for the effectuation of this section, and in so doing shall give due consideration to rules and regulations promulgated for similar purposes by the insurance supervisory officials of other states.

New section.

SEC. 6. There is added to chapter 79, Laws of 1947 and to chapter 48.08 RCW a new section to read as follows:

Equity
security. Duty
to file state-
ment of
ownership of.

Every person who is directly or indirectly the beneficial owner of more than ten percent of any

class of any equity security of a domestic stock insurer, or who is a director or an officer of such insurer, shall file with the commissioner on or before the 30th day of September, 1965, or within ten days after he becomes such beneficial owner, director or officer, a statement, in such form as the commissioner may prescribe, of the amount of all equity securities of such insurer of which he is the beneficial owner, and within ten days after the close of each calendar month thereafter, if there has been a change in such ownership during such month, shall file with the commissioner a statement, in such form as the commissioner may prescribe, indicating his ownership at the close of the calendar month and such changes in his ownership as have occurred during such calendar month.

SEC. 7. There is added to chapter 79, Laws of 1947 and to chapter 48.08 RCW a new section to read as follows:

For the purpose of preventing the unfair use of information which may have been obtained by such beneficial owner, director or officer by reason of his relationship to such insurer, any profit realized by him from any purchase and sale, or any sale and purchase, of any equity security of such insurer within any period of less than six months, unless such security was acquired in good faith in connection with a debt previously contracted, shall inure to and be recoverable by the insurer, irrespective of any intention on the part of such beneficial owner, director or officer in entering into such transaction of holding the security purchased or of not repurchasing the security sold for a period exceeding six months. Suit to recover such profit may be instituted at law or in equity in any court of competent jurisdiction by the insurer, or by the owner of any security of the insurer in the name and in behalf of the insurer if the insurer shall fail or re-

New section

——Profits
from short
term trans-
actions—
Remedies—
Limitation of
actions.

Insurance.
Equity secu-
rity.—
Profits from
short term
transactions—
Remedies—
Limitation of
actions.

fuse to bring such suit within sixty days after re-
quest or shall fail diligently to prosecute the same
thereafter: *Provided*, That no such suit shall be
brought more than two years after the date such
profit was realized. This section shall not be con-
strued to cover any transaction where such bene-
ficial owner was not such both at the time of the
purchase and sale, or the sale and purchase, of the
security involved, or any transaction or transac-
tions which the commissioner by rules and regula-
tions may exempt as not comprehended within the
purpose of this section.

New section.

SEC. 8. There is added to chapter 79, Laws of
1947 and to chapter 48.08 RCW a new section to
read as follows:

—Sales,
unlawful
practices.

It shall be unlawful for any such beneficial
owner, director or officer, directly or indirectly, to
sell any equity security of such insurer if the per-
son selling the security or his principal (1) does
not own the security sold, or (2) if owning the secur-
ity, does not deliver it against such sale within
twenty days thereafter, or does not within five days
after such sale deposit it in the mails or other usual
channels of transportation: *Provided*, That no per-
son shall be deemed to have violated this section
if he proves that notwithstanding the exercise of
good faith he was unable to make such delivery or
deposit within such time, or that to do so would
cause undue inconvenience or expense.

New section.

SEC. 9. There is added to chapter 79, Laws of
1947 and to chapter 48.08 RCW a new section to
read as follows:

—Ex-
emptions—
Sales by dealer.

The provisions of section 7 of this 1965 amenda-
tory act shall not apply to any purchase and sale,
or sale and purchase, and the provisions of sec-
tion 8 of this 1965 amendatory act shall not apply
to any sale of an equity security of a domestic stock

insurer not then or theretofore held by him in an investment account, by a dealer in the ordinary course of his business and incident to the establishment or maintenance by him of a primary or secondary market (otherwise than on an exchange as defined in the Securities Exchange Act of 1934) for such security. The commissioner may, by such rules and regulations as he deems necessary or appropriate in the public interest, define and prescribe terms and conditions with respect to securities held in an investment account and transactions made in the ordinary course of business and incident to the establishment or maintenance of a primary or secondary market.

SEC. 10. There is added to chapter 79, Laws of 1947 and to chapter 48.08 RCW a new section to read as follows: New section.

The provisions of sections 6, 7, and 8 of this 1965 amendatory act shall not apply to foreign or domestic arbitrage transactions unless made in contravention of such rules and regulations as the commissioner may adopt in order to carry out the purposes of sections 6 through 12, inclusive, of this 1965 amendatory act. —Ex-
emptions—
Foreign or
domestic
arbitrage
transactions.

SEC. 11. There is added to chapter 79, Laws of 1947 and to chapter 48.08 RCW a new section to read as follows: New section.

The term "equity security" when used in sections 6 through 12, inclusive, of this 1965 amendatory act means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the commissioner shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as he may Equity
security
defined.

prescribe in the public interest or for the protection of investors, to treat as an equity security.

New section.

SEC. 12. There is added to chapter 79, Laws of 1947 and to chapter 48.08 RCW a new section to read as follows:

Insurance.
Domestic stock
insurers.
Equity
security.
Exemptions
from otherwise
unlawful
practices.

The provisions of sections 6, 7, and 8 of this 1965 amendatory act shall not apply to equity securities of a domestic stock insurer if (1) such securities shall be registered, or shall be required to be registered, pursuant to section 12 of the Securities Exchange Act of 1934, as amended, or if (2) such domestic stock insurer shall not have any class of its equity securities held of record by one hundred or more persons on the last business day of the year next preceding the year in which equity securities of the insurer would be subject to the provisions of sections 6, 7, and 8 of this 1965 amendatory act except for the provisions of this subsection (2).

New section.

SEC. 13. There is added to chapter 79, Laws of 1947 and to chapter 48.08 RCW a new section to read as follows:

—Rules
and regula-
tions.

The commissioner shall have the power to make such rules and regulations as may be necessary for the execution of the functions vested in him by sections 6 through 12 of this 1965 amendatory act, and may for such purpose classify domestic stock insurers, securities, and other persons or matters within his jurisdiction. No provision of sections 6, 7, and 8 of this 1965 amendatory act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation of the commissioner, notwithstanding that such rule or regulation may, after such act or omission, be amended or rescinded or determined by judicial or other authority to be invalid for any reason.

SEC. 14. There is added to chapter 79, Laws of 1947 and to chapter 48.13 RCW a new section to read as follows:

Any domestic life insurer may, after adoption of a resolution by its board of directors and certification thereof to the commissioner, allocate to one or more separate accounts, pursuant to the terms of a written agreement, any amounts which are paid to such insurer in connection with a pension, retirement, or profit-sharing plan or annuity issued pursuant to chapter 48.24 RCW, which are to be used to provide annuities or retirement benefits under such insurer's policies or contracts and to provide other benefits incidental thereto. The income, if any, and gains or losses, realized or unrealized, on each separate account shall be credited to or charged against the amount allocated to the account in accordance with the agreement, without regard to the other income, gains or losses of such insurer. Amounts allocated to such separate accounts shall be owned by such insurer, who shall not be, or hold itself out to be, a trustee in respect to these amounts.

New section.

Investments.
Separate
accounts in
connection
with a pension,
retirement or
profit sharing
annuity.
Establishment
—Credits and
charges—
Ownership.

SEC. 15. There is added to chapter 79, Laws of 1947 and to chapter 48.13 RCW a new section to read as follows:

The amounts allocated to such separate accounts and the accumulations and earnings thereon shall be invested and reinvested as specified in the agreement, but only in such investments eligible for domestic insurers under chapter 48.13 RCW: *Provided*, That the restrictions and limitations imposed by RCW 48.13.080, 48.13.210 and 48.13.220 shall not apply: *Provided further*, That in applying the quantitative investment limitation of RCW 48.13.030, a ten percent limitation in lieu of the four percent limitation specified in said section shall be applicable to each separate account, computed on the basis

New section.

——Invest-
ments and
reinvestments.

of the assets allocated to such separate account. Such investments shall not be included in determining the propriety of other investments of the insurer.

New section.

SEC. 16. There is added to chapter 79, Laws of 1947 and to chapter 48.13 RCW a new section to read as follows:

Insurance.
Domestic stock
insurers.
Investments.
Separate
accounts in
connection
with a pension,
retirement or
profit sharing
annuity.
Transfers.

No investment in the separate account or in the general investment account of a life insurer shall be transferred by sale, exchange, substitution or otherwise from one account to another: *Provided*, That the commissioner may by regulation authorize transfers in circumstances where such transfers would not be inequitable. As used herein, "general investment account" shall mean all of the funds, assets, and investments of a company which are not allocated in a separate account established in connection with a pension, retirement, or profit-sharing plan or annuity.

New section.

SEC. 17. There is added to chapter 79, Laws of 1947 and to chapter 48.13 RCW a new section to read as follows:

—Amounts
contributed by
beneficiary
participant.

The provisions of sections 1 through 5 of this 1965 amendatory act shall not apply to amounts contributed by a participant who is entitled to retirement or other incidental benefits under a pension, retirement, or profit-sharing plan or annuity. This section shall not be construed to prevent contribution by an employee to the purchase of retirement benefits under pension, retirement and profit-sharing plans established pursuant to the Self-Employed Individuals Tax Retirement Act of 1962 nor shall it be construed to prevent contribution or application of amounts to the purchase of retirement benefits under pension or retirement plans established pursuant to the provision of section 403(b) of the Internal Revenue Code of 1954, as amended.

SEC. 18. There is added to chapter 79, Laws of 1947 and to chapter 48.13 RCW a new section to read as follows:

Any policy or contract, or certificate evidencing such a policy or contract, delivered or issued for delivery in this state, the benefits, risks or features of which are limited or subject to any separate account, shall clearly state this fact in a caption in a prominent position on the face of the policy, contract or certificate.

—Caption regarding separate accounts to appear on face of policy, contract or certificate.

SEC. 19. Section .17.11, chapter 79, Laws of 1947 as last amended by section 17, chapter 195, Laws of 1963 and RCW 48.17.110 are each amended to read as follows:

RCW 48.17.110 amended.

(1) Each applicant for license as agent, broker, solicitor, or adjuster shall prior to the issuance of any such license, personally take and pass to the satisfaction of the commissioner an examination given by the commissioner as a test of his qualifications and competence; but this requirement shall not apply to:

Agents, brokers, solicitors and adjusters. Examination of applicants.

(a) Applicants for limited licenses, as travel insurance agents only, under RCW 48.17.190, nor, at the discretion of the commissioner, to applicants for licenses as disability insurance agents for the purpose of handling limited coverages pertaining to sports and recreation.

(b) Applicants who within the five-year period next preceding date of application have been licensed in this state under a license requiring qualifications similar to qualifications required by the license applied for and who are deemed by the commissioner to be fully qualified and competent.

(c) Applicants for license as nonresident agent or as nonresident broker or as nonresident adjuster who have fulfilled qualification requirements in their state of residence and who are deemed by the commissioner to be fully qualified and competent.

Insurance.
Agents,
brokers,
solicitors and
adjusters.
Examination of
applicants.

(d) Applicants for an agent's or solicitor's license covering the same kinds of insurance as an agent's or solicitor's license then held by them.

(e) Applicants for an adjuster's license who for a period of one year next preceding the date of application have been a full time salaried employee of an insurer or of a general agent to adjust, investigate, or report claims arising under insurance contracts.

(2) Applicants for the renewal of licenses in force on October 1, 1947, or issued thereafter shall not be required to take an examination except as provided in subsection (3) of this section.

(3) The commissioner may at any time require any licensed agent, broker, solicitor, or adjuster to take and successfully pass an examination testing his competence and qualifications as a condition to the continuance or renewal of his license, if the licensee has been guilty of violation of this code, or has so conducted his affairs under his license as to cause the commissioner reasonably to desire further evidence of his qualifications.

RCW 48.17.500
amended.

SEC. 20. Section .17.50, chapter 79, Laws of 1947 as last amended by section 9, chapter 193, Laws of 1957 and RCW 48.17.500 are each amended to read as follows:

Expiration and
renewal of
licenses.

(1) Agents' license for life, or life and disability, or disability insurances only shall expire as at 12:01 a.m. o'clock on the first day of October next following date of issuance.

(2) All brokers', solicitors', and adjusters' licenses shall expire as at 12:01 a.m. o'clock on the first day of April next following date of issuance.

(3) Agents' licenses for all other kinds of insurance or combinations thereof shall expire as at 12:01 a.m. o'clock on the first day of April three years after the first day of April nearest to the date of issuance of the license.

(4) Subject to the right of the commissioner to suspend, revoke, or refuse to renew any license as provided in this code, any such license may be renewed into another like period by filing with the commissioner on or before the expiration date a written request, by or on behalf of the licensee, for such renewal accompanied by payment of the renewal fee as specified in RCW 48.14.010. An agent or broker shall make and file renewal requests on behalf of his solicitors.

(5) If request and fee for renewal of license is filed with the commissioner prior to expiration of the existing license, the licensee may continue to act under such license, unless sooner revoked or suspended, until the issuance of renewal license or until the expiration of fifteen days after the commissioner has refused to renew the license and has mailed order of such refusal to the licensee. Any request for renewal not so filed until after date of expiration may be considered by the commissioner as an application for a new license.

(6) As to all licenses, if request for renewal of license or payment of the license fee is not received by the commissioner prior to expiration date as required under subsection (4) the applicant for renewal of license shall pay to the commissioner and the commissioner shall collect, in addition to the regular license fee, a surcharge for such license as follows: For the first thirty days or part thereof of delinquency the surcharge shall be fifty percent of the license fee; for all delinquencies extending more than thirty days, the surcharge shall be one hundred percent of the license fee. This subsection shall not be deemed to exempt any person from any penalty provided by law for transacting business without a valid and subsisting license, or affect the commissioner's right, at his discretion, to con-

sider such delinquent application as one for a new license.

Repeal.

SEC. 21. Section 19, chapter 195, Laws of 1963 and RCW 48.20.400 are each repealed.

New section.

SEC. 22. There is added to chapter 79, Laws of 1947 and to chapter 48.23 RCW a new section to read as follows:

Life insurance and annuities. Duties of insurer issuing both participating and nonparticipating policies.

(1) A life insurer issuing both participating and nonparticipating policies shall maintain records which segregate the participating from the nonparticipating business and clearly show the profits and losses upon each such category of business.

(2) For the purposes of such accounting the insurer shall make a reasonable allocation as between the respective such categories of the expenses of such general operations or functions as are jointly shared. Any allocation of expense as between the respective categories shall be made upon a reasonable basis, to the end that each category shall bear a just portion of joint expense involved in the administration of the business of such category.

(3) No policy hereafter delivered or issued for delivery in this state shall provide for, and no life insurer or representative shall hereafter knowingly offer or promise payment, credit or distribution of participating "dividends," "earnings," "profits," or "savings," by whatever name called, to participating policies out of such profits, earnings or savings on nonparticipating policies.

RCW 48.24.030 amended.

SEC. 23. Section .24.03, chapter 79, Laws of 1947 as last amended by section 1, chapter 192, Laws of 1963 and RCW 48.24.030 are each amended to read as follows:

Group life insurance and annuities. Dependents of employees or members of certain groups.

(1) Insurance under any group life insurance policy issued pursuant to RCW 48.24.020, or 48.24.050, or 48.24.060, or 48.24.070 or 48.24.090 may, if seventy-five percent of the then insured employees

or labor union members or public employee association members or members of the Washington state patrol elect, be extended to insure the spouse and minor children, or any class or classes thereof, of each such insured employee or member who so elects, in amounts in accordance with a plan which precludes individual selection by the employees or members or by the employer or labor union or trustee, and which insurance on the life of any one family member other than a spouse shall not be in excess of fifty percent of the insurance on the life of the insured employee or member or the amount shown in the schedule below, whichever is less:

Age of family member at death	Maximum insurance
Under 6 months	\$100
6 months and under 2 years	\$200
2 years and under 3 years	\$400
3 years and under 4 years	\$600
4 years and under 5 years	\$800
5 years and over	\$1,000

Insurance on the life of a spouse of an insured employee or member shall not exceed one thousand dollars or the amount of insurance on the life of the insured employee or member, whichever is less.

Premiums for the insurance on such family members shall be paid by the policyholder, either from the employer's funds or funds contributed by him, trustee's funds, or labor union funds, and/or from funds contributed by the insured employees or members, or from both.

(2) Such a spouse insured pursuant to this section shall have the same conversion right as to the insurance on his or her life as is vested in the employee or member under this chapter.

RCW 48.30.010 amended.

SEC. 24. Section .30.01, chapter 79, Laws of 1947 and RCW 48.30.010 are each amended to read as follows:

Insurance—
Unlawful
practices and
frauds. Un-
lawful
practices in
general.

(1) No person engaged in the business of insurance shall engage in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of such business as such methods, acts, or practices are defined pursuant to subsection (2) of this section.

(2) In addition to such unfair methods and unfair or deceptive acts or practices as are expressly defined and prohibited by this code, the commissioner may from time to time by regulations promulgated only after a hearing thereon, define other methods of competition and other acts and practices in the conduct of such business reasonably found by him to be unfair or deceptive.

(3) No such regulation shall be made effective prior to the expiration of thirty days after the date of the order on hearing by which it is promulgated.

(4) If the commissioner has cause to believe that any person is violating any such regulation he shall order such person to cease and desist therefrom. The commissioner shall deliver such order to such person direct or mail it to the person by registered mail with return receipt requested. If the person fails to comply therewith before expiration of ten days after the cease and desist order has been received by him, he shall forfeit to the people of this state a sum not to exceed two hundred and fifty dollars for each violation committed thereafter, such penalty to be recovered by an action prosecuted by the commissioner.

RCW 48.30.220 amended.

SEC. 25. Section .30.22, chapter 79, Laws of 1947 and RCW 48.30.220 are each amended to read as follows:

Unlawful
destruction,
secretion, etc.,
of property.

Any person, who, with intent to defraud or prejudice the insurer thereof, wilfully burns or in any

manner injures, destroys, secretes, abandons, or disposes of any property which is insured at the time against loss or damage by fire, theft, or embezzlement, or by any other casualty, whether the same be the property of or in the possession of such person or any other person, under such circumstances not making the offense arson, is guilty of a felony.

SEC. 26. There is added to chapter 79, Laws of 1947 and to Title 48 RCW a new chapter to read as set forth in sections 27 through 34, inclusive, of this 1965 amendatory act.

New chapter.

SEC. 27. It is the purpose of this chapter to provide a means of more adequately meeting the needs of persons who are sixty-five years of age or older and their spouses for insurance coverage against financial loss from accident or disease through the combined resources and experience of a number of insurers; to make possible the fullest extension of such coverage by encouraging insurers to combine their resources and experience and to exercise their collective efforts in the development and offering of policies of such insurance to all applicants; and to regulate the joint activities herein authorized in accordance with the intent of Congress as expressed in the Act of Congress of March 9, 1945 (Public Law 15, 79th Congress), as amended.

Disability insurance—
Extended health—
Persons 65 or over.
Legislative declaration.

SEC. 28. Wherever used in this chapter, the following terms shall have the meanings hereinafter set forth or indicated, unless the context otherwise requires:

Definitions.

(a) "Association" means a voluntary unincorporated association of insurers formed for the purpose of enabling cooperative action to provide disability insurance in accordance with this chapter in this or any other state having legislation enabling

Insurance.
Disability
insurance—
Extended
health—
Persons 65 or
over. Defini-
tions.

the issuance of insurance of the type provided in this chapter.

(b) "Insurer" means any insurance company which is authorized to transact disability insurance in this state.

(c) "Extended health insurance" means hospital, surgical and medical expense insurance provided by a policy issued as provided by this chapter.

Insurers may
join—Policy
holder—
Reduced bene-
fit provision—
Master group
policy—
Offering—
Cancellation.

SEC. 29. Notwithstanding any other provision of this code or any other law which may be inconsistent herewith, any insurer may join with one or more other insurers, to plan, develop, underwrite, and offer and provide to any person who is sixty-five years of age or older and to the spouse of such person, extended health insurance against financial loss from accident or disease, or both. Such insurance may be offered, issued and administered jointly by two or more insurers by a group policy issued to a policyholder through an association formed for the purpose of offering, selling, issuing and administering such insurance. The policy holder may be an association, a trustee, or any other person. Any such policy may provide, among other things, that the benefits payable thereunder are subject to reduction if the individual insured has any other coverage providing hospital, surgical or medical benefits whether on an indemnity basis or a provision of service basis resulting in such insured being eligible for more than one hundred percent of covered expenses which he is required to pay, and any insurer issuing individual policies providing extended hospital, surgical or medical benefits to persons sixty-five years of age and older and their spouses may also use such a policy provision. A master group policy issued to an association or to a trustee or any person appointed by an association for the purpose of providing the insurances described in this

section shall be another form of group disability insurance.

Any form of policy approved by the commissioner for an association shall be offered throughout Washington to all persons sixty-five and older and their spouses, and the coverage of any person insured under such a form of policy shall not be cancellable except for nonpayment of premiums unless the coverage of all persons insured under such form of policy is also canceled.

SEC. 30. Notwithstanding the provisions of RCW 48.17.200, any person licensed to transact disability insurance as an agent, broker or solicitor may transact extended health insurance and may be paid a commission thereon.

Agents,
brokers and
solicitors.

SEC. 31. Any association formed for the purposes of this chapter may hold title to property, may enter into contracts, and may limit the liability of its members to their respective pro rata shares of the liability of such association. Any such association may sue and be sued in its associate name and for such purpose only shall be treated as a domestic corporation. Service of process against such association, made upon a managing agent, any member thereof or any agent authorized by appointment to receive service of process, shall have the same force and effect as if such service had been made upon all members of the association. Such association's books and records shall also be subject to examination under the provisions of sections 48.03.010 through 48.03.080, inclusive, either separately or concurrently with examination of any of its member insurers.

Powers and
duties of
associations.

SEC. 32. The forms of the policies, applications, certificates or other evidence of insurance coverage and applicable premium rates relating thereto shall be filed with the commissioner. No such policy, contract, or other evidence of insurance, application or

Commission-
er's powers—
Forms—Rates
—Standard
provisions—
Withdrawal of
approval.

Insurance—
 Disability
 insurance—
 Extended
 health—
 Persons 65 or
 over. Com-
 missioner's
 powers—
 Forms—Rates
 —Standard
 provisions—
 Withdrawal of
 approval—
 Federal, state
 benefits—An-
 nual reports.

other form shall be sold, issued or used and no endorsement shall be attached to or printed or stamped thereon unless the form thereof shall have been approved by the commissioner or thirty days shall have expired after such filing without written notice from the commissioner of disapproval thereof. The commissioner shall disapprove the forms of such insurance if he finds that they are unjust, unfair, inequitable, misleading or deceptive or that the rates are by reasonable assumption excessive in relation to the benefits provided. In determining whether such rates by reasonable assumptions are excessive in relation to the benefits provided, the commissioner shall give due consideration to past and prospective claim experience, within and outside this state, and to fluctuations in such claim experience, to a reasonable risk charge, to contribution to surplus and contingency funds, to past and prospective expenses, both within and outside this state, and to all other relevant factors within and outside this state including any differing operating methods of the insurers joining in the issue of the policy. In exercising the powers conferred upon him by this chapter, the commissioner shall not be bound by any other requirement of this code with respect to standard provisions to be included in disability policies or forms.

The commissioner may, after hearing upon written notice, withdraw an approval previously given, upon such grounds as in his opinion would authorize disapproval upon original submission thereof. Any such withdrawal of approval after hearing shall be by notice in writing specifying the ground thereof and shall be effective at the expiration of such period, not less than ninety days after the giving of notice of withdrawal, as the commissioner shall in such notice prescribe.

If and when a program of hospital, surgical and medical benefits is enacted by the federal government or the state of Washington, the extended health insurance benefits provided by policies issued under this chapter shall be adjusted to avoid any duplication of benefits offered by the federal or state programs and the premium rates applicable thereto shall be adjusted to conform with the adjusted benefits.

The association shall submit an annual report to the insurance commissioner which shall become public information and shall provide information as to the number of persons insured, the names of the insurers participating in the association with respect to insurance offered under this chapter and the calendar year experience applicable to such insurance offered under this chapter, including premiums earned, claims paid during the calendar year, the amount of claims reserve established, administrative expenses, commissions, promotional expenses, taxes, contingency reserve, other expenses, and profit and loss for the year. The commissioner shall require the association to provide any and all information concerning the operations of the association deemed relevant by him for inclusion in the report.

SEC. 33. The articles of association of any association formed in accordance with this chapter, all amendments and supplements thereto, a designation in writing of a resident of this state as agent for the service of process, and a list of insurers who are members of the association and all supplements thereto shall be filed with the commissioner.

Documents to
be filed—
Descriptive
name or
advertising.

The name of any association or any advertising or promotional material used in connection with extended health insurance to be sold, offered, or issued, pursuant to this article shall not be such as to mislead or deceive the public.

Insurance—
Disability
insurance—
Extended
health—
Persons 65 or
over. Remedies.

SEC. 34. No act done, action taken or agreement made pursuant to the authority conferred by this chapter shall constitute a violation of or grounds for prosecution or civil proceedings under any other law of this state heretofore or hereafter enacted which does not specifically refer to insurance.

RCW 48.10.080
amended.

SEC. 35. Section .10.08, chapter 79, Laws of 1947 and RCW 48.10.080 are each amended to read as follows:

Reciprocal
insurers.
"Attorney"
defined.

(1) "Attorney" as used in this chapter refers to the attorney in fact of a reciprocal insurer. The attorney may be an individual, firm, or corporation.

(2) The attorney of a foreign or alien reciprocal insurer, which insurer is duly authorized to transact insurance in this state, shall not, by virtue of discharge if its duties as such attorney with respect to the insurer's transactions in this state, be thereby deemed to be doing business in this state within the meaning of any laws of this state applying to foreign persons, firms, or corporations.

(3) The subscribers and the attorney in fact comprise a reciprocal insurer and a single entity for the purposes of chapter 48.14 RCW as to all operations under the insurer's certificate of authority.

Passed the Senate March 18, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 71.

[Senate Bill No. 265.]

FOOD FISH AND SHELLFISH—PRIVILEGE AND CATCH
FEES—PRIMARY MARKET VALUE.

AN ACT relating to food fish and shellfish and adding a new section to chapter 12, Laws of 1955 and to chapter 75.32 RCW.

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

SECTION 1. There is added to chapter 12, Laws of 1955 and to chapter 75.32 RCW a new section to read as follows: New section.

“Primary market value” as used in this chapter means the ex-vessel price paid by the purchasers of food fish and shellfish to the seller at the point where ownership or title to the food fish or shellfish passes. Food fish and shellfish. “Primary market value” defined.

Passed the Senate March 19, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 72.

[Senate Bill No. 264.]

FOOD FISH AND SHELLFISH—TEST FISHING OPERATIONS.

AN ACT relating to food fish and shellfish; amending section 75.08.230, chapter 12, Laws of 1955 and RCW 75.08.230; and amending section 75.12.130, chapter 12, Laws of 1955 and RCW 75.12.130.

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

RCW 75.12.130 amended.

SECTION 1. Section 75.12.130, chapter 12, Laws of 1955 and RCW 75.12.130 are each amended to read as follows:

Food fish and shellfish. Director authorized to take fish or shellfish—Sell same.

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 fish or shellfish of any kind, character, or description from any waters or beaches of the state.

The director is authorized to sell 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.

RCW 75.08.230 amended.

SEC. 2. Section 75.08.230, chapter 12, Laws of 1955 and RCW 75.08.230 are each amended to read as follows:

Disposition of moneys collected.

All license fees, taxes, fines, and moneys realized from the sale of property seized or confiscated under the provisions of this title, and all bail moneys forfeited under prosecutions instituted under the provisions of this title, and all moneys realized from the sale of any of the property, real or personal, heretofore or hereafter acquired for the state and under the control of the department, except such moneys as are realized from the sale of food fish or shellfish caught or taken during test fishing operations conducted by the department for the purpose of food fish or shellfish resource evaluation studies, all mon-

eyes collected for damages and injuries to any such property, and all moneys collected for rental or concessions from such property, shall be paid into the state treasury general fund: *Provided*, That all such moneys as are realized from test fishing operations as aforesaid, shall be transmitted to the state treasurer who shall act as custodian, and the treasurer shall place such moneys in a special account known as receipts in excess of budget estimates, to be allotted by the governor, upon the request of the Director of Fisheries, for the purpose of defraying the costs of such test fishing: *Provided further*, That salmon taken in test fishing operations shall not be sold except during a season open to commercial fishing in the district that test fishing is being conducted: *Provided further*, That fifty percent of all money received as fines together with all of the costs shall be retained by the county in which the fine was collected.

All fines collected shall be remitted monthly by the justice of the peace or by the clerk of the court collecting the same to the county treasurer of the county in which the same shall be collected, and the county treasurer shall at least once a month remit fifty percent of the same to the state treasurer and at the same time shall furnish a statement to the director showing the amount of fines so remitted and from whom collected: *Provided*, That in instances wherein any portion of a fine assessed by a court is suspended, deferred, or otherwise not collected, the entire amount collected shall be remitted by the county treasurer to the state treasurer and shall be credited to the general fund.

Passed the Senate March 22, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 73.

[Senate Bill No. 252.]

FOOD FISH AND SHELLFISH—LICENSES—PERMITS
—FEES.

AN ACT relating to food fish and shellfish; amending section 5, chapter 309, Laws of 1959 and RCW 75.28.085; amending section 75.28.110, chapter 12, Laws of 1955 as amended by section 10, chapter 309, Laws of 1959 and RCW 75.28.110; amending section 75.28.120, chapter 12, Laws of 1955 as amended by section 11, chapter 309, Laws of 1959 and RCW 75.28.120; amending section 75.28.130, chapter 12, Laws of 1955 as amended by section 12, chapter 309, Laws of 1959 and RCW 75.28.130; amending section 75.28.140, chapter 12, Laws of 1955 as amended by section 13, chapter 309, Laws of 1959 and RCW 75.28.140; amending section 75.28.150, chapter 12, Laws of 1955 as amended by section 14, chapter 309, Laws of 1959 and RCW 75.28.150; amending section 75.28.160, chapter 12, Laws of 1955 as amended by section 15, chapter 309, Laws of 1959 and RCW 75.28.160; amending section 75.28.170, chapter 12, Laws of 1955 as amended by section 16, chapter 309, Laws of 1959 and RCW 75.28.170; amending section 75.28.180, chapter 12, Laws of 1955 as amended by section 17, chapter 309, Laws of 1959 and RCW 75.28.180; amending section 75.28.190, chapter 12, Laws of 1955 as amended by section 18, chapter 309, Laws of 1959 and RCW 75.28.190; amending section 75.28.210, chapter 12, Laws of 1955 as amended by section 19, chapter 309, Laws of 1959 and RCW 75.28.210; amending section 75.28.220, chapter 12, Laws of 1955 as amended by section 20, chapter 309, Laws of 1959 and RCW 75.28.220; amending section 75.28.230, chapter 12, Laws of 1955 as amended by section 21, chapter 309, Laws of 1959 and RCW 75.28.230; amending section 75.28.240, chapter 12, Laws of 1955 as amended by section 22, chapter 309, Laws of 1959 and RCW 75.28.240; amending section 75.28.250, chapter 12, Laws of 1955 as amended by section 23, chapter 309, Laws of 1959 and RCW 75.28.250; amending section 75.28.260, chapter 12, Laws of 1955 as amended by section 24, chapter 309, Laws of 1959 and RCW 75.28.260; amending section 75.28.270, chapter 12, Laws of 1955 as amended by section 25, chapter 309, Laws of 1959 and RCW 75.28.270; and repealing section 75.28.080, chapter 12, Laws of 1955 and RCW 75.28.080.

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

SECTION 1. Section 5, chapter 309, Laws of 1959 and RCW 75.28.085 are each amended to read as follows:

RCW 75.28.085 amended.

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 in offshore waters, and the transportation or possession of food fish or shellfish through the waters of the state of Washington, and delivering the food fish or shellfish 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 permittee under RCW 75.18.080 will not be required to obtain the above prescribed permit. This permit can become a valid vessel delivery permit, for the landing of salmon in state ports, by the payment of an added ten dollar fee for each man aboard the fishing vessel, which payment will satisfy provisions required under RCW 75.18.080.

Food fish and shellfish—Licenses. Delivery permit—As valid permit for landing of salmon in state ports.

SEC. 2. Section 75.28.110, chapter 12, Laws of 1955 as amended by section 10, chapter 309, Laws of 1959 and RCW 75.28.110 are each amended to read as follows:

RCW 75.28.110 amended.

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.

Hard line or jig line license.

SEC. 3. Section 75.28.120, chapter 12, Laws of 1955 as amended by section 11, chapter 309, Laws of 1959 and RCW 75.28.120 are each amended to read as follows:

RCW 75.28.120 amended.

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

Set line license.

residents and seventy dollars per annum for non-residents. 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.

RCW 75.28.130
amended.

SEC. 4. Section 75.28.130, chapter 12, Laws of 1955 as amended by section 12, chapter 309, Laws of 1959 and RCW 75.28.130 are each amended to read as follows:

Food fish and
shellfish—
Licenses. Troll
line license.

The fee for all licenses prescribed in this chapter employing troll 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 six or less troll lines.

RCW 75.28.140
amended.

SEC. 5. Section 75.28.140, chapter 12, Laws of 1955 as amended by section 13, chapter 309, Laws of 1959 and RCW 75.28.140 are each amended to read as follows:

Gill net license.

The fee for all licenses prescribed in this chapter employing gill nets in the taking of fish and shellfish shall be thirty-five dollars per annum for residents and seventy dollars per annum for non-residents. The incidental catch of sturgeon lawfully taken is permitted under the gill net license.

RCW 75.28.150
amended.

SEC. 6. Section 75.28.150, chapter 12, Laws of 1955 as amended by section 14, chapter 309, Laws of 1959 and RCW 75.28.150 are each amended to read as follows:

Set net license.

The fee for all licenses prescribed in this chapter employing set nets in the taking of fish and shellfish shall be thirty-five dollars per annum for residents and seventy dollars per annum for non-residents.

RCW 75.28.160
amended.

SEC. 7. Section 75.28.160, chapter 12, Laws of 1955 as amended by section 15, chapter 309, Laws of 1959 and RCW 75.28.160 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing dip bag nets 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.

Dip bag net license.

SEC. 8. Section 75.28.170, chapter 12, Laws of 1955 as amended by section 16, chapter 309, Laws of 1959 and RCW 75.28.170 are each amended to read as follows:

RCW 75.28.170 amended.

The fee for all licenses prescribed in this chapter employing drag seines in the taking of fish and shellfish shall be forty-five dollars per annum for residents and seventy dollars per annum for nonresidents.

Drag seine license.

SEC. 9. Section 75.28.180, chapter 12, Laws of 1955 as amended by section 17, chapter 309, Laws of 1959 and RCW 75.28.180 are each amended to read as follows:

RCW 75.28.180 amended.

The fee for all licenses prescribed in this chapter employing lampara nets in the taking of fish and shellfish shall be fifty-seven dollars and fifty cents per annum for residents and one hundred fifteen dollars per annum for nonresidents.

Lampara net license.

SEC. 10. Section 75.28.190, chapter 12, Laws of 1955 as amended by section 18, chapter 309, Laws of 1959 and RCW 75.28.190 are each amended to read as follows:

RCW 75.28.190 amended.

The fee for all licenses prescribed in this chapter employing purse seines (drum seines, table seines, power block seines) in the taking of fish and shellfish shall be one hundred forty-five dollars per annum for residents and two hundred and thirty dollars per annum for nonresidents.

Purse seine (drum, table, power block) license.

SEC. 11. Section 75.28.210, chapter 12, Laws of 1955 as amended by section 19, chapter 309, Laws of 1959 and RCW 75.28.210 are each amended to read as follows:

RCW 75.28.210 amended.

Food fish and shellfish—Licenses. Otter trawl, beam trawl, shrimp trawl license.

The fee for all licenses prescribed in this chapter employing otter trawls, beam trawls or shrimp trawls in the taking of fish or shellfish shall be eighty-seven dollars and fifty cents per annum for residents and one hundred thirty-five dollars per annum for nonresidents.

RCW 75.28.220 amended.

SEC. 12. Section 75.28.220, chapter 12, Laws of 1955 as amended by section 20, chapter 309, Laws of 1959 and RCW 75.28.220 are each amended to read as follows:

Reef net license.

The fee for all licenses prescribed in this chapter employing reef nets in the taking of fish and shellfish shall be sixty-two dollars and fifty cents per annum for residents and ninety-five dollars per annum for nonresidents.

RCW 75.28.230 amended.

SEC. 13. Section 75.28.230, chapter 12, Laws of 1955 as amended by section 21, chapter 309, Laws of 1959 and RCW 75.28.230 are each amended to read as follows:

Fyke net license.

The fee for all licenses prescribed in this chapter employing fyke nets in the taking of fish and shellfish shall be twenty-five dollars per annum for residents and forty dollars per annum for nonresidents.

RCW 75.28.240 amended.

SEC. 14. Section 75.28.240, chapter 12, Laws of 1955 as amended by section 22, chapter 309, Laws of 1959 and RCW 75.28.240 are each amended to read as follows:

Brush weir license.

The fee for all licenses prescribed in this chapter employing brush weirs in the taking of fish and shellfish shall be eighty-five dollars per annum for residents and one hundred and sixty dollars per annum for nonresidents.

RCW 75.28.250 amended.

SEC. 15. Section 75.28.250, chapter 12, Laws of 1955 as amended by section 23, chapter 309, Laws of 1959 and RCW 75.28.250 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing ring nets in the taking of fish and shellfish shall be twenty-seven dollars and fifty cents per annum for residents and forty-five dollars per annum for nonresidents.

Ring net
license.

SEC. 16. Section 75.28.260, chapter 12, Laws of 1955 as amended by section 24, chapter 309, Laws of 1959 and RCW 75.28.260 are each amended to read as follows:

RCW 75.28.260
amended.

The fee for all licenses prescribed in this chapter employing bottom fish or devil fish pots in the taking of fish or shellfish shall be thirty-five dollars per annum for residents and sixty dollars per annum for nonresidents. For each bottom fish pot in excess of one hundred there shall be paid an additional fee of twenty-five cents per annum by residents and fifty cents per annum by nonresidents.

Bottom fish or
devil fish pots
license.

SEC. 17. Section 75.28.270, chapter 12, Laws of 1955 as amended by section 25, chapter 309, Laws of 1959 and RCW 75.28.270 are each amended to read as follows:

RCW 75.28.270
amended.

The fee for all licenses prescribed in this chapter employing shellfish pots in the taking of fish and shellfish shall be thirty-five dollars per annum for residents and sixty dollars per annum for nonresidents. For each shellfish pot in excess of one hundred there shall be paid an additional fee of twenty-five cents per annum by residents and fifty cents per annum by nonresidents.

Shellfish pots
license.

SEC. 18. Section 75.28.080, chapter 12, Laws of 1955 and RCW 75.28.080 are each hereby repealed.

Passed the Senate March 19, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 74.

[Substitute Senate Bill No. 233.]

GENERAL OBLIGATION BONDS—POLITICAL SUBDIVISIONS—MUNICIPAL CORPORATIONS.

AN ACT relating to general obligation bonds of political subdivisions and municipal and quasi municipal corporations of the state of Washington; amending sections 1 and 3, chapter 151, Laws of 1923, as last amended by sections 1 and 2, chapter 141, Laws of 1961, and RCW 39.44.010 and 39.44.030; amending section 2, chapter 151, Laws of 1923, and RCW 39.44.020; adding a new section to chapter 39.44 RCW; and declaring an emergency.

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

RCW 39.44.010 amended.

SECTION 1. Section 1, chapter 151, Laws of 1923, as last amended by section 1, chapter 141, Laws of 1961, and RCW 39.44.010 are each amended to read as follows:

Bonds of political subdivisions, municipal corporations. Must be serial in form and maturity— Interest— Coupons— Coupon notes— Annual maturities— Ordinances, resolutions.

Hereafter all general obligation bonds, including refunding bonds, issued under lawful authority by any political subdivision, or municipal or quasi municipal corporation now or hereafter existing under the laws of the state of Washington, hereinafter in this amendatory act called the "issuer", shall be serial in form and maturity and numbered from one upward consecutively. Except for the first interest payment which may be at any time not more than twelve months from date of issue, interest on all such bonds shall be payable semi-annually. The interest on coupon bonds may only be evidenced by a single coupon and no more than one coupon rate may be fixed for all bonds maturing on the same date. The various annual maturities of such bonds, except refunding bonds, shall commence not less than two years or more than five years from the date of issue and shall be fixed in the ordinance or resolution authorizing the sale of the same in amounts that will result in a differ-

ence of not more than five thousand dollars between the highest and lowest annual payment of principal and interest, excluding the years up to and including the year in which principal payments commence, computed on the anticipated effective interest rate such governing body shall in its discretion determine will be borne by such bonds. The provisions of this section shall not constitute any limitation on the number of coupon rates of interest or the amount of difference between the highest and lowest interest rates that may be specified by bidders: *Provided*, That such governing body may, in its discretion, in the sale proceedings, limit the number of interest rates and the amount of difference between the highest and lowest rates bid.

SEC. 2. Section 2, chapter 151, Laws of 1923, and RCW 39.44.020 are each amended to read as follows:

RCW 39.44.020 amended.

The officials now or hereafter charged by law with the duty of levying taxes for the payment of said bonds and interest shall, in the manner provided by law, make an annual levy sufficient to meet the payments of principal and interest on said bonds maturing as herein provided.

Tax levy for interest and principal.

SEC. 3. Section 3, chapter 151, Laws of 1923, as last amended by section 2, chapter 141, Laws of 1961, and RCW 39.44.030 are each amended to read as follows:

RCW 39.44.030 amended.

Before any general obligation bonds issued by any county, city, town, school district, port district, or metropolitan park district shall be offered for sale the governing body issuing such bonds shall designate the maximum effective rate of interest said bonds shall bear, which shall not be in excess of that allowed by law. When a vote of the electors shall have been taken on the question of the issuance of such bonds and the proposition submitted

Effective rate of interest—
Sale—Notice—
Bids.

Bonds of
political
subdivisions,
municipal
corporations.
Effective rate
of interest—
Sale—Notice—
Bids.

to the electors shall have specified the maximum effective rate of interest to be borne by said bonds, no increase of such maximum effective rate of interest shall be made by the governing body. All such bonds, including refunding bonds, shall be sold at public sale, and a notice calling for bids for the purchase of said bonds shall be published once a week for four consecutive weeks in the official newspaper of the issuer, and such other notice shall be given as the governing body may direct; or, if there be no official newspaper of the issuer, the publication shall be made in a newspaper of general circulation in the county in which the issuer is located. Such notice shall specify a place, and designate a day and hour subsequent to the date of the last publication and at least twenty-three days subsequent to the date of the first publication thereof when sealed bids will be received and publicly opened for the purchase of said bonds. A copy of such notice shall, at least three weeks prior to the date fixed for the sale, be mailed to the state finance committee, Olympia, Washington. The notice shall specify the maturity schedule and the maximum effective rate of interest such bonds shall bear, and shall require bidders to submit a bid specifying (1) the lowest rate or rates of interest and premium, if any, above par, at which such bidder will purchase said bonds; or (2) the lowest rate or rates of interest at which the bidder will purchase said bonds at par. The bonds shall be sold to the bidder offering to purchase the same at the lowest net interest cost to the issuer over the life thereof, subject to the right of the governing body to reject any and all bids. None of such bonds shall be sold at less than par and accrued interest, nor shall any discount or commission be allowed or paid to the purchaser or purchasers of such bonds. All bids shall be sealed and, except the bid of the state of

Washington, if one is received, shall be accompanied by a good faith deposit of five percent, either in cash or by cashier's or certified check made payable to the treasurer of the issuer, of the amount of the principal par value of such bonds, which shall be promptly returned if the bid is not accepted; and if the successful bidder shall fail or neglect to complete the purchase of said bonds by the time specified in the notice of sale for the delivery of said bonds, the amount of his deposit shall be forfeited to the issuer, and in the event the governing body may accept the bid of the one making the next best bid if such bidder agrees to purchase said bonds under the terms provided in his bid, or if all bids be rejected such governing body, if it decides to reoffer such bonds for sale, shall readvertise said bonds for sale in the same manner as herein provided for the original advertisement. If there be two or more equal bids and such bids are the best bids received, the governing body shall determine by lot which bid will be accepted.

SEC. 4. There is added to chapter 39.44 RCW a New section.
 new section to read as follows:

Hereafter all bonds issued by an issuer may be in such denominations as the governing body of the issuer may in its discretion determine, except that bonds other than bond number one of any issue shall be in a denomination that is a multiple of one hundred dollars. Denominations.

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. Emergency.

Passed the Senate March 19, 1965.

Passed the House March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 75.

[Substitute Senate Bill No. 358.]

LIMITED ACCESS HIGHWAYS.

AN ACT relating to limited access highways; adding new sections to chapter 13, Laws of 1961 and to chapter 47.52 RCW; and repealing sections 47.52.072, 47.52.073, 47.52.074, 47.52.075, chapter 13, Laws of 1961 and RCW 47.52.072, 47.52.073, 47.52.074, 47.52.075, section 47.52.130, chapter 13, Laws of 1961 as amended by section 1, chapter 103, Laws of 1963 and RCW 47.52.130, section 47.52.140, chapter 13, Laws of 1961 as amended by section 2, chapter 103, Laws of 1963 and RCW 47.52.140.

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

New section.

SECTION 1. There is added to chapter 13, Laws of 1961 and to chapter 47.52 RCW a new section to read as follows:

Limited access highways.
Establishment of facility by state—
Consideration of data—
Report to local authorities—
Conferences—
Proposed plan.

When the state highway commission is planning a limited access facility through a county or an incorporated city or town, the commission, or its staff, prior to any hearing hereinafter provided, shall give careful consideration to available data as to the county or city's comprehensive plan, land use pattern, present and potential traffic volume of county roads and city streets crossing the proposed facility, origin and destination traffic surveys, existing utilities, the physical appearance the facility will present, and other pertinent surveys, and shall submit to the county and city officials for study a report showing how these factors have been taken into account and how the proposed plan for a limited access facility will serve public convenience and necessity, together with the locations and access and egress plans, and over and under crossings under consideration. Such report shall show the proposed approximate right of way limits and profile of the facility with relation to the existing grade and shall discuss in a general

manner plans for landscaping treatment, fencing, and illumination, and shall include sketches of typical roadway sections for the roadway itself and any necessary structures such as viaducts or bridges, subways, or tunnels.

Conferences shall be held on the merits of this state report and plans, and any proposed modification or alternate proposal of the county, city or town in order to attempt to reach an agreement between the state highway commission and the county or city officials. As a result of the conference, the proposed plan, together with any modifications thereof, shall be prepared by the state highway commission and presented to the county or city for inspection and study.

SEC. 2. There is added to chapter 13, Laws of 1961 and to chapter 47.52 RCW a new section to read as follows: New section.

The highway authorities of the state, counties, and incorporated cities and towns, prior to the establishment of any limited access facility, shall hold a public hearing within the county, city or town wherein the limited access facility is to be established, to determine the desirability of the plan proposed by such authority. Notice of such hearing shall be given to the owners of property abutting the section of any existing highway, road or street being established as a limited access facility, as indicated in the tax rolls of the county, and in the case of a state limited access facility, to the county and/or city or town. Such notice shall be by United States mail in writing, setting forth a time for the hearing, which time shall be not less than fifteen days after mailing of such notice. Notice of such hearing also shall be given by publication to be not less than fifteen days prior to such hearing in one or more newspapers of general circulation within the county, city or town. Such notice

Establishment
of facility—
Public hearing
—Notice.

by publication shall be deemed sufficient as to any owner or reputed owner or any unknown owner or owner who cannot be located. Such notice shall indicate a suitable location where plans for such proposal may be inspected.

New section.

SEC. 3. There is added to chapter 13, Laws of 1961 and to chapter 47.52 RCW a new section to read as follows:

Limited access highways. Establishment of facility by state. Hearing procedure.

At the hearing any representative of the county, city or town, or any other person may appear and be heard even though such official or person is not an abutting property owner. Such hearing shall be conducted in such a manner as to comply with the requirements of section 116(c) of the Federal Aid Highway Act of 1956 or any act supplemental thereto or amendatory thereof. The members of such authority shall preside, or may designate some suitable person to preside as examiner. All testimony or statements given at such hearing shall be taken down by a stenographer under oath, as in superior courts. The authority shall introduce by competent evidence a summary of the proposal for the establishment of a limited access facility and any evidence that supports the adoption of the plan as being in the public interest. At the conclusion of such evidence, any person entitled to notice who has entered a written appearance shall be deemed a party to this hearing for purposes of this chapter and may thereafter introduce, either in person or by counsel, evidence and statements or counterproposals bearing upon the reasonableness of the proposal. Any such evidence and statements or counterproposals shall receive reasonable consideration by the authority before any proposal is adopted. Such evidence must be material to the issue before the authority and shall be presented in an orderly manner.

SEC. 4. There is added to chapter 13, Laws of 1961 and to chapter 47.52 RCW a new section to read as follows:

Following the conclusion of such hearing the authority shall adopt a plan with such modifications, if any, it deems proper and necessary. Its findings and order shall be in writing and copies thereof shall be served by United States mail upon all persons having entered a written appearance at such hearing, and in the case of a state limited access facility, the county commissioners of the county affected and the mayor of the city or town affected. The authority shall also cause a resume of such plan to be published once each week for two weeks in one or more newspapers of general circulation within such county, city or town beginning not less than ten days after the mailing of such findings and order. Such determination by the authority shall become final within thirty days after such mailing unless a review is taken as hereinafter provided. In case of an appeal, the order shall be final as to all parties not appealing.

Adoption of plan—Service of findings and order—Resume to be published—Finality—Review.

SEC. 5. There is added to chapter 13, Laws of 1961 and to chapter 47.52 RCW a new section to read as follows:

Upon receipt of the findings and order adopting a plan, the county, city or town may notify the state highway commission of its approval of such plan in writing, in which event such plan shall be final.

Approval by county, city or town upon receipt of findings and order—Disapproval, request for review.

In the event that a county, city or town does not approve the plan, the county, city or town shall file its disapproval in writing with the state highway commission within thirty days after the mailing thereof to such mayor or county commissioner. Along with the written disapproval shall be filed a written request for a hearing before a board of review, hereinafter referred to as the

Limited access
highways.
Establishment
of facility by
state.

board. The request for hearing shall set forth the portions of the plan of the state highway commission to which the county, city or town objects, and shall include every issue to be considered by the board. The hearing before a board of review shall be governed by RCW 47.52.150 through 47.52.190.

New section.

SEC. 6. There is added to chapter 47.52 RCW a new section to read as follows:

Review and
appeal on
petition of
abutter.

An abutting property owner may petition for review in the superior court of the state of Washington in the county where the limited access facility is to be located. Such review and any appeal therefrom shall be considered and determined by said court upon the record of the authority in the manner, under the conditions and subject to the limitations and with the effect specified in the Administrative Procedure Act, chapter 34.04 RCW, as amended.

Repeal.

SEC. 7. Sections 47.52.072, 47.52.073, 47.52.074, 47.52.075, chapter 13, Laws of 1961 and RCW 47.52.072, 47.52.073, 47.52.074, 47.52.075, section 47.52.130, chapter 13, Laws of 1961 as amended by section 1, chapter 103, Laws of 1963 and RCW 47.52.130, section 47.52.140, chapter 13, Laws of 1961 as amended by section 2, chapter 103, Laws of 1963 and RCW 47.52.140 are each hereby repealed.

Passed the Senate March 19, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 76.

[House Bill No. 164.]

COUNTY PARK AND RECREATION SERVICE AREAS—
NAMING PARKS—PROPERTY ACQUISITION.

AN ACT relating to counties and cities; amending section 1, chapter 218, Laws of 1963 and RCW 36.68.400; and amending section 2, chapter 218, Laws of 1963 and RCW 36.68-.410; and adding a new section to chapter 4, Laws of 1963 and to chapter 36.32 RCW.

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

SECTION 1. Section 1, chapter 218, Laws of 1963 and RCW 36.68.400 are each amended to read as follows:

RCW 36.68.400 amended.

Any county shall have the power to create county park and recreation service areas for the purpose of financing the acquisition, construction, improvement, maintenance or operation of neighborhood park and recreational facilities which shall be owned by the county and administered as other county parks. The service districts created as hereinafter set forth may finance any of the following park purposes: Acquisition of park sites and buildings; construction of improvements upon county park allocated lands which will promote leisure time and recreational activities of county residents on a neighborhood basis, including but not limited to the construction of field houses, swimming pools, tennis courts, playfields, and other facilities; the maintenance of any county-owned park or recreational facility, including the purchase of athletic equipment and supplies and the upkeep of park buildings, grounds and facilities; and to finance the costs of engaging custodial, recreational and park program personnel at any county-owned park or recreational facility. Local service areas shall be "taxing districts" within the meaning of section

Park and recreation service areas. Creation authorized—Purposes—Taxing districts.

2, article 7 of the Constitution as amended by Amendment 17.

RCW 36.68.410 amended.

SEC. 2. Section 2, chapter 218, Laws of 1963 and RCW 36.68.410 are each amended to read as follows:

Park and recreation service areas. May be initiated by resolution or petition.

Local service areas may be initiated in any unincorporated area of any county by resolution adopted by the board of county commissioners or by a petition signed by ten percent of the registered voters within the proposed service area.

New section.

SEC. 3. There is added to chapter 4, Laws of 1963 and to chapter 36.32 RCW a new section to read as follows:

Name, commissioner's designate in county.

The board of county commissioners is authorized to designate the name of any park established by the county.

County, city, may acquire lands for specified purposes.

SEC. 4. Any county or city may acquire by purchase, gift, devise, bequest, grant or exchange, title to or any interests or rights in real property to be provided or preserved for (a) park or recreational purposes, viewpoint or greenbelt purposes, (b) the conservation of land or other natural resources, or (c) historic, scenic, or view purposes.

Passed the House March 26, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 77.

[House Bill No. 203.]

STATE OFFICERS AND EMPLOYEES—PER DIEM.

AN ACT relating to state government; increasing per diem allowances; and amending section 43.03.050, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.03.050.

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

SECTION 1. Section 43.03.050, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.03.050 are each amended to read as follows:

RCW 43.03.050 amended.

The heads of all state departments may prescribe per diem rates of allowance, not exceeding fifteen dollars in lieu of subsistence and lodging to elective and appointive officials and state employees while engaged on official business away from their designated posts of duty, but within the state of Washington, and not exceeding twenty-five dollars per day while engaged on official business elsewhere.

State officers, employees. Subsistence allowance for.

Passed the House March 16, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 78.

[House Bill No. 249.]

MOTOR VEHICLE LICENSE PLATES.

AN ACT relating to motor vehicle licenses; amending section 46.16.270, chapter 12, Laws of 1961 and RCW 46.16.270 and adding a new section to chapter 46.16 RCW.

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

RCW 46.16.270 amended.

SECTION 1. Section 46.16.270, chapter 12, Laws of 1961 and RCW 46.16.270 are each amended to read as follows:

Motor vehicle license plates. Loss or defacement of—Duplicates—Fee.

Upon the loss, defacement, or destruction of one or both of the vehicle license number plates issued for any vehicle where more than one plate was originally issued or where one or both have become so illegible or in such a condition as to be difficult to distinguish, the owner of the vehicle shall make application for new vehicle license number plates upon a form furnished by the director, upon which form it shall be required that the owner, in addition to other requirements, make a complete statement as to the cause of the loss, defacement, or destruction of the original plate or plates, which statement shall be subscribed and sworn to before a notary public or other person authorized to certify to statements upon vehicle license applications. Such application shall be filed with the director or his authorized agent, accompanied by the certificate of license registration of the vehicle and a fee in the amount of four dollars, whereupon the director, or his authorized agent, shall issue new vehicle license number plates to the applicant. It shall be accompanied by a fee of two dollars for a new vehicle license number plate where only one was originally issued and one dollar for a new motorcycle license number plate. In the event the director has issued license

period tabs or a windshield emblem instead of vehicle license number plates, and upon the loss, defacement or destruction of said tabs or windshield emblem, application shall be made on a form provided by the director and in the same manner as above described, and shall be accompanied by a fee of one dollar for each pair of tabs or for each windshield emblem, whereupon the director shall issue to the applicant a duplicate pair of tabs or a windshield emblem to replace those lost, defaced or destroyed.

SEC. 2. Vehicle license number plates issued by the state of Washington commencing with the next general issuance of such plates shall be so designed as to designate the name of the state of Washington in full without abbreviation.

Plates to
designate
state's name
in full.

Passed the House March 26, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 79.

[House Bill No. 265.]

MOTOR VEHICLE FUEL TAX.

AN ACT relating to the motor vehicle fuel tax; amending sections 82.36.010, 82.36.070, 82.36.090, 82.36.150, 82.36.180, 82.36.200, 82.36.230, 82.36.235, 82.36.260, 82.36.305, 82.36.310, 82.36.330 and 82.36.370, chapter 15, Laws of 1961 and RCW 82.36.010, 82.36.070, 82.36.090, 82.36.150, 82.36.180, 82.36.200, 82.36.230, 82.36.235, 82.36.260, 82.36.305, 82.36.310, 82.36.330 and 82.36.370; amending sections 82.36.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 113, Laws of 1963 and RCW 82.36.020; amending section 82.36.210, chapter 15, Laws of 1961 as amended by section 30, chapter 21, Laws of 1961 first extraordinary session and RCW 82.36.210; and adding one new section to chapter 15, Laws of 1961 and chapter 82.36 RCW.

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

RCW 82.36.010
amended.

SECTION 1. Section 82.36.010, chapter 15, Laws of 1961 and RCW 82.36.010 are each amended to read as follows:

Motor vehicle
fuel tax.
Definitions.

For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle which 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 liquid, by whatsoever name such liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles, motorboats, or airplanes: *Provided*, That the term "motor vehicle fuel" shall not include products specifically prepared and sold, as determined by the director, for use in turbo prop or jet type aircraft engines;

(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 licenses;

(6) "Director" means the director of licenses;

(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,

Motor vehicle fuel tax. Definitions.

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 section 3 of this amendatory act, 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.

RCW 82.36.020 amended.

SEC. 2. Section 82.36.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 113, Laws of 1963, and RCW 82.36.020 are each amended to read as follows:

Tax imposed—Rate—Allocation of proceeds.

Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director of seven and one-half cents 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 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 net gallonage remaining after deduction of one-quarter of one percent as herein provided shall be distributed as follows: Of the

seven and one-half cents collected as herein provided, six and one-half cents shall be distributed between the state, cities and counties under the provisions of RCW 46.68.090 and 46.68.100, and one-quarter cent shall be distributed to the state and expended pursuant to RCW 46.68.130, one-quarter cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350, and one-half cent shall be distributed to the cities and towns directly and allocated between them as provided by RCW 46.68.110: *Provided*, That the funds allocated to a city or town which are attributable to such one-half cent of the additional tax imposed by this 1961 amendatory act shall be matched twenty-five percent by such city or town and seventy-five percent from the proceeds of such one-half cent of additional tax: *And provided further*, That the proceeds of such one-half cent of additional tax and the matching funds provided by such city or town shall be used exclusively for the construction, improvement and repair of arterial highways as that term is defined in RCW 46.04.030, or for the payment of any municipal indebtedness which may be incurred after June 12, 1963 in the construction, improvement and repair of arterial highways as that term is defined in RCW 46.04.030. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

SEC. 3. Section 82.36.070, chapter 15, Laws of 1961 and RCW 82.36.070 are each amended to read as follows:

RCW 82.36.070 amended.

The application in proper form having been accepted for filing, the filing fee paid, and the bond or other security having been accepted and approved, the director shall issue to the applicant a license to transact business as a distributor in

Issuance of license—
Display—Bulk plant licenses, continuing.

Motor vehicle
fuel tax.
Issuance of
license—
Display—Bulk
plant licenses,
continuing.

the state, and such license shall be valid until canceled or revoked.

The license so issued by the director shall not be assignable, and shall be valid only for the distributor in whose name issued.

The director shall keep and file all applications and bonds with an alphabetical index thereof, together with a record of all licensed distributors.

Each distributor shall be assigned a license number upon qualifying for a license hereunder, and the director shall issue to each such licensee a license certificate which shall be displayed conspicuously by the distributor at his principal place of business in this state. The director shall also issue separate license cards for each bulk storage plant operated by such distributor. Such license cards shall indicate the number so assigned the distributor, the location of the storage plant for which the card is used, and such other information as the director may prescribe. The license card shall be conspicuously displayed at each bulk storage plant to which it is assigned, and it shall be unlawful for any distributor to operate or maintain a bulk storage plant in this state for the purpose of storing motor fuel without displaying such license card as herein provided. Bulk plant licenses shall be continuing until canceled or revoked. The distributor shall report on forms prescribed by the director any change in the number or capacity of bulk storage plants operated or maintained at the time such change occurs.

In the event an application for a license to transact business as a distributor is filed by any person whose license has heretofore been canceled for cause by the director, or if the director is of the opinion that the application is not filed in good faith, or that the application is filed by some person as a subterfuge for the real person in interest

whose license has heretofore been canceled for cause, the director, after a hearing, of which the applicant shall be given five days' notice in writing and at which the applicant may appear in person or by counsel and present testimony, may refuse to issue such a person a license to transact business as a distributor.

SEC. 4. Section 82.36.090, chapter 15, Laws of 1961 and RCW 82.36.090 are each amended to read as follows:

RCW 82.36.090 amended.

Whenever a distributor ceases to engage in business as a distributor within the state by reason of the discontinuance, sale, or transfer of his business, he shall notify the director in writing at the time the discontinuance, sale, or transfer takes effect. Such notice shall give the date of discontinuance, and, in the event of a sale or transfer of the business, the date thereof and the name and address of the purchaser or transferee thereof. All taxes, penalties, and interest under this chapter, not yet due and payable, shall become due and payable concurrently with such discontinuance, sale, or transfer, and any such distributor shall make a report and pay all such taxes, interest, and penalties, and surrender to the director the license certificate theretofore issued to him.

Discontinuance or transfer of business—
Notice—
Overpayments as refund or credit.

If an overpayment of tax was made by the distributor, prior to the discontinuance or transfer of his business, such overpayment may be refunded to such distributor or may be credited to the transferee of such business if such transferee qualifies as a distributor under the provisions of this chapter.

Unless the notice above provided for is given to the director, the purchaser or transferee shall be liable to the state for the amount of all taxes, penalties, and interest under this chapter accrued against any distributor so selling or transferring

his business, on the date of the sale or transfer, but only to the extent of the value of the property and business thereby acquired from such distributor.

RCW 82.36.150
amended.

SEC. 5. Section 82.36.150, chapter 15, Laws of 1961 and RCW 82.36.150 are each amended to read as follows:

Motor vehicle
fuel tax.
Records to be
kept by
distributors
and producers.

Every distributor shall keep a true and accurate record on such form as the director may prescribe of all stock of petroleum products on hand, of all raw gasoline, gasoline stock, diesel oil, kerosene, kerosene distillates, casing-head gasoline and other petroleum products needed in, or which may be used in, compounding, blending, or manufacturing motor vehicle fuel; of the amount of crude oil refined, the gravity thereof and the yield therefrom, as well as of such other matters relating to transactions in petroleum products as the director may require. Every distributor shall take a physical inventory of the petroleum products at least once during each calendar month and have the record of such inventory and of the other matters mentioned in this section available at all times for the inspection of the director. Upon demand of the director every distributor shall furnish a statement under oath as to the contents of any records to be kept hereunder.

Every producer shall keep a true and accurate record in such form as may be prescribed by the director of all manufacture and distribution of casing-head gasoline, kerosene distillates and other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel, and every broker shall likewise keep a true and accurate record of all purchases of such petroleum products in such manner as to disclose the vendor, the quantity purchased, the correct description of the commodity, and the means of transportation from such broker to the

vendee. All records required by this section shall be available at all times for the inspection of the director or his representative who may require a statement under oath as to contents thereof.

SEC. 6. Section 82.36.180, chapter 15, Laws of 1961 and RCW 82.36.180 are each amended to read as follows:

RCW 82.36.180 amended.

The director, or his duly authorized agents, may make such examinations of the records, stocks, facilities, and equipment of distributors, producers, brokers, and service stations, and such other investigations as he may deem necessary in carrying out the provisions of this chapter. If such examinations or investigations disclose that any reports of distributors of motor vehicle fuel theretofore filed with the director pursuant to the requirements of this chapter have shown incorrectly the gallonage of motor vehicle fuel distributed or the tax accruing thereon, the director may make such changes in subsequent reports and payments of such distributors as he may deem necessary to correct the errors disclosed.

Examinations and investigations — Procedure when records out of state.

Every such distributor or such other person not maintaining records in this state so that an audit of such records may be made by the director or his duly authorized representative shall be required to make the necessary records available to the director at his request and at his designated office within this state; or, in lieu thereof, shall agree to pay as reimbursement to the director or his duly appointed representative subsistence and travel allowance at the rates prescribed by statute of this state to proceed to any out-of-state office at which the records are prepared and maintained to make such examination.

SEC. 7. Section 82.36.200, chapter 15, Laws of 1961 and RCW 82.36.200 are each amended to read as follows:

RCW 82.36.200 amended.

Motor vehicle
fuel tax.
Examinations
during
business hours
of stock,
equipment and
facilities.

The director or his authorized agents may at any time during normal business hours examine the records, stocks, facilities and equipment of any person engaged in the transportation of motor vehicle fuel within the state of Washington for the purpose of checking shipments or use of motor vehicle fuel, detecting diversions thereof or evasion of taxes on same in enforcing the provisions of this chapter.

RCW 82.36.210
amended.

SEC. 8. Section 82.36.210, chapter 15, Laws of 1961 as amended by section 30, chapter 21, Laws of 1961 first extraordinary session and RCW 82.36.210 are each amended to read as follows:

Haulers to
have invoice or
bill of sale—
Produce for
inspection.

Every person operating any conveyance for the purpose of hauling, transporting or delivering motor vehicle fuel in bulk to points in this state from any point without this state, shall before entering upon the public highways of this state with such conveyance, have and possess during the entire time they are hauling motor vehicle fuel, an invoice, bill of sale, or other statement showing the true name and address of the seller or consignor, the name of the purchaser or consignee, if any, and the number of gallons. The person hauling such motor vehicle fuel shall at the request of any sheriff, deputy sheriff, constable, highway patrolman, or authorized representative of the department, or other person authorized by law to inquire into, or investigate said matters, produce and offer for inspection such invoice, bill of sale, or other statement and shall permit such official to inspect and gauge the contents of the vehicle. If the hauler fails to produce the invoice, bill of sale, or other statement, or if when produced it fails to disclose the aforesaid information, the officer or other person authorized to make inquiry, shall take and impound the motor vehicle fuel together with the conveying equipment until the tax on the motor

vehicle fuel, together with penalty equal to one hundred percent of the tax, and other expenses, charges, and costs have been paid. In case of default, and the taking and impounding herein provided for, the tax, damages, and costs shall be collected, even though the full excise tax may have already been paid on the motor vehicle fuel. In case the tax, damages and other charges are not paid within forty-eight hours after the taking of said property, the director may proceed to sell it in the mode and manner provided by law for the sale of personal property under execution.

SEC. 9. Section 82.36.230, chapter 15, Laws of 1961 and RCW 82.36.230 are each amended to read as follows:

RCW 82.36.230 amended.

The provisions of this chapter requiring the payment of taxes shall not apply to motor vehicle fuel imported into the state in interstate or foreign commerce and intended to be sold while they are in interstate or foreign commerce, nor to motor vehicle fuel, exported from this state by a qualified distributor, nor to sales by a distributor of motor vehicle fuel in individual quantities of five hundred gallons or less for export to another state or country by the purchaser other than in the supply tank of a motor vehicle: *Provided*, That such distributor is licensed in the state of destination to collect and remit the applicable destination state taxes thereon, nor to any motor vehicle fuel sold by a qualified distributor to the armed forces of the United States or to the national guard for use exclusively in ships or aircraft or for export from this state, nor to motor vehicle fuel for use exclusively in the operation of aircraft engines, delivered to aviation fuel dealers and/or users as authorized by the director. The distributor shall report such imports, exports and sales to the director as hereinafter provided and at such times, on

Exemptions—
Imports, ex-
ports, federal
sales, aviation
gasoline—
Exemption
and export
certificates—
Reciprocity on
information.

Motor vehicle
fuel tax.
Exemptions—
Imports, ex-
ports, federal
sales, aviation
gasoline—
Exemption
and export cer-
tificates—
Reciprocity on
information.

such forms, and in such detail as he may require, otherwise the exemption granted in this section shall be null and void, and all fuel shall be considered distributed in this state fully subject to the provisions of this chapter. Each invoice covering such exempt sale shall have the statement "Ex Washington Motor Vehicle Fuel Tax" clearly marked thereon.

To claim any exemption from taxes under this section on account of the exportation of motor vehicle fuel by a distributor other than deliveries in his own equipment, such distributor shall, at the request of the director, execute an export certificate in such form as shall be furnished by the director, containing a statement, made by some person having actual knowledge of the fact of exportation, that the motor vehicle fuel has been exported from the state, and giving such details with reference to such shipment as the director may require. All export certificates must be completed and filed with the director within three months of the end of the calendar month in which the shipments to which they relate were made, unless the state, territory or country of destination would not be prejudiced with respect to its collection of taxes thereon if the certificate is not filed within such time. The director may, in cases where it is believed no useful purpose would be served by filing of an export certificate, waive the certificate. Failure to file the certificate within the time required by this section shall not preclude the distributor from filing a claim for refund on motor vehicle fuel exported as provided in section 13 of this amendatory act or otherwise in chapter 82.36 RCW, with such information as the director may require to support the validity of such claim.

To claim any exemption from taxes under this section on account of sales of motor vehicle fuel

to the armed forces of the United States or to the national guard, the distributor shall be required to execute an exemption certificate in such form as shall be furnished by the director, containing a certified statement by an authorized officer of the armed forces having actual knowledge of the purpose for which the exemption is claimed. Any claim for exemption based on such sales shall be made by the distributor within six months of the date of sale. The provisions of this section exempting motor vehicle fuel sold to the armed forces of the United States or to the national guard from the tax imposed hereunder shall not apply to any motor vehicle fuel sold to contractors purchasing such fuel either for their own account or as the agents of the United States or the national guard for use in the performance of contracts with the armed forces of the United States or the national guard.

In support of any exemption from taxes on account of sales of motor vehicle fuel in individual quantities of five hundred gallons or less for export by the purchaser, the distributor shall retain in his files for at least three years an export certificate executed by the purchaser in such form and containing such information as shall be prescribed by the director. This certificate shall be prima facie evidence of the exportation of the motor vehicle fuel to which it applies only if accepted by the distributor in good faith.

The director may at any time require of any distributor any information he deems necessary to determine the validity of the claimed exemption, and failure to supply such data will constitute a waiver of all right to the exemption claimed. The director is hereby empowered with full authority to promulgate rules and regulations and to prescribe forms to be used by distributors in reporting to

the director so as to prevent evasion of the tax imposed by this chapter.

Upon request from the officials to whom are entrusted the enforcement of the motor fuel tax law of any other state, the District of Columbia, the United States, its territories and possessions, the provinces, or the Dominion of Canada, the director may forward to such officials any information which he may have relative to the import or export of any motor vehicle fuel by any distributor: *Provided*, That such governmental unit furnish like information to this state.

RCW 82.36.235 amended without change.

SEC. 10. Section 82.36.235, chapter 15, Laws of 1961 and RCW 82.36.235 are each amended to read as follows:

Motor vehicle fuel tax. Exemptions—Fuel delivered by distributor exclusively for marine use—Exemption certificate—Records and examination.

The provisions of this chapter requiring the payment of taxes shall not apply to motor vehicle fuel delivered exclusively for marine use by a distributor directly into the fuel tanks connected to the engine of any marine vessel (excluding any amphibious vehicle) owned or operated by the purchaser of the fuel: *Provided*, That such purchaser holds at the time of the delivery a permit issued pursuant to the provisions of RCW 82.36.270. Each invoice covering such sale shall have the statement, "Ex Washington Motor Vehicle Fuel Tax" clearly marked thereon.

In support of the aforementioned exemption the distributor shall obtain from the person so purchasing the motor vehicle fuel, and retain in his possession, an exemption certificate in such form and detail as the director may require. The certificate shall contain a statement signed by the purchaser of the fuel to the effect that the fuel so purchased will be used solely for marine use. The distributor may either obtain a separate exemption certificate from the purchaser for each delivery of fuel thereto or he may obtain one certificate

covering all deliveries made to such purchaser during any given calendar month.

RCW 82.36.320 and 82.36.340 relating to records and the examination of records shall also apply to the exemption claimed by any person who purchases motor vehicle fuel under the provisions of this section.

SEC. 11. Section 82.36.260, chapter 15, Laws of 1961 and RCW 82.36.260 are each amended to read as follows:

RCW 82.36.260 amended.

The director shall have authority to extend the time prescribed under this chapter for filing exportation certificates or claiming exemption for sales to the armed forces: *Provided*, That written request is filed with the director showing cause for failure to do so within or prior to the prescribed period.

Extension of time for filing exportation certificates or claiming exemptions.

SEC. 12. Section 82.36.305, chapter 15, Laws of 1961 and RCW 82.36.305 are each amended to read as follows:

RCW 82.36.305 amended without change.

Any dealer who delivers motor vehicle fuel exclusively for marine use into the fuel tanks connected to the engine of any marine vessel (excluding any amphibious vehicle) owned or operated by the purchaser of the fuel, said dealer having paid the tax on such fuel levied or directed to be paid as provided in this chapter, either directly by the collection of such tax by the vendor from the dealer or indirectly by the adding of the amount of the tax to the price of such fuel, shall be entitled to and shall be refunded the amount of the tax so paid. The refund shall be applicable only if the person to whom the dealer sold the fuel holds a permit issued pursuant to the provisions of RCW 82.36.270 at the time of sale. Each invoice covering such sale shall have the statement, "Ex Washington Motor Vehicle Fuel Tax," clearly marked thereon.

Refunds to dealer delivering fuel exclusively for marine use—Limitations—Supporting certificate.

In addition to the claim to be filed under RCW 82.36.310 the dealer shall also file a certificate supporting such refund in such form and detail as the director may require. The certificate shall contain a statement signed by the purchaser of the fuel to the effect that the fuel so purchased will be used solely for marine use. The dealer may either file a separate certificate obtained from the purchaser for each delivery of fuel thereto or he may file one certificate covering all deliveries made to such purchaser during any given calendar month.

RCW 82.36.310
amended.

SEC. 13. Section 82.36.310, chapter 15, Laws of 1961 and RCW 82.36.310 are each amended to read as follows:

Motor vehicle
fuel tax. Claim
of refund.

Any person claiming a refund for motor vehicle fuel used or exported as in this chapter provided shall not be entitled to receive such refund until he presents to the director a claim upon forms to be provided by the director with such information as the director shall require, which claim to be valid shall in all cases be accompanied by the original invoice or invoices issued to the claimant at the time of the purchases of the motor vehicle fuel, approved as to invoice form by the director: *Provided*, That in the event of the loss or destruction of the original invoice or invoices, the person claiming a refund may submit in lieu thereof a duplicate copy of such invoice certified by the vendor, but no payment of refund based upon such duplicate invoice shall be made until after expiration of such statutory period specified in section 14 of this amendatory act for filing of refund applications.

Any person claiming refund by reason of exportation of motor vehicle fuel shall in addition to the invoices required furnish to the director the export certificate therefor, and the signature on the exportation certificate shall be certified by a

notary public. In all cases the claim shall be signed by the person claiming the refund, or if it is a corporation, by some proper officer thereof.

SEC. 14. Section 82.36.330, chapter 15, Laws of 1961 and RCW 82.36.330 are each amended to read as follows:

RCW 82.36.330 amended.

Upon the approval of the director of the claim for refund, the state treasurer shall draw a warrant upon the state treasury for the amount of the claim in favor of the person making such claim and the warrant shall be paid from the excise tax collected on motor vehicle fuel. Applications for refunds of excise tax shall be filed in the office of the director not later than the close of the last business day of a period thirteen months from the date of purchase of such motor fuel, and if not filed within this period the right to refund shall be forever barred, except that such limitation shall not apply to claims for loss or destruction of motor vehicle fuel as provided by the provisions of section 15 of this amendatory act. Any person or the member of any firm or the officer or agent of any corporation who makes any false statement in any claim required for the refund of excise tax, as provided in this chapter, or who collects or causes to be repaid to him or to any other person any such refund without being entitled to the same under the provisions of this chapter shall be guilty of a gross misdemeanor.

Payment of refunds—
Penalty.

SEC. 15. Section 82.36.370, chapter 15, Laws of 1961 and RCW 82.36.370 are each amended to read as follows:

RCW 82.36.370 amended.

A refund shall be made in the manner provided in this chapter or a credit given allowing for the excise tax paid or accrued on all motor vehicle fuel in excess of five hundred gallons, which is lost or destroyed, while he shall be the owner thereof, through fire, lightning, flood, wind storm,

Refund for fuel destroyed by fire, flood, explosion, etc.

Motor vehicle fuel tax. Refund for fuel destroyed by fire, floor, etc.

explosion, leakage or other casualty except evaporation, shrinkage or unknown cause: *Provided*, That the director shall be notified in writing as to the full circumstances surrounding such loss or destruction and the amount of the loss or destruction within thirty days from the date of discovery of such loss or destruction: *And, provided further*, That such loss or destruction is susceptible to positive proof thereby enabling the director to conduct such investigation and require such information as he may deem necessary.

In the event that the director is not satisfied that the fuel was lost or destroyed as claimed, wherefore required information or proof as required hereunder is not sufficient to substantiate the accuracy of the claim, he may deem as sufficient cause the denial of all right relating to the refund or credit for the excise tax on motor vehicle fuel alleged to be lost or destroyed.

New section.

SEC. 16. There is added to chapter 15, Laws of 1961 and chapter 82.36 RCW a new section to read as follows:

Overpayments—Claims for refund or credit, statute of limitations—Notice when tax, penalty or interest assessed.

Unless otherwise provided any credit for erroneous overpayment of tax made by a distributor to be taken on a subsequent return or any claim of refund for tax erroneously overpaid by a distributor, pursuant to the provisions of section 4 of this act, must be so taken within three years after the date on which the overpayment was made to the state. Failure to take such credit or claim such refund within the time prescribed in this section shall constitute waiver of any and all demands against this state on account of overpayment hereunder.

Except in the case of a fraudulent report or neglect or refusal to make a report every notice of additional tax, penalty or interest assessed here-

under shall be served on the distributor within three years from the date upon which such additional taxes became due.

Passed the House March 26, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 80.

[House Bill No. 318.]

INDUSTRIAL INSURANCE—PAYROLL REPORTS—
MEDICAL AID CONTRACTS.

AN ACT relating to industrial insurance; amending section 51-16.060, chapter 23, Laws of 1961 and RCW 51.16.060; and amending section 51.40.020, chapter 23, Laws of 1961, as amended by section 1, chapter 36, Laws of 1965, and RCW 51.40.020.

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

SECTION 1. Section 51.16.060, chapter 23, Laws of 1961 and RCW 51.16.060 are each amended to read as follows:

RCW 51.16.060 amended.

Every employer shall, on or before the last day of January, April, July and October of each year hereafter, furnish the department with a true and accurate payroll and the aggregate number of workmen hours, during which workmen were employed by him during the preceding calendar quarter, the total amount paid to such workmen during such preceding calendar quarter, and a segregation of employment in the different classes provided in this title, and shall pay his premium thereon to the accident fund and medical aid fund. The sufficiency of such statement shall be subject to the approval of the director: *Provided*, That the director may in his discretion and for the effective administration of this title require an em-

Industrial insurance. Quarterly reports—As basis for closing account.

ployer in individual instances to furnish a supplementary report containing the name of each individual workman, his hours worked, his rate of pay and the class or classes in which such work was performed: *Provided, further,* That in the event an employer shall furnish the department with four consecutive quarterly reports wherein each such quarterly report indicates that no premium is due the department may close the account.

RCW 51.40.020 amended.

SEC. 2. Section 51.40.020, chapter 23, Laws of 1961 as amended by section 1, chapter 36, Laws of 1965, and RCW 51.40.020 are each amended to read as follows:

Industrial insurance. Medical aid contracts. Contract approval.

Before any medical aid contract shall go into effect it shall be submitted to the supervisor of industrial insurance and may be disapproved by him when found not to provide for such care of injured workmen as is contemplated by the provisions of RCW 51.04.030 and, if a contract so submitted is with the owners of a hospital operating the same, or with a hospital association, the supervisor of industrial insurance shall have power to disapprove the same if in his judgment the ownership or management of such hospital or hospital association is not such as to produce satisfactory service. Any such contract with physician, surgeon, or owner and operator of a hospital, or with a hospital association, so disapproved shall not be valid. If approved the contract shall be in effect for any period of time specified therein, not exceeding three years from the date of approval: *Provided,* That the director, through the division of industrial insurance, may, before approving any such contract, require the giving by any physician, surgeon, hospital or hospital association, of a bond in such sum and in such form, as the director may determine, conditioned that the obligor will faithfully perform such contract. Every such contract to be

valid must provide the injured workman the same services and a standard of service equal to that provided by the department for noncontract cases: *Provided*, That the contract shall provide for the payment of fees to licensed practitioners of the healing arts that are not members of the medical contracting group but who render services to a contract-covered employee. Such fees shall not exceed the agreed fee schedule of the medical contracting group and said fees shall be subject to the proration of payments on the same basis as the medical aid contracting group and any such practitioner participating in the agreement of any contract-covered employee shall agree to render similar services in the event of a catastrophe and to accept a proration of payments on the same basis as the medical contracting group. Every such contract to be valid must provide that the expenses incident to it shall be borne one-half by the employer and one-half by the employees, and that it shall be administered by the two interests jointly and equally.

No contract entered into prior to the time chapter 36, Laws of 1965 goes into effect shall be invalidated during its term by anything contained in the amendatory provisions of said chapter 36, Laws of 1965.

Passed the House March 26, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 81.

[House Bill No. 364.]

TEACHERS' RETIREMENT SYSTEM.

AN ACT relating to the state teachers' retirement system; amending section 1, chapter 80, Laws of 1947 as last amended by section 1, chapter 14, Laws of 1963 Ex. Sess., and RCW 41.32.010; amending section 20, chapter 80, Laws of 1947 as last amended by section 3, chapter 14, Laws of 1963 Ex. Sess., and RCW 41.32.200; amending section 24, chapter 80, Laws of 1947 as last amended by section 4, chapter 14, Laws of 1963 Ex. Sess., and RCW 41.32.240; amending section 47, chapter 80, Laws of 1947 as amended by section 15, chapter 14, Laws of 1963 Ex. Sess., and RCW 41.32.470; amending section 50, chapter 80, Laws of 1947 as amended by section 23, chapter 274, Laws of 1955, and RCW 41.32.500; amending section 52, chapter 80, Laws of 1947 as last amended by section 3, chapter 183, Laws of 1957, and RCW 41.32.520; amending section 21, chapter 14, Laws of 1963 Ex. Sess., and RCW 41.32.523; amending section 31, chapter 80, Laws of 1947 as amended by section 12, chapter 274, Laws of 1955, and RCW 41.32.310; and providing an effective date.

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

RCW 41.32.010
amended.

SECTION 1. Section 1, chapter 80, Laws of 1947 as last amended by section 1, chapter 14, Laws of 1963 Ex. Sess., and RCW 41.32.010 are each amended to read as follows:

Teachers' re-
tirement.
Definitions.

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Accumulated contributions" means the sum of all regular annuity contributions together with regular interest thereon less cost of operation.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the board of trustees and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Annuity fund" means the fund in which all of the accumulated contributions of members are held.

(5) "Annuity reserve fund" means the fund to which all accumulated contributions are transferred upon retirement.

(6) "Beneficiary" means any person in receipt of a retirement allowance or other benefit provided for by the teachers' retirement law.

(7) "Contract" means any agreement for service and compensation between a member and an employer.

(8) "Creditable service" means membership service plus prior service for which credit is allowable.

(9) "Dependent" means receiving one-half or more of support from a member.

(10) "Disability allowance" means monthly payments during disability.

(11) "Earnable compensation" means all salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year, except that any part of salaries and wages in excess of fifteen thousand dollars per annum shall be excluded in determining the earnable compensation of a member. In all cases where compensation includes maintenance the board of trustees shall fix the value of that part of the compensation not paid in money.

(12) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(13) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(14) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

Teachers'
retirement.
Definitions.

(15) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(16) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to exempt himself from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the annuity fund.

(17) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system.

(18) "Pension" means the moneys payable per year during life from the pension fund.

(19) "Pension fund" means a fund from which all pension obligations are to be paid.

(20) "Pension reserve fund" is a fund in the state treasury in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system.

(21) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable.

(22) "Prior service contributions" means contributions made by a member to secure credit for prior service.

(23) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(24) "Regular contributions" means the amounts required to be deducted from the compensation of

a member and credited to his individual account in the annuity fund.

(25) "Regular interest" means the interest on funds of the retirement system for the current school year and such other earnings as may be applied thereon by the board of trustees.

(26) "Retirement allowance" means the sum of annuity and pension or any optional benefits payable in lieu thereof.

(27) "Retirement system" means the Washington state teachers' retirement system.

(28) "Service" means the time during which a member has been employed by an employer for compensation.

(29) "Survivors' benefit fund" means the fund from which survivor benefits are paid to dependents of deceased members.

(30) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity, including state, county, city superintendents and their assistants; and in addition thereto any qualified school librarian, any registered nurse or any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

SEC. 2. Section 20, chapter 80, Laws of 1947 as last amended by section 3, chapter 14, Laws of 1963 Ex. Sess., and RCW 41.32.200 are each amended to read as follows:

RCW 44.32.200
amended.

The board of trustees shall be the trustees of the several funds created by this chapter and shall have full power to authorize the state finance committee to invest and reinvest such funds in the following classes of securities, and not otherwise:

Authority over
funds—Invest-
ments au-
thorized.

(1) Bonds, notes, or other obligations of the United States or its agencies, or of any corporation

Teachers' retirement. Authority over funds—Investments authorized.

wholly owned by the government of the United States, or those guaranteed by, or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof;

(2) Bonds or other evidences of indebtedness of this state or a duly authorized authority or agency thereof; and full faith and credit obligations of, or obligations unconditionally guaranteed as to principal and interest by any other state of the United States and the Commonwealth of Puerto Rico;

(3) Bonds, debentures, notes, or other full faith and credit obligations issued, guaranteed, or assumed as to both principal and interest by the government of the Dominion of Canada, or by any province of Canada: *Provided*, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder;

(4) Bonds, notes, or other obligations of any municipal corporation, political subdivision or state supported institution of higher learning of this state, issued pursuant to the laws of this state: *Provided*, That the issuer has not, within ten years prior to the making of the investment, been in default for more than three months in the payment of any part of the principal or interest on any debt evidenced by its bonds, notes, or obligations;

(5) Bonds, notes, or other obligations issued, guaranteed or assumed by any municipal or political subdivision of any other state of the United States: *Provided*, That any such municipal or political subdivision, or the total of its component parts, shall have a population as shown by the last preceding federal census of not less than ten thousand and shall not within ten years prior to the making of the investment have defaulted in payment of prin-

principal or interest of any debt evidenced by its bonds, notes or other obligations for more than ninety days;

(6) Bonds, debentures, notes, or other obligations issued, guaranteed, or assumed as to both principal and interest by any city of Canada which has a population of not less than one hundred thousand inhabitants: *Provided*, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder: *Provided further*, That the issuer shall not within ten years prior to the making of the investment have defaulted in payment of principal or interest of any debt evidenced by its bonds, notes or other obligations for more than ninety days;

(7) Bonds, notes, or other obligations issued, assumed, or unconditionally guaranteed by the international bank for reconstruction and development, or by the federal national mortgage association;

(8) Bonds, debentures, or other obligations issued by a federal land bank, or by a federal intermediate credit bank, under the act of congress of July 17, 1916, known as the "federal farm loan act," as amended or supplemented from time to time;

(9) Obligations of any public housing authority or urban redevelopment authority issued pursuant to the laws of this state relating to the creation or operation of a public housing or urban redevelopment authority;

(10) Obligations of any other state, municipal authority or political subdivision within the state issued pursuant to the laws of such state with principal and interest payable from tolls or other special revenues: *Provided*, That the issuer has not, within ten years prior to the making of the investment, been in default for more than three months in the pay-

Teachers' retirement. Authority over funds—Investments authorized.

ment of any part of the principal or interest on any debt evidenced by its bonds, notes, or obligations;

(11) Corporate bonds and debentures issued by any corporation duly organized and operating in any state of the United States: *Provided*, That such securities are rated not less than "A" by two nationally recognized rating agencies: *Provided further*, That investment in bonds and debentures in this subsection (11) shall be limited to twenty percent of any one issue;

(12) Investments in savings and loan associations organized under federal or state law, insured by the federal savings and loan insurance corporation, and operating in this state: *Provided*, That the investment of any one fund in any one such savings and loan association shall not exceed the amount insured by the federal savings and loan insurance corporation;

(13) Savings deposits in commercial banks and mutual savings banks organized under federal or state law, insured by the federal deposit insurance corporation, and operating in this state: *Provided*, That the deposit of any one fund in any such banks shall not exceed the amount insured by the federal deposit insurance corporation;

(14) First mortgages on unencumbered real property which are insured by the Federal Housing Administration under the National Housing Act (as from time to time amended), or are guaranteed by the Veterans Administration under the Servicemen's Readjustment Act of 1944 (as from time to time amended), or are otherwise insured or guaranteed by the United States of America, or by any agency or instrumentality of the United States of America, so as to give the investor protection essentially the same as that provided by the said National Housing Act or the said Servicemen's Readjustment Act. In the event that a state in-

vestment board is not created the state finance committee shall first analyze and appraise the board's procedures and policies for investing in such mortgages;

(15) Capital notes or debentures of any national or state bank doing business in the United States of America; and

(16) Equipment trust certificates issued by any corporation duly organized and operating in any state of the United States of America.

Subject to the above limitations and subject to any limitations, conditions, and restrictions contained in policy-making resolutions adopted by the state teachers' retirement board, the state finance committee shall have the power to make purchases, sales, exchanges, investments and reinvestments, of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any moneys belonging to said funds: *Provided*, That no sale or exchange shall be at a price less than the market price of the securities or investments to be sold or exchanged.

SEC. 3. Section 24, chapter 80, Laws of 1947 as last amended by section 4, chapter 14, Laws of 1963 Ex. Sess., and RCW 41.32.240 are each amended to read as follows:

RCW 41.32.240 amended.

All teachers employed full time in the public schools shall be members of the system except those who have previously exempted themselves from membership and alien teachers who have been granted a temporary permit to teach as exchange teachers. A minimum of ninety days or the equivalent of ninety days of employment during a fiscal year shall be required to establish membership. A teacher shall be considered as employed full time if serving regularly for four-fifths or more of a school day or if assigned to duties which are the

Membership in system—Procedure and qualifications when exempted person desires membership.

Teachers' retirement.
Membership in system—
Procedure and qualifications
when exempted person
desires membership.

equivalent of four-fifths or more of a full time assignment. A teacher who is employed for less than full time service may become a member by filing an application with the retirement system, submitting satisfactory proof of teaching service and making the necessary payment before June 30 of the school year immediately following the one during which the service was rendered. If an exempted teacher desires membership he must file with the board of trustees a written request, duly executed, that his exemption certificate be canceled, present proof of service, and make the necessary payment before June 30 of the school year immediately following the one in which his request for cancellation of the exemption was filed. Any teacher who is still exempt from membership in the teachers' retirement system after July 1, 1965 and chooses not to become a member of the teachers' retirement system may continue his exemption and shall not become a member of the state employees' retirement system while employed as a teacher. All service rendered in this state subsequent to his exemption from membership must be established by proper proof and paid for, with interest at three percent, upon the same basis as he would have paid had he been a member during the period covered by his exemption. Twenty percent of the total amount due must be paid before membership can be established. Payment of the remainder, including interest, must be completed before June 30th of the fourth school year following that in which membership was established. A minimum of five years of membership in the present system and/or the former state fund or a local fund shall be required of a member who was formerly exempt from membership before such member may qualify for a retirement allowance.

SEC. 4. Section 47, chapter 80, Laws of 1947 as amended by section 15, chapter 14, Laws of 1963 Ex. Sess., and RCW 41.32.470 are each amended to read as follows:

RCW 41.32.470 amended.

A member must have established or reestablished with the retirement system at least five years of credit for public school service in this state to be entitled to a retirement allowance.

Eligibility for retirement allowance.

SEC. 5. Section 50, chapter 80, Laws of 1947 as amended by section 23, chapter 274, Laws of 1955, and RCW 41.32.500 are each amended to read as follows:

RCW 41.32.500 amended.

Membership in the retirement system is terminated and the prior service certificate becomes void when a member retires for service or disability, dies, withdraws his accumulated contributions, transfers his membership to the state employees' retirement system or is unemployed in the public schools of the state 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:

Termination of membership—When membership may be retained.

- (1) If he is eligible for retirement;
- (2) 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;
- (3) If he is not eligible for retirement but has established ten or more years of Washington membership service credit.

SEC. 6. Section 52, chapter 80, Laws of 1947 as last amended by section 3, chapter 183, Laws of 1957, and RCW 41.32.520 are each amended to read as follows:

RCW 41.32.520 amended.

Upon receipt of proper proofs of death of any member before retirement or before the first in-

Payment on death before retirement.

Teachers' retirement. Payment on death before retirement.

stallment of his retirement allowance shall become due his accumulated contributions shall be paid to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees. If a member fails to file a new beneficiary designation subsequent to marriage, divorce, or re-establishment of membership following termination by withdrawal, lapsation or retirement, payment of his accumulated contributions upon death before retirement shall be made to the surviving spouse, if any; otherwise, to his estate. If a member had established five or more years of Washington membership service credit and was in active service or receiving or entitled to receive temporary disability payments at the time of his death, the named beneficiary or the surviving spouse if otherwise eligible may elect, in lieu of a cash refund, the following survivor benefit plan:

(1) A widow or dependent widower, without a child or children under eighteen years of age, may elect a monthly payment of fifty dollars to become effective at age fifty, provided the member had fifteen or more years of Washington membership service credit.

(2) If the member was eligible for retirement the named beneficiary, if the surviving spouse or dependent, may elect to receive a retirement allowance under Option 2. This election shall also be available to the spouse or a dependent of a member who has died while eligible for retirement during the period July 1, 1947, to June 30, 1955, inclusive, upon the repayment to the teachers' retirement fund of the refunded contributions. No benefits may be paid for any months prior to July 1, 1955.

If no named beneficiary survives a member, at his death his accumulated contributions shall be

paid to his estate, or his dependents may qualify for survivor benefits in lieu of a cash refund in the following order: Widow or dependent widower, guardian of a dependent child or children under age eighteen, or dependent parent or parents.

Under survivors' benefit plan (1) the board of trustees shall transfer to the survivors' benefit fund the accumulated contributions of the deceased member together with an amount from the pension fund determined by actuarial tables to be sufficient to fully fund the liability. Benefits shall be paid from the survivors' benefit fund monthly and terminated at the marriage of the beneficiary.

SEC. 7. Section 21, chapter 14, Laws of 1963 Ex. Sess., and RCW 41.32.523 are each amended to read as follows:

RCW 41.32.523 amended.

Upon receipt of proper proof of death of a member who does not qualify for the death benefit of three hundred dollars under RCW 41.32.522, or a former member who was retired for age, service or disability, a death benefit of one hundred fifty dollars shall be paid from the death benefit fund to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees: *Provided*, That the retired former member had established not less than ten years of credit with the retirement system for full time Washington membership service.

Death benefits
—Retired
former mem-
bers, members
not qualifying
under RCW
41.32.522.

SEC. 8. Section 31, chapter 80, Laws of 1947 as amended by section 12, chapter 274, Laws of 1955, and RCW 41.32.310 are each amended to read as follows:

RCW 41.32.310 amended.

Any member desiring to establish credit for services previously rendered, must present proof and make the necessary payments before June 30, 1970; or, if not employed on the effective date of this act, before June 30th of the fifth school year after entry into public school employment in this state.

Time limit for
claiming serv-
ice credit—
Payments.

Teachers' re-
tirement. Time
limit for claim-
ing service
credit—Pay-
ments.

Payments covering all types of membership service credit may be made in a lump sum when due, or in annual installments, with three percent interest. The first annual installment of at least twenty percent of the amount due must be paid before the date specified above, and the final payment before June 30th of the fourth school year following that in which the first payment was made: *Provided*, That a member who had the opportunity under this section prior to July 1, 1965 to establish credit for services previously rendered and failed to do so shall be permitted to establish such credit only for previous public school service rendered in the State of Washington.

Severability.

SEC. 9. If any provision of this act is held to be invalid the remainder of this act shall not be affected.

Effective date

SEC. 10. The effective date of this act is July 1, 1965.

Passed the House March 26, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 82.

[House Bill No. 465.]

STATE FUNDS—INVESTMENTS.

AN ACT relating to the investment of state funds; providing for the use of a portion of the income reserve fund; and amending section 43.84.090, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.84.090.

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

SECTION 1. Section 43.84.090, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.84.090 are each amended to read as follows:

RCW 43.84.090 amended.

Twenty percent of all income received from such investments shall be set aside in a reserve fund. This fund shall be maintained until it reaches five percent of the principal invested: *Provided*, That pursuant to legislative appropriation an amount not exceeding ten percent of this investment reserve fund may be used to pay the operating expenses of the state finance committee.

Investment of state funds. Reserve to be set aside.

Investments purchased for more or less than par shall be amortized to obtain the true amount of income, and the amortized value of the principal, at any time, shall be the cost of the security plus or minus such portion of the income as has been assigned to principal.

Any loss sustained by selling investments for less than the amortized value of the principal may be charged to the reserve fund. Any profits obtained from selling investments for more than the amortized value of the principal shall be considered as income. All income other than that set aside in the reserve fund shall be credited to the deposit interest fund in the state treasury.

Passed the House March 21, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 83.

[House Bill No. 592.]

FAMILY COURTS.

AN ACT relating to family courts; amending section 5, chapter 50, Laws of 1949, and RCW 26.12.050.

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

RCW 26.12.050 amended.

SECTION 1. Section 5, chapter 50, Laws of 1949, and RCW 26.12.050 are each amended to read as follows:

Family courts. Appointment of assistants—Commissioners' approval, when.

In class "A" counties and counties of the first through ninth classes, the superior court may appoint the following persons to assist the family court in disposing of its business: *Provided*, That in counties of the third through ninth class, such positions may not be created without prior consent of the county commissioners:

- (1) One or more competent persons to act as family court commissioners, and
- (2) Such investigators, stenographers and clerks as the court shall find necessary to carry on the work of the family court.

The appointments provided for in this section shall be made by majority vote of the judges of the superior court of the county and may be made in addition to all other appointments of commissioners and other judicial attaches otherwise authorized by law. Family court commissioners and investigators shall serve at the pleasure of the judges appointing them and shall receive such compensation as the county commissioners shall determine.

Passed the House March 26, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 84.

[House Bill No. 621.]

COUNTIES AND CITIES—REGIONAL AGENCIES—
YOUTH AGENCIES.

AN ACT relating to municipal corporations; authorizing creation of an agency for the purpose of studying region wide problems; prescribing powers and duties; and providing financing of the agency by the participating municipal corporations; and authorizing the establishment of youth agencies.

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

SECTION 1. The boards of county commissioners of any county and any counties contiguous thereto and the governing body of any cities and/or towns within said counties may establish and organize a regional agency hereinafter referred to as a conference, for the purpose of studying regional and governmental problems of mutual interest and concern, including but not limited to, facility studies on highways, transit, airports, ports or harbor development, water supply and distribution, codes and ordinances, governmental finances, flood control, air and water pollution, recommendations of sites for schools and educational institutions, hospitals and health facilities, parks and recreation, public buildings, land use and drainage; and to formulate recommendations for review and action by the member counties and/or cities legislative body.

Regional agencies. Counties and/or cities and towns may establish regional conference.

SEC. 2. The governing bodies of the counties and cities so associated in a conference shall adopt articles of association and bylaws, select a chairman and such other officers as they may determine, and may employ and discharge such agents and employees as the officers deem convenient to carry out the purposes of the conference.

—Bylaws—
Officers—
Agents and employees.

Regional agencies.
~~Contracts—~~
Grants—
Consultants.

SEC. 3. The conference is authorized to contract generally and to enter into any contract with the federal government, the state, any municipal corporation and/or other governmental agency for the purpose of conducting the study of regional problems of mutual concern, and shall have the power to receive grants and gifts in furtherance of the program. The conference may retain consultants if deemed advisable.

~~Conference as public purpose—~~
Financing.

SEC. 4. The formation of the conference is hereby declared to be a public purpose, and any municipal corporation may contribute to the expenses of such conference pursuant to the budgetary laws of the municipal corporations and such bylaws as may be adopted by the conference: *Provided*, That services and facilities may be provided by a municipal corporation in lieu of assessment.

Youth agency, local in nature, authorized.

SEC. 5. Any city, town, or county may establish a youth agency to investigate, advise and act on, within the powers of that municipality, problems relating to the youth of that community, including employment, educational, economic and recreational opportunities, juvenile delinquency and dependency, and other youth problems and activities as that municipality may determine. Any city, town, or county may contract with any other city, town, or county to jointly establish such a youth agency.

Passed the House March 26, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 85.

[House Bill No. 679.]

RECREATIONAL DEVICES—CONVEYANCE OF PERSONS.

AN ACT relating to recreational devices designed for the conveyance of persons; amending section 1, chapter 327, Laws of 1959, as amended by section 1, chapter 253, Laws of 1961, and RCW 70.88.010; and amending section 4, chapter 327, Laws of 1959, and RCW 70.88.040.

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

SECTION 1. Section 1, chapter 327, Laws of 1959, as amended by section 1, chapter 253, Laws of 1961 and RCW 70.88.010, are each amended to read as follows:

RCW 70.88.010 amended.

Every owner or operator of any recreational device designed and operated for the conveyance of persons which aids in promoting entertainment, pleasure, play, relaxation, or instruction, specifically including devices generally associated with winter sports activities such as ski lifts, ski tows, j-bars, t-bars, ski mobiles, chair lifts, and similar devices and equipment, shall construct, furnish, maintain, and provide safe and adequate facilities and equipment with which safely and properly to receive and transport all persons offered to and received by the owner or operator of such devices, and to promote the safety of such owner's or operator's patrons, employees and the public. The owner or operator of the devices and equipment covered by this section shall be deemed not to be a common carrier.

Conveyances for recreational activity. Safe and adequate facilities and equipment required of owner and operator.

SEC. 2. Section 4, chapter 327, Laws of 1959, and RCW 70.88.040 are each amended to read as follows:

RCW 70.88.040 amended.

Any violation of this chapter or the rules, regulations and codes of the state parks and recreation commission relating to public safety in the con-

Violations—Penalty.

Conveyances for recreational activity.

struction, operation and maintenance of the recreational devices provided for in this chapter shall be a misdemeanor.

Passed the House March 26, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 86.

[House Bill No. 77.]

SCHOOL DISTRICTS—INSURANCE—CHILDREN
INJURED ON VEHICLES.

AN ACT relating to school districts; and authorizing school districts to provide insurance for school children.

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

School districts. Insurance for children carried on district vehicles, district may provide.

SECTION 1. The board of directors of any school district may provide insurance by contract purchase for payment of hospital and medical expenses in an amount not exceeding one thousand dollars per child, per injury for the benefit of school children injured while they are on, getting on, or getting off any vehicles enumerated in RCW 28.58.100 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 school children notwithstanding the provisions of RCW 28.76.410.

Passed the House March 26, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 87.

[House Bill No. 105.]

SCHOOL DISTRICTS—BOARD OF DIRECTORS—
MEETINGS.

AN ACT relating to education; permitting school boards in second and third class districts to determine the date and time of their regular meetings; amending section 6, page 299, Laws of 1909 and RCW 28.63.030; and amending section 6, page 302, Laws of 1909 and RCW 28.63.032.

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

SECTION 1. Section 6, page 299, Laws of 1909 and RCW 28.63.030 are each amended to read as follows:

RCW 28.63.03 amended.

The regular meetings of the board of directors of second class school districts shall be held monthly at such times as each board of directors shall by resolution determine, and they may hold such other special or adjourned meetings as they may from time to time determine, or as may be specified in their bylaws. Special meetings may be called by the chairman or by any two members of the board.

School districts. Meetings of school boards in second class districts.

SEC. 2. Section 6, page 302, Laws of 1909 and RCW 28.63.032 are each amended to read as follows:

RCW 28.63.032 amended.

A regular meeting of each board of directors of districts of the third class shall be held monthly at such times as the board of directors shall by resolution determine, and they may hold such other special or adjourned meetings as they may from time to time determine, or as may be specified in their bylaws. Special meetings may be called by the chairman or by any two members of the board.

Meetings of school boards in third class districts.

SEC. 3. If any provision of this 1965 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the 1965 amenda-

Severability.

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

Passed the House March 22, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 88.

[House Bill No. 122.]

CITIES AND TOWNS—ANNEXATIONS—COMPREHENSIVE PLAN.

AN ACT relating to cities and towns; amending section 35.13.015, chapter 7, Laws of 1965 and RCW 35.13.015; amending section 35.13.020, chapter 7, Laws of 1965 and RCW 35.13.020; amending section 35.13.030, chapter 7, Laws of 1965 and RCW 35.13.030; amending section 35.13.080, chapter 7, Laws of 1965 and RCW 35.13.080; amending section 35.13.090, chapter 7, Laws of 1965 and RCW 35.13.090; amending section 35.13.100, chapter 7, Laws of 1965 and RCW 35.13.100; amending section 35.13.110, chapter 7, Laws of 1965 and RCW 35.13.110; amending section 35.13.125, chapter 7, Laws of 1965 and RCW 35.13.125; amending section 35.13.130, chapter 7, Laws of 1965 and RCW 35.13.130; amending section 35.13.160, chapter 7, Laws of 1965 and RCW 35.13.160; and adding new sections to chapter 35.13 RCW and to chapter 7, Laws of 1965.

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

New section.

SECTION 1. There is added to chapter 35.13 RCW and to chapter 7, Laws of 1965, a new section to read as follows:

Cities and towns—Annexation of unincorporated areas. Land use plan for area expected to be annexed—Authorized—Contents.

The legislative body of any city or town acting through a planning commission created pursuant to chapter 35.63 RCW, or pursuant to its granted powers, may prepare a comprehensive land use plan to become effective upon the annexation of any area which might reasonably be expected to be annexed by the city or town at any future time. Such com-

prehensive plan, to the extent deemed reasonably necessary by the legislative body to be in the interest of health, safety, morals and the general welfare may provide, among other things, for:

(1) The regulation and restriction within the area to be annexed of the location and the use of buildings, structures and land for residence, trade, industrial and other purposes; the height, number of stories, size, construction and design of buildings and other structures; the size of yards, courts and other open spaces on the lot or tract; the density of population; the set-back of buildings along highways, parks or public water frontages; and the subdivision and development of land;

(2) The division of the area to be annexed into districts or zones of any size or shape, and within such districts or zones regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land;

(3) The appointment of a board of adjustment, to make, in appropriate cases and subject to appropriate conditions and safeguards established by ordinance, special exceptions in harmony with the general purposes and intent of the comprehensive plan; and

(4) The time interval following an annexation during which the ordinance or resolution adopting any such plan or regulations, or any part thereof must remain in effect before it may be amended, supplemented or modified by subsequent ordinance or resolution adopted by the annexing city or town.

All such regulations and restrictions shall be designed, among other things, to encourage the most appropriate use of land throughout the area to be annexed; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a co-

Cities and towns—
Annexation of unincorporated areas. Land use plan for area expected to be annexed.

ordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements.

New section.

SEC. 2. There is added to chapter 35.13 RCW and to chapter 7, Laws of 1965, a new section to read as follows:

—Hearings on—Notice—Adopted plans, maps or plats filed.

The legislative body of the city or town shall hold two or more public hearings, to be held at least 30 days apart, upon the proposed comprehensive plan, giving notice of the time and place thereof by publication in a newspaper of general circulation in the annexing city or town and the area to be annexed. A copy of the ordinance or resolution adopting or embodying such proposed plan or any part thereof or any amendment thereto, duly certified as a true copy by the clerk of the annexing city or town, shall be filed with the county auditor. A like certified copy of any map or plat referred to or adopted by the ordinance or resolution shall likewise be filed with the county auditor. The auditor shall record the ordinance or resolution and keep on file the map or plat.

RCW 35.13.015 amended.

SEC. 3. Section 35.13.015, chapter 7, Laws of 1965 and RCW 35.13.015 are each amended to read as follows:

Election method—Resolution for election—Contents of resolution.

In addition to the method prescribed by RCW 35.13.020 for the commencement of annexation proceedings, the legislative body of any city or town may, whenever it shall determine by resolution that the best interests and general welfare of such city or town would be served by the annexation of unincorporated territory contiguous to such city or town, file a certified copy of the resolution with the

board of county commissioners of the county in which said territory is located. The resolution of the city or town initiating such election shall describe the boundaries of the area to be annexed, as nearly as may be state the number of voters residing therein, pray for the calling of an election to be held among the qualified voters therein upon the question of annexation, and provide that said city or town will pay the cost of the annexation election. The resolution may require that there also be submitted to the electorate of the territory sought to be annexed a proposition that all property within the area annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for any then outstanding indebtedness of the city or town to which said area is annexed, contracted prior to, or existing at, the date of annexation. Whenever a city or town has prepared and filed a comprehensive plan for the area to be annexed as provided for in sections 1 and 2 of this 1965 amendatory act, the resolution initiating the election may also provide for the simultaneous adoption of the comprehensive plan upon approval of annexation by the electorate of the area to be annexed.

SEC. 4. Section 35.13.020, chapter 7, Laws of 1965 and RCW 35.13.020 are each amended to read as follows:

RCW 35.13.020 amended.

A petition for an election to vote upon the annexation of a portion of a county to a contiguous city or town signed by qualified voters resident in the area equal in number to twenty percent of the votes cast at the last election may be filed in the office of the board of county commissioners: *Provided*, That any such petition shall first be filed with the legislative body of the city or town to which the annexation is proposed, and such legislative body shall, by resolution entered within sixty days from the date

Election method—Petition for election—Signers—Rate of assessment in annexed area for outstanding indebtedness—Adoption of land use plan—Filing and approval—Costs of election.

Cities and towns—Annexation of unincorporated areas. Election method—Petition for election—Signers—Rate of assessment in annexed area for outstanding indebtedness—Adoption of land use plan—Filing and approval—Costs of election.

of presentation, notify the petitioners, either by mail or by publication in the same manner notice of hearing is required by RCW 35.13.040 to be published, of its approval or rejection of the proposed action. In approving the proposed action, the legislative body may require that there also be submitted to the electorate of the territory to be annexed, a proposition that all property within the area to be annexed shall, upon annexation be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for any then outstanding indebtedness of the city or town to which said area is annexed, contracted prior to, or existing at, the date of annexation. Whenever the legislative body has prepared and filed a comprehensive plan for the area to be annexed as provided for in sections 1 and 2 of this 1965 amendatory act, the legislative body in approving the proposed action, may require that the comprehensive plan be simultaneously adopted upon approval of annexation by the electorate of the area to be annexed. The approval of the legislative body shall be a condition precedent to the filing of such petition with the board of county commissioners as hereinafter provided. The costs of conducting such election shall be a charge against the city or town concerned.

RCW 35.13.030 amended.

SEC. 5. Section 35.13.030, chapter 7, Laws of 1965, and RCW 35.13.030 are each amended to read as follows:

Election method—Petition for election—Contents.

A petition filed with the county commissioners to call an annexation election shall particularly describe the boundaries of the area proposed to be annexed, state the number of voters residing therein as nearly as may be, state the provisions, if any there be, relating to assumption of debt by the owners of property of the area proposed to be annexed, and/or the simultaneous adoption of a comprehensive plan for the area proposed to be annexed, and shall pray for

the calling of an election to be held among the qualified voters therein upon the question of annexation.

SEC. 6. Section 35.13.080, chapter 7, Laws of 1965, and RCW 35.13.080 are each amended to read as follows:

RCW 35.13.080
amended.

Notice of an annexation election shall particularly describe the boundaries of the area proposed to be annexed, state the objects of the election as prayed in the petition or as stated in the resolution and require the voters to cast ballots which shall contain the words "For annexation" and "Against annexation" or words equivalent thereto, or contain the words "For annexation and adoption of comprehensive plan" and "Against annexation and adoption of comprehensive plan" or words equivalent thereto in case the simultaneous adoption of a comprehensive plan is proposed, and which in case the assumption of indebtedness is proposed, shall contain as a separate proposition, the words "For assumption of indebtedness" and "Against assumption of indebtedness" or words equivalent thereto. The notice shall be posted for at least two weeks prior to the date of election in four public places within the area proposed to be annexed and published for at least two weeks prior to the date of election in a newspaper printed and published within the limits of the territory proposed to be annexed, or, if there is no such newspaper, in a newspaper printed and published in the city or town to which the area is proposed to be annexed, or if there is no newspaper published in the city or town, in a newspaper of general circulation in the area published and printed in the county. Such notice shall be in addition to the notice required by chapter 29.27 RCW.

Election
method—
Notice of
election.

SEC. 7. Section 35.13.090, chapter 7, Laws of 1965 and RCW 35.13.090 are each amended to read as follows:

RCW 35.13.090
amended.

Cities and towns—Annexation of unincorporated areas. Election method—Canvass—Vote required for annexation—Proposition for assumption of indebtedness, adoption of land use plan—Certification.

On the Monday next succeeding the annexation election, the county canvassing board shall proceed to canvass the returns thereof and shall submit the statement of canvass to the board of county commissioners.

The proposition for or against annexation or for or against annexation and adoption of the comprehensive plan, as the case may be, shall be deemed approved if a majority of the votes cast on that proposition are cast in favor of annexation or in favor of annexation and adoption of the comprehensive plan, as the case may be. If a proposition for or against assumption of indebtedness was submitted to the electorate, it shall be deemed approved if a majority of at least three-fifths of the electors of the territory proposed to be annexed voting on such proposition vote in favor thereof, and the number of persons voting on such proposition constitutes not less than forty percent of the total number of votes cast in such territory at the last preceding general election. If either or both propositions were approved by the electors, the board shall enter a finding to that effect on its minutes, a certified copy of which shall be forthwith transmitted to and filed with the clerk of the city or town to which annexation is proposed, together with a certified abstract of the vote showing the whole number who voted at the election, the number of votes cast for annexation and the number cast against annexation or for annexation and adoption of the comprehensive plan and the number cast against annexation and adoption of the comprehensive plan, as the case may be, and if a proposition for assumption of indebtedness was submitted to the electorate, the abstract shall include the number of votes cast for assumption of indebtedness and the number of votes cast against assumption of indebtedness, together with a statement of the total number

of votes cast in such territory at the last preceding general election.

SEC. 8. Section 35.13.100, chapter 7, Laws of 1965, and RCW 35.13.100 are each amended to read as follows: RCW 35.13.100 amended.

Upon filing of the certified copy of the finding of the board of county commissioners, the clerk shall transmit it to the legislative body of the city or town at the next regular meeting or as soon thereafter as practicable. If only a proposition relating to annexation or annexation and adoption of the comprehensive plan was submitted to the voters and such proposition was approved, the legislative body shall adopt an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of the comprehensive plan, as the case may be. If a proposition for annexation or annexation and adoption of the comprehensive plan and a proposition for assumption of indebtedness were both submitted, and both were approved, the legislative body shall adopt an ordinance providing for the annexation or annexation and adoption of the comprehensive plan including the assumption of indebtedness. If both propositions were submitted and only the annexation or annexation and adoption of the comprehensive plan proposition was approved, the legislative body may, if it deems it wise or expedient, adopt an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of the comprehensive plan, as the case may be. Election method—Ordinance providing for annexation, adoption of land use plan, assumption of indebtedness.

SEC. 9. Section 35.13.110, chapter 7, Laws of 1965, and RCW 35.13.110 are each amended to read as follows: RCW 35.13.110 amended.

Upon the date fixed in the ordinance of annexation, the area annexed shall become a part of the city or town. Upon the date fixed in the ordinances of annexation and adoption of the comprehensive Election method—Effective date of annexation, adoption of land use plan.

Cities and towns—
Annexation of unincorporated areas.
Election method—
Assessment, taxation of territory annexed.

plan, the area annexed shall become a part of the city or town and property in the annexed area shall be subject to and a part of the comprehensive plan, as prepared and filed as provided for in sections 1 and 2 of this 1965 amendatory act. All property within the territory hereafter annexed shall, if the proposition approved by the people so provides after June 12, 1957, be assessed and taxed at the same rate and on the same basis as the property of such annexing city is assessed and taxed to pay for any then outstanding indebtedness of the city or town to which said area is annexed, contracted prior to, or existing at, the date of annexation.

RCW 35.13.125 amended.

SEC. 10. Section 35.13.125, chapter 7, Laws of 1965, and RCW 35.13.125 are each amended to read as follows:

Petition method—
Commencement of proceedings—
Notice to legislative body—
Meeting—
Adoption of land use plan—
Assumption of indebtedness.

Proceedings for the annexation of territory pursuant to RCW 35.13.130, 35.13.140, 35.13.150, 35.13.160 and 35.13.170 shall be commenced as provided in this section. Prior to the circulation of a petition for annexation, the initiating party or parties who shall be the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, shall notify the legislative body of the city or town of their intention to commence annexation proceedings. The legislative body shall set a date, not later than sixty days after the filing of the request, for a meeting with the initiating parties to determine whether the city or town will accept the proposed annexation, whether it shall require the simultaneous adoption of the comprehensive plan if such a plan has been prepared and filed for the area to be annexed as provided for in sections 1 and 2 of this 1965 amendatory act, and whether it shall require the assumption of existing city or town indebtedness by the area to be annexed. If the legislative body requires the assumption of indebtedness and/

or the adoption of a comprehensive plan, it shall record this action in its minutes and the petition for annexation shall be so drawn as to clearly indicate this fact. There shall be no appeal from the decision of the legislative body.

SEC. 11. Section 35.13.130, chapter 7, Laws of 1965, and RCW 35.13.130 are each amended to read as follows:

RCW 35.13.130 amended.

A petition for annexation of an area contiguous to a city or town may be made in writing addressed to and filed with the legislative body of the municipality to which annexation is desired. It must be signed by the owners of not less than seventy-five percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, shall set forth a description of the property according to government legal subdivisions or legal plats and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. If the legislative body has required the assumption of city or town indebtedness by the area annexed, and/or the adoption of a comprehensive plan for the area to be annexed, these facts, together with a quotation of the minute entry of such requirement or requirements shall be set forth in the petition.

Petition method—Petition—Signers—Content.

SEC. 12. Section 35.13.160, chapter 7, Laws of 1965, and RCW 35.13.160 are each amended to read as follows:

RCW 35.13.160 amended.

Upon the date fixed in the ordinance of annexation the area annexed shall become part of the city or town. All property within the territory hereafter annexed shall, if the annexation petition so provided, be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for any then outstanding indebtedness of the city or town to which

Petition method—Effective date of annexation, adoption of land use plan—Assessment, taxation of territory annexed.

Cities and towns—
Annexation of unincorporated areas.

said area is annexed, contracted prior to, or existing at, the date of annexation. If the annexation petition so provided, all property in the annexed area shall be subject to and a part of the comprehensive plan as prepared and filed as provided for in sections 1 and 2 of this 1965 amendatory act.

Passed the House March 22, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 89.

[House Bill No. 125.]

COMMUNITY COLLEGES—POWERS OF BOARDS
OF DIRECTORS.

AN ACT relating to community colleges; amending section 5, chapter 198, Laws of 1961 as last amended by section 5, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.210; and adding a new section to chapter 198, Laws of 1961 and to chapter 28.84 RCW.

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

RCW 28.84.210 amended.

SECTION 1. Section 5, chapter 198, Laws of 1961 as last amended by section 5, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.210 are each amended to read as follows:

Community colleges. Powers and duties of directors—Fees.

Every board of directors operating a community college, unless otherwise specially provided by law, shall:

(1) Perform all acts necessary or appropriate to the administration of the community college consistent with statutes governing school districts and the regulations of the state board of education;

(2) Employ for a period to be fixed by the board, a president, members of the faculty, and such other administrative officers and other employees as may

be necessary or appropriate, and fix their salaries and duties;

(3) Discharge for sufficient cause any officer, faculty member or employee;

(4) Construct, equip and operate necessary community college facilities but this authority shall not include the power to construct, equip or operate directly or indirectly any dormitories, nor shall any school employee or officer charge or collect any fees for housing provided for by an individual, association or corporation;

(5) Promulgate regulations governing the students enrolled in the community college, including regulations relating to housing;

(6) Receive such gifts, grants, conveyances, devises and bequests of real and personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs as specified by law and the regulations of the state board of education; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(7) Prescribe fees to be paid by students enrolled in the community college, not inconsistent with the regulations of the state board of education: *Provided*, That a tuition fee of not less than one hundred dollars per quarter shall be charged each full time student who has not been domiciled in this state for a period of one year prior to the commencement of the term for which he registers: *Provided further*, That the aggregate of tuition and other fees for each full time student who has not been domiciled in this state for a period of one year prior to the commencement of the term for which he registers

shall not exceed one hundred and fifty dollars per quarter exclusive of the summer session.

New section.

SEC. 2. There is added to chapter 198, Laws of 1961 and to chapter 28.84 RCW a new section to read as follows:

Community colleges. Agreements for housing authorized—Scope.

Every board of directors operating a community college may enter into agreements with the owners of facilities to be used as housing facilities for students of the community college.

Any board entering into such agreement may:

- (1) Make such rules of government and management of the housing facilities as deemed necessary;
- (2) Employ such employees as may be necessary to conduct the same.

Passed the House March 26, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 90.

[House Bill No. 273.]

PUBLIC ASSISTANCE—ADVISORY COMMITTEES.

AN ACT relating to public assistance; adding a new chapter to chapter 26, Laws of 1959 and Title 74 RCW; and repealing sections 74.04.020, 74.04.034, 74.04.035, 74.04.141, 74.09.100, and 74.16.011 of chapter 26, Laws of 1959 and RCW 74.04.020, RCW 74.04.034, RCW 74.04.035, RCW 74.04.141, RCW 74.09.100, and RCW 74.16.011.

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

SECTION 1. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new chapter to read as set forth in sections 2 through 12 of this act. New chapter.

SEC. 2. There is hereby created a state advisory committee which shall serve in an advisory capacity to the director. The committee shall be composed of ten members, seven members to be appointed by the governor on the basis of giving both geographical and occupational representation throughout the state. Members shall be selected on the basis of their known experience or interest in public assistance and its related problems and not more than four members shall be identified with the same major political party. The members of the committee shall hold office as follows: Two members to serve two years; two members to serve three years; and three members to serve four years. Upon expiration of said original terms, subsequent appointments shall be for four years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms. The remaining three members of the committee shall be the chairman of the committees for blind, medical care and child welfare and day care. Public assistance—Advisory committees. State advisory committee. Created—Members—Appointment—Terms—Vacancies—Members include departmental committee chairmen.

Public Assistance—Advisory committees. State advisory committee. Powers and duties—Meetings—Eligibility of members.

SEC. 3. The state advisory committee shall have the following powers and duties:

(1) To serve in an advisory capacity to the director on all matters pertaining to Title 74 RCW.

(2) To acquaint themselves fully with the operations of the department and periodically recommend such changes to the director as they deem advisable.

(3) To coordinate the activities of the departmental committees created pursuant to this chapter. The state advisory committee shall have authority to request that they undertake such studies and submit such reports as are determined to be necessary by said state advisory committee.

(4) To prepare and publish a mimeographed report of their recommendations. The committee shall prescribe rules for the transaction of its business. Meetings shall be held quarterly, and special meetings may be called by the director upon seven days' notice to the committee.

No person shall be eligible to hold the office of member of the state advisory committee who holds any public office, whether appointive or elective, with the exception of nonsalaried positions, nor who is an official of any political party, nor who is a candidate for any public office.

Departmental committees created.

SEC. 4. There is hereby created as departmental committees the following:

(1) Child welfare and day care advisory committee.

(2) Advisory committee for the blind.

(3) Medical care advisory committee.

—Members—Appointment—Terms—Vacancies.

SEC. 5. The child welfare and day care advisory committee and the medical care advisory committee shall each consist of twelve members and the advisory committee for the blind shall consist of three members, all of whom shall be appointed by the director who shall designate a chairman for each com-

mittee. The members of the child welfare and day care advisory committee and the medical care advisory committee shall hold offices as follows: Four members shall serve one year; four members to serve two years; and four members to serve three years. The members of the advisory committee for the blind shall hold office as follows: One member to serve one year; one member to serve two years; and one member to serve three years. Upon expiration of said original terms, subsequent appointments shall be for three years except in the case of a vacancy in which event the appointment shall be only for the remainder of the unexpired term in which the vacancy occurs.

SEC. 6. The child welfare and day care advisory committee shall act as an advisory committee to the state advisory committee and to the director in the development of policy on all matters pertaining to child welfare, day care and services related thereto. Members shall be appointed on the basis of their interest in, concern for the welfare of, and their actual experience in working with children; and selected insofar as possible to represent all geographical areas of the state and to represent a wide variety of groups interested in the welfare of children. The committee shall become informed about child welfare service needs of the children of this state and the extent to which resources are available to meet those needs.

Child welfare and day care advisory committee— Powers and duties— Member qualifications.

SEC. 7. The advisory committee for the blind shall act as an advisory committee to the state advisory committee and to the director of the department on all matters pertaining to the blind. Appointment to the committee shall be made on the basis of a recognized interest in and a demonstrated knowledge of the problems of the blind. All members of the committee shall be blind. The committee shall make recommendations as to the policies affecting

Advisory committee for the blind— Powers and duties— Member qualifications.

Public assistance—Advisory committees. Advisory committee for the blind.

any problem of the blind before the department. The committee shall advise such services, activities, programs, investigations and researches as in its judgment shall contribute to the welfare of blind persons. The department shall seek the advice of and consult with the committee on problems and policy changes affecting the blind within the department's jurisdiction; and the committee may initiate consultations with the department.

Medical care advisory committee—Powers and duties.

SEC. 8. The medical care advisory committee shall advise and give assistance to the state advisory committee and to the director and assistant director for medical care in the development of policy for the administration of the medical program in the state of Washington.

Expenses, reimbursement and rate.

SEC. 9. Members of the state and departmental advisory committees shall be reimbursed for their actual expenses incurred in attending authorized meetings, but not to exceed the per diem and travel rates as established for state employees.

County advisory committee—Members—Appointment—Terms—Qualifications—Powers and duties—County administrator, ex officio member.

SEC. 10. There may be established in every county or in one or more counties a county advisory committee. The committee shall consist of not less than five members to be appointed by the director after consultation with the county administrator to be approved by the board of county commissioners. Appointments to such committee shall be on the basis of known interest in public assistance and its related problems. Members shall hold office for two year terms. The county advisory committee shall take the necessary steps to develop rules for the transaction of business.

The county advisory committee shall have the following duties:

- (1) To make any studies of the public assistance program within the county or counties of its jurisdic-

tion either on its own initiative or as requested by the state advisory committee;

(2) To advise the state director and state advisory committee of the results of the studies;

(3) To recommend to the state advisory committee necessary studies and surveys to be made on a state-wide basis;

(4) To call meetings and set the time and number of meetings;

(5) To prepare the agenda of the meetings;

The county advisory committee shall have access to all records of the county office they deem necessary, in compliance with the present act and/or the federal social security laws.

The county administrator shall cooperate with this committee in its activities and shall be an ex officio member of said committee.

SEC. 11. Section 74.04.020, chapter 26, Laws of 1959 and RCW 74.04.020; section 74.04.034, chapter 26, Laws of 1959 and RCW 74.04.034; section 74.04.035, chapter 26, Laws of 1959 and RCW 74.04.035; section 74.04.141, chapter 26, Laws of 1959 and RCW 74.04.141; section 74.09.100, chapter 26, Laws of 1959 and RCW 74.09.100; and section 74.16.011, chapter 26, Laws of 1959 and RCW 74.16.011 are each hereby repealed. Repeal.

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. Severability.

Passed the House March 17, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 91.

[House Bill No. 275.]

PUBLIC ASSISTANCE—OVERPAYMENTS—DEBTS—
PROCEDURE.

AN ACT relating to public assistance; adding new sections to chapter 26, Laws of 1959 and to chapter 74.04 RCW.

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

New section.

SECTION 1. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows:

Public assistance—
Overpayments or debts due state under. May be charged off—
Transferred to suspense account.

Any overpayment or debt due the state from a recipient which the director of the department deems uncollectible may be transferred from accounts receivable to a suspense account and cease to be accounted an asset: *Provided further*, That the director may charge off as finally uncollectible any overpayment or debt which he deems uncollectible at any time after six years after any person owing such overpayment or debt ceases to be a recipient of public assistance if the director and the attorney general are satisfied that there are no available and lawful means by which such overpayment or debt may thereafter be collected.

New section.

SEC. 2. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows:

—Collection of—When—
Statute of limitations.

The director shall commence action for the collection of overpayments and debts due the state within six years after the notice of overpayment is given or within six years after the person ceases to be a recipient of public assistance, whichever is later. No proceedings for the collection of such overpayments or debts shall be begun after the expiration of such period.

Passed the House March 22, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 92.

[House Bill No. 279.]

HOUSE TRAILER EXCISE TAX.

AN ACT relating to revenue and taxation; and amending section 82.50.105, chapter 15, Laws of 1961 as last amended by section 8, chapter 199, Laws of 1963 and RCW 82.50.105 and amending section 82.50.110, chapter 15, Laws of 1961 and RCW 82.50.110.

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

SECTION 1. Section 82.50.105, chapter 15, Laws of 1961 as amended by section 8, chapter 199, Laws of 1963 and RCW 82.50.105 are each amended to read as follows:

RCW 82.50.105 amended.

On or before the fifteenth day of February of each calendar year, the director shall cause to be mailed to the owners of house trailers, of record, notice of the amount of tax payable during the calendar year. Said notice shall contain a legal description of the house trailer, prominent notice of penalties, due dates, and such other information as may be required by the director. If payment is not made within thirty days of the issuance of said notice, the director may forward a notification of delinquency to the county sheriff of the county wherein the trailer is located, requesting distraint of said trailer.

House trailer excise tax. Notice of amount of tax payable, content—Request for distraint by notice of delinquency.

SEC. 2. Section 82.50.110, chapter 15, Laws of 1961 and RCW 82.50.110 are each amended to read as follows:

RCW 82.50.110 amended.

If any excise tax due hereunder is not paid when due and payable, the unpaid tax shall bear interest

Late payment —Lien.

House trailer
excise tax.
Late payment
—Lien.

at the rate of six percent per annum from the time such tax is due and payable.

The tax hereunder shall be a specific lien on the house trailer from and after the date it first becomes due hereunder, and shall include all charges authorized by this chapter, which lien shall have priority to and be fully paid and satisfied before any recognition, mortgage, judgment, debt, obligation or responsibility to or with which the house trailer may become charged or liable, after July 1, 1957, and no sale or transfer of any house trailer shall in any way affect the lien for such excise tax upon the house trailer.

Passed the House March 20, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 93.

[House Bill No. 295.]

INTERSTATE LIBRARY COMPACT.

AN ACT relating to the interstate library compact.

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

Interstate
library
compact.
Definitions.

SECTION 1. As used in sections 1 through 5 of this act, except where the context otherwise requires:

(1) "Compact" means the Interstate Library Compact.

(2) "Public library agency", with reference to this state, means the state library and any county or city library or any regional library, rural county library district library, or intercounty rural library district library.

(3) "State library agency", with reference to this state, means the commissioners of the state library.

SEC. 2. The Interstate Library Compact hereby is enacted into law and entered into by this state with all states legally joining therein in the form substantially as follows:

Enacted—Formal contents.

INTERSTATE LIBRARY COMPACT

Article I. Policy and Purpose

Because the desire for the services provided by libraries transcends governmental boundaries and can most effectively be satisfied by giving such services to communities and people regardless of jurisdictional lines, it is the policy of the states party to this compact to cooperate and share their responsibilities; to authorize cooperation and sharing with respect to those types of library facilities and services which can be more economically or efficiently developed and maintained on a cooperative basis; and to authorize cooperation and sharing among localities, states and others in providing joint or cooperative library services in areas where the distribution of population or of existing and potential library resources make the provision of library service on an interstate basis the most effective way of providing adequate and efficient service.

Article II. Definitions

As used in this compact:

(a) "Public library agency" means any unit or agency of local or state government operating or having power to operate a library.

(b) "Private library agency" means any nongovernmental entity which operates or assumes a legal obligation to operate a library.

(c) "Library agreement" means a contract establishing an interstate library district pursuant to

Interstate li-
brary compact.
Formal
contents.

this compact or providing for the joint or cooperative furnishing of library services.

Article III. Interstate Library Districts

(a) Any one or more public library agencies in a party state in cooperation with any public library agency or agencies in one or more other party states may establish and maintain an interstate library district. Subject to the provisions of this compact and any other laws of the party states which pursuant hereto remain applicable, such district may establish, maintain and operate some or all of the library facilities and services for the area concerned in accordance with the terms of a library agreement therefor. Any private library agency or agencies within an interstate library district may cooperate therewith, assume duties, responsibilities and obligations thereto, and receive benefits therefrom as provided in any library agreement to which such agency or agencies become party.

(b) Within an interstate library district, and as provided by a library agreement, the performance of library functions may be undertaken on a joint or cooperative basis or may be undertaken by means of one or more arrangements between or among public or private library agencies for the extension of library privileges to the use of facilities or services operated or rendered by one or more of the individual library agencies.

(c) If a library agreement provides for joint establishment, maintenance or operation of library facilities or services by an interstate library district, such district shall have power to do any one or more of the following in accordance with such library agreement:

1. Undertake, administer and participate in programs or arrangements for securing, lending or servicing books and other publications, any other

materials suitable to be kept or made available by libraries, library equipment or for the dissemination of information about libraries, the value and significance of particular items therein, and the use thereof.

2. Accept for any of its purposes under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, (conditional or otherwise), from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm or corporation, and receive, utilize and dispose of the same.

3. Operate mobile library units or equipment for the purpose of rendering bookmobile service within the district.

4. Employ professional, technical, clerical and other personnel, and fix terms of employment, compensation and other appropriate benefits; and where desirable, provide for the inservice training of such personnel.

5. Sue and be sued in any court of competent jurisdiction.

6. Acquire, hold, and dispose of any real or personal property or any interest or interests therein as may be appropriate to the rendering of library service.

7. Construct, maintain and operate a library, including any appropriate branches thereof.

8. Do such other things as may be incidental to or appropriate for the carrying out of any of the foregoing powers.

Article IV. Interstate Library Districts, Governing Board

(a) An interstate library district which establishes, maintains or operates any facilities or services in its own right shall have a governing board which shall direct the affairs of the district and

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library com-
pact. Formal
contents.

act for it in all matters relating to its business. Each participating public library agency in the district shall be represented on the governing board which shall be organized and conduct its business in accordance with provision therefor in the library agreement. But in no event shall a governing board meet less often than twice a year.

(b) Any private library agency or agencies party to a library agreement establishing an interstate library district may be represented on or advise with the governing board of the district in such manner as the library agreement may provide.

Article V. State Library Agency Cooperation

Any two or more state library agencies of two or more of the party states may undertake and conduct joint or cooperative library programs, render joint or cooperative library services, and enter into and perform arrangements for the cooperative or joint acquisition, use, housing and disposition of items or collections of materials which, by reason of expense, rarity, specialized nature, or infrequency of demand therefor would be appropriate for central collection and shared use. Any such programs, services or arrangements may include provision for the exercise on a cooperative or joint basis of any power exercisable by an interstate library district and an agreement embodying any such program, service or arrangement shall contain provisions covering the subjects detailed in Article VI of this compact for interstate library agreements.

Article VI. Library Agreements

(a) In order to provide for any joint or cooperative undertaking pursuant to this compact, public and private library agencies may enter into library agreements. Any agreement executed pursuant to the provisions of this compact shall, as among the parties to the agreement:

1. Detail the specific nature of the services, programs, facilities, arrangements or properties to which it is applicable.

2. Provide for the allocation of costs and other financial responsibilities.

3. Specify the respective rights, duties, obligations and liabilities of the parties.

4. Set forth the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of the agreement.

(b) No public or private library agency shall undertake to exercise itself, or jointly with any other library agency, by means of a library agreement any power prohibited to such agency by the constitution or statutes of its state.

(c) No library agreement shall become effective until filed with the compact administrator of each state involved, and approved in accordance with Article VII of this compact.

Article VII. Approval of Library Agreements

(a) Every library agreement made pursuant to this compact shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general of each state in which a public library agency party thereto is situated, who shall determine whether the agreement is in proper form and compatible with the laws of his state. The attorneys general shall approve any agreement submitted to them unless they shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public library agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within

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ninety days of its submission shall constitute approval thereof.

(b) In the event that a library agreement made pursuant to this compact shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner and subject to the same requirements governing the action of the attorneys general pursuant to paragraph (a) of this article. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the attorneys general.

Article VIII. Other Laws Applicable

Nothing in this compact or in any library agreement shall be construed to supersede, alter or otherwise impair any obligation imposed on any library by otherwise applicable law, nor to authorize the transfer or disposition of any property held in trust by a library agency in a manner contrary to the terms of such trust.

Article IX. Appropriations and Aid

(a) Any public library agency party to a library agreement may appropriate funds to the interstate library district established thereby in the same manner and to the same extent as to a library wholly maintained by it and, subject to the laws of the state in which such public library agency is situated, may pledge its credit in support of an interstate library district established by the agreement.

(b) Subject to the provisions of the library agreement pursuant to which it functions and the laws of the states in which such district is situated, an interstate library district may claim and receive any state and federal aid which may be available to library agencies.

Article X. Compact Administrator

Each state shall designate a compact administrator with whom copies of all library agreements to which his state or any public library agency thereof is party shall be filed. The administrator shall have such other powers as may be conferred upon him by the laws of his state and may consult and cooperate with the compact administrators of other party states and take such steps as may effectuate the purposes of this compact. If the laws of a party state so provide, such state may designate one or more deputy compact administrators in addition to its compact administrator.

Article XI. Entry Into Force and Withdrawal

(a) This compact shall enter into force and effect immediately upon its enactment into law by any two states. Thereafter, it shall enter into force and effect as to any other state upon the enactment thereof by such state.

(b) This compact shall continue in force with respect to a party state and remain binding upon such state until six months after such state has given notice to each other party state of the repeal thereof. Such withdrawal shall not be construed to relieve any party to a library agreement entered into pursuant to this compact from any obligation of that agreement prior to the end of its duration as provided therein.

Article XII. Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions

Interstate library compact. Formal contents.

of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party 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 party thereto, 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.

Compact administrator—Deputies—Prerequisite for library agreements.

SEC. 3. The state librarian shall be the compact administrator pursuant to Article X of the compact. The state librarian shall appoint one or more deputy compact administrators. Every library agreement made pursuant to Article VI of the compact shall, as a condition precedent to its entry into force, be submitted to the state librarian for his recommendations.

Compliance with state law as prerequisites to agreements.

SEC. 4. No regional library, county library, rural county library district library, intercounty rural library district library, or city library of this state shall be a party to a library agreement which provides for the construction or maintenance of a library pursuant to Article III, subdivision (c-7) of the compact, nor levy a tax or issue bonds to contribute to the construction or maintenance of such a library, except after compliance with any laws applicable to regional libraries, county libraries, rural county library district libraries, intercounty rural library district libraries, or city libraries relating to or governing the levying of taxes or the issuance of bonds.

SEC. 5. In the event of withdrawal from the compact the compact administrator shall send and receive any notices required by Article XI (b) of the compact.

Withdrawal
—Notice to
compact ad-
ministrator.

Passed the House March 16, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 94.

[House Bill No. 470.]

GAME DEPARTMENT—WASHINGTON VETERANS'
HOME PROPERTY—TRANSFER TO.

AN ACT relating to the transfer of title to certain real property and tidelands to the department of game, the title of which is held by the state of Washington for the Washington veterans' home.

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

SECTION 1. The real property and the first class tidelands abutting thereon and fronting on Sinclair Inlet in Kitsap county lying generally north of the county road, and all facilities situated on said land, the title of which is held by the state of Washington for the Washington veterans' home, is hereby transferred to the department of game. The conveyance of title of such land and facilities shall be made by a deed to be executed by the governor.

Washington
Veterans'
home. Trans-
fer of property
of to
department
of game
authorized—
Description.

Passed the House March 19, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 95.

[House Bill No. 473.]

WASHINGTON VETERANS' HOME—SALE OF
SEWAGE PLANT.

AN ACT relating to the department of institutions; authorizing the director of institutions to contract for the sale and conveyance of certain land and facilities at the Washington veterans' home; and declaring an emergency.

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

Washington Veterans' home. Transfer of property to Kitsap sewer district No. 5 authorized—Conditions.

SECTION 1. The director of institutions is authorized to enter into an agreement for the sale and/or lease and sale on behalf of the state of the sewage treatment and disposal plant at the Washington veterans' home and such land upon which the sewage treatment and disposal plant is situated and necessary to the operation thereof to the Kitsap county sewer district number 5, for and in consideration of the payment to the state of Washington of the sum of thirty thousand dollars and providing to the Washington veterans' home, sewage treatment and disposal service without cost for a period of twenty-five years. The director of institutions is further authorized to grant such rights-of-way and easements as may be necessary to the efficient operation of the sewage treatment and disposal plant by Kitsap county sewer district number 5.

—Procedure.

SEC. 2. At such time as the director of institutions shall enter into an agreement as authorized by section 1, which agreement has been approved by the attorney general, and the terms thereof have been fulfilled by the Kitsap county sewer district number 5, the governor shall execute a quit claim deed for the conveyance of such land and facilities sold to the Kitsap county sewer district number 5 pursuant to such agreement.

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. Emergency.

Passed the House March 19, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 96.

[House Bill No. 184.]

GOVERNOR—LEGISLATURE—SECURITY AND PROTECTION.

AN ACT relating to protection and security of the life and person of the governor, the legislature, and adding new sections to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43 RCW and declaring an emergency.

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

SECTION 1. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.43 RCW a new section to read as follows: New section.

The chief of the Washington state patrol is directed to provide security and protection for the governor and the governor's family to the extent and in the manner the governor and the chief of the Washington state patrol deem adequate and appropriate. State patrol. Governor, governor-elect, patrol to provide security and protection for.

In the same manner the chief of the Washington state patrol is directed to provide security and protection for the governor elect from the time of the November election.

SEC. 2. The chief of the Washington state patrol is directed to provide such security and protection for both houses of the legislative building Legislature, patrol to provide security and protection for.

State patrol. Legislature, patrol to provide protection for.

while in session as in the opinion of the speaker of the house and the president of the senate may be necessary therefor upon the advice of the respective sergeant-at-arms of each legislative body.

Emergency.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 2, 1965.

Passed the Senate April 2, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 97.

[House Bill No. 206.]

GAME AND GAME FISH—ACQUISITION OF LANDS AND WATERS—PAYMENTS IN LIEU OF TAXES.

AN Act relating to the support of state and local government; providing for the disposition of certain fees, fines, and forfeitures; imposing an in lieu tax on real property owned by the state and used as game lands; amending section 77.12.200, chapter 36, Laws of 1955 and RCW 77.12.200; and adding three new sections to chapter 36, Laws of 1955 and to chapter 77.12 RCW.

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

RCW 77.12.200 amended.

SECTION 1. Section 77.12.200, chapter 36, Laws of 1955 and RCW 77.12.200 are each amended to read as follows:

Game and game fish lands, facilities. Acquisition of property for hatcheries, game farms, etc.—Limitations.

The director, with the approval of the commission, may acquire by gift, purchase, lease or condemnation, lands, buildings, waters, or other necessary property for hatchery sites, eyeing stations, rearing ponds, brood ponds, trap sites, game animal, furbearing animal, game bird, nongame bird and game fish farms, habitats and sanctuaries and

public hunting and fishing areas together with rights of way for access to any and all such lands, buildings, or waters so acquired, in the manner provided by law for acquiring property for public use: *Provided*, That excepting for the purposes of clearing title and acquiring access rights of way the power of condemnation may be exercised by the director hereunder only when an appropriation has been specifically made by the legislature for that purpose.

SEC. 2. There is added to chapter 36, Laws of 1955 and to chapter 77.12 RCW a new section to read as follows:

The board of county commissioners of each county may elect, upon written notice given to the director prior to January 1st of any year, to obtain for the following year an amount in lieu of real estate taxes on game lands equal to that which would be paid on similar parcels of real estate situated in the county. Upon such election the total of all fines and bail forfeitures received by the county during the following year under RCW 77.12-.170 shall be transmitted to the director. The election shall continue until the game department is notified differently prior to January 1st of any year.

New section.

In lieu payments on game lands—Commissioners' election to receive—Condition.

SEC. 3. There is added to chapter 36, Laws of 1955 and to chapter 77.12 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 84.36-.010 or any other statute to the contrary, the director is hereby authorized and directed to pay on all game lands in each county of the state, if requested pursuant to an election made under section 2 hereof, an amount, in lieu of real property taxes, equal to that which would be paid on similar parcels of real property subject to real property taxes: *Provided*, That no in lieu of tax payment

New section.

In lieu payments on game lands—Authorized—Excepted facilities.

Game and game fish lands, facilities. In lieu payments on game lands—Authorized—Excepted facilities.

shall be assessed or paid on any building structures or constructed facilities owned by the state for the department and situated on game lands nor shall any tax payment be paid on any game farm, fish hatchery or tide lands, nor on any public fishing area of less than 100 acres in size.

Game lands, as used in this section, shall mean only such tracts one hundred acres or larger in size owned in fee by the state for the department and used for the purpose of wildlife habitat and public fishing and hunting.

The director shall have any and all rights of appeal and adjustment of any taxes or assessments as would any other owner of real property subject to taxation and assessment.

Upon an election being made by the board of county commissioners to receive an amount in lieu of real property taxes, the county assessors shall enter the property upon the real property tax rolls and the amount due in lieu of taxes shall be paid by the department upon statements being sent by the county treasurers in the same manner as statements for taxes on the general real property of the counties.

New section.

SEC. 4. There is added to chapter 36, Laws of 1955 and to chapter 77.12 RCW a new section to read as follows:

Moneys expendable for any county purpose.

County commissioners of the respective counties to which the payments in lieu of real property taxes are made may expend the moneys for the benefit of any county purpose they desire.

New section.

SEC. 5. There is added to chapter 36, Laws of 1955 and to chapter 77.12 RCW a new section to read as follows:

Violators of game laws, cost of confinement, reimbursement for.

The director is hereby authorized and directed to pay to each county the actual costs of confinement of any person placed in the custody of the

county by any court of competent jurisdiction for violation of this title, or any other statute for the protection of wild animals and birds and game fish, or any rule or regulation of the commission.

Game and game fish violators, confining, cost of reimbursed.

Passed the House March 19, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 98.

[Reengrossed Substitute House Bill No. 104.]

COMMUNITY COLLEGES—DISTRICTS—PROPOSALS
—REPORT.

AN ACT relating to community colleges; providing for the management thereof by community college districts; and amending section 10, chapter 2, Laws of 1963, extraordinary session, and RCW 28.84.215.

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

SECTION 1. The purpose of a community college shall be:

Community colleges. Purpose—Community college districts to be created.

- (1) lower division academic courses;
- (2) vocational-technical training; and
- (3) community service.

Recognizing the need for additional community colleges at this time as well as the improvement of existing community colleges, there shall be created to manage the affairs of each community college, whether presently existing or hereafter to be established, a community college district.

SEC. 2. The superintendent of public instruction is directed to prepare and submit to the fortieth session of the legislature, a legislative proposal to accomplish the purposes of section 1 of this act.

Legislative proposal—Report to accompany, scope.

Such proposal shall be accompanied by a comprehensive report and plan for the implementa-

Community colleges. Districts. Legislative proposal—Report to accompany, scope.

tion thereof, which shall contain recommendations including, but not limited to, the following:

(1) Proposed boundary lines for community college districts for all existing and planned community colleges with provisions for population shifts and growth;

(2) Proposed methods and extent of local area support of capital outlay financing: *Provided*, That said proposal shall provide that the bonded indebtedness of any school district incurred for the support of an existing or new community college shall be equitably adjusted so as to obligate the new community college district to accept the responsibility for said bonded indebtedness;

(3) Continuance of present state and student fee support for maintenance and operations;

(4) Enrollment predictions;

(5) Academic standards, course content, curriculum, and extracurricular activities.

(6) The scope, necessity and advisability of expansion of vocational-technical training in community colleges.

(7) Alternate administrative organizational patterns in metropolitan areas.

(8) The establishment of procedures for determining the facilities and equipment to be transferred from the school district operating the college to the college district to be established, and providing for transfer of title and reimbursement.

(9) Methods of selecting elected area boards of community college boards of trustees.

—Local assistance in.

SEC. 3. All school directors, district and county superintendents, and community college administrators, are directed upon the request of the superintendent of public instruction to assist him in carrying out the duties imposed by section 2 hereof. Such officers are also directed to take in their own districts, such preparatory steps during the 1965-

1967 interim as will assist the implementation of section 1 of this act and such plan as may be adopted by the legislature pursuant to section 2 hereof.

SEC. 4. In formulating the proposals required by this act, the superintendent of public instruction shall consult and cooperate with such legislative interim committees as may be concerned with education or higher education.

—Legislative interim committees, superintendent to cooperate with.

SEC. 5. Section 10, chapter 2, Laws of 1963, extraordinary session, and RCW 28.84.215, are each amended to read as follows:

RCW 28.84.215 amended.

During the period from July 1, 1965 until July 1, 1967 the president of each community college may be held directly responsible to the board of directors of his school district. Thereafter he shall be held directly responsible to an elected board of trustees of his community college district except in those districts where community college service areas and common school district boundaries coincide.

Presidential responsibility.

Passed the House March 26, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 99.

[House Bill No. 590.]

STATE-WIDE CITY EMPLOYEES' RETIREMENT SYSTEM.

AN ACT relating to cities and towns and to pension, relief, disability and retirement systems therein; amending section 10, chapter 71, Laws of 1947, as last amended by section 1, chapter 158, Laws of 1957, and RCW 41.44.100; amending section 11, chapter 71, Laws of 1947, as last amended by section 3, chapter 227, Laws of 1961, and RCW 41.44.110; amending section 13, chapter 71, Laws of 1947, as last amended by section 4, chapter 227, Laws of 1961, and RCW 41.44.130; amending section 14, chapter 71, Laws of 1947, as last amended by section 5, chapter 227, Laws of 1961, and RCW 41.44.140; amending section 15, chapter 71, Laws of 1947, as last amended by section 6, chapter 227, Laws of 1961, and RCW 41.44.150; amending section 16, chapter 71, Laws of 1947, as last amended by section 12, chapter 275, Laws of 1951, and RCW 41.44.160; amending section 17, chapter 71, Laws of 1947, as last amended by section 7, chapter 227, Laws of 1961, and RCW 41.44.170; amending section 19, chapter 71, Laws of 1947, as last amended by section 9, chapter 227, Laws of 1961, and RCW 41.44.190; and amending section 22, chapter 71, Laws of 1947, and RCW 41.44.220.

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

RCW 41.44.100 amended.

SECTION 1. Section 10, chapter 71, Laws of 1947, as last amended by section 1, chapter 158, Laws of 1957, and RCW 41.44.100, are each amended to read as follows:

State-wide city employees' retirement fund—Deposit --Investment --Cost.

(1) A fund is hereby created and established to be known as the "state-wide city employees retirement fund," and shall consist of all moneys paid into it in accordance with the provisions of this chapter, whether such moneys shall take the form of cash, securities, or other assets: *Provided*, That such assets shall be public funds to the extent necessary to authorize any bank to deposit such collateral security necessary and required under the laws of the state to secure the deposit of public funds belonging to a city.

(2) The board of trustees shall be the custodian of the retirement fund and shall arrange for the safekeeping thereof. Subject to such provisions as may be prescribed by law for the deposit of city funds in banks, cash belonging to the retirement fund may be deposited in any licensed national bank or banks in the state, or in any bank, banks or corporations authorized or licensed to do a banking business and organized under the laws of the state of Washington; and may be withdrawn on order of the board for the purpose of making such payments as are authorized and required by this chapter.

(3) The board may invest pension fund moneys in such securities of the United States, states, Dominion of Canada, public housing authorities, municipal corporations and other public bodies, as are designated by the laws of the state as lawful investments for the funds of mutual savings banks, and to invest not to exceed twenty-five percent of the system's total investments in the securities of any corporations or public utility bodies as are designated by the laws of the state as lawful investments for the funds of mutual savings banks: *Provided*, That not more than five percent of the system's total investments may be made in the securities of any one of such corporations or public utility bodies.

(4) Subject to the limitations hereinafter provided, investment of pension funds may also be made in amounts not to exceed twenty-five percent of the system's total investments in the shares of certain open-end investment companies: *Provided*, That not more than five percent of the system's total investments may be made in the shares of any one such open-end investment company. The total amount invested in any one company shall not exceed five percent of the assets of such company, and shall only be made in the shares of such

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companies as are registered as "open-end companies" under the federal investment company act of 1940, as amended. Such company must be at least ten years old and have net assets of at least five million dollars. It must have no outstanding bonds, debentures, notes, or other evidences of indebtedness, or any stock having priority over the shares being purchased, either as to distribution of assets or payment of dividends. It must have paid dividends from investment income in each of the ten years next preceding purchase. The maximum selling commission on its shares may not exceed seven and one-half percent of the sum of the asset value plus such commission.

(5) Investment of pension funds may also be made in the bonds of any municipal corporation or other public body of the state; and in any of the bonds or warrants, including local improvement bonds or warrants within the protection of the local improvement guaranty fund law, issued by any city or town which is a member of the system. Investment of pension funds may also be made in the bonds or other obligations of any other state or territory of the United States or of any political subdivision, agency or instrumentality of any such state, territory, or political subdivision thereof. Investment of pension funds may also be made in bonds or other obligations insured or guaranteed or which are covered by a repurchase agreement in whole or in part by the federal government or through any corporation, administrator, agency or instrumentality which is or hereafter may be created by the federal government.

(6) In order to provide for an equitable apportionment of the cost of the making and handling of the system's investments, the board may charge against the annual earnings from the system's investments, including income from the same and

gains realized from the purchase and sale of its securities, a portion of such earnings computed on the book value of the investments held by the system at the end of its fiscal year, for the purpose of paying the cost of purchasing, safekeeping, servicing and handling its securities: *Provided*, That such portion shall not exceed one-fourth of one percent of such value and shall not exceed the net gain from the operations for the year: *Provided further*, That such charge shall not be considered as an administrative expense payable solely by the cities.

SEC. 2. Section 11, chapter 71, Laws of 1947, as last amended by section 3, chapter 227, Laws of 1961, and RCW 41.44.110, are each amended to read as follows:

RCW 41.44.110
amended.

(1) Subject to subsection (2) of this section, membership of this retirement system shall be composed of the following groups of employees in any participating city or cities:

Membership.

(a) Miscellaneous personnel as defined in this chapter;

(b) Uniformed personnel as defined in this chapter;

(c) Elective officials, who shall have the right to membership in this retirement system upon filing written notice of such election with the board of trustees;

(d) Employees of the retirement system itself shall be entitled to membership and any costs in connection with such membership shall be a part of the cost of administration.

(2) Any city may, when electing to participate in this retirement system in the manner set forth in RCW 41.44.050, include any one group or combination of the groups mentioned in subsection (1) of this section. For an initial period not to exceed one year from the effective date of any city's entry

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into this system, if so provided at the time of its election to participate, only a majority of the employees of any group or combination of groups must be members of the system.

At all times subsequent to the effective date of the city's entry into this system, or at all times after expiration of such initial period, if such initial period is established at the time of the city's election to participate, all employees of any group or combination of groups must be included or excluded as members of this system. Groups (c) and (d) shall be considered as being composed of miscellaneous personnel as far as benefits and obligations are concerned except when the contrary is clearly indicated.

(3) Subject to subsection (2) of this section, membership in the retirement system shall be compulsory for all employees in groups (a) and (b), after qualification as provided in subsection (4) of this section.

(4) Subject to subsection (2) of this section, all employees in city service, on the effective date, or on June 9, 1949, or on expiration of the initial period therein provided if they have completed six consecutive months' service or six months' service in any calendar year prior to the expiration of such initial period, shall be members of the system, provided that such employees who are not regular full time employees and are earning less than one hundred dollars per month, or are part time employees serving in an official or special capacity may with the acquiescence of the legislative body of the city or town in which they are employed, elect on or before January 1, 1950, to discontinue membership by giving written notice of such election to the board. All other regular employees earning more than one hundred dollars per month shall become members upon the com-

pletion of six consecutive months' service or six months' service in any calendar year. Any employee otherwise eligible, employed in a permanent position, may elect in writing to become a member of the system at any time during the initial period, or at any time prior to completing such six months' service. Such individual employees other than regular employees, who are earning less than one hundred dollars per month or who are serving in an official or special capacity may elect to become members with the acquiescence of the legislative body of the city or town in which they are employed upon the completion of six months of consecutive service or six months' service in any calendar year.

(5) It shall be the duty of the proper persons in each city to immediately report to the board routine changes in the status of personnel and to immediately furnish such other information regarding the employment of members as the board may from time to time require.

(6) Should any member withdraw more than one-quarter of his accumulated contributions, or should he die or be retired, he shall thereupon cease to be a member.

(7) Transfer of any employee from one city to another shall not cause the employee to lose membership in the system providing the city to which he transfers participates in the retirement system created herein.

SEC. 3. Section 13, chapter 71, Laws of 1947, as last amended by section 4, chapter 227, Laws of 1961, and RCW 41.44.130, are each amended to read as follows:

RCW 41.44.130 amended.

(1) The normal rates of contribution of members shall be based on sex and age at time of entry into the system, which age shall be the age at the birthday nearest the date of such entry.

Contributions by employees.

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(2) The normal rates of contribution for miscellaneous personnel shall be so fixed as to provide an annuity which, together with the pension provided by the city, shall produce as nearly as may be, a retirement allowance at the age of sixty-two years, of one and one-third percent of the final compensation multiplied by the number of years of service of the retiring employee. The normal rate established for age sixty shall be the rate for any member who has attained a greater age before entrance into the retirement system and the normal contribution established for age twenty-four shall be the rate for any member who enters the system at an earlier age.

(3) The normal rates of contribution for unformed personnel shall be so fixed as to provide an annuity which, together with the pension that would be derived from equal contributions by the city, shall produce as nearly as may be for members who enter service at age thirty-seven or below, a retirement allowance, at age fifty-five with twenty-five or more years of service, or at an age greater than fifty-five after twenty-five years of service, equal to fifty percent of final compensation; and for members entering service at ages over thirty-seven, a retirement allowance at age sixty-two which shall be the same proportion of fifty percent of final compensation as the member's actual years credited bear to twenty-five years. The normal rate established for age fifty shall be the rate for any member who has attained a greater age before entrance into the retirement system.

(4) Subject to the provisions of this chapter, the board shall adopt rules and regulations governing the making of deductions from the compensation of employees and shall certify to the proper officials in each city the normal rate of contribution for each member provided for in subsections

(2) and (3) of this section. The proper officials in each city shall apply such rate of contribution to the full compensation of uniformed personnel and to so much of the compensation of miscellaneous personnel as does not exceed three hundred dollars per month, or four hundred dollars per month, or to any increased amount of such compensation as to members whose member cities have duly elected to increase the limitation provided for in subsection (12) of RCW 41.44.030 and shall certify to the board on each and every payroll the total amount to be contributed and shall furnish immediately to the board a copy of each and every payroll; and each of said amounts shall be forwarded immediately to the board and the board shall credit the deduction shown on such payroll to individual accounts of the members represented on such payrolls.

(5) Every member shall be deemed to consent and agree to the contribution made and provided for herein, and shall receipt in full for his salary or compensation. Payment less said contributions shall be a full and complete discharge of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except his claim to the benefits to which he may be entitled under the provisions of this chapter.

(6) Any member may elect to contribute in excess of the contributions provided for in this section in accordance with rules to be established by the board for the purpose of providing additional benefits, but the exercise of this privilege shall not place on the member city or cities any additional financial obligation. The board shall have authority to fix the rate of interest to be paid or allowed upon the additional contributions and from time to time make any necessary changes in said

rate. Refunds of additional contributions shall be governed by the same rules as those covering normal contributions unless the board shall establish separate rules therefor.

RCW 41.44.140 amended.

SEC. 4. Section 14, chapter 71, Laws of 1947, as last amended by section 5, chapter 227, Laws of 1961, and RCW 41.44.140, are each amended to read as follows:

State-wide city employees' retirement. Retirement for service.

Retirement of a member for service shall be made by the board as follows:

(1) Each member included in the miscellaneous personnel in service on the effective date, who, on or before such effective date, has attained the age of sixty-five years or over shall be compulsorily retired forthwith: *Provided*, That there shall be no compulsory retirements for a period of two years immediately following the effective date, but any member having attained the age of sixty-five may voluntarily retire at any time after attaining such age. Members included in the miscellaneous personnel attaining age sixty-five after effective date shall be retired on the first day of the calendar month next succeeding the month in which the member shall have attained sixty-five, but none of such members shall be subject to compulsory retirement until two years after the effective date. The legislative authority of the city shall have the privilege at all times of extending time for retirement of any such member to his attainment of any age not exceeding age seventy: *Provided*, That any such extension shall not increase the retirement age of such member in excess of one year at a time.

(2) Any member included in the miscellaneous personnel may retire by filing with the board a written application duly attested, setting forth on what date he desires to be retired, such application to be made at least thirty days prior to date

of retirement: *Provided*, That said member, at the time specified for his retirement, shall have attained the age of sixty years, or shall have thirty years of creditable service regardless of attained age: *Provided further*, That during the two years immediately following the effective date voluntary service retirement of such members under sixty-two years of age shall not be granted.

(3) Each member included in the uniformed personnel in service on the effective date who on or before such effective date has attained the age of fifty-five years or over shall be compulsorily retired forthwith: *Provided*, That there shall be no compulsory service retirements for a period of two years immediately following the effective date, but any such member having attained the age of fifty-five years may voluntarily retire at any time after attaining such age. Members included in the uniformed personnel attaining age fifty-five after the effective date shall be retired on the first day of the calendar month next succeeding the month in which the members shall have attained the age of fifty-five, but none of such members shall be subject to compulsory retirement until two years after the effective date. The legislative authority shall have the privilege at all times of extending time for retirement of any such member: *Provided*, That any such extension shall not increase the retirement age of such member in excess of one year at a time.

(4) Any member included in the uniformed personnel may retire by filing with the board a written application duly attested, setting forth on what date he desires to be retired, such application to be made at least thirty days prior to date of retirement: *Provided*, That said members, at the time specified for retirement, shall have twenty-five years of creditable service regardless of age, or shall have

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attained the age of fifty-five years regardless of years of creditable service: *Provided further*, That during the two years immediately following the effective date voluntary service retirement of such members under the minimum age for social security benefits shall not be granted.

(5) After the retirement of any employee, any member city, by unanimous vote of its legislative body and with the consent of the board, may re-employ or retain such employee in its service to fill a supervisory or key position.

RCW 41.44.150 amended.

SEC. 5. Section 15, chapter 71, Laws of 1947, as last amended by section 6, chapter 227, Laws of 1961, and RCW 41.44.150, are each amended to read as follows:

Allowance on retirement for service.

(1) A member upon retirement for service, shall receive a retirement allowance subject to the provisions of subsection (2) of this section, which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated normal contributions at the time of his retirement; and

(b) A pension provided by the contributions of the city, equal to the annuity purchased by the accumulated normal contributions of the member;

(c) For any member having credit for prior service an additional pension, provided by the contributions of the city, as set forth in RCW 41.44.120 at the rate selected by the city employing the member;

(d) Any member, excepting a part time employee, who has ten or more years of creditable service and who is retired by reason of attaining the age of sixty-five or over if included in the miscellaneous personnel or the age of fifty-five or over if included in the uniformed personnel, and whose retirement allowance is calculated to be less than sixty dollars per month, shall receive such addi-

tional pension, provided by the contributions of the city, as will make his total retirement allowance equal to sixty dollars per month. An annuity purchased by accumulated additional contributions in such case shall be paid in addition to the minimum guaranteed as herein provided. A part time employee having ten or more years of creditable service, retired by reason of attaining the ages in this subdivision specified and whose retirement allowance is calculated to be less than forty dollars per month, shall receive such additional pension, provided by the contributions of the city, as will make the total retirement allowance equal to forty dollars per month, together with an annuity purchased by his accumulated additional contributions, if any, in addition to the minimum guaranteed.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to June 11, 1953.

(e) Any member, excepting a part time employee, who has been or is retired by reason of attaining the age of sixty-five or over if included in the miscellaneous personnel or the age of fifty-five or over if included in the uniformed personnel, and whose retirement allowance is calculated to be less than sixty dollars per month, shall receive such additional pension, provided by the contributions of the city, as will make his total retirement allowance equal to six dollars per month for each year of his creditable service: *Provided*, That the total additional retirement allowance shall be limited to an amount equal to such amount as will make his total retirement allowance not more than sixty dollars per month. An annuity purchased by accumulated additional contributions, if any, in such case shall be paid in addition to the minimum guaranteed, as herein provided.

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Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to June 11, 1953.

(f) The normal retirement age for uniformed personnel shall be age fifty-five with twenty-five years of creditable service, or shall be at an age greater than age fifty-five upon the completion of twenty-five years or more of creditable service. Upon retirement at the normal age, the retirement allowance shall be equal to fifty percent of final compensation. If retirement occurs at an age other than the normal age, the retirement allowance shall be the same proportion of fifty percent of final compensation as the member's actual years of service bears to the years of service that were or would have been served up to the normal retirement age: *Provided*, That if retirement occurs prior to the normal age of retirement, said allowance shall be the actuarial equivalent of said allowance at the normal age of retirement.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to the effective date of this amendatory act of 1965.

(2) If the retirement allowance of the member as provided in this section, is in excess of three-fourths of his final compensation, the pension of the member, purchased by the contributions of the city, shall be reduced to such an amount as shall make the member's retirement allowance equal to three-fourths of his final compensation, except as provided in subdivision (3) of this section.

(3) A member, upon retirement from service, shall receive in addition to the retirement allowance provided in this section, an additional annuity which shall be the actuarial equivalent of any ac-

cumulated additional contributions which he has to his credit at the time of his retirement.

SEC. 6. Section 16, chapter 71, Laws of 1947, as last amended by section 12, chapter 275, Laws of 1951, and RCW 41.44.160, are each amended to read as follows:

RCW 41.44.160 amended.

Any member who has at least ten years of creditable service within the fifteen years immediately preceding retirement and has not attained the age of sixty-five years, or who attains or has attained the age of sixty-five years prior to two years after the effective date, may be retired by the board for permanent and total disability, either ordinary or accidental not incurred in line of duty, and any member, regardless of his age or years of service, may be retired by the board for any permanent and total disability incurred in line of duty, upon examination as follows:

Retirement for disability.

Any member while in service, or while physically or mentally incapacitated for the performance of duty, if such incapacity has been continuous from discontinuance of city service, shall be examined by such medical authority as the board shall employ, upon the application of the head of the office or department in which the member is employed with approval of the legislative body, or upon application of said member, or a person acting in his behalf, stating that said member is permanently and totally incapacitated, either physically or mentally, for the performance of duty and ought to be retired. If examination shows, to the satisfaction of the board, that the member should be retired, he shall be retired forthwith: *Provided*, That no such application shall be considered or granted upon the application of a member unless said member or someone in his behalf, in case of the incapacity of a member, shall have filed the application within a period of one year from and after the

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discontinuance of service of said member: *Provided*, The board shall retire the said member for disability forthwith: *Provided*, That the disability retirement allowance shall be effective on the first of the month following that in which the member last received salary or wages in city service.

The board shall secure such medical services and advice as it may deem necessary to carry out the purpose of this section and RCW 41.44.180.

RCW 41.44.170 amended.

SEC. 7. Section 17, chapter 71, Laws of 1947, as last amended by section 7, chapter 227, Laws of 1961, and RCW 41.44.170, are each amended to read as follows:

Allowance on retirement for disability.

On retirement for permanent and total disability not incurred in line of duty a member shall receive a retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated normal contributions; and

(2) A pension provided by the contributions of the city which, together with his annuity provided by his accumulated normal contributions, shall make his retirement allowance equal to thirty percent of his final compensation for the first ten years of service, which allowance shall be increased by one and one-half percent for each year of service in excess of ten years to a maximum of fifty percent of his final compensation; otherwise he shall receive a retirement allowance of forty dollars per month or, except as to a part time employee, such sum, monthly, not in excess of sixty dollars per month, as is equal to six dollars per month for each year of his creditable service, whichever is greater. If the retirement allowance of a part time employee, based upon the pension hereinabove provided, does not exceed forty dollars per month, then such part time employee shall

receive a retirement allowance of forty dollars per month and no more.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to the effective date of this amendatory act of 1965.

(3) If it appears to the satisfaction of the board that permanent and total disability was incurred in line of duty, a member shall receive in lieu of the retirement allowance provided under subdivisions (1) and (2) of this section full pay from, and be furnished all hospital and medical care by, the city for a period of six months from the date of his disability, and commencing at the expiration of such six month period, shall receive a retirement allowance, regardless of his age or years of service, equal to fifty percent of his final compensation exclusive of any other benefit he may receive.

(4) No disability retirement allowance shall exceed seventy-five percent of final compensation, anything herein to the contrary notwithstanding, except as provided in subdivision (7) of this section.

(5) Upon the death of a member while in receipt of a disability retirement allowance, his accumulated contributions, as they were at the date of his retirement, less any annuity payments made to him, shall be paid to his estate, or to such persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board. In the alternative, if there be a surviving widow, or if no surviving widow, there are surviving a child or children under the age of eighteen years, upon written notice to the board by such widow, or if there be no such widow, by the duly appointed, qualified and acting guardian of such child or children, within sixty days of the date of such member's death, there shall be paid to such

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widow during her lifetime, or, if there be no such widow, to such child or children, until they shall reach the age of eighteen years, a monthly pension equal to one-half of the monthly final compensation of such deceased member. If any such widow or child or children shall marry, then such person so marrying shall thereafter receive no further pension herein provided.

(6) If disability is due to intemperance, wilful misconduct, or violation of law, on the part of the member, the board, in its discretion, may pay to said member, in one lump sum his accumulated contribution, in lieu of a retirement allowance, and such payment shall constitute full satisfaction of all obligations of the city to such member.

(7) In addition to the annuity and pension provided for in subdivisions (1) and (2) of this section, a member shall receive an annuity which shall be the actuarial equivalent of his accumulated additional contributions.

RCW 41.44.190 amended.

SEC. 8. Section 19, chapter 71, Laws of 1947, as last amended by section 9, chapter 227, Laws of 1961, and RCW 41.44.190, are each amended to read as follows:

Examination of disability beneficiary—Reentry.

(1) Should service of a member of the miscellaneous personnel be discontinued except by death or retirement, he shall be paid six months after the day of discontinuance such part of his accumulated contributions as he shall demand. Six months after the date of such discontinuance, unless on leave of absence regularly granted, or unless he has exercised the option hereinafter provided, his rights to all benefits as a member shall cease, without notice, and his accumulated contributions shall be returned to him in any event or held for his account if for any reason the return of the same is prevented. Should service of a member of the uniformed personnel be

discontinued except by death or retirement, he shall be paid six months after the day of discontinuance such part of his accumulated contributions as he shall demand, and six months after the date of such discontinuance, unless on leave of absence regularly granted, his rights to all benefits as a member shall cease, without notice, and his accumulated contributions shall be returned to him in any event, or held for his account if for any reason the same is prevented: *Provided*, That the board may in its discretion, grant the privilege of withdrawal in the amounts above specified at any time following such discontinuance. Any member whose service is discontinued except by death or retirement, and who has ten or more years of creditable service when such discontinuance occurs, may, at his option, leave his accumulated contributions in the fund and thereby be entitled to receive a deferred retirement allowance commencing at retirement age sixty for miscellaneous personnel and at age fifty-five for uniformed personnel, such retirement allowance to be computed in the same manner provided in subsection (1) of RCW 41.44.150: *Provided*, That this option may be revoked at any time prior to commencement of annuity payments by filing a written notice of such intention with the board together with a written application for a refund of such accumulated contributions. The board may establish rules and regulations to govern withdrawal and redeposit of contributions.

(2) Should a former member, within five years after discontinuance of service, return to service in the same city in which he was employed he may restore to the fund in such manner as may be agreed upon by such person and the board, his withdrawn normal accumulated contributions as they were at the time of his separation from service and upon completion of such redeposit all his rights and privi-

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leges existing at the time of discontinuance of service shall be restored and his obligations as a member shall begin again. The rate of contribution of such returning member shall be the same as it was at the time he separated from service.

(3) Upon the death of any person who has not been retired, pursuant to the provisions hereof, there shall be paid to his estate, or to such persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board, his accumulated contributions less any payments therefrom already made to him. Such payment may be made in one lump sum or may be paid in installments over a period of not to exceed five years, as may be designated by the member or his beneficiary, with such rate of interest as may be determined by the board.

(4) In lieu of the death benefit otherwise payable under subsection (3) of this section, there shall be paid a total allowance equal to one-fourth average final compensation per month to the surviving spouse of a member with at least twenty years service as such, at the time of death and who has not been retired and who, by reason of membership in the system, is covered by the Old Age and Survivors Insurance provisions of the Federal Social Security Act, but not at the time of death qualified to receive the benefits thereof. Said allowance shall become payable upon the death of said member or upon the date the surviving spouse becomes ineligible for any benefit payment from the Federal OASI, if later, and shall cease upon death or remarriage, or upon the date the surviving spouse would become entitled, upon application therefor; to any insurance benefit from the Federal OASI system, whichever event shall first occur: *Provided*, That said benefit shall cease upon the beneficiary becoming employed

by any member city of said system: *Provided further*, That this allowance shall consist of:

(a) An amount which shall be the actuarial equivalent of the normal contributions at the time specified for retirement;

(b) An amount provided by the contributions of the city, equal to the annuity purchased by the accumulated normal contributions of the member;

(c) Such additional amount, provided by the contributions of the city, as will make the total allowance equal to one-fourth average final compensation per month.

(d) An annuity purchased by the accumulated additional contributions, if any, in addition to the minimum guaranteed.

(5) In lieu of the death benefit otherwise payable under subsection (3) of this section, the surviving spouse of a member who dies after having attained the minimum requirements for his service retirement as required by RCW 41.44.140 may elect to receive the allowance which would have been paid to such surviving spouse had the member been retired on the date of his death and had he elected to receive the lesser retirement allowances provided for in option C of RCW 41.44.220.

(6) If a former member shall, within one year from date of discontinuance of service, be employed by another city participating in this retirement system he shall have the privilege of redepositing and the matching contributions deposited by the city or cities in which he was formerly employed shall again be held for the benefit of such member. If such redepositing member possessed a prior service certificate the city employing him at time of retirement shall accept the liability evidenced by such certificate. Reinstatement of a prior service certificate shall be effective only upon a showing that normal contributions are on deposit in the retire-

ment fund, to the credit of the member, covering all current service.

RCW 41.44.220 amended.

SEC. 9. Section 22, chapter 71, Laws of 1947, and RCW 41.44.220, are each amended to read as follows:

State-wide city employees' retirement. Optional allowance on retirement.

A member may elect to receive in lieu of the retirement allowance provided for in RCW 41.44.150, its actuarial equivalent in the form of a lesser retirement allowance, payable in accordance with the terms and conditions of one of the options set forth below in this section. Election of any option must be made by written application filed with the board at least thirty days in advance of retirement, or may be made by any member after he has attained the minimum requirements for his service retirement as required by RCW 41.44.140, and shall not be effective unless approved by the board prior to retirement of the member.

Option A. The lesser retirement allowance shall be payable to the member throughout his life: *Provided,* That if he die before he receives in annuity payments referred to in paragraph (a) of subsection (1) of RCW 41.44.150 a total amount equal to the amount of his accumulated contributions as it was at date of his retirement, the balance of such accumulated contributions shall be paid in one sum to his estate or to such person having an insurable interest in his life as he shall nominate by written designation duly executed and filed with the board.

Option B. The lesser retirement allowance shall be payable to the member throughout life, and after death of the member, one-half of the lesser retirement allowance shall be continued throughout the life of and paid to the wife or husband of this member.

Option C. The lesser retirement allowance shall be payable to the member throughout life, and after death of the member it shall be continued throughout

the life of and paid to the wife or husband of the member.

A member may apply for some other benefit or benefits and the board may grant such application provided such other benefit or benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent value to his retirement allowance.

The surviving spouse may elect to receive a cash refund of the member's accumulated contributions in lieu of the monthly benefit under either Option B or Option C.

Passed the House March 26, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 100.

[House Bill No. 409.]

NATIONAL GUARD—ADJUTANT GENERAL— ASSISTANTS—SALARIES.

AN ACT relating to the militia; and amending section 21, chapter 130, Laws of 1943, as amended by section 3, chapter 210, Laws of 1961, and RCW 38.12.030.

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

SECTION 1. Section 21, chapter 130, Laws of 1943, as amended by section 3, chapter 210, Laws of 1961, 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

RCW 38.12.030
amended.

National
guard. Adjutant
general and assistant
adjutant general—How
chosen—
Salary.

National
guard. Adju-
tant general
and assistant
adjutant gen-
eral—How
chosen—
Salary.

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 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 the officers on detail as the adjutant general or as assistant adjutants general should be 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 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, 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.

Passed the House March 29, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 101.

[House Bill No. 377.]

ELECTIONS.

AN ACT relating to elections; amending sections 29.13.080, 29.45.010, 29.45.020, 29.45.030, 29.45.050, 29.45.060, 29.51.100, 29.51.170, 29.54.010, 29.54.020, 29.54.030, 29.54.040, 29.54.045, and 29.54.050, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.13.080, 29.45.010, 29.45.020, 29.45.030, 29.45.050, 29.45.060, 29.51.100, 29.51.170, 29.54.010, 29.54.020, 29.54.030, 29.54.040, 29.54.045, and 29.54.050; and adding new sections to chapter 9, Laws of 1965 (Senate Bill No. 5), and to chapters 29.51 and 29.54 RCW; and amending section 29.51.200, chapter 9, Laws of 1965, and RCW 29.51.200.

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

RCW 29.45.010
amended.

SECTION 1. Section 29.45.010, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.45.010 are each amended to read as follows:

Elections. Pre-
cinct election
officers. Ap-
pointment of
judges and
inspectors.

At least ten days prior to any primary or election, the officer having jurisdiction of the election 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 election) from among the names contained on the lists therefor furnished by the chairman of the county central committee of the political parties intitled 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 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 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 and shall supersede the provisions of any and all other statutes, whether general or special in nature, having different requirements.

SEC. 2. Section 29.45.020, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.45.020 are each amended to read as follows:

RCW 29.45.020 amended.

At the same time the officer having jurisdiction of the election appoints the inspector and two judges as provided in RCW 29.45.010, he may appoint one or more persons to act as clerks if in his judgment such additional persons are necessary, except that in precincts in which voting machines are used, the judges of election shall perform the duties required to be performed by clerks.

Appointment of clerks.

Each clerk appointed shall represent a major political party: *Provided*, That the political party representation of a single set of precinct election officers shall, whenever possible, be equal but, in any event, no single political party shall be represented by more than a majority of one at each polling place.

The election officer having jurisdiction of the election may designate at what hour the clerks shall report for duty. The hour may vary among the precincts according to the judgment of the appointing officer.

SEC. 3. Section 29.45.030, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.45.030 are each amended to read as follows:

RCW 29.45.030 amended.

The precinct committeeman of each major political party shall certify to his county chairman a list of those persons belonging to his political

Nomination of eligibles for judges and inspectors.

Elections.
Precinct elec-
tion officers.
Nomination
of eligibles for
judges and
inspectors.

party qualified to act upon the election board in his precinct.

At least sixty days prior to the primary or election the chairman of the county central committee of each major political party shall certify to the officer having jurisdiction of the election, a list of those persons belonging to his political party in each precinct who are qualified to act on the election board therein.

The county chairman shall compile this list from the names certified by his various precinct committeemen unless no names or not sufficient names have been certified from a precinct, in which event he may include therein the names of qualified members of his party selected by him. The county chairman shall also have the authority to substitute names of persons recommended by his precinct committeemen if in his judgment such persons are not qualified to serve as precinct election officers.

RCW 29.45.050
amended.

SEC. 4. Section 29.45.050, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.45.050 are each amended to read as follows:

Two sets of
precinct
election officers—Count-
ing and
receiving
boards.

There shall be but one set of election officers in each precinct except as provided in this section.

In every precinct using paper ballots having two hundred or more registered voters there shall be appointed, and in every precinct having less than two hundred registered voters there may be appointed, at a state primary or state general election, two sets of precinct election officers as provided in RCW 29.04.020 and 29.45.010.

In making such appointments, one set of precinct election officers shall be designated as the counting board which shall consist of an inspector, two judges, and a clerk. The duties of the counting board shall be the count of ballots cast and the return of the election records and supplies to the officer having jurisdiction of the election.

The other set of precinct election officers shall be designated as the receiving board which shall have all other powers and duties imposed by law for such elections.

SEC. 5. Section 29.45.060, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.45.060 are each amended to read as follows:

RCW 29.45.060 amended.

The inspector and judges of election in each precinct shall conduct the elections therein and receive, deposit, and count the ballots cast thereat and make returns to the proper canvassing board or officer except that when two sets of precinct election officers are appointed as provided in RCW 29.45.050, the ballots shall be counted by the counting board as provided in RCW 29.54.030, section 12 of this 1965 amendatory act, and RCW 29.54.045.

Duties—
Generally.

SEC. 6. Section 29.54.010, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.54.010 are each amended to read as follows:

RCW 29.54.010 amended.

At paper ballot precincts served by a single set of precinct election officers, the inspector and judges of election for each election precinct immediately upon the closing of the polls, and before the ballots are counted, shall destroy all unused ballots furnished for use at such precinct.

Destroying
surplus
ballots.

At paper ballot precincts served by two sets of precinct election officers, the members of the receiving board shall destroy all unused ballots upon the closing of the polls.

SEC. 7. Section 29.54.020, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.54.020 are each amended to read as follows:

RCW 29.54.020 amended.

At paper ballot precincts served by a single set of precinct election officers, as soon as the polls are finally closed, the inspector, judges, and clerk of election shall immediately open the ballot boxes at their polling place and proceed to take therefrom

Removing
ballots from
box—String-
ing.

Elections.
Precinct elec-
tion officers.
Removing
ballots from
box—String-
ing.

the ballots. Said officers shall count the number of ballots cast and shall then string them together. As soon as the inspector and judges have fastened together the ballots they shall take the tally sheets or tally books provided by the election officer, and shall count all the ballots until the count is completed in the manner set forth in RCW 29.54.030 and section 12 of this 1965 amendatory act.

The tally sheets shall be so kept that the sheets shall show the number of votes, cast for and against each proposition, the total votes cast for each candidate, and the total of all ballots cast.

RCW 29.54.030
amended.

SEC. 8. Section 29.54.030, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.54.030 are each amended to read as follows:

Counting to
be private
when polls
open.

At paper ballot precincts served by two sets of precinct election officers, the counting of ballots by the counting board while the polls are open shall in all cases be conducted in private except that any recognized political party may appoint a duly accredited representative to witness the counting of ballots: *Provided*, That such representatives shall first sign an oath of secrecy and shall not leave the polling place during the polling hours.

At every polling place, after the polls have closed for voting, the counting of ballots shall be public and any citizen may then witness the proceedings: *Provided*, That such person does not touch a ballot, or voting machine, or official records and does not distract the precinct election officers from performing their duties.

RCW 29.54.040
amended.

SEC. 9. Section 29.54.040, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.54.040 are each amended to read as follows:

Count contin-
uous—Count,
when com-
plete.

The ballot box shall not be removed from the polls nor shall the counting of the votes be discontinued until all are counted.

The duties of the precinct election officers counting ballots shall not be complete until it is determined that:

(1) A recheck of the tally marks accurately reflect the total vote credited to each candidate and the total vote credited for and against each proposition.

(2) The total number of votes cast for all candidates for a single position to be filled does not exceed the number of voters who have signed the poll book.

(3) The records of the votes in each tally book are the same.

SEC. 10. Section 29.54.045, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.54.045 are each amended to read as follows:

RCW 29.54.045 amended.

When two sets of precinct election officers have been appointed as provided in RCW 29.45.050 the following procedure shall apply:

Procedure when two sets of election officers appointed.

(1) The set designated as the counting board shall commence tabulation at 2:00 p.m. of the day of any state primary or state general election.

(2) A second ballot box for receiving ballots shall be used, and the first ballot box shall be closed and delivered to the counting board: *Provided*, That there have been at least ten ballots cast. The counting board shall proceed to the place provided for them and at once count the votes. When counted they shall return the emptied ballot box to the inspector and judges conducting the election and the latter shall then deliver to the counting board the second ballot box, if there have been at least ten ballots cast, who shall then proceed as before. The counting of ballots and exchange of ballot boxes shall continue until the polls are closed after which the election board conducting the election shall conclude their duties and the counting board shall continue until all ballots are counted.

Elections. Pre-
cinct election
officers. Pro-
cedure when
two sets of
election
officers
appointed.

(3) The receiving board conducting the election shall perform all of the duties as now provided by law except for the counting of the ballots, the posting and certification of the unofficial returns and the delivery of the official returns, together with the election supplies to the county auditor.

(4) Suitable oaths of office for all precinct election officials, when two sets of officials are employed, shall be prepared by the secretary of state as ex officio chief election officer.

RCW 29.54.050
amended.

SEC. 11. Section 29.54.050, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.54.050 are each amended to read as follows:

Rejection of
ballots or
parts of
ballots.

Ballots must be rejected if:

(1) Two are found folded together;
(2) Marked so as to identify who the voter is: *Provided*, That this subsection (2) shall not apply to absentee ballots;

(3) Printed other than by the respective county auditors or other authorized election officials as provided by law.

Those parts of ballots must not be counted which:

(1) Designate more persons for an office than are to be elected to that office;
(2) Are not marked with sufficient definiteness to determine the voter's choice or intention: *Provided*, That no ballot or part thereof shall be rejected for want of form or mistake in initials of names if the election board can determine to their satisfaction the person voted for and the office intended.

New section.

SEC. 12. There is added to chapter 9, Laws of 1965 (Senate Bill No. 5) and to chapter 29.54 RCW a new section to read as follows:

Ballots—Pro-
cedure for
counting.

The procedure for counting of paper ballots at every primary or election shall be as follows:

(1) The inspector shall carefully examine each ballot and read aloud the name of each person re-

ceiving a vote, the office for which every such person is voted for, and the vote for or against each proposition on the ballot.

(2) The judge, representing the opposite political party of the inspector, shall observe such reading.

(3) The second judge shall tally the votes as read in the tally book to be returned to the election officer having jurisdiction of the election.

(4) The clerk representing the opposite political party of the second judge shall, at the same time, tally the votes as read in the tally book to be retained by the inspector.

(5) The inspector and judge observing the reading aloud of the ballots may rotate their duties from time to time, upon agreement.

(6) The same basic rules in the counting of paper ballots at the polling places as enumerated in the above subsections 1, 2, 3, 4, and 5 of this section shall apply to the counting of paper ballots under the jurisdiction of the county auditor at the courthouse, it being the intention of this subsection that after the county canvassing board has approved as valid the absentee ballots and challenged or questioned ballots, the actual count and tallying of such ballots shall be done by persons selected by the county auditor on a bipartisan basis.

SEC. 13. Section 29.13.080, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.13.080 are each amended to read as follows:

RCW 29.13.080 amended.

At every election and primary election the polls must be kept open from eight o'clock a.m. to eight o'clock p.m.: *Provided*, That the polling hours at a state primary election and state election, general or special, shall be from seven o'clock a.m. to eight o'clock p.m. All qualified electors who are at the polling place at eight o'clock p.m., shall be allowed to cast their votes.

Opening and closing polls—
Polling hours.

RCW 29.51.170 amended.

SEC. 14. Section 29.51.170, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.51.170 are each amended to read as follows:

Elections. Write-in voting—Party designation—Procedure when write-in candidate nominated.

At any election or primary, any voter may write in on the ballot the name of any person for whom he desires to vote for any office and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter: *Provided*, That when voting machines are used, no write-in vote for any candidate for a partisan office at either a state primary election or state general election shall be valid unless a political party affiliation is also written by the voter after the candidate's name. The same procedure must be followed when paper ballots are used for partisan offices at a state primary election. For such write-in voting, it shall not be necessary for a voter to write the full name of the political party concerned. Any abbreviation including the first letter of the political party name shall be acceptable as long as the precinct election officers can determine to their satisfaction the person voted for and the political party intended.

Any person who is nominated at any primary election as a write-in candidate for any public office but who has not previously paid the regular filing fee shall not have his name printed on the official ballot for the general election unless, within five days after the official canvass of the primary vote, he executes a declaration of candidacy and pays the same fee required by law to be paid by candidates for filing for the office for which he has been nominated.

RCW 29.51.100 amended.

SEC. 15. Section 29.51.100, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.51.100 are each amended to read as follows:

Marking ballot at final election.

On receipt of his ballot in an election the elector shall forthwith and without leaving the polling

place retire alone to one of the places, booths, or apartments provided to prepare his ballot. Each elector shall prepare his ballot by marking a cross "X" after the name of every person or candidate for whom he wishes to vote.

In case of a ballot containing a constitutional amendment or other question to be submitted to the vote of the people the voter shall mark a cross "X" after the question, for or against the amendment or proposition, as the case may be. Any elector may write in the blank spaces the name of any person for whom he may wish to vote: *Provided*, That where a partisan office is concerned, the voter must not only write in the name of the candidate but also the party affiliation of such person pursuant to the provisions of RCW 29.51.170 as now or hereafter amended.

Before leaving the booth or compartment the elector shall fold his ballot in such a manner that the number of the ballot shall appear on the outside thereof, without displaying the marks on the face thereof, and deliver it to the inspector of election.

SEC. 16. There is added to chapter 9, Laws of 1965 (Senate Bill No. 5) and to chapter 29.51 RCW a new section to read as follows:

New section.

Votes cast by stickers or printed label shall not be valid for any purpose and shall be rejected: *Provided*, That such action shall not jeopardize the remaining portion of the voter's ballot.

Votes cast by stickers, printed labels, invalid.

SEC. 17. Section 29.51.200, chapter 9, Laws of 1965 and RCW 29.51.200 are each amended to read as follows:

RCW 29.51.200 amended.

The operation of voting shall be secret except to the extent necessary to assist physically disabled voters.

Physically disabled voters — Assistance to.

If any voter declares in the presence of the election officers that by reason of physical disability,

Elections.
Physically dis-
abled voters
—Assistance
10.

he is unable to register or record his vote upon the machine, (1) he may designate his spouse or any near relative who is also a registered voter to enter the voting machine booth with him and mark his ballot, or (2) two election officers who must be of opposite political parties in case of partisan elections or primaries, shall enter the voting machine booth with him and register his vote for such candidates and for or against such measures as he may designate.

Passed the House March 26, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 102.

[House Bill No. 277.]

PUBLIC ASSISTANCE—FUNERALS.

AN ACT relating to public assistance; amending section 74.08.120, chapter 26, Laws of 1959 and RCW 74.08.120.

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

RCW 74.08.120
amended.

SECTION 1. Section 74.08.120, chapter 26, Laws of 1959 and RCW 74.08.120 are each amended to read as follows:

Public assist-
ance. Funeral
expenses—
Lien for.

The term "funeral" shall mean the proper preparation and care of the remains of a deceased person with needed facilities and appropriate memorial services, including necessary costs of a lot or cremation and all services related to interment and the customary memorial marking of a grave.

The department is hereby authorized through the county offices to assume responsibility for the funeral of deceased persons dying without assets sufficient to pay for the minimum standard funeral herein provided: *Provided, however,* That the direc-

tor may furnish funeral assistance in other cases if the assets are left to a surviving spouse and/or to minor children and if the assets are resources permitted to be owned by or available to an eligible applicant or recipient under RCW 74.04.005, and the department shall thereby have a lien against said assets valid for six years from the date of filing with the county clerk and county auditor and such lien claim shall have preference to all other claims except prior secured creditors. If the assets remain exempt, or if no probate is commenced, the lien shall automatically terminate without further action six years after filing.

The department shall not pay more than cost for a minimum standard service rendered by each vendor. Payments to the funeral director and to the cemetery or crematorium will be made by separate vouchers. The standard of such services and the uniform amounts to be paid shall be determined by the department after giving due consideration to such advice and counsel as it shall obtain from the trade associations of the various vendors and related state departments, agencies and commissions. The payments made by the department shall not be subject to supplementation by the relatives or friends of recipients. Whenever relatives or friends provide for other than the minimum standard service authorized, the state shall not participate in the payment of any part of the cost.

Passed the House March 26, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 103.

[House Bill No. 191.]

ELECTIONS—PRIMARIES—DECLARATIONS OF CANDIDACY.

AN ACT relating to elections; amending section 29.18.030, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.18.030; amending section 29.21.060, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.21.060; amending section 29.42.050, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.42.050; amending section 29.27.020, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.27.020; amending section 29.30.075, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.30.075; amending section 29.13.070, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.13.070; and amending section 29.27.050, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.27.050.

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

RCW 29.18.030 amended.

SECTION 1. Section 29.18.030, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.18.030 are each amended to read as follows:

Elections. Partisan primaries. Declaration and affidavit of candidacy—Necessity—Form—Withdrawal.

The name of no candidate shall be printed upon the official ballot used at a state primary, unless not earlier than the last Monday of July nor later than the next succeeding Friday, a declaration of candidacy is filed in the form hereinafter set forth:

DECLARATION AND AFFIDAVIT OF CANDIDACY

STATE OF WASHINGTON }
County of } ss.

DECLARATION

I,, declare upon honor that I am a registered voter residing at No. street, (city or town of) (county of), state of Washington, and am legally qualified to assume office if elected; that I hereby declare myself a candidate for nomina-

tion to the office of or position No. for the office of (fill in whichever blank is applicable) to be made at the primary election to be held on the day of, and hereby request that my name be printed upon the official primary ballots, as provided by law, as a candidate of the (do not fill this in if office sought is nonpartisan) party, and I accompany herewith the sum of dollars, the fee required by law of me for becoming a candidate.

AFFIDAVIT

Further, I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington; that I do not advocate the overthrow, destruction, or alteration of the constitutional form of government of the United States or of the state of Washington or any political subdivision of either of them, by revolution, force or violence, and that I do not knowingly belong to any organization, foreign or otherwise, which engages in or advocates, the overthrow, destruction or alteration of the constitutional form of government of the United States or of the state of Washington or any political subdivision of either of them, by revolution, force or violence.

.....
 (Please print name to assure correct spelling)

.....
 (Signature of candidate as name is to appear upon ballot)

Subscribed and sworn to before me this day of, 19.....

.....
 (Signature of official)

.....
 (Official title)

Any candidate may in writing withdraw his declaration at any time to and including the first Wednesday after the last day allowed for filing declarations of candidacy. Should the candidate desire to mail his declaration of withdrawal it shall be honored if the instrument is postmarked no later than the last day allowed for withdrawals. There shall be no refund of the filing fee.

RCW 29.21.060
amended.

SEC. 2. Section 29.21.060, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.21.060 are each amended to read as follows:

Elections.
Nonpartisan
primaries and
elections. Dec-
larations of
candidacy in
first, second,
third class
cities and
certain dis-
tricts—Other
statutes
superseded.

All candidates for offices to be voted on at any election in first, second, and third class cities shall file declarations of candidacy with the clerk thereof not earlier than the last Monday of July nor later than the next succeeding Friday in the year such regular city elections are held.

All candidates for district offices in port districts, and school districts embracing a city of over one hundred thousand population, both of which are located in class AA and class A counties, shall file their declarations of candidacy with the county auditor of the county not earlier than the last Monday of July nor later than the next succeeding Friday in the year such regular district elections are held.

All candidates for district offices not subject to a primary election, other than irrigation districts, shall file declarations of candidacy not more than sixty nor less than forty-six days prior to the date of the election with the appropriate county auditor: *Provided*, That in the case of public utility districts, and in no other, nominations shall be made by means of nominating petitions: *Provided further*, That this chapter shall not change the method of nomination for first district officers at the formation of the district.

Any candidate for city or district offices may withdraw his declaration at any time to and including the first Wednesday after the last day allowed for filing declarations of candidacy.

The city clerks in all counties shall transmit to their county auditors at least thirty-five days before the date fixed for the primary, a certified list of the names and addresses of the candidates to be voted on thereat as represented by the declarations of candidacy filed in their offices.

All candidates required to file declarations of candidacy shall pay the same fees and be governed by the same rules as contained in RCW 29.18.030, 29.18.035, and 29.18.060: *Provided*, That no filing fee shall be charged in the event that the office sought is without salary.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for filing declarations of candidacy for such city, town, and district elections.

SEC. 3. Section 29.42.050, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.13.070 [29.42.050] are each amended to read as follows:

RCW 29.42.050 amended.

The statutory requirements for filing as a candidate at the primaries shall apply to candidates for precinct committeeman except that the filing period for this office alone shall be extended to and include the Friday immediately following the last day for political parties to fill vacancies in the ticket as provided by RCW 29.18.150, and the office shall not be voted upon at the primaries, but the names of all candidates must appear under the proper party and office designations on the ballot for the general November election and the one receiving the highest number of votes shall be declared elected: *Provided*, That to be declared elected, a candidate must receive at least ten percent of the

Precinct committeemen—
Election—
Declaration of candidacy, fee
—Term—
Vacancy.

Elections.
Precinct
committeemen
—Election—
Declaration of
candidacy, fee
—Term—
Vacancy.

number of votes cast for the candidate of his party receiving the greatest number of votes in his precinct. Any person elected to the office of precinct committeeman who has not filed a declaration of candidacy shall pay the fee of one dollar to the county auditor for a certificate of election. The term of office of precinct committeeman shall be for two years, commencing upon completion of the official canvass of votes by the county canvassing board of election returns. Should any vacancy occur in this office by reason of death, resignation or disqualification of the incumbent, or because of failure to elect, the respective county chairman of the county central committee shall be empowered to fill such vacancy by appointment: *Provided*, That the person so appointed shall have the same qualifications as candidates when filing for election to such office for such precinct: *Provided further*, That when a vacancy in the office of precinct committeeman exists because of failure to elect at a state general election, such vacancy shall not be filled until after the organization meeting of the county central committee and the new county chairman selected as provided by RCW 29.42.030.

RCW 29.27.020
amended.

SEC. 4. Section 29.27.020, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.27.020 are each amended to read as follows:

Certifying
candidates be-
fore primary
by secretary
of state.

Prior to any September primary, on or before the first Wednesday following the last day for political parties to fill vacancies in the ticket as provided by RCW 29.18.150, the secretary of state shall transmit to each county auditor a certified list of the candidates for office to be voted for in each county as represented by the declarations of candidacy and nomination papers filed in his office. The certificate shall set forth the name of each candidate, his post office address, the office for which he is a candidate and his party designation.

SEC. 5. Section 29.30.075, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.27.050 [29.30-.075] are each amended to read as follows:

RCW 29.30.075 amended.

At least twenty days before any primary, each county auditor shall have prepared sufficient ballots for use by absentee voters.

Primary ballots for absentee voters, date prepared.

SEC. 6. Section 29.13.070, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.13.070 are each amended to read as follows:

RCW 29.13.070 amended.

Nominating primaries for general elections to be held in November shall be held at the regular polling places in each precinct on the third Tuesday of the preceding September.

Primaries, when held.

SEC. 7. Section 29.27.050, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.27.050 are each amended to read as follows:

RCW 29.27.050 amended.

As soon as possible but in any event no later than the fifth day following official certification of the returns of any primary election as made by the canvassing board, the secretary of state shall certify to the county auditor of each county within which any of the electors may by law vote for candidates for such office, the name and place of residence of each person nominated for such office, as specified in the certificates of nomination filed with the secretary of state.

Certification of nominees by secretary of state.

Passed the House March 21, 1965.

Passed the Senate March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 104.

[House Bill No. 451.]

PERMANENT FUNDS—INVESTMENTS.

AN ACT relating to the investment of the permanent common school fund, the agricultural college permanent fund, the normal school permanent fund, the scientific school permanent fund, and the university permanent fund; repealing section 43.84.010, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.84.010; repealing section 43.84.020, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.84.020; repealing section 43.84.030, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.84.030; repealing section 43.84.040, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.84.040; repealing section 43.84.050, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.84.050; repealing section 43.84.060, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.84.060; and repealing section 43.84.070, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.84.070.

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

New section.

SECTION 1. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.84 RCW, a new section to read as follows:

Permanent state funds, investment of. Surplus moneys in permanent funds, investments of authorized.

Whenever there are surplus moneys available for investment in the agricultural college permanent fund, normal school permanent fund, scientific school permanent fund, or the university permanent fund, the state finance committee shall invest such moneys in bonds, notes, or other obligations now or hereafter authorized as an investment for the funds of the teachers' retirement system.

New section.

SEC. 2. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.84 RCW, a new section to read as follows:

Surplus moneys in permanent common school fund, investment of authorized.

Whenever there are surplus moneys available for investment in the permanent common school fund, the state finance committee shall invest the same in accordance with the provisions of Article

XVI, section 5 of the Constitution of this state as now or hereafter amended.

SEC. 3. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.84 RCW, a new section to read as follows:

New section.

Subject to the limitation of authority delegated by this 1965 amendatory act, the state finance committee may by unanimous approval adopt procedural policies governing the management of said permanent trust funds: *Provided*, That all such bonds, notes or other obligations shall be purchased at the current market price and no sale or exchange shall be at a price less than the market price of the securities or investments to be sold or exchanged.

Procedural
policies—
Limitation.

SEC. 4. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.84 RCW, a new section to read as follows:

New section.

All securities purchased or held on behalf of said funds, shall be held and disbursed through the state treasury and shall be in the physical custody of the state treasurer, who may deposit with the fiscal agent of the state, or with a state depository, such of said securities as he shall consider advisable to be held in safekeeping by said agent or bank for collection of principal and interest, or of the proceeds of sale thereof.

Securities—
Custody.

SEC. 5. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.84 RCW, a new section to read as follows:

New section.

It shall be the duty of the state treasurer to collect the interest, or other income on, and the principal of the securities held in his custody pursuant to section 4 of this 1965 amendatory act as the said sums become due and payable, and to pay the same when so collected into the respective funds to which the principal and interest shall accrue.

Treasurer to
collect and
pay on
securities.

New section.

SEC. 6. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.84 RCW, a new section to read as follows:

Permanent state funds, investment of. Standard of diligence in investments.

Any investments made hereunder shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Repeal.

SEC. 7. The following acts or parts of acts are hereby repealed:

- (1) Section 43.84.010, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.84.010;
- (2) Section 43.84.020, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.84.020;
- (3) Section 43.84.030, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.84.030;
- (4) Section 43.84.040, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.84.040;
- (5) Section 43.84.050, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.84.050;
- (6) Section 43.84.060, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.84.060; and
- (7) Section 43.84.070, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.84.070.

Passed the House March 22, 1965.
 Passed the Senate March 25, 1965.
 Approved by the Governor April 6, 1965.

CHAPTER 105.

[House Bill No. 348.]

GARBAGE AND REFUSE COLLECTION COMPANIES.

AN Act relating to public service companies; amending section 4, chapter 295, Laws of 1961 and RCW 81.77.030; adding two new sections to chapter 295, Laws of 1961 and to chapter 81.77 RCW; amending section 81.08.010, chapter 14, Laws of 1961 and RCW 81.08.010; amending section 81.12.010, chapter 14, Laws of 1961, as amended by section 5, chapter 59, Laws of 1963, and RCW 81.12.010.

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

SECTION 1. Section 4, chapter 295, Laws of 1961 and RCW 81.77.030 are each amended to read as follows:

RCW 81.77.030 amended.

The commission shall supervise and regulate every garbage and refuse collection company in this state,

Garbage and refuse collection companies. Supervision and regulation by commission.

(1) By fixing and altering its rates, charges, classifications, rules and regulations;

(2) By regulating the accounts, service, and safety of operations;

(3) By requiring the filing of annual and other reports and data;

(4) By supervising and regulating such persons or companies in all other matters affecting the relationship between them and the public which they serve.

The commission, on complaint made on its own motion or by an aggrieved party, at any time, after the holding of a hearing of which the holder of any certificate has had notice and an opportunity to be heard, and at which it shall be proven that the holder has wilfully violated or refused to observe any of the commission's orders, rules, or regulations, or has failed to operate as a garbage and refuse collection company for a period of at

Garbage and
refuse
collection
companies.
Supervision
and regulation
by com-
mission.

least one year preceding the filing of the complaint, may suspend, revoke, alter, or amend any certificate issued under the provisions of this chapter.

The commission on complaint made on its own motion or by an aggrieved party, at any time, after the holding of a hearing of which the certificate holder has had notice and an opportunity to be heard, and at which it shall be proven that the holder has failed to operate as a garbage and refuse collection company in part of the area or territory covered by such certificate for a period of at least one year preceding the filing of the complaint, may alter or amend such certificate by deleting such area or territory therefrom if such area or territory is being served pursuant to a certificate held by another garbage and refuse collection company.

New section.

SEC. 2. There is added to chapter 295, Laws of 1961 and to chapter 81.77 RCW a new section to read as follows:

Temporary
certificates—
Conditions on
issuance—Fee.

The commission may with or without a hearing issue temporary certificates to engage in the business of operating a garbage and refuse collection company, but only after it finds that the issuance of such temporary certificate is consistent with the public interest. Such temporary certificate may be issued for a period up to one hundred eighty days where the area or territory covered thereby is not contained in the certificate of any other garbage and refuse collection company. In all other cases such temporary certificate may be issued for a period not to exceed one hundred twenty days. The commission may prescribe such special rules and regulations and impose such special terms and conditions with reference thereto as in its judgment are reasonable and necessary in carrying out the provisions of this chapter. The commission shall

collect a fee of twenty-five dollars for an application for such temporary certificate.

SEC. 3. Section 81.08.010, chapter 14, Laws of 1961 and RCW 81.08.010 are each amended to read as follows:

RCW 81.08.010
amended.

The term "public service company", as used in this chapter, shall mean every company now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the utilities and transportation commission under the provisions of this title: *Provided*, That it shall not include any such company the issuance of stocks and securities of which is subject to regulation by the Interstate Commerce Commission: *Provided further*, That it shall not include any "motor carrier" as that term is defined in RCW 81.80.010 or any "storage warehouse", "storage warehouseman" or "warehouseman" as those terms are defined in RCW 81.92.010 or any "garbage and refuse collection company" subject to the provisions of chapter 81.77 RCW.

Public
service
companies—
Securities.
Definitions.

SEC. 4. Section 81.12.010, chapter 14, Laws of 1961, as amended by section 5, chapter 59, Laws of 1963, and RCW 81.12.010 are each amended to read as follows:

RCW 81.12.010
amended.

The term "public service company," as used in this chapter, shall mean every company now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the utilities and transportation commission under the provisions of this title or Title 22: *Provided*, That it shall not include common carriers subject to regulation by the Interstate Commerce Commission: *Provided further*, That it shall not include motor freight carriers subject to the provisions of chapter 81.80 or garbage and refuse collection companies subject to the provisions of chap-

Public service
companies—
Transfer-of-
property.
Definitions.

Garbage and refuse collection companies.

ter 81.77 RCW: *Provided further*, That nothing contained in this chapter shall relieve public service companies from the necessity for compliance with the provisions of RCW 81.80.270.

"Garbage and refuse" defined.

SEC. 5. Whenever in this chapter the phrase "garbage and refuse" is used as a qualifying phrase or otherwise it shall be construed as meaning "garbage and/or refuse."

Passed the House March 19, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965, with the exception of a certain item in Section 1, which was vetoed.

Veto message. NOTE: Governor's explanation of partial veto is as follows:

"The bill amends certain laws relating to garbage and refuse collection companies. The last paragraph of Section 1 would permit the Utilities and Transportation Commission to alter or amend a certificate held by a garbage and refuse collection company if such a company had failed for at least one year to operate in a part of the area or territory covered by the certificate.

"It is possible that a company might fail to operate in a certain territory because a competitor had all of the available customers; and a deletion of this territory would thus eliminate any chance of competition in the future.

"Moreover, this bill does not require a showing that the company in question had refused service to any potential customer.

"I have vetoed the last paragraph of Section 1 because I fear that it will have the effect of reducing competition in the garbage and refuse collection industry which would not be in the best interests of the public.

"The remainder of House Bill 348 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 106.

[House Bill No. 245.]

VEHICLE LICENSE FEES—EXEMPTIONS.

AN ACT relating to vehicle licenses; amending section 46.16.020, chapter 12, Laws of 1961 and RCW 46.16.020; and declaring an emergency.

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

SECTION 1. Section 46.16.020, chapter 12, Laws of 1961 and RCW 46.16.020 are each amended to read as follows:

RCW 46.16.020 amended.

Any vehicle owned, rented or leased by the state of Washington, or by any county, city, town, school district or other political subdivision of the state of Washington and used exclusively by them, and all vehicles owned by the United States government, or by the government of foreign countries, or by international bodies to which the United States government is a signatory by treaty, and used exclusively in its or their service shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided: *Provided, however,* That such vehicles, except those owned and used exclusively by the United States government and which are identified by clearly exhibited registration numbers or license plates assigned by an instrumentality of that government, shall be registered as prescribed for the license registration of other vehicles and shall display upon the vehicles the vehicle license number plates assigned by the director of licenses and except in cases of a foreign government or international body shall pay for such number plates a fee of one dollar: *Provided, further,* That no vehicle license or license number plates shall be issued to any such vehicle under the provisions of this section for the transportation of school

Motor vehicle licenses. Exemption—State and publicly owned vehicles—Registration.

Motor vehicle
licenses.
Exemption.

children unless and until such vehicle shall have been first personally inspected by the director of licenses or his duly authorized representative.

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

Passed the House March 18, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965, with the exception of Section 2 which was vetoed.

Veto message.

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

"This bill exempts from payment of license fees certain vehicles owned or operated by international bodies. I am informed by the Department of Licenses that there are no vehicles involved which will require licensing before the time when the bill would normally become effective. Yet Section 2 contains the standard emergency clause requiring the act to take effect immediately.

"Imposition of an emergency clause defeats the right of the people to reject legislative action by referendum and should be sparingly used. Having carefully considered the provisions of House Bill No. 245, it is clear that no part of the act is necessary for the immediate preservation of public peace, health and safety, or the support of state government and its existing public institutions.

"Section 2 is therefore vetoed. The remainder of House Bill No. 245 is approved."

**DANIEL J. EVANS,
Governor.**

CHAPTER 107.

[House Bill No. 173.]

FUNERAL DIRECTORS AND EMBALMERS.

AN ACT relating to funeral directors and embalmers; and amending section 1, chapter 108, Laws of 1937 and RCW 18.39.010; amending section 2, chapter 52, Laws of 1955 and RCW 18.39.030; amending section 4, chapter 108, Laws of 1937 as last amended by section 2, chapter 105, Laws of 1947 and RCW 18.39.040 and amending section 5, chapter 108, Laws of 1937 and RCW 18.39.070.

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

SECTION 1. Section 1, chapter 108, Laws of 1937 and RCW 18.39.010 are each amended to read as follows:

RCW 18.39.010 amended.

The term "funeral director" as used herein is a person engaged in the profession or business of conducting funerals and supervising or directing the burial and disposal of dead human bodies.

Funeral directors and embalmers. Definitions.

The term "embalmer" as used herein is a person engaged in the profession or business of disinfecting, preserving or preparing for disposal or transportation dead human bodies.

A "two-year college course" as used herein means the completion of sixty semester hours or ninety quarter hours of collegiate credit from a college or university approved by the director of licenses and the state examining committee.

Words used in this chapter importing the singular may be applied to the plural of the person or thing, words importing the plural may be applied to the singular, and words importing the masculine gender may be applied to the female.

SEC. 2. Section 2, chapter 52, Laws of 1955 and RCW 18.39.030 are each amended to read as follows:

RCW 18.39.030 amended.

An applicant for a license as a funeral director must be at least twenty-one years of age, and of

Applicant—Funeral director—Eligibility.

Funeral directors and embalmers. Applicant—Funeral director—Eligibility.

good moral character and must have completed a course of not less than two years in an accredited college, and have completed a one-year course of training under a licensed funeral director in this state: *Provided*, That the requirement that an applicant must have completed a course of not less than two years in an accredited college and have completed a one-year course of training under a licensed funeral director in this state shall not apply to anyone who was a licensed embalmer, or who was registered as an apprentice embalmer or as an apprentice director, or who was attending an embalming college prior to June 11, 1965.

RCW 18.39.040 amended.

SEC. 3. Section 4, chapter 108, Laws of 1937 as last amended by section 2, chapter 105, Laws of 1947 and RCW 18.39.040 are each amended to read as follows:

Applicant—Embalmer—Eligibility—Examination—Registration.

In order to obtain a license as an embalmer, the applicant must be at least twenty-one years of age, of good moral character, and have completed, (1) two years at an accredited college, (2) a two-year course of training under a licensed embalmer in this state, and (3) a full course of instruction in an embalming school, approved by the director of licenses and the state examining committee. No portion of the course of instruction under (3) above can be applied towards satisfaction of the two-year college course. In addition, the applicant must pass an examination in each of the following subjects: Embalming, anatomy including histology, embryology and dissection, pathology, bacteriology, public health including sanitation and hygiene, chemistry including toxicology, and restorative art, including plastic surgery and demi-surgery: *Provided, however*, That any person lawfully licensed as an embalmer in this state may register as such with said director of licenses and, upon the payment of the license fee hereinafter specified, on or prior to said

date, he shall thereupon be entitled to and receive a license as such for the year commencing January 1, 1938. In case of failure so to register, he can thereafter obtain a license only after examination as herein provided: *Provided, further,* That this section shall not apply to anyone who is attending an embalming school, or who is registered as an apprentice, prior to the effective date of this act.

SEC. 4. Section 5, chapter 108, Laws of 1937 and RCW 18.39.070 are each amended to read as follows:

RCW 18.39.070 amended.

(1) An examination for license hereunder shall be held by the director of licenses at least once each year at a time and place to be designated by him. Application to take an examination may be filed with said director at any time, and the director shall give each applicant notice of the time and place of the next ensuing examination by written notice mailed to such applicant's address as given upon his application not later than thirty days prior to examination, but no person shall be eligible to take such examination unless his application shall have been on file for a period of at least thirty days prior thereto. The applicant shall be deemed to have passed an examination successfully whenever he shall have attained a grade of not less than seventy-five percent in each subject of said examination. Any applicant who shall fail to make the required grade in any subject or subjects in his first examination shall be entitled to a second examination upon such subject or subjects at the next regular examination held, and no fee shall be required for said second examination.

Examinations
—Applications
—Notice—
Passing grades
—Second
examination.

(2) An applicant for a license hereunder may take his written examination after completing the educational requirements and before completing the course of training required under sections 2 and 3 of this amendatory act. The license to a suc-

Funeral directors and embalmers. Examinations.

cessful examinee shall be issued only when such a course of training has been completed: *Provided*, That if an applicant is otherwise qualified, the director of licenses shall issue a license to such applicant if he has made application to five licensed funeral directors for the one year course of training required by sections 2 and 3 herein and has been turned down by said five licensed funeral directors.

Passed the House March 26, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 6, 1965, with the exception of a certain item in section 4 which was vetoed.

Veto message. **NOTE:** Governor's explanation of partial veto is as follows:

"This bill makes certain amendments in the laws relating to licensing of embalmers and funeral directors. Section 2 requires that an applicant for a funeral director's license shall have completed a one year course of training under a licensed funeral director in this state in addition to meeting certain educational requirements.

"Section 3 requires that an applicant for a license as an embalmer shall have completed a two year course of training under a licensed embalmer in this state in addition to meeting certain educational requirements.

"The bill was amended in the Senate by adding at the end of section 4 a proviso which refers to 'the one year course of training required by sections 2 and 3.' Since only section 2 provides for a one year course of training, I have vetoed the reference to section 3 in this proviso in order to prevent a misunderstanding as to the true intent of this amendment.

"My staff has consulted with the sponsors of this bill and the proponent of the amendment, all of whom agree that this item veto would clarify the language of the bill. The remainder of House Bill No. 173 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 108.

[House Bill No. 132.]

SCHOOL DISTRICTS—BOUNDARIES.

AN ACT relating to school district boundaries; amending section 5, chapter 266, Laws of 1947, as last amended by section 1, chapter 208, Laws of 1963, and RCW 28.57.150; and declaring an emergency.

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

SECTION 1. Section 5, chapter 266, Laws of 1947, as last amended by section 1, chapter 208, Laws of 1963, and RCW 28.57.150 are each amended to read as follows:

RCW 28.57.150 amended.

Except as otherwise provided for herein, each incorporated city or town in the state shall be comprised in one school district: *Provided*, That nothing in this section shall be construed: (1) To prevent the extension of the boundaries of a school district beyond the limits of the city or town contained therein, or (2) to prevent the inclusion of two or more incorporated cities or towns in a single school district, or (3) to change or disturb the boundaries of any school district organized prior to the incorporation of any city or town, except as hereafter provided.

School districts. City or town districts.

In case all or any part of a school district that operates a school or schools on one site only or operates elementary schools only on two or more sites and is not a component district within a union high school district, is included in an incorporated city or town through the extension of the limits of such city or town in the manner provided by law, the county superintendent shall: (1) Declare the territory so included to be a part of the school district containing the city or town, and (2) whenever a part of a district so included contains a school

School dis-
tricts. City or
town districts.

building of the district, present to the county committee a proposal for the disposition of any part or all of the remaining territory of the district.

In case of the extension of the limits of a city or town other than a city of the first, second or third class to include (1) territory lying in a school district that operates on more than one site one or more elementary schools and one or more junior high schools or high schools, or (2) territory lying in a nonhigh school district that is a component district within a union high school district and operates two or more elementary schools on separate sites, the county committee shall, in its discretion, prepare a proposal or proposals for annexation to the school district in which the city or town is located any part or all of the territory aforesaid which has been included in the city or town and for annexation to the school district in which the city or town is located or to some other school district or districts any part or all of the remaining territory of the school district affected by extension of the limits of the city or town: *Provided*, That where no school or school site is located within the territory annexed to the city or town and not less than seventy-five percent of the heads of families residing within the annexed territory present a petition in writing for annexation and transfer of said territory to the school district in which the city or town is located, the county superintendent shall declare the territory so included to be a part of the school district containing said city or town: *Provided further*, That territory approved for annexation to a city or town by vote of the electors residing therein prior to January 12, 1953, shall not be subject to the provisions herein respecting annexation to a school district or school districts: *Provided further*, That the provisions and procedural requirements of chapter 28.57 as now or hereafter

amended not in conflict with or inconsistent with the provisions hereinabove stated shall apply in the case of any proposal or proposals (1) for the alteration of the boundaries of school districts through and by means of annexation of territory as aforesaid, and (2) for the adjustment of the assets and liabilities of the school districts involved or affected thereby.

In case of the incorporation of a city or town containing territory lying in two or more school districts or of the uniting of two or more cities or towns not located in the same school district, the county superintendent shall, except where the incorporation or consolidation would affect a district or districts of the first class: (1) Order and declare to be established in each such case a single school district comprising all of the school districts involved, and (2) designate each such district by name and by a number different from that of any component thereof or of any other district in existence in the county.

The county superintendent may, if he deems such action advisable, fix as the effective date of any declaration or order required under this section the first day of July next succeeding the date of the issuance of such declaration or order.

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

Passed the House March 26, 1965.

Passed the Senate March 23, 1965.

Approved by the Governor April 6, 1965, with the exception of Section 2 which was vetoed.

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

"This bill deals with school district boundaries as they relate to the boundaries of cities and towns. Section 2 of the bill contains a

Veto message.

Veto message. standard emergency clause. I have followed the practice of vetoing emergency clauses on bills submitted to me whenever no genuine emergency existed.

"An emergency clause defeats the right of the people to reject a bill by referendum and, therefore, should be sparingly used by the legislature. I can see no reason why this bill should not take effect 90 days after adjournment in the same manner as other legislation.

"Therefore, I have vetoed Section 2. The remainder of House Bill No. 132 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 109.

[House Bill No. 520.]

ENCUMBERED OR LEASED PROPERTY—CONVERSION,
DESTRUCTION, ETC.

AN ACT relating to crimes and punishment, and amending section 377, chapter 249, Laws of 1909 and RCW 9.45.060; adding a new section; and providing penalties.

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

RCW 9.45.060 amended.

SECTION 1. Section 377, chapter 249, Laws of 1909 and RCW 9.45.060 are each amended to read as follows:

Destruction, conversion, or removal of mortgaged or rented property—Gross misdemeanor.

Every person being in possession thereof, who shall remove, conceal, convert to his own use, or destroy or connive at or consent to the removal, conversion, concealment or destruction of any personal property or any part thereof, upon which a mortgage, lien, conditional sales contract rental agreement, or lease exists, in such a manner as to hinder, delay or defraud the holder of such mortgage, lien or conditional sales contracts or such lessor or rentor, or who, with intent to hinder, delay or defraud the holder of such mortgage, lien or conditional sales contract, such lessor, or such rentor shall sell, remove, conceal, convert to his own use, or destroy or connive at or consent to the removal, concealment, conversion or destruction of

such property, or who, having possession thereof, shall wilfully and without reasonable cause fail to deliver leased property to the lessor within ten days after notice of the expiration of the lease has been given to the lessee by registered or certified letter with return receipt requested mailed to the last known address of the lessee, shall be guilty of a gross misdemeanor.

Every rental agreement shall contain a warning that failure promptly to return the rented property may result in a criminal prosecution, and every notice mailed pursuant to the provisions of this act shall clearly state that the renter may be guilty of a crime if he fails to return the property within ten days.

In any prosecution under this section any allegation containing a description of the mortgage, lien, conditional sales contract or lease by reference to the date thereof and names of the parties thereto, shall be sufficiently definite and certain.

Sec. 2. Any person charged with violation of section 1 hereof who successfully defends such action shall be entitled to recover from the renter or lessor all costs, expenses and attorney fees expended in defense of said action, together with reasonable compensation for time lost in defending said action.

Passed the House March 26, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 6, 1965, with the exception of section 2, which was vetoed.

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

Veto message.

"This bill amends a 1909 criminal statute which makes it a gross misdemeanor to conceal, remove or destroy personal property held under lease, mortgage or conditional sale contract. As amended by this bill, the statute will also apply to rented property and to the act of converting personal property to one's own use or willfully and without reasonable cause failing to return a leased or rented article within 10 days after written notice is sent by certified or registered mail.

Veto message.

"House Bill No. 313 which was passed in the regular session of the 1965 legislature made it a felony to fail to return within a reasonable time after notice any motor vehicle, machinery or equipment having a fair market value of more than \$2,000. Although the language is not identical, House Bill No. 520 and House Bill No. 313 are comparable.

"However, section 2 of House Bill No. 520 provides that any person who successfully defends an action brought under section 1 of the bill may recover costs, expenses, attorneys fees, and reasonable compensation for time lost in defending the action from the rentor or lessor of the property. No comparable provision was contained in House Bill No. 313. Moreover, section 1 is not limited to rented or leased property but also property held under mortgage, lien or conditional sale contract. In addition, the provisions of section 2 would not only apply to a failure to return rented or leased property but also to its destruction, conversion, removal or concealment.

"Section 2 is undoubtedly intended to deter owners of property from using law enforcement agencies as collection agents or as a substitute for civil process. I share this concern; however section 2 would introduce a new concept into our criminal laws and would make the owner of property the guarantor of all actions taken by the law enforcement officers, prosecutors and judges who might be involved with the criminal proceeding. I do not believe that imposing this responsibility upon owners of property would be wise.

"For the foregoing reasons I have vetoed section 2. The remainder of House Bill No. 520 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 110.

[Senate Bill No. 389.]

JUSTICES OF THE PEACE.

AN ACT relating to the judiciary and to justices of the peace and other inferior courts; amending sections 10, 26 and 27, chapter 299, Laws of 1961 and RCW 3.34.010, 3.38.020 and 3.38.030; amending section 4, chapter 156, Laws of 1951 and RCW 3.16.004; and adding new sections to chapter 299, Laws of 1961 and to chapters 3.38 and 3.66 RCW, and validating certain procedures.

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

SECTION 1. Section 26, chapter 299, Laws of 1961 and RCW 3.38.020 are each amended to read as follows:

RCW 3.38.020 amended.

Upon the classification of any county as a class A county, or upon the adoption of a resolution by majority vote of the board of county commissioners of any county of the first, second, third, fourth, fifth, sixth, eighth or ninth class electing to make the provisions of chapters 3.30 through 3.74 applicable to their county, the justice court districting committee shall become activated and shall meet at the call of the prosecuting attorney to prepare a plan for the districting of the county into one or more justice court districts in accordance with the provisions of chapters 3.30 through 3.74, which plan shall include the following:

Justices of the peace. Justice court districting committee—Duties.

- (1) The boundaries of each justice court district proposed to be established;
- (2) The number of justices to be elected in each justice court district;
- (3) The location of the central office, courtrooms and records of each court;
- (4) The other places in the justice court district, if any, where the court shall sit;

Justices of the
peace. Justice
court
districting
committee—
Duties.

(5) The number and location of justice court commissioners to be authorized, if any;

(6) The departments, if any, into which each justice court shall be initially organized, including municipal departments provided for in chapter 3.46;

(7) The name of each justice court district; and

(8) The allocation of the time and allocation of salary of each justice who will serve part time in a municipal department.

Not later than three months after the classification of the county as class A or the adoption of the elective resolution by the county commissioners, the plan shall be transmitted to the county commissioners.

RCW 3.38.030
amended.

SEC. 2. Section 27, chapter 299, Laws of 1961 and RCW 3.38.030 are each amended to read as follows:

Justice court
districting
plan—
Adoption.

Upon receipt of the justice court districting plan, the county commissioners shall hold a public hearing, pursuant to the provisions of RCW 36.32.120(7), as now or hereafter amended. At the hearing, anyone interested in the plan may attend and be heard as to the convenience which will be afforded to the public by the plan, and as to any other matters pertaining thereto. If the commissioners find that the plan proposed by the districting committee conforms to the standards set forth in chapters 3.30 through 3.74 and is conducive to the best interests and welfare of the county, as a whole it may adopt such plan. If the commissioners find that such plan does not conform to the standards as provided in chapters 3.30 through 3.74, they may modify, revise or amend the plan and adopt such amended or revised plan as the county's justice court districting plan. The plan decided upon shall be adopted by the county commissioners not later than six months after the classification of the county as class A or the adoption of the elective resolution.

SEC. 3. There is added to chapter 299, Laws of 1961 and to chapter 3.38 RCW a new section to read as follows:

New section.

As a part of the justice court districting plan, the county commissioners shall designate a date on which the terms of the justices of the peace of the county shall end.

Plan to designate date justice terms end—Appointment of new justices.

For each justice position under the districting plan, the county commissioners shall appoint a person qualified under RCW 3.34.060 who shall take office on the date designated by the county commissioners and shall serve until the next quadrennial election of justices of the peace as provided in RCW 3.34.050.

Pending cases, proceedings, and matters shall be transferred to the appropriate court as provided in RCW 3.74.900.

SEC. 4. Any prior action by the county commissioners of any county of the first, second, third, fourth, fifth, sixth, seventh, eighth or ninth class to make the provisions of chapters 3.30 through 3.74 applicable to their county and the organization of any justice court as a result thereof, and all other things and proceedings done or taken by such county or by their respective officers acting under or in pursuance to such prior action and organization are hereby declared legal and valid and of full force and effect.

Prior acts validated.

SEC. 5. Section 10, chapter 299, Laws of 1961 and RCW 3.34.010 are each amended to read as follows:

RCW 3.34.010 amended.

The number of justices of the peace to be elected in each county shall be: Adams, three; Asotin, one; Benton, four; Chelan, four; Clallam, one; Clark, four; Columbia, one; Cowlitz, two; Douglas, two; Ferry, two; Franklin, one; Garfield, one; Grant, three; Grays Harbor, four; Island, three; Jefferson,

Justices of the peace—Number for each county.

Justices of the peace. Number for each county.

one; King, twenty; Kitsap, two; Kittitas, two; Klickitat, two; Lewis, four; Lincoln, four; Mason, one; Okanogan, two; Pacific, three; Pend Oreille, two; Pierce, eight; San Juan, one; Skagit, three; Skamania, two; Snohomish, six; Spokane, seven; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, two; Yakima, six.

RCW 3.16.004 amended.

SEC. 6. Section 4, chapter 156, Laws of 1951 and RCW 3.16.004 are each amended to read as follows:

Justices salary—Cities over twenty thousand—Full time—Allocation.

Effective the second Monday in January, 1967, in cities having a population of more than twenty thousand, the justices of the peace shall devote their full time to the duties of the office and shall not engage in the practice of law; the annual salary shall be two-thirds of the amount provided by statute as the salary for the position of superior court judge or twelve thousand five hundred dollars, whichever is greater: *Provided further*, That where justices of the peace in cities over the population of twenty thousand are also acting as police judges, five thousand dollars of their salaries as hereinabove provided shall be charged against the counties and the remainder shall be paid by the municipality.

New section.

SEC. 7. There is added to chapter 299, Laws of 1961, and to chapter 3.66 RCW, a new section to read as follows:

Justice to assess criminal punishment—May commit case to superior court.

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

SEC. 8. If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable. Severability.

Passed the Senate April 4, 1965.

Passed the House April 3, 1965.

Approved by the Governor April 8, 1965.

CHAPTER 111.

[Substitute Senate Bill No. 167.]

MUNICIPAL TRANSPORTATION—TAX SUBSIDIES.

AN ACT relating to public transportation systems; and authorizing municipal tax subsidies therefor.

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

SECTION 1. We, the legislature find that an increasing number of municipally owned, or leased, and operated transportation systems in the cities of the state of Washington, as in the nation, are finding it impossible, from the revenues derived from tolls, tariffs and fares, to maintain the financial solvency of such systems, and as a result thereof such municipalities have been forced to subsidize such systems to the detriment of other essential public services.

Municipal transportation systems. Legislative declaration—Public purpose.

All persons in a community benefit from a solvent and adequate public transportation system, either directly or indirectly, and the responsibility of financing the operation, maintenance, and capital needs of such systems is a community obligation and responsibility which should be shared by all.

Municipal
transportation systems.
Legislative
declaration—
Public
purpose.

We further find and declare that the maintenance and operation of an adequate public transportation system is an absolute necessity and is essential to the economic, industrial and cultural growth, development and prosperity of a municipality and of the state and nation, and to protect the health and welfare of the residents of such municipalities and the public in general.

We further find and declare that the appropriation of general funds and levying and collection of taxes by such municipalities as authorized in the succeeding sections of this act is necessary, and any funds so derived and expended are for a public purpose for which public funds may properly be used.

Definitions.

SEC. 2. The following terms, however used or referred to in this chapter, shall have the following meanings, unless a different meaning is required by the context:

(1) "Corporate authority" shall mean the council or other legislative body of a municipality.

(2) "Municipality" shall mean any incorporated city of the first class in the state.

(3) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, school district or political subdivision of the state, fraternal, benevolent, religious or charitable society, club or organization, and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity. The term "person" shall not be construed to include the United States nor the state of Washington.

SEC. 3. The corporate authorities of any municipality are authorized to appropriate general funds for the operation, maintenance, and capital needs of municipally owned or leased and municipally op-

erated public transportation systems subject to the right of referendum as provided by statute or charter.

SEC. 4. The corporate authorities of a municipality are authorized to adopt ordinances for the levy and collection of excise taxes and/or for the imposition of an additional tax for the act or privilege of engaging in business activities. Such business and occupation tax shall be imposed in such amounts as fixed and determined by the corporate authorities of the municipality and shall be measured by the application of rates against value of products, gross proceeds of sales, or gross income of the business, as the case may be. The terms "business", "engaging in business", "gross proceeds of sales", and "gross income of the business" shall for the purpose of this act have the same meanings as defined and set forth in chapter 82.04 RCW or as said chapter may hereafter be amended.

Excise,
business and
occupation
tax to finance
system
authorized—
Limitation.

The excise taxes other than the business and occupation tax above provided for shall be levied and collected from all persons within the municipality who are served and billed for any one or more public utility services owned and operated by such municipality in such amounts as shall be fixed and determined by the corporate authorities of the municipality: *Provided*, That such excise tax shall not exceed one dollar per month for each housing unit. For the purposes of this section, the term "housing unit" shall mean a building or portion thereof designed for or used as the residence or living quarters of one or more persons living together, or of one family.

All taxes herein authorized shall be taxes other than a retail sales tax defined in chapter 82.08 RCW and a use tax defined in chapter 82.12 RCW, and the municipality shall appropriate and use the proceeds derived from all taxes authorized herein only

for the operation, maintenance and capital needs of its municipally owned or leased and municipally operated public transportation system.

Municipal transportation systems. Tax—Billing and collecting—Identification.

SEC. 5. The tax levied under the provisions of section 4 of this act shall be billed and collected at such times and in the manner fixed and determined by the corporate authorities in an ordinance levying the tax: *Provided*, That the tax shall be designated and identified as a tax to be used solely for the operation, maintenance, and capital needs of the municipally owned or leased and municipally operated public transit system.

Tax not income, earnings or revenue of system.

SEC. 6. No funds derived from any tax levied under the provisions of this act shall, for any purpose whatsoever, be classified as or constitute income, earnings, or revenue of the public transportation system for which the tax is levied nor of any other public utility owned or leased and operated by such municipality; nor shall such funds constitute or be classified as any part of the rate structure or rate charged for the public utility.

Leased system—Limitation on price if purchase contemplated.

SEC. 7. In the event the corporate authorities of any municipality during the term of a lease or any renewal thereof of a public transportation system desire to purchase the said system, the purchase price shall be no greater than the fair market value of the said system at the commencement of the lease.

Referendum on ordinances implementing act.

SEC. 8. Nothing contained in this act nor the provisions of any city charter shall prevent a referendum on any ordinance or action adopted or taken by any municipality under the provisions of this act.

Severability.

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.

Municipal
transportation
systems.

Passed the Senate March 29, 1965.

Passed the House March 24, 1965.

Approved by the Governor April 8, 1965.

CHAPTER 112.

[Senate Bill No. 8.]

VAGRANCY.

AN ACT relating to vagrancy; defining crimes and prescribing penalties; and amending section 436, chapter 249, Laws of 1909 and RCW 9.87.010.

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

SECTION 1. Section 436, chapter 249, Laws of 1909 and RCW 9.87.010 are each amended to read as follows:

RCW 9.87.010
amended.

Every—

Vagrancy.
Defined—
Penalty.

(1) Person who asks or receives any compensation, gratuity or reward for practicing fortunetelling, palmistry or clairvoyance; or,

(2) Person who keeps a place where lost or stolen property is concealed; or,

(3) Person practicing or soliciting prostitution or keeping a house of prostitution; or,

(4) Common drunkards found in any place where intoxicating liquors are sold or kept for sale, or in an intoxicated condition; or,

(5) Common gambler found in any place where gambling is conducted or where gambling paraphernalia or devices are kept; or,

(6) Healthy person who solicits alms; or,

(7) Lewd, disorderly or dissolute person; or,

Vagrancy.
Defined—
Penalty.

(8) Person who lodges in any barn, shed, shop, outhouse, vessel, car, saloon or other place not kept for lodging purposes, without the permission of the owner or person entitled to the possession thereof; or,

(9) Person who lives or works in a house of prostitution or solicits for any prostitute or house of prostitution; or,

(10) Person who solicits business for an attorney around any court, jail, morgue or hospital, or elsewhere; or,

(11) Habitual user of opium, morphine, alkaloid-cocaine or alpha or beta eucaine, or any derivation, mixture or preparation of any of them; or,

(12) Person who by his own confession thereto or prior conviction thereof is known to have been guilty of larceny, burglary, robbery or any crime of which fraud or an intent to defraud is an element, who shall be found in any drinking saloon or cellar, or any public dance hall or music hall where intoxicating liquors are sold, or be found intoxicated, or who, except upon lawful business, shall go about any dark street or alley or any residence section of any city or town in the nighttime, or loiter about any steamboat landing, passenger depot, banking institution or crowded street, shop or thoroughfare, or any public meeting or gathering, or place where people gather in crowds; or,

(13) Person, except a person enrolled as a student in or parents or guardians of such students or person employed by such school or institution, who without a lawful purpose therefor wilfully loiters about the building or buildings of any public or private school or institution of higher learning or the public premises adjacent thereto—

Is a vagrant, and shall be punished by imprisonment in the county jail for not more than six

months, or by a fine of not more than five hundred dollars.

SEC. 2. *Severability.* If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable. Severability.

Passed the Senate March 29, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 8, 1965.

CHAPTER 113.

[Senate Bill No. 78.]

FIRE PROTECTION DISTRICTS—EXCESS LEVIES.

AN ACT relating to fire protection districts; establishing the number of voters necessary for an election to authorize excess property tax levies; amending section 84.52.052, chapter 15, Laws of 1961, as amended by section 1, chapter 112, Laws of 1963, and RCW 84.52.052.

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

SECTION 1. Section 84.52.052, chapter 15, Laws of 1961, as amended by section 1, chapter 112, Laws of 1963, and RCW 84.52.052 are each amended to read as follows:

RCW 84.52.052 defined.

The limitations imposed by RCW 84.52.050 through 84.52.056, shall not prevent the levy of additional taxes, not in excess of five mills a year and without anticipation of delinquencies in payment of taxes, in an amount equal to the interest and principal payable in the next succeeding year on general obligation bonds, outstanding on December 6, 1934, issued by or through the agency of the state,

Property taxes. Excess levies authorized—When—Procedure.

Property
taxes. Excess
levies au-
thorized—
When—
Procedure.

or any county, city, town, or school district, or the levy of additional taxes to pay interest on or toward the reduction, at the rates provided by statute, of the principal of county, city, town, or school district warrants outstanding on December 6, 1932; but this millage limitation with respect to general obligation bonds shall not apply to any taxing district in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, school district, metropolitan park district, park and recreation district in Class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county 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, when authorized so to do by the electors of such county, school district, metropolitan park district, park and recreation district in Class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, and not oftener than twice in such year, in the manner provided by law for holding general elections, at such time as may be fixed by the body authorized to call the same, which special election may be called by the board of county commissioners, board of school directors, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation district in Class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural

county library district, intercounty rural library district, fire protection district, cemetery district, city or town, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition of 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": *Provided*, That the total number of persons voting at such special election must constitute not less than forty percent of the voters in said taxing district who voted at the last preceding general state election: *Provided further*, That the total number of persons voting on an excess levy for school district purposes or for fire protection purposes or for cities and towns at any such special election of such districts or of any city or town must constitute not less than forty percent of the voters in such taxing districts or in any city or town, as the case may be who voted at the last preceding general election in such district.

Passed the Senate March 29, 1965.

Passed the House March 24, 1965.

Approved by the Governor April 8, 1965.

CHAPTER 114.

[Senate Bill No. 117.]

COURT REPORTERS—COMPENSATION.

AN Act relating to court reporters; and amending section 1, chapter 210, Laws of 1951, as last amended by section 1, chapter 121, Laws of 1961 and RCW 2.32.210.

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

RCW 2.32.210
amended.

SECTION 1. Section 1, chapter 210, Laws of 1951 as last amended by section 1, chapter 121, Laws of 1961, and RCW 2.32.210 are each amended to read as follows:

Court
reporters.
Salaries—
Expenses in
joint districts.

Each official reporter shall be paid compensation as follows:

(1) In judicial districts comprised of class AA counties, such salary as shall be fixed by the judges of said counties and approved by the board of county commissioners of said class AA counties;

(2) In all judicial districts having a total population of one hundred thousand or over, excluding class AA counties, seven thousand six hundred dollars per annum; in the judicial district containing the state capitol, seven thousand six hundred dollars per annum regardless of population;

(3) In judicial districts having a total population of forty thousand or more and less than one hundred thousand, seven thousand dollars per annum.

(4) In judicial districts having a total population of twenty-five thousand and under forty thousand, five thousand four hundred dollars per annum.

Said compensation shall be paid out of the current expense fund of the county where court is held.

In judicial districts comprising more than one county the judge or judges thereof shall, on the

first day of January of each year, or as soon thereafter as may be convenient, apportion the amount of the salary to be paid to the reporter by each county according and in proportion to the number of criminal and civil actions entered and commenced in superior court of the constituent counties in the preceding year. In addition to the salary above provided, in judicial districts comprising more than one county, the reporter shall receive his actual and necessary expenses of transportation and living expenses when he goes on official business to a county of his judicial district other than the county in which he resides, from the time he leaves his place of residence until he returns thereto, said expense to be paid by the county to which he travels. If one trip includes two or more counties, the expense may be apportioned between the counties visited in proportion to the amount of time spent in each county on the trip. If an official reporter uses his own automobile for the purpose of such transportation, he shall be paid therefor at the same rate per mile as county officials are paid for use of their private automobiles. The sworn statement of the official reporter, when certified to as correct by the judge presiding, shall be a sufficient voucher upon which the county auditor shall draw his warrant upon the treasurer of the county in favor of the official reporter.

The salaries of official court reporters shall be paid upon sworn statements, when certified as correct by the judge presiding, as state and county officers are paid.

Passed the Senate March 29, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 8, 1965.

CHAPTER 115.

[Senate Bill No. 235.]

CITIES AND TOWNS—MUNICIPAL CODE COMMITTEE.

AN ACT relating to cities and towns; authorizing the preparation of a code of laws for the government thereof; creating a temporary municipal code committee; allocating to the committee moneys from the cities' and towns' share of excess moneys in the liquor revolving fund; declaring an emergency; and providing that this act shall expire June 30, 1967.

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

Municipal
code
committee.
Members—
Appointment
—Terms—
Officers—Ex-
penses—Ini-
tial meeting
—Employees.

SECTION 1. There shall be a temporary committee which shall be known as the municipal code committee. Such committee shall be composed of five members, one to be appointed by the state senate and one to be appointed by the house of representatives, and the other three members, who shall be city officials, shall be appointed by the executive committee of the association of Washington cities as the official representative of cities and towns in the state. Of the members appointed by the association, one shall be an official of a first class city; one shall be an official of either a second or third class city; and one shall be an official of a town.

The terms of members shall be for the duration of this act and shall not be dependent upon continuance in legislative or city office. Vacancies shall be filled in the same manner as original appointments are made. Members shall be appointed within thirty days after the effective date of this act and their certificates of appointment shall be filed in the offices of the association. The initial meeting of the committee shall be held within thirty days after the last day for filing appointments, and shall be called by the member who is an official of a first class city who shall act as a temporary chairman.

At such first meeting, the committee shall elect a chairman and a vice chairman and appoint a secretary.

Committee members shall receive no compensation but shall be reimbursed for travel expense and subsistence at rates provided by law for state officials generally.

The committee may employ such legal, technical, and clerical assistance as may be required to carry out its duties. The persons employed to supply legal and technical assistance shall be familiar with the operation of municipal corporations and the laws relating thereto.

SEC. 2. The committee shall prepare and submit to the fortieth legislature, in bill form, a code of laws for the government of cities and towns which shall include a form of statutory home rule. Such code may revise existing law or may be so designed as not to affect existing law but rather to provide an alternative code of laws for the classification and government of cities and towns, which any city or town may elect to adopt.

Code to be submitted to legislature.

In formulating such code, the committee may hold such hearings as may be necessary and shall decide all questions of policy relating thereto.

SEC. 3. At the second distribution in the year 1965 of the share of excess moneys in the liquor revolving fund to be allocated to the incorporated cities and towns pursuant to RCW 66.08.210, before apportionment to the eligible cities and towns as provided in that section, there shall be distributed from such share, to the temporary municipal code committee, the sum of fifty thousand dollars for the purpose of preparing and submitting to the fortieth legislature, in bill form, a code of laws for the government of cities and towns; and any portion thereof which may be unexpended on April 1, 1967 shall

Share of liquor revolving moneys to go to committee—Disposition—Audit of funds.

Municipal
code commit-
tee. Share of
liquor revolv-
ing moneys
to go to—
Disposition—
Audit of
funds.

revert to the cities' and towns' share and shall be divided among the eligible cities and towns as provided in RCW 66.08.210.

The money so distributed shall be deposited by the committee in any bank which is qualified as a state depository and such deposit shall be deemed to be outside the state treasury but shall be secured as provided in chapter 43.85 RCW. Such money may be disbursed in payment of the expenses of the committee by check signed by the chairman of the committee and countersigned by the vice chairman. All such moneys and expenditures shall be audited by the state auditor in accordance with the provisions of RCW 43.88.160 (3).

Emergency.

SEC. 4. This act is necessary for the immediate preservation of the public peace, health and safety and the support of the state government and its existing institutions, and shall take effect immediately.

Expiration.

SEC. 5. This act shall expire on June 30, 1967.

Passed the Senate March 29, 1965.

Passed the House March 24, 1965.

Approved by the Governor April 8, 1965.

CHAPTER 116.

[Senate Bill No. 236.]

CITIES AND TOWNS.

AN ACT relating to cities and towns; amending sections 35.18-.060, 35.22.280, 35.22.420, 35.22.460, 35.22.480, 35.23.210, 35.23.440, 35.23.600, 35.24.020, 35.24.290, 35.24.450, 35.24.460, 35.24.470, 35.27.070, 35.27.370, 35.27.520, 35.27.530, and 35.27-.540, chapter 7, Laws of 1965 (Senate Bill No. 3) as amended by chapter 94, Laws of 1965 (Engrossed Senate Bill No. 94) and by chapter 127, Laws of 1965 (Senate Bill No. 350) and RCW 35.18.060, 35.22.280, 35.22.420, 35.22.460, 35-.22.480, 35.23.210, 35.23.440, 35.23.600, 35.24.020, 35.24.290, 35.24.450, 35.24.460, 35.24.470, 35.27.070, 35.27.370, 35.27.520, 35.27.530, and 35.27.540; and repealing section 35.22.470, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35-.22.470.

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

SECTION 1. Section 35.18.060, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.18.060 are each amended to read as follows:

RCW 35.18.060
amended.

The powers and duties of the city manager shall be:

Cities and
towns. Coun-
cil-manager
plan. City
manager—
Authority.

(1) To have general supervision over the administrative affairs of the municipality;

(2) To appoint and remove at any time all department heads, officers, and employees of the city or town, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: *Provided*, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of the city planning commission, and other advisory citizens' committees, commissions and boards advisory to the city council: *Provided further*, That the city manager shall appoint the police judge to a term of four years, subject to confirmation by the council. The police judge may be removed only on conviction of malfeasance or misconduct in office,

Cities and towns. Council-manager plan. City manager—Authority.

or because of physical or mental disability rendering him incapable of performing the duties of his office. The council may cause an audit to be made of any department or office of the city or town government and may select the persons to make it, without the advice or consent of the city manager;

(3) To attend all meetings of the council at which his attendance may be required by that body;

(4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;

(5) To recommend for adoption by the council such measures as he may deem necessary or expedient;

(6) To prepare and submit to the council such reports as may be required by that body or as he may deem it advisable to submit;

(7) To keep the council fully advised of the financial condition of the city or town and its future needs;

(8) To prepare and submit to the council a tentative budget for the fiscal year;

(9) To perform such other duties as the council may determine by ordinance or resolution.

RCW 35.22.280 amended.

SEC. 2. Section 35.22.280, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.22.280 are each amended to read as follows:

First class cities. Specific powers enumerated.

Any city of the first class shall have power:

(1) To provide for general and special elections, for questions to be voted upon, and for the election of officers;

(2) To provide for levying and collecting taxes on real and personal property for its corporate uses and purposes, and to provide for the payment of the debts and expenses of the corporation;

(3) To control the finances and property of the corporation, and to acquire, by purchase or other-

wise, such lands and other property as may be necessary for any part of the corporate uses provided for by its charter, and to dispose of any such property as the interests of the corporation may, from time to time, require;

(4) To borrow money for corporate purposes on the credit of the corporation, and to issue negotiable bonds therefor, on such conditions and in such manner as shall be prescribed in its charter; but no city shall, in any manner or for any purpose, become indebted to an amount in the aggregate to exceed the limitation of indebtedness prescribed by chapter 39.36 RCW as now or hereafter amended;

(5) To issue bonds in place of or to supply means to meet maturing bonds or other indebtedness, or for the consolidation or funding of the same;

(6) To purchase or appropriate private property within or without its corporate limits, for its corporate uses, upon making just compensation to the owners thereof, and to institute and maintain such proceedings as may be authorized by the general laws of the state for the appropriation of private property for public use;

(7) To lay out, establish, open, alter, widen, extend, grade, pave, plank, establish grades, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and other public grounds, and to regulate and control the use thereof, and to vacate the same, and to authorize or prohibit the use of electricity at, in, or upon any of said streets, or for other purposes, and to prescribe the terms and conditions upon which the same may be so used, and to regulate the use thereof;

(8) To change the grade of any street, highway, or alley within its corporate limits, and to provide for the payment of damages to any abutting owner or owners who shall have built or made other improvements upon such street, highway, or alley at

Cities and towns. First class cities. Specific powers enumerated.

any point opposite to the point where such change shall be made with reference to the grade of such street, highway, or alley as the same existed prior to such change;

(9) To authorize or prohibit the locating and constructing of any railroad or street railroad in any street, alley, or public place in such city, and to prescribe the terms and conditions upon which any such railroad or street railroad shall be located or constructed; to provide for the alteration, change of grade, or removal thereof; to regulate the moving and operation of railroad and street railroad trains, cars, and locomotives within the corporate limits of said city; and to provide by ordinance for the protection of all persons and property against injury in the use of such railroads or street railroads;

(10) To provide for making local improvements, and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof;

(11) To acquire, by purchase or otherwise, lands for public parks within or without the limits of such city, and to improve the same;

(12) To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof;

(13) To determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining contiguous, or proximate property, or others specially benefited thereby; and to provide for the manner of making and collecting assessments therefor;

(14) To provide for erecting, purchasing, or otherwise acquiring waterworks, within or without the corporate limits of said city, to supply said city and its inhabitants with water, or authorize the construction of same by others when deemed for the best interests of such city and its inhabitants,

and to regulate and control the use and price of the water so supplied;

(15) To provide for lighting the streets and all public places, and for furnishing the inhabitants thereof with gas or other lights, and to erect, or otherwise acquire, and to maintain the same, or to authorize the erection and maintenance of such works as may be necessary and convenient therefor, and to regulate and control the use thereof;

(16) To establish and regulate markets, and to provide for the weighing, measuring, and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of proper legal weights and measures by all vendors in such city, and to provide for the inspection thereof;

(17) To erect and establish hospitals and pest-houses, and to control and regulate the same;

(18) To erect and establish work houses and jails, and to control and regulate the same, and to provide for the working of prisoners confined therein;

(19) To provide for establishing and maintaining reform schools for juvenile offenders;

(20) To provide for the establishment and maintenance of public libraries, and to appropriate, annually, such percent of all moneys collected for fines, penalties, and licenses as shall be prescribed by its charter, for the support of a city library, which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public;

(21) To regulate the burial of the dead, and to establish and regulate cemeteries within or without the corporate limits, and to acquire land therefor by purchase or otherwise; to cause cemeteries to be removed beyond the limits of the corporation,

Cities and towns. First class cities. Specific powers enumerated.

and to prohibit their establishment within two miles of the boundaries thereof;

(22) To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety shall be carried on, and to regulate the management thereof; and to prohibit the erection or maintenance of such buildings or structures, or the carrying on of such trade or occupation within the limits of such corporation, or within the distance of two miles beyond the boundaries thereof;

(23) To provide for the prevention and extinguishment of fires and to regulate or prohibit the transportation, keeping, or storage of all combustible or explosive materials within its corporate limits, and to regulate and restrain the use of fireworks;

(24) To establish fire limits and to make all such regulations for the erection and maintenance of buildings or other structures within its corporate limits as the safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in safe condition;

(25) To regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained;

(26) To deepen, widen, dock, cover, wall, alter, or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, slips, public landing places, wharves, docks, and levees, and to control and regulate the use thereof;

(27) To control, regulate, or prohibit the anchorage, moorage, and landing of all watercrafts and their cargoes within the jurisdiction of the corporation;

(28) To fix the rates of wharfage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States;

(29) To license, regulate, control, or restrain wharf boats, tugs, and other boats used about the harbor or within such jurisdiction;

(30) To require the owners of public halls or other buildings to provide suitable means of exit; to provide for the prevention and abatement of nuisances, for the cleaning and purification of water-courses and canals, for the drainage and filling up of ponds on private property within its limits, when the same shall be offensive to the senses or dangerous to health; to regulate and control, and to prevent and punish, the defilement or pollution of all streams running through or into its corporate limits, and for the distance of five miles beyond its corporate limits, and on any stream or lake from which the water supply of said city is taken, for a distance of five miles beyond its source of supply; to provide for the cleaning of areas, vaults, and other places within its corporate limits which may be so kept as to become offensive to the senses or dangerous to health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all persons afflicted with any infectious or contagious disease to some suitable place to be provided for that purpose;

(31) To declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist;

(32) To regulate the selling or giving away of intoxicating, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the

Cities and towns. First class cities. Specific powers enumerated.

state: *Provided*, That no license shall be granted to any person or persons who shall not first comply with the general laws of the state in force at the time the same is granted;

(33) To grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same: *Provided*, That no license shall be granted to continue for longer than one year from the date thereof;

(34) To regulate the carrying on within its corporate limits of all occupations which are of such a nature as to affect the public health or the good order of said city, or to disturb the public peace, and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them;

(35) To restrain and provide for the punishment of vagrants, mendicants, prostitutes, and other disorderly persons;

(36) To provide for the punishment of all disorderly conduct, and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace, and good order within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city. The punishment shall not exceed a fine of five hundred dollars or imprisonment in the city jail for six months, or both such fine and imprisonment;

(37) To project or extend its streets over and across any tidelands within its corporate limits, and along or across the harbor areas of such city, in such manner as will best promote the interests of commerce;

(38) To provide in their respective charters for a method to propose and adopt amendments thereto.

SEC. 3. Section 35.22.420, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.22.420 are each amended to read as follows:

RCW 35.22.420 amended.

The mayor of each city of the first class shall, within ten days after the justices of the peace are elected at the quadrennial election appoint either one of the justices of the peace elected thereat or any practicing attorney as police justice or police judge, who shall be designated as municipal judge of the city and whose term as municipal judge shall be four years: *Provided*, That in cities where the term of office of mayor is less than four years, the term of the municipal judge shall begin and end at the same time as that of the mayor. The appointee shall, before entering upon the duties of his office as municipal judge, give such bond or additional bond for the faithful performance of his duties as the legislative authority of the city may by ordinance direct.

Designation of police judge—
Term—Additional judge—
Grounds for removal—
Traffic cases segregated.

Any city of the first class may by ordinance provide for one additional municipal judge appointive in like manner as above provided, and who, upon appointment and qualification, shall enjoy all the powers and perform all the duties imposed upon police judges by law, and who shall, before entering upon the duties of municipal judge, give such bond for the faithful performance of his duties as municipal judge as the legislative authority of the city may by ordinance direct. Any municipal judge shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering him incapable of performing the duties of his office.

Such additional municipal judge may appoint a clerk who shall be paid such salary out of the funds of the city as may be provided by ordi-

Cities and towns. First class cities. Additional police judge—Traffic cases segregated.

nance. A suitable place for holding court by such additional municipal judge shall be provided and maintained by the city. The salary of such additional municipal judge shall be fixed by ordinance and paid wholly by the city in equal monthly installments in addition to his salary as justice of the peace, if he is a justice of the peace.

This section is intended to authorize cities of the first class to expedite the handling of traffic offense cases under the laws thereof, and the mayor, in making appointments of municipal judges shall designate which of the judges shall be primarily responsible for the handling of city traffic cases, the trial of which in such cities shall, so far as practicable, be segregated from other municipal court trials.

RCW 35.22.460 amended.

SEC. 4. Section 35.22.460, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.22.460 are each amended to read as follows:

Jurisdiction of police judge.

The police judge in cities of the first class, in addition to powers he may have as justice of the peace, shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license, penalty, or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and pronounce judgment in accordance therewith and full power to issue all warrants and process necessary to effecuate the ordinances of the city. Such police judge shall have jurisdiction to impose a fine or imprisonment, or both such fine and imprisonment, in all cases where such penalty shall be prescribed by ordinance. In the trial of actions brought for violating any city ordinance, no jury shall be allowed.

SEC. 5. Section 35.22.480, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.22.480 are each amended to read as follows:

RCW 35.22.480 amended.

Such police judge, if he is a justice of the peace, shall in the conduct of the business of the court give preference to cases arising under ordinances of the city; then to prosecutions for violation of the criminal laws of the state of Washington within the city; then to civil causes coming before him upon change of venue from another justice of the peace in the city. No change of venue shall be allowed from such police judge in actions brought for violations of city ordinances.

Precedence of cases.

SEC. 6. Section 35.23.210, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.23.210 are each amended to read as follows:

RCW 35.23.210 amended.

Subject to applicable civil service laws any appointive officer, except police judges who are appointed may be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering him incapable of performing the duties of his office, may be removed:

Second class cities. Removal of appointive officers.

(1) By the mayor for any cause by him deemed sufficient by and with the concurrence of the vote of at least six members of the city council: *Provided*, That the chief of police may be removed by the mayor without the concurrence of the city council; or

(2) By the affirmative vote of nine councilmen upon their own initiative.

SEC. 7. Section 35.23.440, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.23.440 are each amended to read as follows:

RCW 35.23.440 amended.

The city council of each second class city shall have power and authority:

Specific powers enumerated.

Cities and towns. Second class cities. Specific powers enumerated.

(1) Ordinances: To make and pass all ordinances, orders and resolutions not repugnant to the Constitution of the United States or the state of Washington, or the provisions of this title, necessary for the municipal government and management of the affairs of the city, for the execution of the powers vested in said body corporate, and for the carrying into effect of the provisions of this title.

(2) License of shows: To fix and collect a license tax, for the purposes of revenue and regulation, on theatres, melodeons, balls, concerts, dances, theatrical, circus or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participators; also all shows, billiard tables, pool tables, bowling alleys, exhibitions, or amusements.

(3) Hotels, etc., licenses: To fix and collect a license tax for the purposes of revenue and regulation on and to regulate all taverns, hotels, restaurants, banks, brokers, manufactories, livery stables, express companies and persons engaged in transmitting letters or packages, railroad, stage and steamboat companies or owners, whose principal place of business is in such city, or who have an agency therein.

(4) Auctioneers' licenses: To license and regulate auctioneers for the purposes of revenue and regulation.

(5) Peddlers', etc., licenses: To license, for the purposes of revenue and regulation, tax, prohibit, suppress and regulate all raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths or sheds; and to regulate as authorized by state law all tippling houses, dram shops, saloons, bars and barrooms.

(6) Dance houses: To prohibit or suppress, or to license and regulate all dance houses, fandango houses, or any exhibition or show of any animal or animals.

(7) License vehicles: To license for the purposes of revenue and regulation, and to tax hackney coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage and property.

(8) Hotel runners: To license or suppress runners for steamboats, taverns, or hotels.

(9) License generally: To fix and collect a license tax for the purposes of revenue and regulation, upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: *Provided*, That on any business, trade, or calling not provided by law to be licensed for state and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require.

(10) Riots: To prevent and restrain any riot or riotous assemblages, disturbance of the peace or disorderly conduct in any place, house or street in the city.

(11) Nuisances: To declare what shall be deemed nuisances; to prevent, remove and abate nuisances at the expense of the parties creating, causing or committing or maintaining the same, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same.

(12) Stock pound: To establish, maintain and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other

Cities and towns. Second class cities. Specific powers enumerated.

source; to prevent and regulate the running at large of any and all domestic animals within the city limits or any parts thereof, and to regulate or prevent the keeping of such animals within any part of the city.

(13) Control of certain trades: To control and regulate slaughterhouses, washhouses, laundries, tanneries, forges and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof.

(14) Street cleaning: To provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards or public grounds of such city, or elsewhere therein.

(15) City jail: To establish, alter and repair city prisons and to provide for the regulation of the same, and for the safekeeping of persons committed thereto; to provide for the care, feeding and clothing of the city prisoners; to provide for the formation of a chain gang for persons convicted of crimes or misdemeanors, and their proper employment and compulsory working for the benefit of the city; and also to provide for the arrest and compulsory working of vagrants: *Provided*, That no prisoner shall be required to perform any labor until he has been duly convicted of some offense punishable by imprisonment and duly sentenced thereto.

(16) Gambling, etc.: To prohibit and suppress all gaming and all gambling or disorderly houses, and houses of ill fame, and all immoral and indecent amusements, exhibitions and shows.

(17) Markets: To establish and regulate markets and market places.

(18) Speed of railroad cars: To fix and regulate the speed at which any railroad cars, streetcars, automobiles or other vehicles may run within the city limits, or any portion thereof.

(19) City commons: To provide for and regulate the commons of the city.

(20) Fast driving: To regulate or prohibit fast driving or riding in any portion of the city.

(21) Combustibles: To regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters.

(22) Property: To have, purchase, hold, use and enjoy property of every name or kind whatsoever, and to sell, lease, transfer, mortgage, convey, control or improve the same; to build, erect or construct houses, buildings or structures of any kind needful for the use or purposes of such city.

(23) Fire department: To establish, continue, regulate and maintain a fire department for such city, to change or reorganize the same, and to disband any company or companies of the said department; also, to discontinue and disband said fire department, and to create, organize, establish and maintain a paid fire department for such city.

(24) Water supply: To adopt, enter into and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigation purposes therein.

(25) Overflow of water: To prevent the overflow of the city or to secure its drainage, and to assess the cost thereof to the property benefited.

(26) House numbers: To provide for the numbering of houses.

(27) Health board: To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace and good order of the city; to establish and maintain hospitals within or without the city limits;

Cities and towns. Second class cities. Specific powers enumerated.

to control and regulate interments and to prohibit them within the city limits.

(28) Harbors and wharves: To build, alter, improve, keep in repair and control the waterfront; to erect, regulate and repair wharves, and to fix the rate of wharfage and transit of wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing and removing steamboats, sail vessels, rafts, barges and all other watercraft; to fix the rate of speed at which steamboats and other steam watercraft may run along the waterfront of the city; to build bridges so as not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or watercourses or channels.

(29) License of steamers: To license steamers, boats and vessels used in any watercourse in the city, and to fix and collect a license tax thereon.

(30) Ferry licenses: To license ferries and toll bridges under the law regulating the granting of such license.

(31) Penalty for violation of ordinances: To determine and impose fines for forfeitures and penalties that shall be incurred for the breach or violation of any city ordinance, notwithstanding that the act constituting a violation of any such ordinance may also be punishable under the state laws, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any offense the amount of five hundred dollars or six months' imprisonment, or both; and every violation of any lawful order, regulation or ordinance of the city council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for

the same may be in the name of the state of Washington.

(32) Police department: To create and establish a city police; to prescribe their duties and their compensation and to provide for the regulation and government of the same.

(33) Elections: To provide for conducting elections and establishing election precincts when necessary, to be as near as may be in conformity with the state law.

(34) Examine official accounts: To examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management or disposition of moneys, property or business of the city.

(35) Contracts: To make all appropriations, contracts or agreements for the use or benefit of the city and in the city's name.

(36) Streets and sidewalks: To provide by ordinance for the opening, laying out, altering, extending, repairing, grading, paving, planking, graveling, macadamizing, or otherwise improving of public streets, avenues and other public ways, or any portion of any thereof; and for the construction, regulation and repair of sidewalks and other street improvements, all at the expense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks and squares, and to enforce the observance thereof.

(37) Waterways: To clear, cleanse, alter, straighten, widen, fill up or close any waterway, drain or sewer, or any watercourse in such city when not declared by law to be navigable, and to

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assess the expense thereof, in whole or in part, to the property specially benefited.

(38) Sewerage: To adopt, provide for, establish and maintain a general system of sewerage, draining, or both, and the regulation thereof; to provide funds by local assessments on the property benefited for the purpose aforesaid and to determine the manner, terms and place of connection with main or central lines of pipes, sewers or drains established, and compel compliance with and conformity to such general system of sewerage or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against persons and property, or either, for nonconformity to, or failure to comply with the provisions of such system and regulations or either.

(39) Buildings and parks: To provide for all public buildings, public parks or squares, necessary or proper for the use of the city.

(40) Franchises: To permit the use of the streets for railroad or other public service purposes.

(41) Payment of judgments: To order paid any final judgment against such city, but none of its lands or property of any kind or nature, taxes, revenue, franchise or rights, or interest, shall be attached, levied upon or sold in or under any process whatsoever.

(42) Weighing of fuel: To regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and may prescribe his term of office, and the fees he shall receive for his services: *Provided*, That such fees shall in all cases be paid by the parties requiring such service.

(43) Hospitals, etc.: To erect and establish hospitals and pesthouses and to control and regulate the same.

(44) Waterworks: To provide for the erection, purchase or otherwise acquiring of waterworks within or without the corporate limits of the city to supply such city and its inhabitants with water, and to regulate and control the use and price of the water so supplied.

(45) City lights: To provide for lighting the streets and all public places of the city and for furnishing the inhabitants of the city with gas, electric or other light, and for the ownership, purchase or acquisition, construction, or maintenance of such works as may be necessary or convenient therefor: *Provided*, That no purchase of any such water plant or light plant shall be made without first submitting the question of such purchase to the electors of the city.

(46) Parks: To acquire by purchase or otherwise land for public parks, within or without the limits of the city, and to improve the same.

(47) Bridges: To construct and keep in repair bridges, and to regulate the use thereof.

(48) Power of eminent domain: In the name of and for the use and benefit of the city, to exercise the right of eminent domain, and to condemn lands and property for the purposes of streets, alleys, parks, public grounds, waterworks or for any other municipal purpose and to acquire by purchase or otherwise such lands and property as may be deemed necessary for any of the corporate uses provided for by this title, as the interests of the city may from time to time require.

(49) To provide for the assessment of taxes: To provide for the assessment, levying and collecting of taxes on real and personal property for the corporate uses and purposes of the city and to provide for the payment of the debts and expenses of the corporation.

Cities and towns. Second class cities. Specific powers enumerated.

(50) Local improvements: To provide for making local improvements, and to levy and collect special assessments on the property benefited thereby and for paying the same or any portion thereof; to determine what work shall be done or improvements made, at the expense, in whole or in part, of the adjoining, contiguous, or proximate property, and to provide for the manner of making and collecting assessments therefor.

(51) Cemeteries: To regulate the burial of the dead and to establish and regulate cemeteries, within or without the corporate limits, and to acquire lands therefor by purchase or otherwise.

(52) Fire limits: To establish fire limits with proper regulations and to make all needful regulations for the erection and maintenance of buildings or other structures within the corporate limits as safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in a safe condition; to regulate the manner in which stone, brick and other buildings, party walls and partition fences shall be constructed and maintained.

(53) Safety and sanitary measures: To require the owners of public halls, theaters, hotels and other buildings to provide suitable means of exit and proper fire escapes; to provide for the cleaning and purification of watercourses and canals and for the draining and filling up of ponds on private property within its limits when the same shall be offensive to the senses or dangerous to the health, and to charge the expense thereof to the property specially benefited, and to regulate and control and provide for the prevention and punishment of the defilement or pollution of all streams running in or through its corporate limits and a distance of five miles beyond its corporate limits, and of any stream or lake from which the water supply of

the city is or may be taken and for a distance of five miles beyond its source of supply, and to make all quarantine and other regulations as may be necessary for the preservation of the public health and to remove all persons afflicted with any contagious disease to some suitable place to be provided for that purpose.

(54) To regulate liquor traffic: To regulate the selling or giving away of intoxicating, spirituous, malt, vinous, mixed or fermented liquors as authorized by the general laws of the state.

(55) To establish streets on tidelands: To project or extend or establish streets over and across any tidelands within the limits of such city.

(56) To provide for the general welfare.

SEC. 8. Section 35.23.600, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.23.600 are each amended to read as follows:

RCW 35.23.600
amended.

The police judge in such cities shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license penalty or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon, and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinances, and pronounce judgment in accordance therewith: *Provided*, That for the violation of a criminal ordinance, no greater punishment shall be imposed than the fine or imprisonment, or both such fine and imprisonment, prescribed by ordinance. In the trial of actions brought for the violation of any city ordinance, no jury shall be allowed. All civil or criminal proceedings before such police judge and judgments rendered by him, shall be subject to review in the superior court of the proper

Jurisdiction of
police judge.

county by writ of review or appeal in the same manner as is provided in RCW 35.22.530 through 35.22.560.

RCW 35.24.020 amended.

SEC. 9. Section 35.24.020, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.24.020 are each amended to read as follows:

Cities and towns. Third class cities. City officers enumerated— Compensation— Appointment and removal.

The government of a third class city shall be vested in a mayor, a city council of seven members, a city attorney, a clerk, a treasurer, all elective; and a chief of police, police judge, city engineer, street superintendent, health officer and such other appointive officers as may be provided for by statute or ordinance: *Provided*, That the council may enact an ordinance providing for the appointment of the city clerk and city attorney by the mayor, which appointment shall be subject to confirmation by a majority vote of the city council. Such ordinance shall be enacted and become effective not later than thirty days prior to the first day allowed for filing declarations of candidacy for such offices when such offices are subject to an approaching city primary election. Elective incumbent city clerks and city attorneys shall serve for the remainder of their unexpired term notwithstanding any appointment made pursuant to RCW 35.24.020 and 35.24.050. If a free public library and reading room is established, five library trustees shall be appointed. The city council by ordinance shall prescribe the duties and fix the compensation of all officers: *Provided*, That the provisions of any such ordinance shall not be inconsistent with any statute: *Provided further*, That where the city council finds that the appointment of a full time city engineer is unnecessary, it may in lieu of such appointment, by resolution provide for the performance of necessary engineering services on either a part time, temporary or periodic basis by a qualified engineering firm, pursuant to any reasonable contract.

The mayor shall appoint and at his pleasure may remove all appointive officers except as otherwise provided herein: *Provided*, That police judges shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering him incapable of performing the duties of his office. Every appointment or removal must be in writing signed by the mayor and filed with the city clerk.

SEC. 10. Section 35.24.290, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.24.290 are each amended to read as follows:

RCW 35.24.290
amended.

The city council of each third class city shall have power:

Specific
powers
enumerated.

(1) To pass ordinances not in conflict with the Constitution and laws of this state or of the United States;

(2) To prevent and regulate the running at large of any or all domestic animals within the city limits or any part thereof and to cause the impounding and sale of any such animals;

(3) To establish, build and repair bridges, to establish, lay out, alter, keep open, open, widen, vacate, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish and reestablish the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part; to construct gutters, culverts, sidewalks and crosswalks therein or upon any part thereof; to cultivate and maintain parking strips therein, and generally to manage and control all such highways and places; to provide by local assessment for the leveling up and surfacing and oiling or otherwise treating for the laying of dust, all streets within the city limits;

Cities and towns. Third class cities. Specific powers enumerated.

(4) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets and alleys or within two hundred feet thereof along which sewers shall have been constructed to make proper connections therewith and to use the same for proper purposes, and in case the owners of the property on such streets and alleys or within two hundred feet thereof fail to make such connections within the time fixed by such council, it may cause such connections to be made and assess against the property served thereby the costs and expenses thereof;

(5) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(6) To impose and collect an annual license on every dog within the limits of the city, to prohibit dogs running at large and to provide for the killing of all dogs not duly licensed found at large;

(7) To license, for the purposes of regulation and revenue, all and every kind of business authorized by law, and transacted and carried on in such city, and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof, to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise;

(8) To improve rivers and streams flowing through such city, or adjoining the same; to widen, straighten and deepen the channel thereof, and remove obstructions therefrom; to improve the waterfront of the city, and to construct and maintain embankments and other works to protect such city from overflow; to prevent the filling of the water of any bay, except such filling over tide or shorelands as may be provided for by order of the city council; to purify and prevent the pollution of streams of water, lakes or other sources of supply,

and for this purpose shall have jurisdiction over all streams, lakes or other sources of supply, both within and without the city limits. Such city shall have power to provide by ordinance and to enforce such punishment or penalty as the city council may deem proper for the offense of polluting or in any manner obstructing or interfering with the water supply of such city or source thereof;

(9) To erect and maintain buildings for municipal purposes;

(10) To permit, under such restrictions as it may deem proper, and to grant franchises for, the laying of railroad tracks, and the running of cars propelled by electric, steam or other power thereon, and the laying of gas and water pipes and steam mains and conduits for underground wires, and to permit the construction of tunnels or subways in the public streets, and to construct and maintain and to permit the construction and maintenance of telegraph, telephone and electric lines therein;

(11) In its discretion to divide the city by ordinance, into a convenient number of wards, not exceeding six, to fix the boundaries thereof, and to change the same from time to time: *Provided*, That no change in the boundaries of any ward shall be made within sixty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmen to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmen so designated shall be elected by the qualified electors resident in such ward, or by general vote of the whole city as may be designated in such ordinance. When additional territory is added to the city it may by act of the council, be annexed to contigu-

Cities and towns. Third class cities. Specific powers enumerated.

ous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilman from the ward for which he was elected shall create a vacancy in such office;

(12) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed five hundred dollars nor the term of such imprisonment exceed the term of six months;

(13) To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property or works within the city;

(14) To establish fire limits, with proper regulations;

(15) To establish and maintain a free public library;

(16) To establish and regulate public markets and market places;

(17) To punish the keepers and inmates and lessors of houses of ill fame, gamblers and keepers of gambling tables, patrons thereof or those found loitering about such houses and places;

(18) To make all such ordinances, bylaws, rules, regulations and resolutions, not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the corporation and its trade, commerce and manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to enact and enforce within the limits of such city all other local, police, sanitary and other regulations as do not conflict with general laws;

(19) To license steamers, boats and vessels used in any bay or other watercourse in the city and to fix and collect such license; to provide for the regulation of berths, landings, and stations, and for the removing of steamboats, sail boats, sail vessels, rafts, barges and other water craft; to provide for the removal of obstructions to navigation and of structures dangerous to navigation or to other property, in or adjoining the waterfront, except in municipalities in counties in which there is a city of the first class.

SEC. 11. Section 35.24.450, chapter 7, Laws of 1965 as amended by chapter 94, Laws of 1965 (Engrossed Senate Bill No. 94) and RCW 35.24.450, are each amended to read as follows:

RCW 35.24.450
amended.

At the time he makes his other appointments, the mayor of any city of the third class shall appoint a police judge who shall be the regular elected justice of the peace or an attorney duly admitted to practice law in this state: *Provided*, That in cities of the third class having a population under five thousand, the legislative authority of the city may provide that the mayor may appoint any person, without regard to whether he is a justice of the peace or attorney, to the office of police judge. The police judge shall, before entering upon the duties of his office, give such bond or additional bond to the city for the faithful performance of his duties as the legislative authority of the city may by ordinance direct, and shall receive such salary as the council shall by ordinance direct. The term of the police judge shall be for a period of four years from and after the date of his appointment and he shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering him incapable of performing the duties of his office.

Police judge—
Appointment
—Bond—
Compensation
—Term—
Grounds for
removal.

RCW 35.24.460
amended.

SEC. 12. Section 35.24.460, chapter 7, Laws of 1965, as amended by section 2, chapter 94, Laws of 1965 (Engrossed Senate Bill No. 94), and RCW 35.24.460 are each amended to read as follows:

Cities and
towns. Third
class cities.
Police judge—
Jurisdiction.

The police judge so appointed shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license, penalty or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and pronounce judgment in accordance therewith: *Provided*, That for the violation of a criminal ordinance no greater punishment shall be imposed than the fine or imprisonment or both such fine and imprisonment prescribed by ordinance. In the trial of actions brought for the violation of any city ordinance, no jury shall be allowed.

RCW 35.24.470
amended.

SEC. 13. Section 35.24.470, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.24.470 are each amended to read as follows:

Police judge—
Review of
Decisions—
Procedure.

All civil or criminal proceedings before such police judge and judgments rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal in the same manner as is provided in RCW 35.22.530 through 35.22.560. In actions brought before such police judge to enforce or recover any license, penalty or forfeiture declared or given by any ordinance, and in all other civil actions, the manner of commencing the same, the manner of obtaining service upon the defendants, the procedure during the pendency of the action and for the enforcement of the judgment obtained, if any, shall be as provided in the case of civil actions before justices of the peace.

SEC. 14. Section 35.27.070, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.27.070 are each amended to read as follows:

RCW 35.27.070 amended.

The government of a town shall be vested in a mayor and a council consisting of five members and a treasurer, all elective; the mayor shall appoint a clerk, a marshal, and a police justice; and may appoint a town attorney, pound master, street superintendent, a civil engineer, and such police and other subordinate officers as may be provided for by ordinance. All appointive officers shall hold office at the pleasure of the mayor and shall not be subject to confirmation by the town council, except that a police judge shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering him incapable of performing the duties of his office.

Towns. Town officers enumerated—Terms, appointive officers.

SEC. 15. Section 35.27.370, chapter 7, Laws of 1965, as amended by section 1, chapter 127, Laws of 1965 (Senate Bill No. 350), and RCW 35.27.370 are each amended to read as follows:

RCW 35.27.370 amended.

The council of said town shall have power:

Specific powers enumerated.

(1) To pass ordinances not in conflict with the Constitution and laws of this state, or of the United States;

(2) To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the town; to acquire, own, and hold real estate for cemetery purposes either within or without the corporate limits, to sell and dispose of such real estate, to plat or replat such real estate into cemetery lots and to sell and dispose of any and all lots therein, and to operate, improve and maintain the same as a cemetery;

Towns. Specific powers enumerated.

(3) To contract for supplying the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for use of such town or its inhabitants, or for irrigating purposes therein;

(4) To establish, build and repair bridges, to establish, lay out, alter, widen, extend, keep open, improve, and repair streets, sidewalks, alleys, squares and other public highways and places within the town, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, plank, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or on any part thereof; to cause to be planted, set out and cultivated trees therein, and generally to manage and control all such highways and places;

(5) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets along which sewers are constructed to make proper connections therewith, and to use the same for proper purposes when such property is improved by the erection thereon of a building or buildings; and in case the owners of such improved property on such streets shall fail to make such connections within the time fixed by such council, they may cause such connections to be made, and to assess against the property in front of which such connections are made the costs and expenses thereof;

(6) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(7) To impose and collect an annual license on every dog within the limits of the town, to prohibit

dogs running at large, and to provide for the killing of all dogs found at large and not duly licensed;

(8) To levy and collect annually a property tax, for the payment of current expenses and for the payment of indebtedness (if any indebtedness exists) within the limits authorized by law;

(9) To license, for purposes of regulation and revenue, all and every kind of business, authorized by law and transacted and carried on in such town; and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof; to fix the rate of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; to regulate, restrain, or prohibit the running at large of any and all domestic animals within the city limits, or any part or parts thereof, and to regulate the keeping of such animals within any part of the city; to establish, maintain and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed on, and collected from, the owners of any impounded stock;

(10) To improve the rivers and streams flowing through such town or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to prevent the pollution of streams or water running through such town, and for this purpose shall have jurisdiction for two miles in either direction; to improve the waterfront of the town, and to construct and maintain embankments and other works to protect such town from overflow;

(11) To erect and maintain buildings for municipal purposes;

(12) To grant franchises or permits to use and occupy the surface, the overhead and the underground of streets, alleys and other public ways, under such terms and conditions as it shall deem

Towns. Specific powers enumerated.

fit, for any and all purposes, including but not being limited to the construction, maintenance and operation of railroads, street railways, transportation systems, water, gas and steam systems, telephone and telegraph systems, electric lines, signal systems, surface, aerial and underground tramways;

(13) To punish the keepers and inmates and lessors of houses of ill fame, and keepers and lessors of gambling houses and rooms and other places where gambling is carried on or permitted, gamblers and keepers of gambling tables;

(14) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed five hundred dollars, nor the term of imprisonment exceed six months;

(15) To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the town;

(16) To operate ambulance service which may serve the town and surrounding rural areas and, in the discretion of the council, to make a charge for such service;

(17) To make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the town and its trade, commerce and manufacturers, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

RCW 35.27.520 amended.

SEC. 16. Section 35.27.520, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.27.520 are each amended to read as follows:

Police justice
—Appoint-
ment—Salary

In every town a police justice shall be appointed from among the regularly elected justices of the

peace or any practicing attorney and shall receive such salary in addition to his salary as justice of the peace as the council by ordinance may direct and shall give such bond or additional bond as the council may provide: *Provided*, That the council of every town having a population under five thousand may provide that the mayor may appoint any person, without regard to whether he is a justice of the peace or practicing attorney, to the office of police justice, for a period of four years from and after the date of his appointment, and he shall be removed only upon conviction of misconduct or malfeasance in office, [or] because of physical or mental disability rendering him incapable of performing the duties of his office.

~~Term—
Grounds
for removal.~~

SEC. 17. Section 35.27.530, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.27.530 are each amended to read as follows:

RCW 35.27.530
amended.

The police justice in addition to his powers as justice of the peace, if he is a justice of the peace shall have exclusive jurisdiction over all offenses defined by any ordinance of the town and all other actions brought to enforce or recover any license, penalty, or forfeiture declared or given by any ordinance with full power to forfeit bail, issue executions on bail bonds, and hear and determine all causes, civil or criminal, arising under any ordinance and pronounce judgment in accordance therewith: *Provided*, That for the violation of a criminal ordinance no greater punishment shall be imposed than the fine or imprisonment or both such fine or imprisonment prescribed by ordinance.

Police justice
~~—Jurisdiction.~~

SEC. 18. Section 35.27.540, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.27.540 are each amended to read as follows:

RCW 35.27.540
amended.

In actions brought before the police justice to enforce or recover any license, penalty, or forfeiture

Police justice
~~—Procedure—
Review.~~

Cities and
towns. Towns.
Police justice
—Procedure—
Review.

declared or given by any ordinance and in all other civil actions, the manner of commencing them, the manner of obtaining service upon the defendants, the procedure during the pendency of the action and for the enforcement of the judgment shall be as provided in the case of civil actions before justices of the peace.

In the trial of actions brought for violations of town ordinances no jury shall be allowed and no change of venue shall be allowed from the police judge.

All civil and criminal proceedings before a police justice and judgments rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal in the same manner as is provided in RCW 35.22.530 through 35.22.560.

Repeal.

SEC. 19. Section 35.22.470, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.22.470 are each repealed.

Passed the Senate March 29, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 117.

[Senate Bill No. 281.]

ELECTRICIANS AND ELECTRICAL INSTALLATIONS.

AN ACT relating to electricians and electrical installations; and amending section 1, chapter 169, Laws of 1935 as amended by section 1, chapter 207, Laws of 1963 and RCW 19.28.010; amending section 10, chapter 169, Laws of 1935 and RCW 19.28.060; amending section 4, chapter 169, Laws of 1935 as last amended by section 2, chapter 207, Laws of 1963 and RCW 19.28.120; amending section 5, chapter 169, Laws of 1935 and RCW 19.28.180; amending section 8, chapter 169, Laws of 1935 as last amended by section 3, chapter 207, Laws of 1963 and RCW 19.28.210.

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

SECTION 1. Section 1, chapter 169, Laws of 1935 as amended by section 1, chapter 207, Laws of 1963 and RCW 19.28.010 are each amended to read as follows:

RCW 19.28.010 amended.

From and after the taking effect of this chapter all wires and equipment, and installation thereof, to convey electric current and installations of apparatus to be operated by said current, in, on, or about buildings, or structures, except for telephone and telegraph, radio and television wires and equipment, and television antenna installations, signal strength amplifiers and coaxial installations pertaining thereto shall be in strict conformity with the provisions of this chapter, the statutes of the state of Washington, the rules and regulations issued by the department of labor and industries under the authority of the state statutes, and shall be in conformity with approved methods of construction for safety to life and property. The regulations and articles as laid down in the National Electrical Code, as approved by the American Standards Association, and in the national electrical safety code, as approved by the American Standards Association,

Electricians and electrical installations. Electrical wiring requirements—General—Exceptions.

Electricians
and electrical
installations.
Electrical
wiring
requirements
—General—
Exceptions.

and other installation and safety regulations approved by the American Standards Association, as duly modified or supplemented by rules and regulations issued by the department of labor and industries in furtherance of safety to life and property under authority hereby granted, shall be prima facie evidence of such approved methods; and all materials, devices, appliances and equipment used in such installations shall be of a type which shall conform to applicable standards or be indicated as acceptable by the established standards of the Underwriters' Laboratories, Inc.; or other equivalently national recognized authorities: *Provided*, That this chapter shall not limit the authority or power of any city or town to enact and enforce under power and authority given by law, any ordinance, rule or regulations requiring an equal, a higher or better standard of construction and equal, higher or better standard of materials, devices, appliances and equipment than that required by this chapter, but in such city or town having such equal, higher or better standard such installations and materials, devices, appliances and equipment shall be in accordance with the ordinance, rule, or regulation of such city or town: *Provided*, That nothing in this chapter shall be construed as requiring or permitting the connection of any conductor of any electric circuit with a pipe, which is connected with or designed to be connected with a waterworks piping system, without the consent of the person or persons legally responsible for the operation and maintenance of such waterworks piping system.

RCW 19.28.060
amended.

SEC. 2. Section 10, chapter 169, Laws of 1935 and RCW 19.28.060 are each amended to read as follows:

National elec-
tric code as
standard—
Departmental
rules and reg-
ulations sup-
plementing.

On or before the first day of January, 1936, the director of labor and industries shall obtain an authentic copy of the national electrical code as approved by the American Standards Association,

and an authentic copy of any applicable regulations and standards of the Underwriters' Laboratories, Inc., or other nationally recognized testing laboratory prescribing rules, regulations and standards for electrical materials, devices, appliances and equipment, and shall annually thereafter on or before the first day of January obtain a new set of such rules, regulations and standards including therein any modifications and changes that have been made during the previous year in such rules, regulations and standards. The director of labor and industries, after consulting with the electrical advisory board and receiving the board's recommendations pursuant to RCW 19.28.065, shall adopt and promulgate reasonable rules and regulations in furtherance of safety to life and property. All such aforementioned rules, regulations and standards shall be kept on file in the office of the director of labor and industries; compliance with such rules, regulations and standards shall be prima facie evidence of compliance with the provisions of this chapter. The director of labor and industries upon request, shall deliver to all persons, firms, or corporations licensed under the provisions of this chapter, a certified copy of such rules, regulations and standards. Any printed copy of such rules, regulations and standards certified by the director of labor and industries as being a full, true and correct copy of such rules, regulations and standards on file in his office shall be accepted in any court of the state of Washington as conclusive evidence of such approved methods, regulations and standards.

SEC. 3. Section 4, chapter 169, Laws of 1935 as last amended by section 2, chapter 207, Laws of 1963 and RCW 19.28.120 are each amended to read as follows:

RCW 19.28.120
amended.

It shall be unlawful for any person, firm, or corporation to engage in, conduct or carry on the

License re-
quired—Fee—
Application.

Electricians
and electrical
installations.
License re-
quired—Fee—
Application—
Bond.

business of installing wires or equipment to convey electric current, or installing apparatus or appliances to be operated by such current, without having an unrevoked, unsuspended and unexpired license so to do, issued by the director of labor and industries in accordance with the provisions of this chapter. All such licenses shall expire on the thirty-first day of December following the day of their issue, and the fee for such license shall be one hundred dollars. Application for such license shall be made in writing to the department of labor and industries, accompanied by the required fee, and shall state the name and address of the applicant, and in case of firms, the names of the individuals composing the firm, and in case of corporations, the name of the managing officials thereof, and shall state the location of the place of business of the applicant and the name under which such business is conducted. Such a license shall grant to the holder thereof the right to engage in, conduct, or carry on, the business of installing wires or equipment to carry electric current, and installing apparatus or appliances to be operated by such current, in any and all places in the state of Washington. The application for such license shall be accompanied by a bond in the sum of two thousand dollars with the state of Washington named as obligee therein, with good and sufficient surety, to be approved by the attorney general. Said bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, shall ipso facto revoke and suspend the license issued to the principal until such time as a new bond of like tenor and effect shall have been filed and approved as herein provided. Upon approval of said bond by the attorney general, the director of labor and industries shall on the next business day thereafter deposit the

fee accompanying said application in the fund to be known and designated as the "electrical license fund," and the department of labor and industries shall thereupon issue said license. Upon approval of said bond by the attorney general, he shall transmit the same to the state electrical inspection division, who shall file said bond in the office, and upon application furnish to any person, firm or corporation a certified copy thereof, under seal, upon the payment of a fee of two dollars. Said bond shall be conditioned that in any installation of wires or equipment to convey electrical current, and apparatus to be operated by such current, the principal therein will comply with the provisions of this chapter and in case such installation is in an incorporated city or town having an ordinance, building code, or regulations prescribing equal, a higher or better standard, manner or method of such installation that the principal will comply with the provisions of such ordinance, building code or regulations governing such installations as may be in effect at the time of entering into a contract for such installation. Said bond shall be conditioned further that the principal will pay for all labor and material furnished or used upon such work and all damages that may be sustained by any person, firm or corporation due to a failure of the principal to make such installation in accordance with the provisions of this chapter, or any ordinance, building code or regulation applicable thereto.

SEC. 4. Section 5, chapter 169, Laws of 1935 and RCW 19.28.180 are each amended to read as follows:

RCW 19.28.180
amended.

Any person, firm, or corporation sustaining any damage or injury by reason of the breach of the conditions of said bond by the principal therein may bring an action against the surety named therein, with or without joining in said action the principal named in said bond; said action may be

Licensee's
bond—
Action on.

Electricians
and electrical
installations.
Licensee's
bond—
Action on.

brought in the superior court of any county in which the principal on said bond resides or transacts business, or in the county in which the work was performed as a result of which the breach is alleged to have occurred; said action shall be maintained and prosecuted as other civil actions. No action on said bond, or failure to bring action thereon shall waive the right of any person, firm or corporation to sue the principal named in said bond for any damage or injury sustained by reason of the failure of the principal in said bond to comply with the provisions of this chapter: *Provided*, That the total liability of the surety on any such bond shall not exceed the sum of two thousand dollars; and any such action shall be brought within one year from the completion of the work in the performance of which the breach is alleged to have occurred.

RCW 19.28.210
amended.

SEC. 5. Section 8, chapter 169, Laws of 1935 as last amended by section 3, chapter 207, Laws of 1963 and RCW 19.28.210 are each amended to read as follows:

Inspections—
Notice to
repair and
change—Dis-
connection—
Entry—Con-
cealment—
Connection to
utility—
Labels, fees.

The director of labor and industries, through the inspector, assistant inspector, or deputy inspector, is hereby empowered to inspect, and shall inspect, all wiring, appliances, devices and equipment to which this chapter applies. Upon request, electrical inspections will be made by the electrical inspection department within forty-eight hours, excluding holidays, Saturdays and Sundays. If, upon written request, the electrical inspector fails to make an electrical inspection within twenty-four hours, the serving utility may immediately connect thereto, providing the necessary electrical safe wiring label is displayed. Whenever the installation of any such wiring, device, appliance or equipment is not in accordance with the requirements of this chapter, or is in such a condition as to be dangerous to life or property, the person, firm, or corporation own-

ing, using or operating the same shall be notified by the director of labor and industries and shall within fifteen days, or such further reasonable time as may upon request be granted, make such repairs and changes as are required to remove the danger therefrom to life or property and to make the same conform to the provisions of this chapter. The director of labor and industries through such inspector, assistant inspector or any deputy inspector, is hereby empowered to disconnect or order the discontinuance of electrical service to such conductors or apparatus as is found to be in a dangerous or unsafe condition and not in accordance with the provisions of this chapter. Upon making such disconnection he shall attach thereto a notice stating that such conductors have been found dangerous to life or property or not in accordance with the requirements of this chapter; and it shall be unlawful for any person to reconnect such defective conductors or apparatus without the approval of the director of labor and industries, and until the same have been placed in a safe and secure condition, and in such condition as to comply with the requirements of this chapter. The director of labor and industries, through the electrical inspector, assistant inspector, or any deputy inspector, shall have the right during reasonable hours to enter into and upon any building or premises in the discharge of his official duties or for the purpose of making any inspection or test of the installation of electrical wiring, electrical devices, equipment or material contained thereon or therein. No electrical wiring or equipment subject to the requirements of this chapter shall be concealed until an inspection is applied for under this chapter and an inspection made and the work therein approved by the inspector making such inspection. It shall be the responsibility of those persons making electrical installa-

Electricians and
electrical
installations.
Inspection—
Notice to
repair and
change—Dis-
connection—
Entry—Con-
cealment—
Connection to
utility—
Labels, fees.

tions to obtain inspection and approval from an authorized representative of the director of labor and industries as required by this chapter, prior to requesting the electric utility to connect to said installation. Electric utilities may connect such said installations if approval is clearly indicated by certification of the safe wiring label required to be affixed to each installation or by equivalent means, except that, increased or relocated services may be reconnected immediately, at the discretion of the utility, before approval, provided a safe wiring label is displayed. The labels shall be furnished upon payment to the department of labor and industries of a fee in accordance with the following schedule: single family residence, not more than one thousand square feet, seven dollars; for such wiring in excess of one thousand square feet but not more than two thousand square feet, nine dollars; and for such wiring in excess of two thousand square feet, eleven dollars. The inspection fee shall be one dollar which inspection by the electrical inspection division shall consist of an examination of electrical plans and periodic inspection in the field to ascertain compliance with minimum electrical standards. All other electrical installation fees will be as follows: service installations of one hundred amperes or less, six dollars; service installations in excess of one hundred amperes but not more than two hundred amperes, fifteen dollars; service installations in excess of two hundred amperes, but not more than three hundred amperes, twenty-five dollars; service installations in excess of three hundred amperes, but not more than four hundred amperes, thirty-five dollars; service installations in excess of four hundred amperes, forty-five dollars. Each new feeder installation shall be fifty percent of the fee for new service installations of like ampacity. For temporary construction serv-

ice for lighting and power, two dollars. Each sign and outline lighting circuit, two dollars. All new circuits, circuit alterations and circuit extensions where service and feeder installations are existing, except in such electrical installations used for manufacturing, fabricating, assembling, finishing, packaging, or processing operations which have at all times two or more regular employees engaged solely in electrical installations or electrical maintenance work, the fee shall be three dollars. Fees for alterations requiring the increase or relocation of an existing service shall be as follows: single family residence, three dollars; all other altered service installations, the fee shall be fifty percent of the fee for new service work. For yard pole meter loops, a fee of five dollars shall be charged. For each adjacent farm building other than the residence, a fee of two dollars shall be charged. Applications for labels shall be in writing and signed by the applicant; and labels when used by a licensed contractor shall bear the signature or seal of such contractor.

Passed the Senate March 29, 1965.

Passed the House March 24, 1965.

Approved by the Governor April 8, 1965.

CHAPTER 118.

[Senate Bill No. 320.]

PUBLIC UTILITY DISTRICTS—ACQUIRED LANDS—
EASEMENTS FOR FORMER OWNERS.

AN ACT relating to public utility districts; and adding a new section to chapter 54.16 RCW.

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

New section.

SECTION 1. There is added to chapter 54.16 RCW a new section to read as follows:

Public utility districts. Those acquiring land utilized for power project on Columbia river to grant back easement—Exceptions.

Notwithstanding any other provision of law, every public utility district acquiring privately owned lands, real estate or property for reservoir purposes of a hydroelectric power project dam on the Columbia river, upon acquisition of title to said lands, whether acquired by purchase or condemnation, shall grant back to the former owners of the lands acquired upon their request therefor, whether prior to conveyance of title to the district or within sixty days thereafter, a perpetual easement appurtenant to the adjoining property for such occupancy and use and improvement of the acquired lands as will not be detrimental to the operation of the hydroelectric project and not be in violation of the required conditions of the district's Federal Power Commission license for the project: *Provided*, That said former owners shall not thereafter erect any structure or make any extensive physical change thereon except under a permit issued by the public utility district: *Provided further*, That said easement shall include a provision that any shorelands thereunder shall be open to the public, and shall be subject to cancellation upon sixty days notice to the owners by the district that such lands are to be conveyed to another public agency for game or game fish purposes or public recreational use, in which event the owners shall re-

move any structures they may have erected thereon within a reasonable time without cost to the district. The provisions of this section shall not be applicable with respect to: (1) lands acquired from an owner who does not desire an easement for such occupancy and use; (2) lands acquired from an owner where the entire estate has been acquired; (3) lands acquired for, and reasonably necessary for, project structures (including borrow areas) or for relocation of roads, highways, railroads, other utilities or railroad industrial sites; and (4) lands heretofore acquired or disposed of by sale or lease by a public utility district for whatsoever purpose.

Passed the Senate March 29, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 8, 1965.

CHAPTER 119.

[Senate Bill No. 399.]

MOTOR VEHICLES—ACCIDENT REPORTS.

AN ACT relating to motor vehicle accident reports; amending section 46.52.030, chapter 12, Laws of 1961 and RCW 46.52-.030; amending section 46.52.080, chapter 12, Laws of 1961 and RCW 46.52.080, adding new sections to chapter 12, Laws of 1961 and to chapter 46.52 RCW; and prescribing penalties.

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

SECTION 1. Section 46.52.030, chapter 12, Laws of 1961 and RCW 46.52.030 are each amended to read as follows:

RCW 46.52.030
amended.

The operator of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent of one hundred dollars or more, shall, within twenty-four hours after such acci-

Motor ve-
hicles. Acci-
dent reports.

Motor ve-
hicles. Acci-
dent reports.

dent, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns, the original of such report to be immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of motor vehicles at Olympia, Washington. The chief of the Washington state patrol may require any operator of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, and the persons and vehicles involved, personal injury or death, if any, and the amounts of property damage claimed. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

SEC. 2. There is added to chapter 12, Laws of 1961 and to chapter 46.52 RCW a new section to read as follows:

New section.

The director shall suspend the license or permit to drive and any nonresident operating privileges of any person failing to report an accident as provided in section 1 of this 1965 amendatory act until such report has been filed.

Suspension of operating privileges until report filed.

SEC. 3. Section 46.52.080, chapter 12, Laws of 1961 and RCW 46.52.080 are each amended to read as follows:

RCW 46.52.080 amended.

All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the county prosecuting attorney and chief of police or county sheriff, as the case may be, and the director of licenses and the chief of the Washington state patrol, and other officer or commission as authorized by law, except that any such officer shall disclose the names and addresses of persons reported as involved in an accident or as witnesses thereto, the vehicle license plate numbers and descriptions of vehicles involved, and the date, time and location of an accident, to any person who may have a proper interest therein, including the driver or drivers involved, or the legal guardian thereof, the parent of a minor driver, any person injured therein, the owner of vehicles or property damaged thereby, or any authorized representative of such an interested party, or the attorney or insurer thereof. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report

Reports confidential—Exempted information.

Motor vehicles. Accident reports. Confidential—Exempted information.

has or has not been made to the chief of the Washington state patrol solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law.

New section.

SEC. 4. There is added to chapter 12, Laws of 1961 and to chapter 46.52 RCW a new section to read as follows:

Factual data available to interested persons.

All of the factual data submitted in report form by the officers, together with the signed statements of all witnesses, except the reports signed by the drivers involved in the accident, shall be made available upon request to the interested parties named in RCW 46.52.080.

New section.

SEC. 5. There is added to chapter 12, Laws of 1961 and to chapter 46.52 RCW a new section to read as follows:

Fee for data authorized for release—Disposition.

Any information authorized for release under sections 3 and 4 of this 1965 amendatory act may be furnished in written form for a fee of two dollars. All fees received by the Washington state patrol for such copies shall be deposited in the state patrol highway account of the motor vehicle fund.

Passed the Senate March 29, 1965.

Passed the House March 24, 1965.

Approved by the Governor April 8, 1965.

CHAPTER 120.

[Senate Bill No. 414.]

COUNTY ROAD ADMINISTRATION BOARD.

AN ACT relating to county roads; and amending section 46.68-.120, chapter 12, Laws of 1961 and RCW 46.68.120.

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

SECTION 1. "Board" shall mean the county road administration board created by this act.

"Board" defined.

SEC. 2. "Standards of good practice" shall mean general and uniform practices formulated and adopted by the board relating to the administration of county roads for the several classes of counties which shall apply to engineering, maintenance, traffic control, safety, planning, programming, road classification, road inventories, budgeting and accounting procedures, equipment policies, and personnel policies.

"Standards of good practice" defined.

SEC. 3. There is created hereby a county road administration board consisting of nine members who shall be appointed by the executive committee of the Washington state association of county commissioners. Prior to July 1, 1965 the executive committee of the Washington state association of county commissioners shall appoint the first members of the county road administration board: Three members to serve one year; three members to serve two years; and three members to serve three years from July 1, 1965. Upon expiration of the original terms subsequent appointments shall be made by the same appointing authority for three year terms except in the case of a vacancy, in which event the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred.

County road administration board. Created—Members—Appointment—Terms—Vacancies.

County road
administration
board. Quali-
fications.

SEC. 4. Six members of the county road administration board shall be county commissioners and three members shall be county engineers. If any member, during the term for which he is appointed ceases to be either a county commissioner or a county engineer, as the case may be, his membership on the county road administration board is likewise terminated. Three members of the board shall be from counties of the following classes: Class AA, class A, or first class. Four members shall be from counties of the following classes: Second class, third class, fourth class, or fifth class. Two members shall be from counties of the following classes: Sixth class, seventh class, eighth class, or ninth class. Not more than one member of the board shall be from any one county.

Board—Meet-
ings—Chair-
man—Rules
and
regulations.

SEC. 5. The annual meeting of the county road administration board shall be during the first week in July of each year at which time the board shall elect a chairman from its own membership who shall hold office for one year. Election as chairman shall not affect the member's right to vote on all matters before the board. The board shall meet at such other times as it deems advisable but at least once quarterly and shall from time to time adopt rules and regulations for its own government and as may be necessary for it to discharge its duties and exercise its powers under this act.

County road
administration
engineer—
Appointment
—Duties—
Qualifications
—Term.

SEC. 6. The county road administration board shall appoint the county road administration engineer who shall be the chief administrative officer of the board and shall be responsible for carrying out the policies adopted by the board. The county road administration engineer shall be a licensed professional engineer with experience as a county engineer or as a chief assistant to a county engineer in Washington. He shall serve at the pleasure of the county road administration board.

SEC. 7. The county road administration board shall: Board—
Duties.

(1) Establish by regulation, 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 and the joint committee on highways on the status of county road administration in each county. The annual report shall contain recommendations for improving administration of the county road programs.

SEC. 8. Members of the county road administration board shall receive no compensation for their service on the board, but shall be reimbursed for travel and other expenses incurred while attending meetings of the board or while engaged on other business of the board when authorized by the board to the extent of twenty dollars per day plus ten cents per mile. Board—Reim-
bursement for
expenses.

SEC. 9. (1) The board prior to April 1st of each year shall transmit to the state treasurer certificates of good practice on behalf of the counties which during the preceding calendar year: Certificates of
good practice
—Awarded—
When—Basis—
County share
of distribut-
able tax
moneys with-
held, when.

(a) Have submitted to the state highway commission or to the board all reports required by law or regulation of the board; and

(b) Have reasonably complied with provisions of law relating to county road administration and with the standards of good practice as formulated and adopted by the board.

County road
administra-
tion board.
Certificates of
good practice
—Awarded—
When—Basis—
County share
of distribut-
able tax
moneys with-
held, when.

(2) The board shall not transmit to the state treasurer a certificate of good practice on behalf of any county failing to meet the requirements of subsection (1) of this section, but the board shall in such case and before April 1st, notify the county and the state treasurer of its reasons for withholding the certificate.

(3) The state treasurer, upon receiving a notice that a certificate of good practice will not be issued on behalf of a county, shall, effective April 1st of such year, withhold from such county its share of motor vehicle fuel taxes distributable pursuant to RCW 46.68.120 until the board thereafter issues on behalf of such county a certificate of good practice or a conditional certificate. After withholding a certificate of good practice with respect to any county, the board may thereafter at any time issue such a certificate or a conditional certificate when the board is satisfied that the county has complied or is diligently attempting to comply with the requirements of subsection (1) of this section.

(4) Motor vehicle fuel taxes withheld from any county pursuant to this section shall not be distributed to any other county, but shall be retained in the motor vehicle fund to the credit of the county originally entitled thereto. Whenever the state treasurer receives from the board a certificate of good practice or a conditional certificate issued on behalf of such county he shall distribute to such county all of the funds theretofore retained in the motor vehicle fund to the credit of such county.

Conditional
certificate of
good practice
—Cancellation.

SEC. 10. Whenever the board finds that a county has failed to submit the reports required by section 9 of this act, or has failed to comply with provisions of law relating to county road administration or has failed to meet the standards of good practice as formulated and adopted by the board, the board may in lieu of withholding a certificate of

good practice issue and transmit to the state treasurer on behalf of such county a conditional certificate which will authorize the continued distribution to such county of its share of motor vehicle fuel taxes. The issuance of such a conditional certificate shall be upon terms and conditions as shall be deemed by the board to be appropriate. In the event a county on whose behalf a conditional certificate is issued fails to comply with the terms and conditions of such certificate, the board may forthwith cancel such certificate notifying the state treasurer thereof. In such case the state treasurer shall thereafter withhold from such county its share of the motor vehicle fuel taxes as provided in section 9.

SEC. 11. All expenses incurred by the board including salaries of employees shall be paid upon voucher forms provided by the central budget agency or pursuant to a regular payroll signed by the chairman of the board and by the county road administration engineer. All expenses of the board shall be paid out of that portion of the motor vehicle fund allocated to the counties and withheld for use by the state highway commission and the county road administration board under the provisions of RCW 46.68.120(1), as now or hereafter amended.

Board—Expenses, procedure to pay—Source of payment.

SEC. 12. Section 46.68.120, chapter 12, Laws of 1961 and RCW 46.68.120 are each amended to read as follows:

RCW 46.68.120 amended.

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

Distribution of net tax amount in motor vehicle fund allocated to counties.

(1) Three-fourths of one percent of such sums shall be deducted monthly as such sums accrue and set aside for the use of the state highway commission and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof: *Provided*, That

County road
administra-
tion board.
Distribution
of net tax
amount in
motor vehicle
fund allocated
to counties.

any moneys so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) The balance remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, upon the basis of the following formula:

(a) Ten percent of such sum shall be divided equally among the several counties.

(b) Thirty percent shall be paid to each county in direct proportion that the sum of the total number of private automobiles and trucks licensed by registered owners residing in unincorporated areas and seven percent of the number of private automobiles and trucks licensed by registered owners residing in incorporated areas within each county bears to the total of such sums for all counties. The number of registered vehicles so used shall be as certified by the director of the department of licenses for the year next preceding the date of calculation of the allocation amounts. The director of the department shall first supply such information not later than the fifteenth day of February, 1956, and on the fifteenth day of February each two years thereafter.

(c) Thirty percent shall be paid to each county in direct proportion that the product of the county's trunk highway mileage and its prorated estimated annual cost per trunk mile as provided in subsection (e) is to the sum of such products for all counties. County trunk highways are defined as county roads regularly used by school buses and/or rural free delivery mail carriers of the United States post office department, but not foot carriers. Determination of the number of miles of county roads used in each county by school buses shall be based

solely upon information supplied by the superintendent of public instruction who shall on October 1, 1955 and on October 1st of each odd-numbered year thereafter furnish the state highway commission with a map of each county upon which is indicated the county roads used by school buses at the close of the preceding school year, together with a detailed statement showing the total number of miles of county highway over which school buses operated in each county during such year. Determination of the number of miles of county roads used in each county by rural mail carriers on routes serviced by vehicles during the year shall be based solely upon information supplied by the United States postal department as of January 1st of the even-numbered years.

(d) Thirty percent of such sum shall be paid to each of the several counties in the direct proportion that the product of the trunk highway mileage of the county and its "money need factor" as defined in subsection (f) is to the total of such products for all counties.

(e) Every four years, beginning with the 1958 allocation, the highway commission and the joint fact-finding committee on highways, streets and bridges shall reexamine or cause to be reexamined all the factors on which the estimated annual costs per trunk mile for the several counties have been based and shall make such adjustments as may be necessary. The following formula shall be used: One twenty-fifth of the estimated total county road replacement cost, plus the total annual maintenance cost, divided by the total miles of county road in such county, and multiplied by the result obtained from dividing the total miles of county road in said county by the total trunk road mileage in said county. For the purpose of allocating funds from the motor vehicle fund, a county road shall be de-

County road administration board. Distribution of net tax amount in motor vehicle fund allocated to counties.

fined as one established as such by resolution or order of establishment of the board of county commissioners. The first allocation of funds shall be based on the following prorated estimated annual costs per trunk mile for the several counties as follows:

Adams	\$1,227.00
Asotin	1,629.00
Benton	1,644.00
Chelan	2,224.00
Clallam	2,059.00
Clark	1,710.00
Columbia	1,391.00
Cowlitz	1,696.00
Douglas	1,603.00
Ferry	1,333.00
Franklin	1,612.00
Garfield	1,223.00
Grant	1,714.00
Grays Harbor	2,430.00
Island	1,153.00
Jefferson	2,453.00
King	2,843.00
Kitsap	1,938.00
Kittitas	1,565.00
Klickitat	1,376.00
Lewis	1,758.00
Lincoln	1,038.00
Mason	1,748.00
Okanogan	1,260.00
Pacific	2,607.00
Pend Oreille	1,753.00
Pierce	2,276.00
San Juan	1,295.00
Skagit	1,966.00
Skamania	2,023.00
Snohomish	2,269.00
Spokane	1,482.00

Stevens	1,068.00
Thurston	1,870.00
Wahkiakum	2,123.00
Walla Walla	1,729.00
Whatcom	1,738.00
Whitman	1,454.00
Yakima	1,584.00

Provided, however, That the prorated estimated annual costs per trunk mile in this subsection shall be adjusted every four years, beginning with the 1958 allocation by the highway commission on the basis of changes in the trunk and total county road mileage based on information supplied by the superintendent of public instruction, the United States postal department and the annual reports of the county road departments.

(f) The "money need factor" for each of the several counties shall be the difference between the prorated estimated annual costs as listed above and the sum of the following three amounts divided by the county trunk highway mileage:

(1) The equivalent of a ten mill tax levy on the valuation, as equalized by the state tax commission for state purposes, of all taxable property in the county road districts;

(2) One-fourth the sum of all funds received by the county from the federal forest reserve fund during the two calendar years next preceding the date of the adjustment of the allocation amounts as certified by the state treasurer; and

(3) One-half the sum of motor vehicle license fees and motor vehicle fuel tax refunded to the county during the two calendar years next preceding the date of the adjustment of the allocation amounts as provided in RCW 46.68.080. These shall be as supplied to the highway commission by the state treasurer for that purpose. The tax commission and the state treasurer shall supply the in-

County road administration board. Distribution of net tax amount in motor vehicle fund allocated to counties.

formation herein requested on or before January 1, 1956 and on said date each two years thereafter.

The following formula shall be used for the purpose of obtaining the "money need factor" of the several counties: The prorated estimated annual cost per trunk mile multiplied by the trunk miles will equal the total need of the individual county. The total need minus the sum of the three resources set forth in subsection (f) shall equal the net need. The net need of the individual county divided by the total net needs for all counties shall equal the "money need factor" for that county.

(g) The state highway commission shall adjust the allocations of the several counties on March 1st of every even-numbered year based solely upon the sources of information hereinbefore required.

(h) The highway commission and the joint fact-finding committee on highways, streets and bridges shall relog or cause to be relogged the total road mileages upon which the prorated estimated annual costs per trunk mile are based and shall recalculate such costs on the basis of such relogging and shall report their findings and recommendations to the legislature at its next regular session.

(i) The highway commission and the joint fact-finding committee on highways, streets and bridges shall study and report their findings and recommendations to the legislature concerning the following problems as they affect the allocation of "motor vehicle fund" funds to counties:

(1) Comparative costs per trunk mile based on federal aid contracts versus those herein advocated.

(2) Average costs per trunk mile.

(3) The advisability of using either "trunk mileage" or "county road" mileage exclusively as the criterion instead of both as in this plan adopted.

(4) Reassessment of bridge costs based on current information and relogging of bridges.

(5) The items in the list of resources used in determining the "need factor."

(6) The development of a uniform accounting system for counties with regard to road and bridge construction and maintenance costs.

(7) A redefinition of rural and urban vehicles which better reflects the use of said vehicles on county roads.

Passed the Senate March 29, 1965.

Passed the House March 24, 1965.

Approved by the Governor April 8, 1965.

CHAPTER 121.

[Senate Bill No. 334.]

MOTOR VEHICLES—DRIVER LICENSING.

AN ACT relating to motor vehicle driver licensing; amending section 46.20.102, chapter 12, Laws of 1961 and RCW 46.20.102; amending section 46.20.104, chapter 12, Laws of 1961 and RCW 46.20.104; amending section 46.20.106, chapter 12, Laws of 1961 and RCW 46.20.106; amending section 46.20.120, chapter 12, Laws of 1961 and RCW 46.20.120; amending section 46.20.130, chapter 12, Laws of 1961 and RCW 46.20.130; amending section 46.20.190, chapter 12, Laws of 1961 and RCW 46.20.190; amending section 46.20.200, chapter 12, Laws of 1961 and RCW 46.20.200; amending section 46.20.270, chapter 12, Laws of 1961 and RCW 46.20.270; amending section 46.20.340, chapter 12, Laws of 1961 and RCW 46.20.340; repealing section 46.20.010, chapter 12, Laws of 1961 and RCW 46.20.010, section 46.20.020, chapter 12, Laws of 1961 as amended by section 1, chapter 134, Laws of 1961 and RCW 46.20.020, section 46.20.030, chapter 12, Laws of 1961 as amended by section 12, chapter 39, Laws of 1963 and RCW 46.20.030, section 46.20.060, chapter 12, Laws of 1961 and RCW 46.20.060, sections 46.20.080 through 46.20.090, chapter 12, Laws of 1961 and RCW 46.20.080 through 46.20.090, section 46.20.110, chapter 12, Laws of 1961 as last amended by section 10, chapter 39, Laws of 1963 and RCW 46.20.110, sections 46.20.140 through 46.20.180, chapter 12, Laws of 1961 and RCW 46.20.140 through 46.20.180, section 46.20.210, chapter 12, Laws of 1961 and RCW 46.20.210, sections 46.20.230 through 46.20.250, chapter 12, Laws of 1961 and RCW 46.20.230 through 46.20.250, section 46.20.280, chapter 12, Laws of 1961 and RCW 46.20.280, section 46.20.290, chapter 12, Laws of 1961 and RCW 46.20.290, section 46.20.310, chapter 12, Laws of 1961 and RCW 46.20.310, section 46.20.330, chapter 12, Laws of 1961 and RCW 46.20.330; section 46.20.350, chapter 12, Laws of 1961 and RCW 46.20.350; section 46.20.360, chapter 12, Laws of 1961 and RCW 46.20.360, adding new sections to chapter 12, Laws of 1961 and to chapter 46.20 RCW; and providing penalties.

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

New section.

SECTION 1. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

With the advent of greatly increased interstate vehicular travel and the migration of motorists between the states, the legislature recognizes the necessity of enacting driver licensing laws which are reasonably uniform with the laws of other states and are at the same time based upon sound, realistic principles, stated in clear explicit language. To achieve these ends the legislature does hereby adopt this 1965 amendatory act relating to driver licensing modeled after the Uniform Vehicle Code subject to such variances as are deemed better suited to the people of this state. It is intended that this 1965 amendatory act be liberally construed to effectuate the purpose of improving the safety of our highways through driver licensing procedures within the framework of the traditional freedoms to which every motorist is entitled.

Driver licens-
ing. Purpose—
Construction.

SEC. 2. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

New section.

(1) No person, except those hereinafter expressly exempted shall drive any motor vehicle upon a highway in this state unless such person has a valid driver's license issued under the provisions of this 1965 amendatory act. No person shall receive a driver's license unless and until he surrenders to the department all valid driver's licenses in his possession issued to him by any other jurisdiction. All surrendered licenses shall be returned by the department to the issuing department together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid driver's license at any time.

License man-
datory—Sur-
render of
out-of-state
licenses—
Disposition—
Multiple
licenses pro-
hibited—
State pre-
empts licens-
ing field.

(2) Any person licensed as a driver hereunder may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise

Driver licens-
ing. State pre-
empts field.

such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

New section.

SEC. 3. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Exempted
persons.

The following persons are exempt from license hereunder:

(1) Any person in the service of the army, navy, air force, marine corps or coast guard of the United States, or in the service of the national guard of this state or any other state, when furnished with a driver's license by such service when operating an official motor vehicle in such service;

(2) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid driver's license issued to him in his home state;

(3) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid driver's license issued to him in his home country may operate a motor vehicle in this state for a period not to exceed one year;

(4) Any person operating special highway construction equipment as defined in RCW 46.16.010;

(5) Any person while driving or operating any farm tractor or implement of husbandry which is only incidentally operated or moved over a highway.

New section.

SEC. 4. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Unqualified
persons.

The department shall not issue a driver's license hereunder:

(1) To any person who is under the age of sixteen years;

(2) To any person whose license has been suspended during such suspension, nor to any person

whose license has been revoked, except as provided in section 27;

(3) To any person when the department has been notified by a court that such person has violated his written promise to appear in court, unless the department has received a certificate from the court in which such person promised to appear, showing that the case has been adjudicated. The deposit of bail by a person charged with a violation of any law regulating the operation of motor vehicles on highways shall be deemed an appearance in court for the purpose of this section.

(4) To any person who is an habitual drunkard, or is an habitual user of narcotic drugs, or is an habitual user of any other drug to a degree which renders him incapable of safely driving a motor vehicle;

(5) To any person who has previously been adjudged to be mentally ill or insane, or to be incompetent due to any mental disability or disease, and who has not at the time of application been restored to competency by the methods provided by law: *Provided, however,* That no person so adjudged shall be denied a license for such cause if the superior court should find him able to operate a motor vehicle with safety upon the highways during such incompetency;

(6) To any person who is required by this 1965 amendatory act to take an examination, unless such person shall have successfully passed such examination;

(7) To any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

(8) To any person when the department has good and substantial evidence to reasonably conclude that such person by reason of physical or mental disability would not be able to operate a motor

vehicle with safety upon the highways; subject to review by a court of competent jurisdiction.

New section.

SEC. 5. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Driver licens-
ing. Physi-
cally or
mentally
disabled—
Restricted
license—Vio-
lation of—
Penalty.

(1) The department shall permit any person suffering from any physical or mental disability or disease which may affect his ability to drive a motor vehicle, to demonstrate personally that notwithstanding such disability or disease he is a proper person to drive a motor vehicle. The department may in addition require such person to obtain a certificate showing his condition signed by a licensed physician or other proper authority designated by the department.

(2) The department may issue a driver's license to such a person imposing restrictions suitable to the licensee's driving ability with respect to the special mechanical control devices required on a motor vehicle or the type of motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(3) The department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(4) The department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a driver improvement interview and a hearing as upon a suspension or revocation under this 1965 amendatory act.

(5) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

SEC. 6. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

New section.

No person who is under the age of eighteen years shall drive any school bus transporting school children. No person who is under the age of twenty-one years shall drive any motor vehicle when in use for the transportation of person for compensation.

Transporting of persons, age qualification.

SEC. 7. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

New section.

(1) Any person who is at least fifteen and a half years of age may apply to the department for an instruction permit for the operation of any motor vehicle except a motorcycle. Any person who is at least sixteen years of age may apply for an instruction permit for the operation of a motorcycle. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of six months when accompanied by a licensed driver who has had at least five years of driving experience and is licensed in the state of Washington and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Only one additional instruction permit may be issued within a period of twenty-four months after the issuance of the first such permit. The department after investigation may in its discretion issue a third instruction permit within a twenty-four month period where it finds that the permittee is diligently seeking to improve his driving proficiency.

Instruction permits—Types—Qualifications for—Duration.

Driver licens-
ing. Instruc-
tion permits—
Types—Quali-
fications for—
Duration.

(2) The department upon receiving proper application may in its discretion issue an instruction permit effective for a school semester or other restricted period to an applicant who is at least fifteen years of age and is enrolled in a driver education program which includes practice driving and which is approved and accredited by the superintendent of public instruction. Such instruction permit shall entitle the permittee when he has such permit in his immediate possession to drive a motor vehicle only when an approved instructor or other driver licensed in Washington with at least five years of driving experience, is occupying a seat beside the permittee.

(3) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting him to drive a motor vehicle for a period not to exceed sixty days while the department is completing its investigation and determination of all facts relative to such applicant's right to receive a driver's license. Such permit must be in his immediate possession while driving a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

New section.

SEC. 8. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Licenses, per-
mits—Applica-
tions—Form—
Fee—Out-of-
state drivers'
record—Reci-
procity in
furnishing.

(1) Every application for an instruction permit or for an original driver's license shall be made upon a form prescribed and furnished by the department which shall be sworn to and signed by the applicant before a person authorized to administer oaths. Every application for an instruction permit shall be accompanied by a fee of one dollar and fifty cents. The department shall forthwith transmit the fees collected for instruction permits

and temporary drivers' permits to the state treasurer.

(2) Every said application shall state the full name, date of birth, sex and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as a driver or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal, and shall state such additional information as the department shall require.

(3) Whenever application is received from a person previously licensed in another jurisdiction, the department shall request a copy of such driver's record from such other jurisdiction. When received, the driving record shall become a part of the driver's record in this state.

(4) Whenever the department receives request for a driving record from another licensing jurisdiction, the record shall be forwarded without charge: *Provided, however,* That the other licensing jurisdiction extends the same privilege to the state of Washington otherwise there shall be a reasonable charge for transmittal of record, the amount whereof to be fixed by the director of the department.

SEC. 9. Section 46.20.120, chapter 12, Laws of 1961 and RCW 46.20.120 are each amended to read as follows:

RCW 46.20.120 amended.

No new driver's license shall be issued and no previously issued license shall be renewed until the applicant therefor has successfully passed a driver licensing examination: *Provided,* That the department may waive all or any part of the examination of any person applying for the renewal of a driv-

Applicants for new license or renewal to be examined—
Waiver.

Driver licens-
ing. Appli-
cants for new
license or re-
newal to be
examined—
Waiver—Fee—
New license
defined—Ex-
amination,
time and
place.

er's license issued under the laws of this state, except when the department determines that an applicant for a driver's license is not qualified to hold a driver's license under this title. For a new license examination a fee of two dollars shall be paid by each applicant, in addition to the fee charged for issuance of his license. A new license shall be one issued to a driver who has not been previously licensed in this state or to a driver whose last previous Washington license expired over sixty days prior to date of application.

Any person who is without the state at the time his driver's license expires or who is unable to renew his license due to any incapacity may renew the license within sixty days after his return to this state or within sixty days after the termination of any such incapacity without the payment of a new license examination fee. In such case the department may waive all or any part of the examination as in the case of renewal of driver licenses. The department shall provide for giving examinations at places and times reasonably available to the people of this state.

RCW 46.20.130
amended.

SEC. 10. Section 46.20.130, chapter 12, Laws of 1961 and RCW 46.20.130 are each amended to read as follows:

Content and
conduct of
examination.

The director shall prescribe the content of the driver licensing examination and the manner of conducting the examination, which shall include:

(1) A test of the applicant's eyesight, his ability to understand highway signs regulating, warning, and directing traffic, and his knowledge of the traffic laws of this state;

(2) An actual demonstration of his ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property; and

(3) Such further examination as the director deems necessary (a) to determine whether any

facts exist which would bar the issuance of a vehicle operator's license under chapters 46.20, 46.21 and 46.29, and (b) to determine the applicant's fitness to operate a motor vehicle safely on the highways.

SEC. 11. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

New section.

The department shall upon receipt of a fee of four dollars issue to every applicant qualifying therefor a driver's license, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

Issuance of license—Fee—Minimum contents—Signature for validity.

SEC. 12. Section 46.20.102, chapter 12, Laws of 1961 and RCW 46.20.102 are each amended to read as follows:

RCW 46.20.102 amended.

Any driver's license issued to a person under the age of twenty-one years shall bear the word "minor" or shall be of such color or design as to be readily distinguishable from drivers' licenses issued to persons over twenty-one years of age.

Minor's license to be distinguishable.

SEC. 13. Section 46.20.104, chapter 12, Laws of 1961 and RCW 46.20.104 are each amended to read as follows:

RCW 46.20.104 amended.

A minor attaining the age of twenty-one years prior to the expiration date of his driver's license may upon proper application to the licensing agent have issued to him without fee a substitute license of the type issued to persons over the age of twenty-one years.

—Substitute license on reaching majority.

RCW 46.20.106 amended.

SEC. 14. Section 46.20.106, chapter 12, Laws of 1961 and RCW 46.20.106 are each amended to read as follows:

Driver licensing. Evidence of age may be required.

Any agent authorized to issue a driver's license in this state is authorized to require satisfactory evidence of the age of the applicant as a condition precedent to the issuance of a driver's license.

RCW 46.20.190 amended.

SEC. 15. Section 46.20.190, chapter 12, Laws of 1961 and RCW 46.20.190 are each amended to read as follows:

License to be in immediate possession when operating vehicle.

Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand to any police officer or to any other person when and if required by law to do so.

RCW 46.20.200 amended.

SEC. 16. Section 46.20.200, chapter 12, Laws of 1961 and RCW 46.20.200 are each amended to read as follows:

Licenses, permits, if lost or destroyed—Duplicates—Fee.

In the event that an instruction permit or a driver's license shall be lost or destroyed, the person to whom the same was issued may obtain a duplicate thereof upon furnishing proof of such fact satisfactory to the department without reexamination upon payment of a fee of fifty cents to the department.

New section.

SEC. 17. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

License—Expiration—Renewal period—Fee.

Every driver's license shall expire on the licensee's birthdate in the second calendar year following the issuance of such license. Every such license shall be renewable on or before its expiration upon application prescribed by the department and the payment of a fee of four dollars.

New section.

SEC. 18. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Whenever any person after applying for or receiving a driver's license shall remove from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise such person shall within ten days thereafter notify the department in writing of his old and new addresses or of such former and new names and of the number of any license then held by him.

Change of
name, address
—Notice to
department.

SEC. 19. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

New section.

(1) The department shall file every application for a license received by it and shall maintain suitable indexes containing the following:

Departmental
records.

(a) All applications denied and on each thereof note the reasons for such denial;

(b) All applications granted; and

(c) The name of every licensee whose license has been suspended or revoked by the department and after each such name shall note the reasons for such action.

(2) The department shall also maintain a record for every licensed driver which shall include all accident reports and abstracts of court records of convictions received by it under the laws of this state and in connection therewith maintain convenient records in order that an individual record of each licensee showing the convictions of such licensee, the traffic accidents in which he has been involved and any prior actions taken by the department in connection with his driving record shall be readily ascertainable for the consideration of the department.

SEC. 20. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

New section.

Driver licens-
ing. Cancell-
ation of
license—
Grounds.

(1) The department is hereby authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the required or correct information in his application.

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department.

New section.

SEC. 21. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Nonresidents
—Suspension
or cancellation
of driving
privilege—
Report to li-
censing state.

(1) The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by the department in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

(2) The department shall, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a report of such conviction to the motor vehicle administrator in the state wherein the person so convicted is a resident. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; and indicate whether a plea of guilty or not guilty was entered, or the conviction was the result of the forfeiture of bail, bond or other security.

RCW 46.20.270
amended.

SEC. 22. Section 46.20.270, chapter 12, Laws of 1961 and RCW 46.20.270 are each amended to read as follows:

Court to take
up license and
forward to
department,
when—Ab-
stract of court
record for-
warded—
"Conviction"
defined.

(1) Whenever any person is convicted of any offense for which this act makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this act, and the court

in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: *Provided*, That in the event such convicted person shall testify that he does not and at the time of the offense did not have a current and valid vehicle driver's license, then the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department shall not issue a driver's license to such persons during the period of such suspension or revocation: *Provided, also*, That in the event that the driver's license of such convicted person has been lost or destroyed and such convicted person shall make an affidavit to that effect, sworn to before the judge, he shall not be so confined, but the department shall not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: *Provided*, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this 1965 amendatory act, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, shall forward to the department within ten days an abstract of court record in the form prescribed by rule of the supreme court, showing the conviction of any person in said court for a violation of any said laws other than regulations governing standing or park-

Driver licensing. "Conviction" defined.

ing, and may recommend the suspension of the driver's license of the person so convicted.

(3) For the purposes of chapter 46.20 RCW the term "conviction" shall mean a final conviction in either a state or municipal court. Also, for the purposes of chapter 46.20 RCW an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty or a finding of guilt on a traffic law violation charge, shall be equivalent to a conviction, regardless of whether the imposition of sentence is deferred or the penalty is suspended.

New section.

SEC. 23. There is added to chapter 12, Laws of 1961 and chapter 46.64 RCW a new section to read as follows:

Notice by court of failure to appear—Certificate of adjudication.

Whenever any person has for a period of fifteen or more days violated his written promise to appear in court, the court in which the defendant so promised to appear shall forthwith give notice of such fact to the department of licenses. Whenever thereafter the case in which such promise was given is adjudicated the court hearing the case shall file with the department a certificate showing that the case has been adjudicated.

New section.

SEC. 24. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Mandatory revocation, when.

The department shall forthwith revoke the license of any driver upon receiving a record of such driver's conviction of any of the following offenses, when such conviction has become final:

(1) Manslaughter (or negligent homicide) resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a

motor vehicle, upon a showing by the department's records that the conviction is the third such conviction of such driver within a period of five years;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(5) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;

(6) Reckless driving upon a showing by the department's records that the conviction is the third such conviction of such driver within a period of two years.

SEC. 25. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows: New section.

(1) The department is hereby authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee: Suspension authorized, when.

(a) Has committed an offense for which mandatory revocation or suspension of license is provided by law;

(b) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage;

(c) Has been convicted with such frequency of offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(d) Is incompetent to drive a motor vehicle for any of the reasons enumerated in subsections (4), (5) and (8) of section 4 of this 1965 amendatory act;

(e) Has committed one of the prohibited practices relating to drivers' licenses defined in section 41 of this 1965 amendatory act.

New section.

SEC. 26. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Driver licens-
ing. Depart-
mental scope
if cause to
believe driver
not qualified
or incompete-
tent.

The department, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed may upon notice require him to submit to an examination. The department may in addition require such person to obtain a certificate showing his condition signed by a licensed physician or other proper authority designated by the department. Upon the conclusion of such examination the department shall take driver improvement action as may be appropriate and may suspend or revoke the license of such person or permit him to retain such license, or may issue a license subject to restrictions as permitted under section 5 of this 1965 amendatory act. The department may suspend or revoke the license of such person who refuses or neglects to submit to such examination.

New section.

SEC. 27. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Suspension,
limitations on,
conditions for
lifting—Revoca-
tion, condi-
tions for
reissuance.

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under section 43 of this 1965 amendatory act. Whenever the license of any person is suspended by reason of a conviction or pursuant to section 25 of this 1965 amendatory act, such suspension shall remain in effect and the department shall not issue to such person any new or renewal of license until such person shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of one year from the date on which the revoked license was surrendered to and received by the department, such person may make application for a new license as provided by law, but the department shall not then issue a new license unless and until it is satisfied after investigation of the driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways.

SEC. 28. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows: New section.

The department upon suspending or revoking a license shall require that such license shall be surrendered to and be retained by the department, except that at the end of the period of suspension such license so surrendered shall be returned to the licensee. Surrender of license on suspension or revocation—Return.

SEC. 29. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows: New section.

Whenever the department proposes to suspend or revoke the driving privilege of any person or proposes to impose terms of probation on his driving privilege or proposes to refuse to renew a driver's license, notice and an opportunity for a driver improvement interview shall be given before taking such action, except as provided in sections 31 and 32 of this 1965 amendatory act. Notice and opportunity for driver improvement interview before licensing restrictions.

SEC. 30. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows: New section.

Driver licens-
ing. Driver
improvement
interview—
Notice,
contents.

The notice shall contain a statement setting forth the proposed action and the grounds therefor, and notify the person to appear for a driver improvement interview not less than ten days from the date notice is given.

New section.

SEC. 31. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Grounds for
denial of
driver
improvement
interview
or hearing.

A person shall not be entitled to a driver improvement interview or formal hearing as hereinafter provided:

(1) When the action by the department is made mandatory by the provisions of this 1965 amendatory act or other law; or

(2) When the person has refused or neglected to submit to an examination as required by section 26 of this 1965 amendatory act.

New section.

SEC. 32. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Alternative
procedure
for licensing
restrictions.

In the alternative to the procedure set forth in sections 29 and 30 of this 1965 amendatory act the department, whenever it determines from its records or other sufficient evidence that the safety of persons upon the highways requires such action, shall forthwith and without a driver improvement interview suspend the privilege of a person to operate a motor vehicle or impose reasonable terms and conditions of probation consistent with the safe operation of a motor vehicle. The department shall in such case, immediately notify such licensee in writing and upon his request shall afford him an opportunity for a driver improvement interview as early as practical within not to exceed seven days after receipt of such request, or the department, at the time it gives notice may set the date of a driver improvement interview, giving not less than ten days' notice thereof.

SEC. 33. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows: New section.

Failure to appear for a driver improvement interview at the time and place stated by the department in its notice as provided in sections 29 and 30 or failure to request a driver improvement interview within ten days as provided in section 33 of this 1965 amendatory act shall constitute a waiver of a driver improvement interview, and the department may take action without such driver improvement interview, or the department may, upon request of the person whose privilege to drive may be affected, or at its own option, re-open the case, take evidence, change or set aside any order theretofore made, or grant a driver improvement interview. Driver improvement interview—Waiver of—Effect.

SEC. 34. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows: New section.

A driver improvement interview shall be conducted in a completely informal manner before a driver improvement analyst sitting as a referee. The applicant or licensee shall have the right to make or file a written answer or statement in which he may controvert any point at issue, and present any evidence or arguments for the consideration of the department pertinent to the action taken or proposed to be taken or the grounds therefor. The department may consider its records relating to the applicant or licensee. The driver improvement interview shall not be deemed an agency hearing. Driver improvement interview—Conduct—Applicant or licensee's rights.

SEC. 35. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows: New section.

Upon the conclusion of a driver improvement interview, the department's referee shall make findings on the matter under consideration and may Driver improvement interview—Recommendations from.

Driver licens-
ing. Driver
improvement
interview—
Recommendations from—
Request for
formal
hearing.

prepare and submit recommendations to the department. After a review of the referee's report together with the department's records, the department shall render its decision concerning the matter under consideration and shall notify the person involved in writing by personal service or by registered or certified mail. The decision is effective upon notice. The person upon receiving such notice may, in writing and within ten days request a formal hearing.

New section.

SEC. 36. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Formal hear-
ing—Notice—
Place—Stay of
action pending
—Officiating
officers.

Upon receiving a request for a formal hearing as provided in section 35 of this 1965 amendatory act, the department shall fix a time and place for hearing as early as may be arranged in the county where the applicant or licensee resides, and shall give ten days' notice of the hearing to the applicant or licensee, except that the hearing may be set for a different place with the concurrence of the applicant or licensee and the period of notice may be waived.

Any decision by the department suspending or revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: *Provided*, That this stay shall be effective only so long as there is no conviction of a moving violation during pendency of hearing and appeal.

A formal hearing shall be conducted by the director or by a referee or hearing board appointed by him from officers or employees of the department.

New section.

SEC. 37. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Formal hear-
ing—Evidence
—Subpoena
power—Re-

At a formal hearing the department shall consider its records and may receive sworn testimony

and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers in the manner and subject to the conditions provided in chapter 5.56 RCW relating to the issuance of subpoenas. In addition the department may require a reexamination of the licensee or applicant. Proceedings at a formal hearing shall be recorded stenographically or by mechanical device. Upon the conclusion of a formal hearing, if not heard by the director, the referee or board shall make findings on the matters under consideration and may prepare and submit recommendations to the director.

examination—
Proceedings
recorded—
Findings and
recommendations.

SEC. 38. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

New section.

The director, upon review of the records, evidence, and of the findings after a formal hearing, shall render his decision sustaining, modifying, or reversing the order of suspension or revocation or the refusal to renew a license or the order imposing terms or conditions of probation, or he may set aside the prior action of the department and may direct the probation be granted to the applicant or licensee and in such case may fix the terms and conditions of the probation.

Director's
scope of
action after
formal
hearing.

SEC. 39. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

New section.

Any person denied a license or a renewal of a license or whose license has been suspended or revoked by the department except where such suspension or revocation is mandatory under the provisions of this 1965 amendatory act shall have the right within thirty days, after receiving notice of the director's decision following a formal hearing to file a notice of appeal in the superior court in the county of his residence. The hearing on the appeal hereunder shall be de novo.

Court appeal
from denial of
license, re-
newal or sus-
pension or
revocation.

New section.

SEC. 40. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Driver licens-
ing. Probation
in lieu of
suspension or
revocation of
license.

Whenever by any provision of this 1965 amendatory act the department has discretionary authority to suspend or revoke the privilege of a person to operate a motor vehicle, the department may in lieu of a suspension or revocation place the person on probation, the terms of which may include a suspension as a condition of probation, and upon such other reasonable terms and conditions as shall be deemed by the department to be appropriate.

New section.

SEC. 41. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Violations—
Penalty.

It is a misdemeanor for any person:

- (1) To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious or fraudulently altered driver's license;
- (2) To lend his driver's license to any other person or knowingly permit the use thereof by another;
- (3) To display or represent as one's own any driver's license not issued to him;
- (4) Wilfully to fail or refuse to surrender to the department upon its lawful demand any driver's license which has been suspended, revoked or canceled;
- (5) To use a false or fictitious name in any application for a driver's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;
- (6) To permit any unlawful use of a driver's license issued to him.

RCW 46.20.340
amended.

SEC. 42. Section 46.20.340, chapter 12, Laws of 1961 and RCW 46.20.340 are each amended to read as follows:

The suspension, revocation, cancellation, or refusal by the director of any license or certificate provided for in chapters 46.12 and 46.16 shall be conclusive unless the person whose license or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston county, or at his option to the superior court of the county of his residence, for the purpose of having the suspension, revocation, cancellation, or refusal of such license or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal the court shall issue an order to the director to show cause why the license should not be granted or reinstated, which order shall be returnable not less than ten days after the date of service thereof upon the director. Service shall be in the manner prescribed for service of summons and complaint in other civil actions. Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the license or certificate and shall enter judgment either affirming or setting aside such suspension, revocation, cancellation, or refusal.

Court review
of director's
action.

SEC. 43. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

New section.

(1) Any person who drives a motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than ten days nor more than six months and there may be imposed in addition thereto a fine of not more than five hundred dollars.

Driving while
license sus-
pended or
revoked is
misdemeanor
—Extension of
period if li-
cense revoked.

(2) The department upon receiving a record of the conviction of any person under this section upon

Driver licens-
ing. Driving
while license
suspended or
revoked is
misdemeanor
—Extension of
period if li-
cense revoked.

a charge of driving a vehicle while the license of such person is under suspension shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license.

New section.

SEC. 44. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Responsibility
for child or
ward under
eighteen years
of age.

No person shall cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this 1965 amendatory act.

New section.

SEC. 45. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Responsibility
to keep own
motor vehicle
from being
driven by un-
authorized
person.

No person shall authorize and knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this 1965 amendatory act.

Repeal—
Savings.

SEC. 46. Section 46.20.010, chapter 12, Laws of 1961 and RCW 46.20.010, section 46.20.020, chapter 12, Laws of 1961 as amended by section 1, chapter 134, Laws of 1961 and RCW 46.20.020, section 46.20.030, chapter 12, Laws of 1961 as amended by section 12, chapter 39, Laws of 1963 and RCW 46.20.030, section 46.20.060, chapter 12, Laws of 1961 and RCW 46.20.060, sections 46.20.080 through 46.20.090, chapter 12, Laws of 1961 and RCW 46.20.080 through 46.20.090, section 46.20.110, chapter 12, Laws of 1961 as last amended by section 10, chapter 39, Laws of 1963 and RCW 46.20.110, sections 46.20.140 through 46.20.180, chapter 12, Laws of 1961 and

RCW 46.20.140 through 46.20.180, section 46.20.210, chapter 12, Laws of 1961 and RCW 46.20.210, sections 46.20.230 through 46.20.250, chapter 12, Laws of 1961 and RCW 46.20.230 through 46.20.250, section 46.20.280, chapter 12, Laws of 1961 and RCW 46.20.280, section 46.20.290, chapter 12, Laws of 1961 and RCW 46.20.290, section 46.20.310, chapter 12, Laws of 1961 and RCW 46.20.310, and section 46.20.330, chapter 12, Laws of 1961 and RCW 46.20.330; section 46.20.350, chapter 12, Laws of 1961 and RCW 46.20.350; section 46.20.360, chapter 12, Laws of 1961 and RCW 46.20.360 are each hereby repealed. Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceedings instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder.

SEC. 47. If any provision of this 1965 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1965 amendatory act, or the application of the provision to other persons or circumstances is not affected. Severability.

Passed the Senate March 29, 1965.

Passed the House March 24, 1965.

Approved by the Governor April 8, 1965.

CHAPTER 122.

[Senate Bill No. 39.]

INDUSTRIAL INSURANCE.

AN ACT relating to industrial insurance; amending section 51.32.050, chapter 23, Laws of 1961 as amended by section 1, chapter 274, Laws of 1961 and RCW 51.32.050; amending section 51.32.060, chapter 23, Laws of 1961 as amended by section 2, chapter 274, Laws of 1961, and RCW 51.32.060; and amending section 51.32.090, chapter 23, Laws of 1961 as amended by section 4, chapter 274, Laws of 1961, and RCW 51.32.090.

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

RCW 51.32.050 amended.

SECTION 1. Section 51.32.050, chapter 23, Laws of 1961 as amended by section 1, chapter 274, Laws of 1961, and RCW 51.32.050 are each amended to read as follows:

Industrial insurance. Compensation. Death benefits.

(1) Where death results from the injury the expenses of burial not to exceed six hundred dollars shall be paid to the undertaker conducting the funeral.

(2) If the workman leaves a widow or invalid widower, a monthly payment of one hundred forty dollars shall be made throughout the life of the surviving spouse, to cease at the end of the month in which remarriage occurs, and the surviving spouse shall also receive per month for each child of the deceased at the time any monthly payment is due the following payments: For the youngest or only child, thirty-seven dollars, for the next or second youngest child, thirty-one dollars, and for each additional child, twenty-three dollars, but the total monthly payments shall not exceed two hundred seventy-seven dollars and any deficit shall be deducted proportionately among the beneficiaries. In addition to the monthly payments above provided for, a surviving widow, or invalid widower, or dependent parent or parents, if there is no surviving

widow or invalid widower of any such deceased workman shall be forthwith paid the sum of six hundred dollars.

Upon remarriage of a widow she shall receive, once and for all, a lump sum of two thousand dollars, and the monthly payments to such widow shall cease at the end of the month in which remarriage occurs, but the monthly payments for the child or children shall continue as before.

(3) If the workman leaves no wife or husband, but an orphan child or children a monthly payment of seventy dollars shall be paid to each such child, but the total monthly payments shall not exceed three hundred fifty dollars and any deficit shall be deducted proportionately among the beneficiaries.

(4) In the event a surviving spouse receiving monthly payments dies, leaving a child or children, each shall receive the sum of seventy dollars per month, but the total monthly payment shall not exceed three hundred fifty dollars and any deficit shall be deducted proportionately among the beneficiaries.

(5) If the workman leaves no widow, widower or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the workman during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed one hundred twenty-five dollars per month. If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creat-

Industrial insurance. Compensation. Death benefits.

ing the dependency would have ceased if the injury had not happened.

(6) If the injured workman dies during the period of permanent total disability, whatever the cause of death, leaving a widow, invalid widower, or child, or children, the surviving widow or invalid widower shall receive one hundred forty dollars per month until death or remarriage, to be increased per month for each child of the deceased, as follows: For the youngest or only child, thirty-seven dollars, for the next or second youngest child, thirty-one dollars, and for each additional child, twenty-three dollars: *Provided*, That the total monthly payments shall not exceed two hundred seventy-seven dollars and any deficit shall be deducted proportionately among the beneficiaries; but if such child is or shall be without father or mother, such child shall receive seventy dollars per month, but the total monthly payment to such children shall not exceed three hundred fifty dollars, and any deficit shall be deducted proportionately among the children. Upon remarriage the payments on account of the child or children shall continue as before to such child or children.

RCW 51.32.060 amended.

SEC. 2. Section 51.32.060, chapter 23, Laws of 1961 as amended by section 2, chapter 274, Laws of 1961, and RCW 51.32.060 are each amended to read as follows:

Permanent total disability compensation — Personal attendant.

When the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the workman shall receive monthly during the period of such disability:

(1) If unmarried at the time of the injury, the sum of one hundred eighty-five dollars.

(2) If the workman has a wife or invalid husband, but no child, the sum of two hundred fifteen dollars.

(3) If the workman has an able-bodied husband, but no child, the sum of one hundred seventy-five dollars.

(4) If the workman has a wife or husband and a child or children, or, being a widow or widower having any such child or children, the monthly payment in subdivisions (2) and (3) shall be increased by thirty-seven dollars for the youngest or only child, thirty-one dollars for the next or second youngest child, and twenty-three dollars for each additional child, but the total monthly payments shall not exceed three hundred fifty-two dollars to a workman with a wife, or invalid husband, or being a widow or widower, and having children, and shall not exceed three hundred twenty-two dollars to a married workman with children and having an able-bodied husband, and any deficit shall be deducted proportionately among the beneficiaries.

(5) In case of permanent total disability, if the character of the injury is such as to render the workman so physically helpless as to require the services of an attendant, the monthly payment to such workman shall be increased one hundred fifteen dollars per month as long as such requirement continues, but such increases shall not obtain or be operative while the workman is receiving care under or pursuant to the provisions of chapters 51.36 and 51.40.

(6) Should any further accident result in the permanent total disability of an injured workman, he shall receive the pension to which he would be entitled, notwithstanding the payment of a lump sum for his prior injury.

SEC. 3. Section 51.32.090, chapter 23, Laws of 1961 as amended by section 4, chapter 274, Laws of 1961, and RCW 51.32.090 are each amended to read as follows:

**RCW 51.32.090
amended.**

Industrial
insurance.
Compensation.
Temporary
total disability
—Partial res-
toration of
earning power
—When
employer con-
tinues wages.

(1) When the total disability is only temporary, the schedule of payments contained in subdivisions (1), (2), (3) and (4) of RCW 51.32.060 shall apply, so long as the total disability continues.

(2) But if the injured workman has a wife or husband and has no child or, being a widow or widower, with one or more children, the compensation for the case during such period of time as the total temporary disability continues, shall be per month as follows, to wit: (a) Injured workman with wife or invalid husband and no child, two hundred fifteen dollars; injured workman with able-bodied husband, but no child, one hundred seventy-five dollars; injured workman with wife or invalid husband and one child, or being a widow or widower and having one child, two hundred fifty-two dollars; (b) injured workman with able-bodied husband and one child, two hundred twelve dollars; (c) injured workman with wife or invalid husband and two children, or being a widow or widower and having two children, two hundred eighty-three dollars; (d) injured workman with able-bodied husband and two children, two hundred forty-three dollars; and twenty-three dollars for each additional child, but the total monthly payments shall not exceed three hundred fifty-two dollars to an injured workman with a wife or invalid husband, or being a widow or widower, and having children, and shall not exceed three hundred twelve dollars to an injured workman with children and having an able-bodied husband and any deficit shall be deducted proportionately among the beneficiaries.

Any compensation payable under this section for children not in the custody of the injured workman as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of

a court of record providing for support of such child or children.

(3) As soon as recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable out of the accident fund unless the loss of earning power shall exceed five percent.

(4) No workman shall receive compensation out of the accident fund for or during the day on which injury was received or the three days following the same, unless his disability shall continue for a period of thirty consecutive calendar days from date of injury.

(5) Should a workman suffer a temporary total disability and should his employer at the time of the injury continue to pay him the wages which he was earning at the time of such injury, such injured workman shall not receive any payment provided in subsection (1) of this section from the accident fund during the period his employer shall so pay such wages.

Passed the Senate March 19, 1965.

Passed the House April 2, 1965.

Approved by the Governor April 9, 1965.

CHAPTER 123.

[House Bill No. 13.]

NAVIGATION CANALS—CANAL COMMISSION.

AN ACT relating to navigation canals; establishing a canal commission; setting forth the power of said commission.

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

Canal
commission.
Purposes.

SECTION 1. The purposes of this act are to aid commerce and navigation, including the development of recreational facilities related thereto, and to otherwise promote the general welfare by the development of navigation canals within the boundaries of the state of Washington.

Commission
created—
Members—
Appointment
—Qualifica-
tions—Officers
—Terms—Va-
cancies—
Removal, pro-
cedure, appeal.

SEC. 2. There is hereby created a canal commission of the state of Washington, which shall be composed of five members appointed by the governor and confirmed by the senate. Not more than three members of the commission shall be from the same political party. In making such appointments the governor shall give due recognition to the varying geographical sections of the state. The commission shall select its own chairman. The director of conservation shall be an ex officio member of the commission without vote.

The initial members of the commission shall be appointed within thirty days after the effective date of this act. Of the initial membership one member shall be appointed for a term of six years, two members shall be appointed for a term of four years and two members shall be appointed for a term of two years. The first term of each member shall commence on July 1, 1965. After the first term, all appointments shall be for a term of six years. Each member of the commission shall continue in office until his successor is appointed and qualified. In the event of a vacancy in the office of any com-

missioner, the balance of the term shall be filled within ninety days by appointment by the governor. No canal commissioner shall be removed from office by the governor before the expiration of his term unless based upon incapacity, incompetence, neglect of duty, or malfeasance in office. Where removal is sought the governor shall furnish the commissioner with a letter setting forth the reason for the removal. Any commissioner whose removal is sought may request a hearing before the superior court of the state of Washington in and for Thurston county, by requesting the same within twenty days from the date of receipt of the letter of removal. Such tribunal shall fix the time of hearing, allow all parties full opportunities to be heard, and determine whether the causes for removal were properly based. The effective date of removal shall be thirty days after transmittal of the letter to the commissioner, or if appeal is taken, on the date of final determination by the court.

SEC. 3. Commission members shall receive no compensation but shall be reimbursed for subsistence and travel expense at the rates provided in RCW 43.03.050 and 43.03.060 for attendance at meetings of the commission and while in the discharge of other commission business.

Members—
Reimbursement for subsistence and travel expenses.

SEC. 4. The commission shall be subject to the provisions of chapter 34.04 RCW.

Administrative procedure act applicable.

SEC. 5. The commission:

Duties.

(1) Shall adopt rules and regulations necessary to carry out the purposes of this act.

(2) Shall meet not less than once every three months, and keep a complete record of all its proceedings. Special meetings may be called by the chairman of the commission, or by three members of the commission, by personal delivery of written notice thereof, or by delivery to their place of resi-

Canal com-
mission.
Duties.

dence or business. Three members of the commission shall constitute a quorum to transact the business of the commission at either special or regular meetings.

(3) Shall employ a director and such other employees as are necessary to carry out functions of the commission. The attorney general shall be legal adviser for the commission.

(4) Shall make such investigations, surveys, and studies it deems necessary to determine the feasibility of the development of a navigation canal, or systems of navigation canals within the state of Washington.

(5) May construct, maintain, and/or operate any navigation canal, or navigation canal systems deemed feasible by the commission.

(6) May acquire by gift, purchase, or condemnation from any person, municipal, public or private corporation, or the state of Washington, or lease from the United States of America, any lands, rights of way, easements, or property rights in, over or across lands or waters necessary for the construction, operation or maintenance of any navigation canal, or navigation canal system. The acquisition of such rights is for a public use. The exercise of the right of eminent domain shall be in the manner provided by chapter 8.04 RCW, and all actions initiated thereunder shall be brought in the name of the canal commission.

(7) May hold public hearings. Prior to a determination of feasibility for any proposed project, the commission shall hold a public hearing so that members of the public may present their views thereon.

(8) May accept and expend moneys appropriated by the legislature or received from any public or private source, including the federal government, in carrying out the purposes of this act.

(9) May negotiate and cooperate with the United States of America for the purpose of inducing the United States to undertake the construction, operation or maintenance of any navigation canal, or navigation canal system provided for in this act.

(10) Is authorized as a local sponsor to cooperate, contract, and otherwise fully participate on behalf of the state of Washington with the United States of America, in any study relating to a determination of feasibility of a navigation canal or navigation canal system, and in any project relating to the construction, operation, or maintenance of a navigation canal, or navigation canal system to be undertaken by the United States of America.

The authority granted herein includes, but is not limited to, contributing such moneys to the United States of America as may be required and appropriated for that purpose by the legislature and furnishing without cost to the United States of America all lands, easements, rights of way and perform all necessary alterations to utilities arising from any project, and holding the United States of America free from any claims for damages arising out of the construction of any project.

SEC. 6. For the purposes of this act, "canal" is defined as any waterway for navigation created by construction of reservoirs or construction of channels by excavation in dry ground, in streams, rivers or in tidal waters and any existing waterway incorporated into such a canal and including any appurtenant features necessary for operation and maintenance of the canal.

"Canal"
defined.

Passed the House March 31, 1965.

Passed the Senate March 29, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 124.

[House Bill No. 303.]

SCHOOL DISTRICTS—BUDGETS—KINDERGARTENS.

AN Act relating to education; adding a new chapter to Title 28 RCW; and amending section 1, page 371, Laws of 1909 as amended by section 1, chapter 82, Laws of 1911, part, and RCW 28.35.010; and repealing section 1, chapter 183, Laws of 1937 and RCW 28.58.120, section 1, chapter 131, Laws of 1923 and RCW 28.59.039, section 2, chapter 131, Laws of 1923 as amended by section 1, chapter 155, Laws of 1949 and RCW 28.59.040, section 3, chapter 131, Laws of 1923 and RCW 28.59.070, section 4, chapter 131, Laws of 1923 as amended by section 2, chapter 155, Laws of 1949 and RCW 28.59.090, section 5, chapter 131, Laws of 1923 as amended by section 3, chapter 155, Laws of 1949 and RCW 28.59.100, sections 6 through 8, chapter 131, Laws of 1923 and RCW 28.59.120 through 28.59.140, sections 9 through 11, chapter 131, Laws of 1923 and RCW 28.59.190 through 28.59.205, sections 12 through 14, chapter 216, Laws of 1959 and RCW 28.63.100 through 28.63.120, sections 16 through 18, chapter 216, Laws of 1959 and RCW 28.63.140 through 28.63.160, and section 20, chapter 216, Laws of 1959 and RCW 28.63.170; and declaring an emergency.

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

New chapter.

SECTION 1. There is added to Title 28 RCW a new chapter to read as set forth in sections 2 through 18 of this act.

School districts.
Preliminary budgets.
When prepared—
Contents—
Sectional division.

SEC. 2. On or before the thirtieth day of April in each year, the board of directors of all school districts shall prepare the preliminary budget for the ensuing fiscal year. The budget shall set forth the complete financial program of the district for the ensuing fiscal year, showing in detail in two sections the expenditure program and the sources of revenue from which it is to be financed.

Section contents.

SEC. 3. The revenue section shall set forth the estimated receipts from the various sources other than taxation for the ensuing fiscal year, the actual receipts for the last completed fiscal year, the prob-

able surplus that will be on hand at the close of the current fiscal year, and the amount to be raised by taxation.

The expenditure section shall set forth by detailed items or classes the estimated expenditures for the ensuing fiscal year, the appropriations for the current fiscal year, and the expenditures for the last completed fiscal year. Each salary shall be set forth separately together with the title or position of the recipient: *Provided*, That salaries may be set out in total amounts under each budget class if a detailed schedule of such salaries and positions be attached to the budget and made a part thereof.

SEC. 4. The estimates and comparative budget data shall be set up in comparative and tabular form according to the classifications established by the division of municipal corporations of the state auditor's office.

Estimates and comparative budget data, form in budget.

SEC. 5. Estimates of the number of teachers required, equipment, instruction, supplies, textbooks, and such other items as depend in amount directly upon the prospective enrollment shall be submitted on the basis of the requirements for the current fiscal year and be subject to revision in September as hereafter provided: *Provided*, That no new subject not specifically provided for in the preliminary budget shall be taught, nor shall any expenditure be made therefor.

Estimates dependent on prospective enrollment, basis for submission.

SEC. 6. For the purposes of carrying out the provisions of sections 2 through 5 of this act, school districts shall prepare their budgets on forms to be provided by the superintendent of public instruction. In addition, the division of municipal corporations, office of the state auditor, is hereby empowered and directed to prescribe such budget and other forms and classifications as are required to define for the school accounting officers what

Forms provided— Auditor to prescribe forms and procedure.

expenditures shall be chargeable to each budget class and to establish such accounting and cost systems as may be necessary to secure accurate budget information.

School districts. Preliminary budgets. Specific items for which percentage of annual taxable income may be set aside in budget—Limitation.

SEC. 7. The board of directors of any school district at the time of preparing the annual budget for the ensuing year may include therein a sum not exceeding one-fifth of the taxable income of the district for any or all of the following purposes: (1) The establishment and support of a building fund, (2) the establishment and support of a fund for the purchase of transportation equipment, (3) the purchase of a schoolhouse site or sites for buildings or playgrounds, (4) the erection of one or more buildings authorized by law and providing the same with furniture, (5) the payment of the principal or interest on outstanding bonds or the refunding of outstanding indebtedness.

Procedure upon completion of preliminary budget—Hearing—Notice—Publication of preliminary budget.

SEC. 8. The board of directors shall immediately after the compilation of said preliminary budget publish a notice stating that the board of directors has completed the preliminary budget and placed the same on file with the clerk of said board, that a copy thereof will be furnished any taxpayer who will call upon the clerk for it, and that the board of directors will meet for the purpose of fixing and adopting the preliminary budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting which shall occur on or before the first day of June. The notice shall also state that any taxpayer may appear thereat and be heard for or against any part of such budget. Said notice shall be published once each week for two consecutive weeks immediately following the compilation of the preliminary budget in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general cir-

cultation in the county. The board of directors shall provide a sufficient number of copies of the preliminary budget to meet the reasonable demands of the taxpayers therefor, and the same shall be made available for distribution not later than two weeks immediately preceding the date set for the public hearing.

SEC. 9. On the date given in said notice the board of directors shall meet at the time and place designated. Any taxpayer may appear thereat and be heard for or against any part of such budget. Such hearing may be continued not to exceed a total of two days.

Hearing on preliminary budget—Adoption by resolution.

Upon the conclusion of the hearing, the board of directors shall fix and determine each item or class of the budget separately and shall by resolution adopt the preliminary budget as so finally determined and enter the same in detail in the official minutes: *Provided*, That the estimates for the expenditures depending directly upon the prospective September enrollment shall be adopted tentatively subject to revision.

SEC. 10. On or before the twentieth day of September following, the board of directors of districts of the second and third class, and on or before the first Monday in October following, the board of directors of districts of the first class shall meet for the purpose of revising those items of the budget adopted pursuant to section 9 of this act to meet the requirements of the enrollment as finally determined. Said meeting shall be a public meeting, notice thereof to be given in the manner provided in section 8 of this act. Any taxpayer may appear thereat and be heard for or against any proposed revision.

Revision hearing—When—Notice of.

SEC. 11. Upon the conclusion of the revision hearing the board of directors shall fix and determine

Adoption of budget—Review.

School districts. Budgets. Adoption of following revision hearing—Review, when.

the budget and by resolution adopt the same: *Provided*, That in the case of second and third class districts the board of directors shall immediately forward the budget to the county superintendent for review and revision by a county reviewing committee.

County reviewing committee. Members—Open meeting—Duties.

SEC. 12. The county reviewing committee shall consist of the county superintendent of schools, a member of the local board of directors, and the members of the county board of education.

Upon receipt of the district budget the county reviewing committee shall meet on or before the thirtieth day of September and finally fix and determine the total amount of the budget. Said meeting shall be open to the public, and copies of the original and revised budgets shall be available for examination by any resident taxpayer in attendance. In arriving at the amount of the budget, only current taxes may be considered for the purpose of offsetting outstanding warrants, unless the use of delinquent taxes is approved by the reviewing committee.

Certification of final budget—Filing of.

SEC. 13. Upon the conclusion of the revision hearing in districts of the first class and upon the conclusion of the county reviewing committee's action in districts of the second and third class, the board or reviewing committee as the case may be shall certify the final budget and the amount to be raised by taxation to the county commissioners for the levying of the district taxes in the manner now provided by law. A copy of said final budget shall, when certified, be filed with the county superintendent of schools, state superintendent of public instruction, county auditor for the board of county commissioners, and the division of municipal corporations, office of the state auditor. The certification and filing of the budgets as aforesaid shall occur on or before the first day of October.

SEC. 14. When in the judgment of a school board of a second or third class district additional expenditures, other than those allowed by the reviewing board are deemed necessary, such expenditures shall be submitted to the voters at a special election for a special levy as a separate item, and, if authorized in the manner required by law, shall be levied and included as a part of the final budget.

Additional expenditures, second, third class districts, submitted at special election—Levy after affirmation.

SEC. 15. Upon the happening of any emergency in a district of the first class, caused by the destruction or impairment of any school property necessary for the maintenance of school, or to provide school facilities for an enrollment not contemplated in the budget, or by epidemic, or by the entry of a judgment for damages against the district, or by the enactment of legislation since the adoption of said budget requiring expenditures not contemplated therein, the board of directors may, by unanimous vote of the directors present at any meeting, the time and place of which all directors shall have had reasonable notice, adopt a resolution stating the facts constituting said emergency and authorizing the issuance of warrants against the general fund of such district to meet said emergency: *Provided*, That there is sufficient unappropriated surplus to the credit of the district to provide for such emergency: *Provided further*, That said surplus shall be deemed appropriated to the extent of such emergency warrants issued against it until reimbursed as hereafter provided.

First class districts, emergency resolution—Grounds—Conditions—Filed—Prior emergency warrants in budget.

The board of directors shall file a certified copy of such emergency resolution together with a written authorization for the issuance of such warrants with the county auditor and with the county treasurer and thereupon the county auditor shall issue warrants on the order of the board of directors: *Provided*, That the total amount of such warrants shall not exceed the amount of said unappropri-

School dis-
tricts. Budgets.
Emergency
resolution—
Filed—Prior
emergency
warrants in
budget.

ated surplus to the credit of the district; and the treasurer is hereby authorized to pay such warrants out of any moneys on hand in the general fund of such district and if there be none then such warrants shall be registered, bear interest and be called in the manner provided by law.

The board of directors shall include in their annual budget the total amount of emergency warrants issued during the preceding fiscal year and shall cause a sufficient sum to be levied to reimburse said general fund for the amount of such emergency warrants.

Second and
third class
districts, emer-
gency in-
debtedness
provisions.

SEC. 16. If an emergency arises in a second or third class school district because of unforeseen conditions, the board of directors, in consultation with the county superintendent and the appointed citizen members of the county reviewing committee, shall determine the best means of meeting such emergency. When the proposed plan and the indebtedness therefor have received the approval of the state superintendent of public instruction, it shall be put into effect.

Appropriations, lapse when—
Exception.

SEC. 17. All appropriations shall lapse at the end of the fiscal year: *Provided*, That the appropriation accounts shall remain open for a period of twenty days thereafter for the payment of claims incurred against them before the close of the fiscal year. At the expiration of said period all appropriations shall become null and void and any claim presented thereafter against any such appropriation for the fiscal year just closed shall be provided for in the next budget: *Provided*, That this shall not prevent payments upon incompleated improvements in progress at the close of the fiscal year: *Provided further*, That this shall not prevent the accumulation of sinking funds, building funds, insurance funds or any other funds which the district may lawfully accumulate for a specific purpose.

SEC. 18. The budget as finally adopted shall constitute the appropriations of the district for the ensuing fiscal year and the board of directors shall be limited in the making of expenditures and the incurring of liabilities to the grand total of such appropriations. The board of directors shall make no expenditures nor incur any liability for any purpose not provided for in said budget, except for emergencies as hereinbefore provided. Expenditures made, liabilities incurred, or warrants issued in excess of said appropriations shall not be a liability of the district, but shall subject the members of any board of directors violating any provision of this section to personal liability in the full amount thus expended or contracted for, and each director shall immediately forfeit his office: *Provided*, That no board of directors shall be prohibited from making expenditures for the payment of regular employees and for the necessary repairs, and upkeep of the school plant during the interim while the budget is being settled.

Budget as constituting appropriations—Director's personal liability if other liabilities, expenditures occur—Exception.

SEC. 19. Section 1, page 371, Laws of 1909 as amended by section 1, chapter 82, Laws of 1911, part, and RCW 28.35.010 are each amended to read as follows:

RCW 28.35.010 amended.

The board of directors of any school district shall have power to establish and maintain free kindergartens in connection with the common schools of said district for the instruction of children between the ages of four and six years, residing in said district, and shall establish such courses of training, study and discipline and such rules and regulations governing such kindergartens as said board may deem best: *Provided*, That no third class school district may maintain such kindergarten when the number of pupils in such kindergarten is less than twenty.

Free kindergartens—Third class district must have at least twenty students.

School dis-
tricts. Budgets.
Repeal.

SEC. 20. Section 1, chapter 183, Laws of 1937 and RCW 28.58.120, section 1, chapter 131, Laws of 1923 and RCW 28.59.039, section 2, chapter 131, Laws of 1923 as amended by section 1, chapter 155, Laws of 1949 and RCW 28.59.040, section 3, chapter 131, Laws of 1923 and RCW 28.59.070, section 4, chapter 131, Laws of 1923 as amended by section 2, chapter 155, Laws of 1949 and RCW 28.59.090, section 5, chapter 131, Laws of 1923 as amended by section 3, chapter 155, Laws of 1949 and RCW 28.59.100, sections 6 through 8, chapter 131, Laws of 1923 and RCW 28.59.120 through 28.59.140, sections 9 through 11, chapter 131, Laws of 1923 and RCW 28.59.190 through 28.59.205, sections 12 through 14, chapter 216, Laws of 1959 and RCW 28.63.100 through 28.63.120, sections 16 through 18, chapter 216, Laws of 1959 and RCW 28.63.140 through 28.63.160, and section 20, chapter 216, Laws of 1959 and RCW 28.63.170 are each hereby repealed.

Emergency.

SEC. 21. 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 1, 1965.

Passed the Senate April 1, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 125.

[Substitute House Bill No. 96.]

EMINENT DOMAIN.

AN ACT relating to eminent domain; adding new sections to chapter 8 RCW; and declaring an emergency.

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

SECTION 1. A new section is added to chapter 8.04 RCW, chapter 8.08 RCW, chapter 8.12 RCW, chapter 8.16 RCW, chapter 8.20 RCW, and chapter 8.24 RCW to read as follows:

New section.

In all actions for the condemnation of property, or any interest therein, at least thirty days prior to the date set for trial of such action the condemnor shall serve a written statement showing the amount of total just compensation to be paid in the event of settlement on each condemnee who has made an appearance in the action.

Eminent domain. Service of statement of compensation to be paid each condemnee appearing in action.

SEC. 2. A new section is added to chapter 8.04 RCW, chapter 8.08 RCW, chapter 8.12 RCW, chapter 8.16 RCW, chapter 8.20 RCW, and chapter 8.24 RCW to read as follows:

New section.

In order to pay a part of the owner's costs of evaluating an offer of just compensation, any person or organization whose real property or interest therein is acquired by eminent domain or by consent under threat thereof, is entitled to receive from the agency or person acquiring such property or interest therein as a part of his just compensation the sum of one hundred dollars.

Sum paid for evaluating offer of just compensation.

SEC. 3. A new section is added to chapter 8.04 RCW, chapter 8.08 RCW, chapter 8.12 RCW, chapter 8.16 RCW, chapter 8.20 RCW, and chapter 8.24 RCW to read as follows:

New section.

If a condemnor, after entry of an order of public use and necessity in any eminent domain proceed-

Abandonment of proceedings — Fees due.

Eminent domain. Attorney's fees, expert witness fees, on abandonment of proceedings.

ing, shall fail to proceed to acquire the property or abandons the proceedings, the court may in its discretion award to the condemnee a reasonable sum as attorneys' fees and expert witnesses' fees.

New section.

SEC. 4. A new section is added to chapter 8.04 RCW, chapter 8.08 RCW, chapter 8.12 RCW, chapter 8.16 RCW, chapter 8.20 RCW and chapter 8.24 RCW to read as follows:

Costs incurred in removal of personal property, reimbursement of. Limitations.

Any person or organization whose real property or interest therein is acquired by eminent domain, or by consent under threat thereof, is entitled to be reimbursed by the agency or person acquiring such property or interest therein, as provided in this amendatory act, for the reasonable costs which he actually and necessarily incurred as a result of the acquisition in moving his personal property from the real property acquired, such costs to include dismantling, removing, packing, loading, transporting, unpacking and temporary storage not to exceed sixty days, but not a devaluation of such personal property incurred in or caused by such moving: *Provided*, That in no event shall the amount of reimbursement exceed the sum of two hundred dollars for removal of personal property in the case of an individual or a family, or the sum of three thousand dollars for removal of personal property in the case of a business concern (including the operation of a farm) or a nonprofit organization, or the sum of the two when both such removals are required: *Provided*, That in the case of a business concern or a nonprofit organization the amount of reimbursement for transportation shall not exceed the cost of moving fifty miles from the point from which such business or organization is displaced.

New section.

SEC. 5. A new section is added to chapter 8.04 RCW, chapter 8.08 RCW, chapter 8.12 RCW, chapter 8.16 RCW, chapter 8.20 RCW and chapter 8.24 RCW to read as follows:

Such a person or organization is entitled to reimbursement of such costs of moving only if his personal property was lawfully upon the real property when such real property or interest therein was acquired or when such person or organization relinquished his right of possession thereof to the condemnor or prospective condemnor in anticipation of its acquisition.

—Personal property location as limitation on right to reimbursement for removal costs.

SEC. 6. A new section is added to chapter 8.04 RCW, chapter 8.08 RCW, chapter 8.12 RCW, chapter 8.16 RCW, chapter 8.20 RCW and chapter 8.24 RCW to read as follows:

New section.

Within ninety days following acquisition of the property or removal of the personal property, whichever last occurs, or if by condemnation within ninety days following entry of judgment, the person claiming reimbursement shall serve upon the agency or person acquiring such real property or interest therein a written verified statement of his costs, including therein the following information:

Service of verified statement of costs—Contents—Objections to.

- (1) The date the removal was completed.
- (2) The location from which and to which the personal property was moved.
- (3) The place and proprietor thereof, and the time and duration of any temporary storage.
- (4) An itemized statement of the costs incurred, including the name and address of any persons furnishing services in connection therewith.
- (5) The amount of reimbursement claimed.

When acquisition shall have been by condemnation, the condemnor shall have twenty days following service of the verified statement of costs of moving personal property to object hereto and move to quash or for an order fixing the amount thereof by the court.

SEC. 7. This act is necessary for the immediate preservation of the public peace, health and safety,

Emergency.

the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 30, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 10, 1965.

CHAPTER 126.

[Senate Bill No. 241.]

ENGINEERS AND LAND SURVEYORS—BARBERS—
BEAUTICIANS—DISPOSITION OF FEES.

AN ACT relating to state government and providing for the disposition of revenue of certain professional boards and commissions; amending section 11, chapter 283, Laws of 1947 as last amended by section 3, chapter 142, Laws of 1961, and RCW 18.43.080; amending section 16, chapter 283, Laws of 1947 as last amended by section 5, chapter 142, Laws of 1961, and RCW 18.43.130; adding a new section to chapter 18.43 RCW; and repealing section 15, chapter 101, Laws of 1957 and RCW 18.15.170 and section 5, chapter 168, Laws of 1953 and RCW 18.18.280.

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

RCW 18.43.080 amended.

SECTION 1. Section 11, chapter 283, Laws of 1947 as last amended by section 3, chapter 142, Laws of 1961, and RCW 18.43.080 are each amended to read as follows:

Engineers and land surveyors. Expiration and renewals of certificates—Fees.

Certificates of registration, and certificates of authorization and renewals thereof shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the administrator of the division of professional licensing to notify every person, firm or corporation registered under this chapter, of the date of the expiration of his certificate and the amount of the renewal fee that shall be required for its re-

newal for one year. Such notice shall be mailed at least thirty days before the end of December of each year. Renewal may be effected during the month of December by the payment of a fee of seven dollars and fifty cents for professional engineer, professional engineer and land surveyor, and seven dollars and fifty cents for land surveyor. In case any professional engineer and/or land surveyor registered under this chapter shall fail to pay the renewal fee hereinabove provided for, within ninety days from the date when the same shall become due, the renewal fee shall be the current fee plus an amount equal to one year's fee.

SEC. 2. Section 16, chapter 283, Laws of 1947 as last amended by section 5, chapter 142, Laws of 1961, and RCW 18.43.130 are each amended to read as follows:

RCW 18.43.130 amended.

This chapter shall not be construed to prevent or affect:

Excepted services—Fees.

(1) The practice of any other legally recognized profession or trade; or

(2) The practice of a person not a resident and having no established place of business in this state, practicing or offering to practice herein the profession of engineering or land surveying, when such practice does not exceed in the aggregate more than thirty days in any calendar year: *Provided*, Such person is legally qualified by registration to practice the said profession in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this chapter; or

(3) The practice of a person not a resident and having no established place of business in this state, or who has recently become a resident thereof, practicing or offering to practice herein for more than thirty days in any calendar year the profession of engineering or land surveying, if he shall have filed

Engineers and
land surveyors.
Excepted
services—Fees.

with the board an application for a certificate of registration and shall have paid the fee required by this chapter: *Provided*, That such person is legally qualified by registration to practice engineering or land surveying in his own state or country in which the requirements and qualifications of obtaining a certificate of registration are not lower than those specified in this chapter. Such practice shall continue only for such time as the board requires for the consideration of the application for registration; or

(4) The work of an employee or a subordinate of a person holding a certificate of registration under this chapter, or an employee of a person practicing lawfully under provisions of this section: *Provided*, Such work does not include final design or decisions and is done under the direct responsibility, checking and supervision of a person holding a certificate of registration under this chapter or a person practicing lawfully under the provisions of this section; or

(5) The work of a person rendering engineering or land surveying services to a corporation, as an employee of such corporation, when such services are rendered in carrying on the general business of the corporation and such general business does not consist, either wholly or in part, of the rendering of engineering services to the general public: *Provided*, That such corporation employs at least one person holding a certificate of registration under this chapter or practicing lawfully under the provisions of this chapter; or

(6) The practice of officers or employees of the government of the United States while engaged within the state in the practice of the profession of engineering or land surveying for said government; or

(7) Nonresident engineers employed for the purpose of making engineering examinations; or

(8) The practice of engineering in this state by a corporation or joint stock association: *Provided, That*

(a) Such corporation shall file with the board an application for certificate of authorization upon a form to be prescribed by the board and containing information required to enable the board to determine whether such corporation is qualified in accordance with the provisions of this chapter to practice engineering in this state;

(b) Such corporation shall file with the board a certified copy of a resolution of the board of directors of the corporation which shall designate a person holding a certificate of registration under this chapter as responsible for the practice of engineering by said corporation in this state and shall provide that full authority to make all final engineering decisions on behalf of said corporation with respect to work performed by the corporation in this state shall be granted and delegated by the board of directors to the person so designated in said resolution: *Provided, That* the filing of such resolution shall not relieve the corporation of any responsibility or liability imposed upon it by law or by contract;

(c) Such corporation shall file with the board a designation in writing setting forth the name or names of a person or persons holding certificates of registration under this chapter who shall be in responsible charge of each project and each major branch of the engineering activities in which the corporation shall specialize in this state. In the event there shall be a change in the person or persons in responsible charge of any project or major branch of the engineering activities, such changes shall be designated in writing and filed with the board within thirty days after the effective date of such changes;

Engineers and
land surveyors.
Excepted serv-
ices—Fees.

(d) Upon the filing with the board of the application for certificate for authorization, certified copy of resolution, affidavit and designation of persons specified in subparagraphs (a), (b), and (c) of this section the board shall issue to such corporation a certificate of authorization to practice engineering in this state upon a determination by the board (1) that:

(i) The bylaws of the corporation contain provisions that all engineering decisions pertaining to any project or engineering activities in this state shall be made by the specified engineer in responsible charge, or other responsible engineers under his direction or supervision;

(ii) The application for certificate of authorization states the type, or types, of engineering practiced, or to be practiced by such corporation;

(iii) A current certified financial statement accurately reflecting the financial condition of the corporation has been filed with the board and is available for public inspection;

(iv) The applicant corporation has the ability to provide through qualified engineering personnel, professional services or creative work requiring engineering experience, and that with respect to the engineering services which the corporation undertakes or offers to undertake such personnel have the ability to apply special knowledge of the mathematical, physical, and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects;

(v) The application for certificate of authorization states the professional records of the designated

person or persons who shall be in responsible charge of each project and each major branch of engineering activities in which the corporation shall specialize;

(vi) The application for certificate of authorization states the experience of the corporation, if any, in furnishing engineering services during the preceding five year period and states the experience of the corporation, if any, in the furnishing of all feasibility and advisory studies made within the state of Washington;

(vii) The applicant corporation meets such other requirements related to professional competence in the furnishing of engineering services as may be established and promulgated by the board in furtherance of the objectives and provisions of this chapter; and

(2) Upon a determination by the board based upon an evaluation of the foregoing findings and information that the applicant corporation is possessed of the ability and competence to furnish engineering services in the public interest.

The board may in the exercise of its discretion refuse to issue or may suspend and/or revoke a certificate of authorization to a corporation where the board shall find that any of the officers, directors, incorporators, or the stockholders holding a majority of stock of such corporation has committed misconduct or malpractice as defined in RCW 18.43.105 or has been found personally responsible for misconduct or malpractice under the provisions of subsections (f) and (g) hereof.

The certificate of authorization shall specify the major branches of engineering of which the corporation has designated a person or persons in responsible charge as provided in subsection (8) (c) of this section.

Engineers
and land
surveyors.
Excepted serv-
ices—Fees.

(e) In the event a corporation, organized solely by a group of engineers, each holding a certificate of registration under this chapter, applies for a certificate of authorization, the board may, in its discretion, grant a certificate of authorization to such corporation based on a review of the professional records of such incorporators, in lieu of the required qualifications set forth in this subsection. In the event the ownership of such corporation shall be altered, the corporation shall apply for a revised certificate of authorization, based upon the professional records of the owners, if exclusively engineers or, otherwise, under the qualifications required by subparagraphs (a), (b), (c) and (d) hereof.

(f) Any corporation authorized to practice engineering under this chapter, together with its directors and officers for their own individual acts, are responsible to the same degree as an individual registered engineer, and must conduct its business without misconduct or malpractice in the practice of engineering as defined in this chapter.

(g) Any corporation which has been duly certified under the provisions of this chapter and has engaged in the practice of engineering shall have its certificate of authorization either suspended or revoked by the board if, after a proper hearing, the board shall find that the corporation has committed misconduct or malpractice as defined in RCW 18.43-.105. In such case any individual engineer holding a certificate of registration under this chapter, involved in such malpractice or misconduct, shall have his certificate of registration suspended or revoked also.

(h) All plans, specifications, designs and reports when issued in connection with work performed by a corporation under its certificate of authorization shall be prepared by or under the responsible charge of and shall be signed by and shall be stamped with

the official seal of a person holding a certificate of registration under this chapter.

(i) For each certificate of authorization issued under the provisions of this subsection (8) of this section there shall be paid an initial fee of five hundred dollars and an annual renewal fee of one hundred dollars.

(9) The practice of engineering and/or land surveying in this state by partnership: *Provided*, That

(a) A majority of the members of the partnership are engineers or architects or land surveyors duly certificated by the state of Washington or by a state, territory, possession, district or foreign country meeting the reciprocal provisions of RCW 18.43.100: *Provided*, That at least one of the members is a professional engineer or land surveyor holding a certificate issued by the director of licenses under the provisions of RCW 18.43.070; and

(b) Except where all members of the partnership are professional engineers or land surveyors or a combination of professional engineers and land surveyors or where all members of the partnership are either professional engineers or land surveyors in combination with an architect or architects all of which are holding certificates of qualification therefor issued under the laws of the state of Washington, the partnership shall file with the board an instrument executed by a partner on behalf of the partnership designating the persons responsible for the practice of engineering by the partnership in this state and in all other respects such person so designated and such partnership shall meet the same qualifications and shall be subject to the same requirements and the same penalties as those pertaining to corporations and to the responsible persons designated by corporations as provided in subsection (8) of this section.

Engineers and land surveyors. Excepted services—Fees.

For each certificate of authorization issued under the provisions of this subsection (9) of this section there shall be paid an initial fee of one hundred dollars and an annual renewal fee of twenty-five dollars.

New section.

SEC. 3. There is added to chapter 18.43 RCW a new section to read as follows:

Fees, disposition of—Professional engineers' account established.

All fees collected under the provisions of RCW 18.43.050, 18.43.080 and 18.43.130 shall be divided and twenty percent paid into the state general fund and eighty percent paid into the professional engineers' account of the state general fund, which account is hereby established to be used to carry out the purposes and provisions of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100, 18.43.110, 18.43.120, 18.43.130, 18.43.140 and all other duties required for operation and enforcement of this chapter.

Repeal.

SEC. 4. The following acts or parts of acts are hereby repealed:

(1) Section 15, chapter 101, Laws of 1957 and RCW 18.15.170;

(2) Section 5, chapter 168, Laws of 1953 and RCW 18.18.280.

Passed the Senate April 2, 1965.

Passed the House March 31, 1965.

Approved by the Governor April 6, 1965.

CHAPTER 127.

[Senate Bill No. 47.]

SALARIES OF JUDGES AND ELECTED STATE OFFICIALS.

AN ACT relating to judges' salaries and pensions, and salaries of members of the legislature; amending section 1, chapter 144, Laws of 1953 as amended by section 1, chapter 260, Laws of 1957 and RCW 2.04.090; amending section 2, chapter 144, Laws of 1953 as amended by section 2, chapter 260, Laws of 1957 and RCW 2.08.090; and amending section 1, chapter 48, Laws of 1949, as last amended by section 2, chapter 8, Laws of 1965, as reenacted by section 43.03.010, chapter 8, Laws of 1965, and RCW 43.03.010; and amending section 1, chapter 173, Laws of 1941 as last amended by section 1, chapter 3, Laws of 1965, and RCW 44.04.080.

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

SECTION 1. Section 1, chapter 144, Laws of 1953 as amended by section 1, chapter 260, Laws of 1957 and RCW 2.04.090 are each amended to read as follows:

RCW 2.04.090 amended.

Each judge of the supreme court shall receive an annual salary of twenty-seven thousand five hundred dollars, but no salary warrant shall be issued to any judge of the supreme court until he shall have made and filed with the state auditor an affidavit that no matter referred to him for opinion or decision has been uncompleted or undecided by him for more than six months.

Salaries.
Supreme court judges—
Salary—
Affidavit.

SEC. 2. Section 2, chapter 144, Laws of 1953 as amended by section 2, chapter 260, Laws of 1957 and RCW 2.08.090 are each amended to read as follows:

RCW 2.08.090 amended.

Each judge of the superior court shall receive an annual salary of twenty thousand dollars.

Superior court judges—
Salary.

Sec. 3. The judicial salary increases herein provided will not be considered in computing the retirement benefits derived by virtue of section 2,

chapter 286, Laws of 1961 and RCW 2.12.015; section 1, chapter 243, Laws of 1957 and RCW 2.12.030, nor in computing the monthly deduction from judges' salaries and the like state contribution provided by section 2, chapter 243, Laws of 1957 and RCW 2.12.060, but shall be computed on the basis of \$20,000 for supreme court justices and on the basis of \$15,000 for judges of the superior court.

RCW 43.03.010 amended.

SEC. 4. Section 1, chapter 48, Laws of 1949, as last amended by section 2, chapter 8, Laws of 1965 as reenacted by section 43.03.010, chapter 8, Laws of 1965, and RCW 43.03.010 are each amended to read as follows:

Salaries. Elected state officials, salaries of.

The annual salaries of the following named state elected officials shall be: Governor, thirty-two thousand five hundred dollars; lieutenant governor, ten thousand dollars; secretary of state, fifteen thousand dollars; state treasurer, fifteen thousand dollars; state auditor, sixteen thousand five hundred dollars; attorney general, twenty-three thousand dollars; superintendent of public instruction, twenty-two thousand five hundred dollars; commissioner of public lands, twenty thousand dollars; state insurance commissioner, sixteen thousand five hundred dollars; members of the legislature shall receive for their service three thousand six hundred dollars per annum, and in addition, ten cents per mile for travel to and from legislative sessions: *Provided*, That anyone appointed to fill any vacancy that may occur in either the senate or house shall not receive any compensation for salary as herein provided until such appointee shall have qualified for office and shall have taken his oath of office at the next convening regular or special session of the legislature.

SEC. 5. The salary increases provided for herein shall take effect at the earliest time allowable by the Constitution of the state of Washington, including Article II, section 13, Article II, section 25,

Article IV, section 13, and Article XXVIII: *Provided*, That it is the intent of the legislature that nothing in this act shall render a member of the legislature or of the judiciary ineligible to file for and be elected to the legislature or the judiciary respectively.

SEC. 6. Section 1, chapter 173, Laws of 1941 as last amended by section 1, chapter 3, Laws of 1965, and RCW 44.04.080 are each amended to read as follows:

RCW 44.04.080 amended.

Members of the legislature including the president of the Senate shall be paid not to exceed twenty-five dollars per day in lieu of subsistence and lodging during and while attending any legislative session. The effective date of this section shall be January 1, 1967.

Legislature—Subsistence and lodging of members—Per diem—Effective date.

Passed the Senate March 29, 1965.

Passed the House March 24, 1965.

Approved by the Governor April 8, 1965, with the exception of Section 3 which was vetoed.

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

Veto message.

"This bill increases the salaries of legislators and judges of the supreme and superior courts effective after the expiration of their respective terms of office. It also reduces the per diem of legislators to be received while in session from \$40 to \$25, effective January 1, 1967.

"Section 3 of this bill provides that the increases in judicial salaries provided in sections 1 and 2 shall not be considered in computing retirement benefits. Under the judges' retirement system, a judge who qualifies for full retirement benefits may retire on a pension of one-half his salary at the time of his retirement. Upon his death, his widow would receive one-half of his pension. It is my opinion that under the decisions of the Washington Supreme Court, including *Bakenhus v. Seattle*, 48 Wn. (2d) 695, 296 P. (2d) 536, the restriction contained in section 3 of this bill cannot lawfully be applied in computing pensions of those judges serving at the effective date of this act.

"Moreover, I believe that it is important that we attract to the judiciary the most qualified persons possible. The pension benefits which accrue to judges upon retirement, and to their widows in the event of their death, are just as important in attracting qualified persons as the salary paid while they are serving on the bench.

"I have vetoed section 3 so that judicial pensions will be based upon the salary levels established in sections 1 and 2 of the bill. The remainder of Senate Bill No. 47 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 128.

[House Bill No. 14.]

HIGHER EDUCATION FACILITIES COMMISSION.

AN ACT relating to state government; creating a higher education facilities commission; providing for the selection, term, and reimbursement of certain expenditures of the members of the commission, and conferring rights, powers, duties and prescribing the functions of the commission; and declaring an emergency.

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

Higher education facilities commission. "Commission" defined.

SECTION 1. As used in this act "commission" means the higher education facilities commission of the state of Washington.

Commission created.

SEC. 2. There is hereby created the "higher education facilities commission" of the state of Washington.

Members—Appointment—Terms—Qualifications—Chairman.

SEC. 3. The commission shall consist of eleven members appointed by the governor and who shall serve at the pleasure of the governor. Members so appointed shall be broadly representative of the public and of institutions of higher education (including community colleges, public and private colleges and universities and technical institutions) in the state of Washington. The governor shall designate one of the members of the commission as chairman.

Duties.

SEC. 4. The higher education facilities commission shall:

(1) Prepare a plan of participation as required by Title I of the Higher Education Facilities Act of 1963. The plan so prepared shall set forth objective standards and methods, consistent with basic criteria prescribed by the United States commissioner of education, for determining the relative priorities, and the federal share of development costs of eligible projects for construction of academic

facilities submitted by institutions of higher education in the state.

(2) Conduct surveys and studies as may be necessary for the determination of state participation in Title I of the Higher Education Facilities Act and to this end may cooperate with other agencies.

(3) Provide for affording to every applicant who has submitted a project to the commission an opportunity for a fair hearing before the commission as to the priority assigned to such project or as to any other determination of the commission adversely affecting such applicant.

(4) Provide for such fiscal control and fund accounting as may be necessary to assure proper disbursement of and accounting for federal funds paid to the commission and for the making of such reports in such form and containing such information as may be necessary to enable the commissioner of education to perform his functions.

SEC. 5. The commission may employ an executive secretary and such clerical and other assistance as it finds necessary or appropriate.

Executive secretary, other personnel, employment of.

SEC. 6. Members of the commission shall not receive compensation for service, but may be reimbursed for their expenses while attending meetings and such other activities of the commission in the same manner as state officials generally under chapter 43.03 RCW.

Reimbursement of members for expenses.

SEC. 7. The commission is authorized to receive and expend federal funds.

Federal funds.

SEC. 8. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the House April 6, 1965.

Passed the Senate April 4, 1965.

Approved by the Governor April 14, 1965.

CHAPTER 129.

[Substitute House Bill No. 36.]

STATE EDUCATIONAL TELEVISION COMMISSION.

AN ACT relating to state government; creating a state educational television commission and defining its powers and duties; and declaring an emergency.

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

State educational television commission. Created.

SECTION 1. There is created the "Washington state educational television commission", hereinafter referred to as "the commission".

Members—Appointment—Qualifications.

SEC. 2. The commission shall consist of sixteen members who shall be appointed by the governor from a list of nominees submitted by the state superintendent of public instruction, such nominees to be selected from categories which shall include but shall not be limited to representatives of the television industry, public and private colleges, community colleges, universities, the common schools, the office of the superintendent of public instruction and the general public.

Members—Terms.

SEC. 3. After appointment, the length of the terms of such members shall be decided by lot. Four members shall serve for one year, four members shall serve for two years, four members shall serve for three years, and the remaining four members shall serve for four years. Thereafter all terms shall be for four years.

Members—Filling vacancy.

SEC. 4. In case of a vacancy on the commission for any reason, the governor shall appoint a member to fill such vacancy, such appointed member to serve until the expiration of the term which was vacated.

Office—Members reimbursed for expenses.

SEC. 5. The commission shall be housed in the office of the state superintendent of public instruc-

tion. Members of the commission shall not receive compensation for their service, but shall be reimbursed for their expenses while attending meetings and other activities of the commission in the same manner as state officials and employees generally under chapter 43.03 RCW.

SEC. 6. The duties of the commission shall be to Duties. promote the study and effective development of educational television in the state of Washington, making such recommendations to the superintendent of public instruction and to the legislature during the month of November of each even numbered year, as shall be consistent with the public interest and the rules and regulations promulgated by the United States office of health, education and welfare.

SEC. 7. This act is necessary for the immediate Emergency. preservation of the public peace, health, and safety, and the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 6, 1965.

Passed the Senate April 4, 1965.

Approved by the Governor April 14, 1965.

CHAPTER 130.

[House Bill No. 442.]

JOINT INTERIM COMMITTEE ON EDUCATION.

AN ACT relating to the legislature; creating a joint committee on education; prescribing its powers and duties; providing for citizen participation; and repealing chapter 19, Laws of 1963 first extraordinary session and RCW 44.33.010 through 44.33.180 and declaring an emergency.

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

Joint committee on education. "Committee" defined.

SECTION 1. As used in this act "committee" means the joint committee on education of the legislature of the state of Washington.

Created.

SEC. 2. There is hereby created the joint committee on education of the legislature of the state of Washington.

Members—
Selection of—
Election of,
when.

SEC. 3. The committee shall consist of five senators and five representatives who shall be selected prior to the close of the thirty-ninth session of the legislature, and at least 10 days before the close of each regular session thereafter as follows:

(1) The president of the senate shall nominate five senators to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be deemed installed as members.

(2) The speaker of the house shall nominate five members of the house of representatives to serve on the committee, and submit the list of nominees to the house for confirmation. Upon confirmation, the representatives shall be deemed installed as members.

In the event of a failure to appoint members within the time above stated, or in the event of a refusal to confirm, then the members on the committee from either house in which there is a failure

to appoint or confirm shall be elected forthwith by the members of such house.

SEC. 4. Not more than three members confirmed or elected by the senate, and not more than three members confirmed or elected by the house, shall be affiliated with any one political party.

Members—
Political
affiliation
limitation.

SEC. 5. Members shall serve until their successors are installed as provided in section 3 at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner.

Members—
Terms.

SEC. 6. 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 as provided in section 3 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.

Members—
Vacancies,
filling of—
Terms.

SEC. 7. The committee shall by majority vote select a chairman, create necessary or appropriate subcommittees, and prescribe rules of procedure for itself and its subcommittees which are not inconsistent with this act.

Chairman,
selection of—
Subcommittees
—Rules of
procedure.

SEC. 8. The committee may employ an executive secretary and such clerical and other assistants as it finds necessary or appropriate, and fix their compensation, expenses, and salaries.

Executive
secretary,
other person-
nel, employ-
ment of.

SEC. 9. The members of the committee shall be reimbursed for their expenses incurred while attending sessions of the committee or meetings of any subcommittee of the committee or while engaged in other committee business authorized by the committee to the extent of twenty-five dollars per day plus ten cents per mile in going and coming

Members re-
imbursed for
expenses—
Vouchers for
expenses,
salaries.

Joint committee on education. Vouchers for expenses, salaries.

from committee sessions or subcommittee meetings or for travel on other committee business authorized by the committee. All expenses incurred by the committee including salaries of the employees shall be paid upon voucher forms as provided by the central budget agency and signed by the chairman of the committee and approved by the secretary of the committee and the authority of said chairman or said chairman and secretary to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

Witnesses, examination public, when.

SEC. 10. When directed by a two-thirds vote of the whole committee witnesses shall be examined privately.

Duties.

SEC. 11. The committee is authorized to ascertain and study facts and matters relating to education in the state of Washington, including but not limited to:

- (1) Inter-relationship of state board of education and superintendent of public instruction;
- (2) Office of county superintendent of schools;
- (3) School districts including relationships to counties and the state;
- (4) Relationship of post high school education to common schools, adult education, community colleges, vocational and technical schools, and colleges and universities.
- (5) Potential for teaching use of new media and devices such as television, teaching machines, and data processing;
- (6) Educational research potential areas leading to improvement in instruction;
- (7) Length of school year and summer school support;
- (8) Vocational and technical education;

- (9) Teacher preparation;
- (10) Student teaching;
- (11) Supervision of beginning teachers;
- (12) Finance; and
- (13) Impact of increased federal funds.

SEC. 12. The committee shall consult and maintain liaison with the legislative council, the legislative budget committee and all affected public agencies, and shall seek the participation of all interested and responsible organizations.

Liaison with other state agencies.

SEC. 13. The committee is authorized to appoint such citizen subcommittees as it deems appropriate and to pay approved expenses of subcommittee members and any other authorized expenses such subcommittees may incur.

Citizen subcommittees—Expenses paid.

SEC. 14. The committee shall make such recommendations to the governor and the legislature relating to changes in administrative practices and existing laws as it finds necessary. If the recommendations adopted by the committee do not receive unanimous approval, any dissenting members shall have the privilege of submitting minority recommendations: *Provided*, That minority recommendations shall not be recognized, acted upon or reported unless joined in by two or more members.

Committee recommendations—Minority recommendations.

SEC. 15. The committee shall have authority to receive such gifts, grants, and endowments from private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the committee and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments.

Gifts, grants, etc.—Authority to receive and expend.

SEC. 16. Chapter 19, Laws of 1963 first extraordinary session and RCW 44.33.010 through 44.33.180 are each repealed.

Repeal.

Joint com-
mittee on
education.
Emergency.

SEC. 17. 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 6, 1965.

Passed the Senate April 4, 1965.

Approved by the Governor April 14, 1965.

CHAPTER 131.

[Senate Bill No. 474.]

BRIDGING PUGET SOUND—STUDIES.

AN ACT relating to highways; authorizing the selection of a route for construction of a bridge or bridges across Puget Sound; authorizing traffic and financial studies and surveys to determine the feasibility of constructing such bridges; making an appropriation and declaring an emergency.

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

Bridging Puget
Sound. Study
and selection
of route—
Joint action by
state agencies
—Considera-
tions—Type of
project.

SECTION 1. The Washington state highway commission and the Washington toll bridge authority are hereby authorized, acting jointly with the joint committee on highways to investigate, study and select an appropriate route for the construction of a bridge or bridges across Puget Sound to link the Kitsap Peninsula to the mainland. In selecting a route, the highway commission, the toll bridge authority, and the joint committee shall consider existing highways and other transportation facilities already constructed or in operation and the necessity and advisability of constructing necessary approaches connecting to such facilities. The co-operative study authorized by this section shall also consider whether such project shall be con-

structed in whole or in part as an improvement on the state highway system, as a toll project or as an extension to the federal interstate system provided such an extension is authorized by the federal government, in either case making use of federal agency funds as appropriate and available and funds contributed or advanced by any political subdivisions which it is determined will be economically benefited by construction of the project.

SEC. 2. If all three agencies concur in selection of a route as prescribed in section 1 of this act, the highway commission, the toll bridge authority, acting jointly with the joint committee on highways is authorized to retain an independent engineering firm to prepare traffic and financial studies and surveys to determine the feasibility of undertaking to construct a toll bridge or bridges along the route selected which will be acceptable to prospective bond purchasers or investment firms.

Preparation of feasibility studies if route selected.

SEC. 3. The study shall include but shall not be confined to the following:

Study contents —Completion date—Results submitted to legislature.

(1) The financial feasibility of bridging Puget Sound or any segment thereof based on predicted traffic and economic conditions of the area to be served and utilizing engineering estimates of costs furnished by the department of highways.

(2) The relative economic benefit to counties, cities or other political subdivisions to be principally served by construction of a bridge.

(3) The effect on the state highway system and state ferry system by construction of a cross sound bridge or any segment thereof.

(4) The cost of the entire project; the portion of such total cost which can be financed by the issuance of toll revenue bonds; the portion of such total costs to be contributed by benefited areas; and the portion of such total cost and the amount of

Bridging Puget Sound. Study contents—Results submitted to legislature.

guarantee funds which should be contributed from that portion of the motor vehicle fund available to the department of highways for state highway purposes.

The foregoing study shall be completed by January 1, 1967, and the results thereof shall be submitted to the legislature at the beginning of the 1967 session.

Appropriation.

SEC. 4. There is appropriated from the motor vehicle fund jointly to the Washington state highway commission and the Washington toll bridge authority, the sum of one hundred twenty-five thousand dollars or so much as shall be necessary to carry out the provisions of this act.

Appropriation as loan.

SEC. 5. All funds herein appropriated from the motor vehicle fund to the Washington state highway commission and the Washington toll bridge authority shall be considered as a loan and shall be repaid by the commission and the authority to the motor vehicle fund upon the sale of bonds for this project.

Emergency.

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 18, 1965.

Passed the House April 9, 1965.

Approved by the Governor April 14, 1965.

CHAPTER 132.

[Senate Bill No. 446.]

STATE PARKS AND RECREATION COMMISSION.

AN ACT relating to the state parks and recreation commission, and amending section 43.51.020, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.51.020.

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

SECTION 1. Section 43.51.020, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.51.020 are each amended to read as follows:

RCW 43.51.020 amended.

There is hereby created a "state parks and recreation commission" consisting of seven electors of the state. The members of the commission, except three, shall be appointed by the governor by and with the advice and consent of the senate and shall serve for a term of six years, expiring on December 31st of even-numbered years: *Provided*, That of the members first appointed, one shall be appointed for a term of two years, one for a term of four years, and two each for a term of six years. Three members may be elected state officials and shall be appointed by the governor and serve during the terms for which they were elected.

State parks and recreation commission. Created—Composition.

In making the appointments to the commission, the governor shall choose electors who understand park and recreation needs and interests. No person, except the three state officials mentioned herein shall be appointed if he holds any elective or appointive state, county, or municipal office. Members of the commission shall be entitled to be paid a per diem of twenty-five dollars, except that no public official shall receive a per diem, for each day actually spent on duties pertaining to the commission, and in addition shall be allowed their expenses incurred while absent from their usual places of residence

State parks
and recreation
commission.
Composition.

upon the same basis as expenses are payable to state officials and employees.

Payment of per diem and expenses, and all other expenses pertaining to the operation of the commission, shall be made upon vouchers certified to by such persons as shall be designated by the commission.

Passed the Senate March 22, 1965.

Passed the House April 9, 1965.

Approved by the Governor April 14, 1965.

CHAPTER 133.

[Senate Bill No. 318.]

PUBLIC WORKS—WAGES—BENEFITS.

AN ACT relating to public works; providing for the payment of the prevailing rate of wage; amending section 3, chapter 63, Laws of 1945 and RCW 39.12.010; amending section 4, chapter 63, Laws of 1945 and RCW 39.12.040; amending section 6, chapter 63, Laws of 1945 and RCW 39.12.060; and adding a new section to chapter 63, Laws of 1945 and to chapter 39.12 RCW.

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

RCW 39.12.010
amended.

SECTION 1. Section 3, chapter 63, Laws of 1945 and RCW 39.12.010 are each amended to read as follows:

Public works—
Prevailing
wages on.
Definitions.

(1) The "prevailing rate of wage", for the intents and purposes of this chapter, shall be the rate of hourly wage, usual benefits, and overtime paid in the locality, as hereinafter defined, to the majority of workmen, laborers, or mechanics, in the same trade or occupation. In the event that there is not a majority in the same trade or occupation paid at the same rate, then the average rate of hourly wage and overtime paid to such laborers, workmen or mechanics in the same trade or occupation shall be

the prevailing rate. If the wage paid by any contractor or subcontractor to laborers, workmen or mechanics on any public work is based on some period of time other than an hour, the hourly wage for the purposes of this chapter shall be mathematically determined by the number of hours worked in such period of time.

(2) The "locality" for the purposes of this chapter shall be the largest city in the county wherein the physical work is being performed.

(3) The "usual benefits" for the purposes of this chapter shall include the amount of:

(a) The rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan, or program; and

(b) The rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to workmen, laborers, and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the workmen, laborers, and mechanics affected, for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other federal, state, or local law to provide any of such benefits.

SEC. 2. There is added to chapter 63, Laws of 1945, and to chapter 39.12 RCW a new section to read as follows: New section.

Public works
—Prevailing
wages on.
Determina-
tions by
statistician.

All determinations of the prevailing rate of wage shall be made by the industrial statistician of the department of labor and industries.

RCW 39.12.040
amended.

SEC. 3. Section 4, chapter 63, Laws of 1945 and RCW 39.12.040 are each amended to read as follows:

Certified
statement of
hourly wage
paid required.

Before payment is made by or on behalf of the state, or any county, municipality, or political subdivision created by its laws, of any sum or sums due on account of a contract for a public improvement, it shall be the duty of the state treasurer, or of the treasurer of the county or municipal corporation, or other officer or person charged with the custody and disbursement of the state or corporate funds, applicable to the contract under and pursuant to which payment is made, to require the contractor and each and every subcontractor from the contractor or a subcontractor, to file a statement in writing to such officer and to the director of the department of labor and industries, certifying the rate of hourly wage paid each classification of laborers, workmen or mechanics employed by him upon such work, and further certifying that no laborer, workman or mechanic employed by him upon such public work has been paid less than the prevailing rate of wage or less than the minimum rate of wage specified in the contract, which certificate and statement so to be filed shall be verified by the oath of the contractor or subcontractor, as the case may be, that he has read such a statement and certificate subscribed by him and knows the contents thereof, and that the same is true to his knowledge: *Provided, however,* That before payment is made by or on behalf of the state, or any county, municipality, or political subdivision created by its laws, of any sum or sums due on account of a contract for a public improvement, the director of the department of labor and industries shall issue

a statement certifying that the prevailing wage requirements of this section have been satisfied.

SEC. 4. Section 6, chapter 63, Laws of 1945 and RCW 39.12.060 are each amended to read as follows:

RCW 39.12.060 amended.

Such contract shall contain a further provision that in case any dispute arises as to what are the prevailing rates of wages for work of a similar nature and such dispute cannot be adjusted by the parties in interest, including labor and management representatives, the matter shall be referred for arbitration to the director of the department of labor and industries of the state and his decision therein shall be final and conclusive and binding on all parties involved in the dispute.

Director of labor and industries to arbitrate disputes.

Passed the Senate March 21, 1965.

Passed the House April 9, 1965.

Approved by the Governor April 16, 1965.

CHAPTER 134.

[House Bill No. 428.]

MOTOR FREIGHT CARRIERS—PERMITS.

AN ACT relating to transportation; providing for the transfer or continuation of certain permits; and amending section 81.80.270, chapter 14, Laws of 1961 as amended by section 6, chapter 59, Laws of 1963 and RCW 81.80.270; and adding a new section to chapter 14, Laws of 1961, and to chapter 81.80 RCW.

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

SECTION 1. Section 81.80.270, chapter 14, Laws of 1961 as amended by section 6, chapter 59, Laws of 1963 and RCW 81.80.270 are each amended to read as follows:

RCW 81.80.270 amended.

No permit issued under the authority of this chapter shall be construed to be irrevocable. Nor

Motor freight carriers. Permit.

Motor freight carriers. Transfer, assignment of permits—Acquisition of carrier holding permit—Duties on cessation of operation.

shall such permit be subject to transfer or assignment except upon a proper showing that property rights might be affected thereby, and then in the discretion of the commission, and upon the payment of a fee of twenty-five dollars.

No person, partnership or corporation, singly or in combination with any other person, partnership or corporation, whether a carrier holding a permit or otherwise, or any combination of such, shall acquire control or enter into any agreement or arrangement to acquire control of a common or contract carrier holding a permit through ownership of its stock or through purchase, lease or contract to manage the business, or otherwise except after and with the approval and authorization of the commission: *Provided*, That upon the dissolution of a partnership, which holds a permit, because of the death, bankruptcy, or withdrawal of a partner where such partner's interest is transferred to his spouse or to one or more remaining partners, or in the case of a corporation which holds a permit, in the case of the death of a shareholder where a shareholder's interest upon death is transferred to his spouse or to one or more of the remaining shareholders, the commission shall transfer the permit to the newly organized partnership which is substantially composed of the remaining partners, or continue the corporation's permit without making the proceeding subject to hearing and protest. In all other cases any such transaction either directly or indirectly entered into without approval of the commission shall be void and of no effect.

Every carrier who shall cease operation and abandon his rights under the permits issued him shall notify the commission within thirty days of such cessation or abandonment, and return to the commission the identification plates issued to him.

SEC. 2. There is added to chapter 14, Laws of 1961 and to chapter 81.80 RCW a new section to read as follows:

Except as otherwise provided in RCW 81.80.270 any permit granted to any person under this chapter and held by that person alone or in conjunction with others other than as stockholders in a corporation at the time of his death shall be transferable the same as any other right or interest of the person's estate subject to the following:

Transfer of
permit—
Limitations—
Procedure—
Fee—Tempo-
rary contin-
uance upon
death of
holder.

(1) Application for transfer shall be made to the commission in such form and contain such information as the commission shall prescribe and shall be accompanied by a fee of twenty-five dollars. The transfer described in any such application shall be approved if it appears from the application or from any hearing held thereon or from any investigation thereof that the proposed transferee is fit, willing and able properly to perform the services authorized by the permit to be transferred and to conform to the provisions of this chapter and the requirements, rules and regulations of the commission thereunder, otherwise the application shall be denied.

(2) Temporary continuance of motor carrier operations without prior compliance with the provisions of this section will be recognized as justified by the public interest in cases in which the personal representatives, heirs or surviving spouses of deceased persons desire to continue the operations of the carriers whom they succeed in interest subject to such reasonable rules and regulations as the commission may prescribe.

In case of temporary continuance under this section the successor shall immediately procure insurance or deposit security as required by RCW 81.80.190.

Motor freight carriers. Permits, transfer of.

Immediately upon any such temporary continuance of motor carrier operations and in any event not more than thirty days thereafter the successor shall give notice of the succession by written notice to the commission containing such information as the commission shall prescribe.

Passed the House April 9, 1965.

Passed the Senate April 8, 1965.

Approved by the Governor April 19, 1965.

CHAPTER 135.

[Senate Bill No. 519.]

UNIVERSITY OF WASHINGTON—FUNDS—
TRANSFERS.

AN ACT relating to the University of Washington and the support thereof; providing for deposits, transfers, investments, expenditures, and other operations of certain moneys and funds; amending section 43.79.201, chapter 8, Laws of 1965 and RCW 43.79.201; and declaring an emergency.

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

University of Washington—Funds. Disposition of moneys into certain funds—Covenants to continue such disposition.

SECTION 1. All moneys hereafter received from the lease or rental of lands set apart for the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893, and all interest or income arising from the proceeds of the sale of such land and all proceeds from the sale of timber, fallen timber, stone, gravel, or other valuable material and all other receipts therefrom shall be deposited to the credit of the "University of Washington bond retirement fund" to be expended for the purposes set forth in RCW 28.77.540. All proceeds of sale of such lands, exclusive of interest, shall be deposited to the credit of the state university permanent fund, shall be retained therein and shall not be transferred to any other fund or account. All

interest earned or income received from the investment of the money in the state university permanent fund shall be deposited to the credit of the University of Washington bond retirement fund.

As a part of the contract of sale of bonds payable out of the University of Washington bond retirement fund, the board of regents of the University of Washington may covenant that all moneys derived from the above provided sources, which are required to be paid into the bond retirement fund, shall continue to be paid into such bond retirement fund for as long as any of such bonds are outstanding.

SEC. 2. Section 43.79.201, chapter 8, Laws of 1965 and RCW 43.79.201 are each amended to read as follows:

RCW 43.79.201 amended.

All moneys in the state treasury to the credit of that fund now denoted as the C.E.P. & R. I. fund on and after March 20, 1961, and all moneys thereafter paid into the state treasury for or to the credit of such fund shall be and are hereby transferred to and placed in the charitable, educational, penal and reformatory institutions account, hereby created, in the state general fund, into which fund there shall also be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions, except all moneys arising from the sale, lease, or transfer of that certain one hundred thousand acres of such land assigned for the support of the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893.

C.E.P. & R.I. fund—Moneys transferred to charitable, penal and reformatory account in general fund—Exception.

SEC. 3. The transfers heretofore made of all moneys from the sources described in sections 1 and 2 of this act into the University of Washington

Ratification of prior deposits in bond retirement and permanent fund.

bond retirement fund and permanent fund are in all respects ratified and confirmed.

University of Washington—Funds. Transfers between funds authorized.

SEC. 4. The board of regents of the University of Washington is empowered to authorize from time to time the transfer from the state university permanent fund to be held in reserve in the bond retirement fund created by RCW 28.77.540 any unobligated funds and investments derived from lands set apart for the support of the university by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893, to the extent required to comply with bond covenants regarding principal and interest payments and reserve requirements for bonds payable out of the bond retirement fund up to a total amount of five million dollars, and to transfer any or all of said unobligated funds and investments in excess of five million dollars to the university building account created by RCW 43.79.330(22). Any funds transferred to the bond retirement fund pursuant to this section shall be replaced by moneys first available out of the moneys required to be deposited in such fund pursuant to section 1 hereof. The board is further empowered to direct the state finance committee to convert any investments in such permanent fund acquired with funds derived from such lands into cash or obligations of or guaranteed by the United States of America prior to the transfer of such funds and investments to such reserve account or building account.

All interest earned on and profits derived from the sale of any investments of money in such University of Washington bond retirement fund shall be deposited in and become a part of such fund.

RCW 79.64.040 not affected.

SEC. 5. Nothing contained in this act is intended to amend or modify RCW 79.64.040 (section 4, chapter 178, Laws of 1961).

SEC. 6. This act is necessary for the immediate Emergency.
 preservation of the public peace, health and safety,
 the support of the state government and its exist-
 ing public institutions, and shall take effect im-
 mediately.

Passed the Senate April 12, 1965.

Passed the House April 9, 1965.

Approved by the Governor April 19, 1965.

CHAPTER 136.

[Senate Bill No. 531.]

MARINE RECREATION LAND ACT—OUTDOOR RECREATION ACCOUNT MONEYS—USES.

AN ACT relating to the marine recreation land act of 1964; au-
 thorizing the expenditure of certain funds from the outdoor
 recreation account for administrative and coordinative pur-
 poses; and amending section 8, chapter 5, Laws of 1965
 (uncodified).

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

SECTION 1. Section 8, chapter 5, Laws of 1965 1965 c 5 § 8
amended.
 (uncodified) is amended to read as follows:

Monies transferred to the outdoor recreation Marine recrea-
tion land act.
Outdoor
recreation
account
moneys—Use—
Limitations.
 account from the marine fuel tax refund account
 may be used when appropriated by the legislature,
 as well as any federal or other funds now or here-
 after available, to pay the necessary administrative
 and coordinative costs of the interagency commit-
 tee for outdoor recreation established by section 11
 of this act. All monies so transferred, except those
 appropriated as aforesaid, shall be divided into two
 equal shares and shall be used to benefit watercraft
 recreation in this state as follows:

(a) One share by the state for (1) acquisition
 of title to, or any interests or rights in, marine recre-

Marine recreation land act.
Outdoor recreation account moneys—Use—Limitations.

ation land, (2) capital improvement of marine recreation land, or (3) matching funds in any case where federal or other funds are made available on a matching basis for purposes described in (1) or (2);

(b) One share as grants to public bodies to help finance (1) acquisition of title to, or any interests or rights in, marine recreation land, or (2) capital improvement of marine recreation land. The total granted for any project shall not exceed forty percent of the cost of the project. A public body is authorized to use a grant, together with its own contribution, as matching funds in any case where federal or other funds are made available for purposes described in (1) or (2). The committee may prescribe further terms and conditions for the making of grants in order to carry out the purposes of this act.

Passed the Senate March 30, 1965.

Passed the House April 13, 1965.

Approved by the Governor April 19, 1965.

CHAPTER 137.

[Senate Bill No. 323.]

PROBATION OFFICERS AND SERVICES—STATE AID.

AN ACT relating to probation officers and services; amending section 11, chapter 331, Laws of 1959 (uncodified) as amended by section 2, chapter 145, Laws of 1961 (uncodified) and section 1, chapter 54, Laws of 1963 (uncodified); amending section 4, chapter 331, Laws of 1959 (uncodified); repealing section 5, chapter 331, Laws of 1959 (uncodified) as amended by section 1, chapter 145, Laws of 1961; and declaring an emergency.

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

SECTION 1. Section 11, chapter 331, Laws of 1959 (uncodified) as amended by section 2, chapter 145, Laws of 1961 (uncodified) and section 1, chapter 54, Laws of 1963 (uncodified) are each amended to read as follows:

1963 c 54 § 1 amended.

Sections 1 and 2, and 6 through 8, inclusive, chapter 331, Laws of 1959 (uncodified) as amended by chapter 145, Laws of 1961 (uncodified) are hereby declared to be temporary and shall terminate and expire June 30, 1967.

Probation counselors and services. State aid to counties for—Termination.

SEC. 2. Section 4, chapter 331, Laws of 1959 (uncodified) is amended to read as follows:

1959 c 331 § 4 amended.

State aid shall be granted by the director in an amount he deems advisable for reimbursement of expenditures incurred by counties in employing the necessary probation counselors (1) to establish and maintain probation services in counties in which such services have not heretofore existed, and (2) to increase the number of probation counselors of any county and maintain such additional counselors: *Provided*, That probation counselors so employed shall conform to the personnel standards and qualifications as provided in section 6 of this act before such funds shall be available.

Qualifications for, amount of, state aid.

Probation
counselors and
services.
Eligibility for
state aid to
cease, when.

SEC. 3. Any county deemed eligible for and which receives state aid for county probation services, as provided for in chapter 331, Laws of 1959, as now or hereafter amended, for six consecutive years after the effective date of this 1965 amendatory act, shall thereafter be deemed ineligible to receive state aid for probation services under said act as now or hereafter amended.

Repeal.

SEC. 4. Section 5, chapter 331, Laws of 1959 (uncodified) as amended by section 1, chapter 145, Laws of 1961 (uncodified) is hereby repealed.

Emergency.

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 institutions, and shall take effect immediately.

Passed the Senate April 15, 1965.

Passed the House April 13, 1965.

Approved by the Governor April 20, 1965.



CHAPTER 138.

[Senate Bill No. 417.]

REFUNDING BOND ACT.

AN ACT relating to financing by and bonds, obligations, refunding bonds, and refunding obligations of the state, its agencies, institutions, political subdivisions, and municipal and quasi municipal corporations; and declaring an emergency.

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

SECTION 1. This act shall be known as the "Re- Short title.
funding Bond Act."

SEC. 2. Except where the context otherwise re- Refunding
bond act.
Definitions.
quires, the terms defined in this section shall for all purposes have the meanings herein specified:

(1) "Governing body" means the council, commission, board of commissioners, board of directors, board of trustees, board of regents, or other legislative body of the public body designated herein in which body the legislative powers of the public body are vested: *Provided*, That with respect to the state it shall mean the state finance committee.

(2) "Public body" means the state of Washington, its agencies, institutions, political subdivisions, and municipal and quasi municipal corporations now or hereafter existing under the laws of the state of Washington.

(3) "Bond" means any revenue bond or general obligation bond.

(4) "Revenue bond" means any bond, note, warrant, certificate of indebtedness, or other obligation for the payment of money issued by a public body or any predecessor of any public body and which is payable from designated revenues or a special fund but excluding any obligation constituting an indebtedness within the meaning of the constitutional debt limitation and any obligation payable

Refunding
bond act.
Definitions.

solely from special assessments or special assessments and a guaranty fund.

(5) "General obligation bond" means any bond, note, warrant, certificate of indebtedness, or other obligation of a public body which constitutes an indebtedness within the meaning of the constitutional debt limitation.

(6) "Advance refunding bonds" means bonds issued for the purpose of refunding bonds first subject to redemption or maturing one year or more from the date of the advance refunding bonds.

(7) "Issuer" means the public body issuing any bond or bonds.

(8) "Ordinance" means an ordinance of a city or town or resolution or other instrument by which the governing body of the public body exercising any power hereunder takes formal action and adopts legislative provisions and matters of some permanency.

(9) Words used herein importing singular or plural number may be construed so that one number includes both.

Refunding
bonds
authorized.

SEC. 3. The governing body of any public body may by ordinance provide for the issuance of bonds without an election to refund outstanding bonds heretofore or hereafter issued by such public body or its predecessor and to pay redemption premiums and costs of refunding, only (1) in order to pay or discharge all or any part of such outstanding series or issue of bonds, including any interest thereon, in arrears or about to become due and for which sufficient funds are not available, or (2) in order to effect a saving to the public body. To determine whether or not a saving will be effected, consideration shall be given to the interest to fixed maturities of the refunding bonds and the bonds to be refunded, the costs of issuance of the refunding bonds, including any sale discount, the redemption

premiums, if any, to be paid, and the known earned income from the investment of the refunding bond proceeds pending redemption of the bonds to be refunded. Such refunding plan shall be subject to provisions concerning payment and to all other contractual provisions in the proceedings authorizing the issuance of the bonds to be refunded or otherwise appertaining thereto.

SEC. 4. Any bonds issued for refunding purposes may be delivered in exchange for the outstanding bonds being refunded or may be sold in the manner provided by law for the sale by the public body of bonds of the type being refunded.

Refunding bonds may be exchanged or sold.

SEC. 5. Bonds may be refunded hereunder or under any other law of this state which authorizes the issuance of refunding bonds when the holders thereof voluntarily surrender them for exchange or payment, or, if they mature or are subject to redemption prior to maturity within fifteen years from the date of the refunding bonds. In any advance refunding plan under this act the governing body shall provide irrevocably in the ordinance authorizing the issuance of the advance refunding bonds for the redemption of the bonds to be refunded within six months from the date they are first subject to redemption.

Refunding of prior bonds. redemption dates—Redemption premiums.

The ordinance authorizing the issuance of advance refunding bonds pursuant to this act shall contain a provision that such bonds shall be subject to redemption not later than five years from date of such bonds or six months after the first date on which the bonds to be refunded may be redeemed, whichever is later. If more than one issue or series of bonds are being refunded by a single issue or series of advance refunding bonds, such advance refunding bonds must be subject to redemption not later than five years from date of issue or six months

after the first date on which the series or issue of bonds being refunded having the latest first redemption date may be redeemed. The governing body may fix any redemption premium or premiums as it may in its discretion determine advisable.

Refunding bond act. Re-funding bonds, amount authorized—Use of reserve or other funds to redeem.

SEC. 6. Refunding bonds may be issued in a principal amount in excess of the principal amount of the bonds to be refunded 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 applied at the time the bonds to be refunded are paid to the redemption or retirement of such bonds, or if other available funds are sufficient and used to retire and redeem such bonds, such reserves may be pledged as security for the payment of the refunding bonds.

Proceeds from sale of advance refunding bonds, investment of.

SEC. 7. Prior to the application of the proceeds derived from the sale of advance refunding bonds to the purposes for which such bonds shall have been issued, such proceeds, together with any other funds the governing body may set aside for the payment of the bonds to be refunded, may be invested and reinvested only in direct obligations of the United States of America maturing or having guaranteed redemption prices at the option of the holder at such time or times as may be required to provide funds sufficient to pay principal, interest and redemption premiums, if any, in accordance with the advance refunding plan. To the extent incidental expenses have been capitalized, such bond proceeds may be used to defray such expenses.

Proceeds from sale of advance refunding bonds, safe-

SEC. 8. The governing body may contract with respect to the safekeeping and application of the

advance refunding bond proceeds and other funds included therewith and the income therefrom. The governing body may provide in the refunding plan that until such moneys are required to redeem or retire revenue bonds to be refunded, the refunding bond proceeds and other funds, and the income therefrom shall be used to pay and secure the payment of the principal of and interest on the advance refunding bonds. The governing body may additionally pledge for the payment of such refunding bonds any revenues which might legally be pledged for the payment of revenue bonds of the issuer of the type being refunded. Provisions must be made by the governing body for moneys sufficient in amount to accomplish the refunding as scheduled.

keeping and application of.

SEC. 9. When a public body has irrevocably set aside for and pledged to the payment of revenue bonds to be refunded advance refunding bond proceeds and other moneys in amounts which together with known earned income from the investment thereof are sufficient in amount to pay the principal of and interest and any redemption premiums on such revenue bonds as the same become due and to accomplish the refunding as scheduled, the governing body may provide that the advance refunding revenue bonds shall be payable from any source which, either at the time of the issuance of the advance refunding bonds or the revenue bonds to be refunded, might legally be or have been pledged for the payment of the revenue bonds refunded to the extent it may legally do so, notwithstanding the pledge of such revenues for the payment of the outstanding revenue bonds being refunded.

Refunding bonds, redeemable from other sources.

SEC. 10. The various annual maturities of general obligation bonds issued to refund voted general obligation bonds shall not extend over a longer period of time than the bonds to be refunded. Such maturities may be changed in amount or shortened

Refunding bonds, annual maturities of—
Time limitation on—
Changes in amount or term.

Refunding bond act, Refunding bonds, annual maturities of.

in term if the estimated respective annual principal and interest requirements of the refunding bonds, computed upon the anticipated effective interest rate the governing body shall in its discretion determine will be borne by such bonds, will not exceed the respective annual principal and interest requirements of the bonds being refunded: *Provided*, That the issuer may increase the principal amount of annual maturities for the purpose of rounding out maturities to the nearest five thousand dollars.

Refunding bonds not indebtedness for constitutional or statutory debt limitation.

SEC. 11. When funds and investments and the known earned income therefrom in amounts sufficient to pay the principal of and interest and any premium on general obligation bonds to be refunded as they become due at their respective maturities or at the date fixed for redemption have been irrevocably pledged to the general obligation bonds to be refunded, such bonds shall not constitute an indebtedness of the public body within the meaning of any constitutional or statutory debt limitation.

Refunding bond issuance—Separately or in combination.

SEC. 12. Bonds for refunding and bonds for any other purpose or purposes authorized may be issued separately or issued in combination in one or more series or issues by the same issuer.

Refunding bonds issued with reference to type of bonds being refunded.

SEC. 13. Except as specifically provided in this act, refunding bonds issued hereunder shall be issued in accordance with the provisions of law applicable to the type of bonds of the issuer being refunded, either at the time of the issuance of the refunding bonds or the bonds to be refunded.

Act supplemental.

SEC. 14. The authority of a public body to issue refunding bonds pursuant to this act is additional to any existing authority to issue such bonds and nothing in this act shall prevent the issuance of such bonds pursuant to any other law, and this act shall not be construed to amend any existing law

authorizing the issuance of refunding bonds by a public body.

SEC. 15. If bonds are to be issued under this act for refunding of any bonds issued specifically to finance any electric power and energy project or facility and there are contracts in existence for the sale of electric power and energy generated by such project or facility wherein the cost of power to a purchaser specifically includes a portion of the debt service on the bonds to be refunded, such power contracts shall be amended to reflect in each year during the remaining terms of such contracts that portion of the savings to be realized from such refunding during each such year equal to the percentage of power output from such project or facility purchased by the purchaser under such power contracts. Nothing in this act shall be construed to alter, modify or change any such power contracts without the mutual agreement of the parties thereto.

Prior power contracts to reflect savings realized in refunding under act.

SEC. 16. 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.

Severability.

SEC. 17. 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.

Emergency.

Passed the Senate April 13, 1965.

Passed the House April 12, 1965.

Approved by the Governor April 20, 1965.

CHAPTER 139.

[Senate Bill No. 404.]

WASHINGTON STATE UNIVERSITY—APPLIED
ELECTRICAL EXPERIMENT STATION—
ESTABLISHMENT.

AN ACT providing for the establishment of an applied electrical experiment station; and adding a new section to chapter 28.80 RCW.

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

Washington State University. Establishment of applied electrical research experiment station by authorized.

SECTION 1. There is added to chapter 28.80 RCW a new section to read as follows:

The board of regents of Washington State University is authorized to establish and maintain an applied electrical research experiment station at a suitable place in the vicinity of the Wanapum switching station near Wanapum Dam on the Columbia river for the purpose of conducting research and investigational work into all areas of the field of electricity, with special emphasis on the application, uses and phenomena connected with high voltages and high energy, and to cooperate with public and private agencies in the furtherance of such purposes.

Passed the Senate March 16, 1965.

Passed the House April 15, 1965.

Approved by the Governor April 22, 1965.

CHAPTER 140.

[Senate Bill No. 524.]

FOREST RESERVE FUNDS—DISTRIBUTION.

AN ACT relating to the distribution and expenditure of moneys received from forest reserves; and amending section 36.33.110, chapter 4, Laws of 1963 and RCW 36.33.110.

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

SECTION 1. Section 36.33.110, chapter 4, Laws of 1963 and RCW 36.33.110 are each amended to read as follows:

RCW 36.33.110 amended.

The state treasurer shall turn over to the treasurers of the counties within United States forest reserves, the amount of money belonging to them, received from the federal government from such reserves, in accordance with Title 16, section 500, United States Code. Where the reserve is situated in more than one county the money shall be distributed in proportion to the area of the counties interested, and to that end the state treasurer is authorized and required to obtain the necessary information to enable him to make the distribution on such basis.

County funds.
Distribution
of forest
reserve funds.

County commissioners of the respective counties to which the money is distributed are authorized and directed to expend not less than fifty percent of said money for the benefit of the public schools, including school maintenance and building purposes, and to expend the balance of said money for the benefit of the public roads of such county, and not otherwise.

Passed the Senate April 7, 1965.

Passed the House April 15, 1965.

Approved by the Governor April 22, 1965.

CHAPTER 141.

[House Bill No. 637.]

REVENUE AND TAXATION.

AN ACT relating to revenue and taxation; amending section 82.32.050, chapter 15, Laws of 1961 and RCW 82.32.050; amending section 82.32.080, chapter 15, Laws of 1961, as amended by section 6, chapter 28, Laws of 1963 extraordinary session, and RCW 82.32.080; amending section 82.32-.090, chapter 15, Laws of 1961, as amended by section 7, chapter 28, Laws of 1963 extraordinary session and RCW 82.32.090; amending section 82.32.100, chapter 15, Laws of 1961 and RCW 82.32.100; amending section 82.32.180, chapter 15, Laws of 1961, as amended by section 9, chapter 28, Laws of 1963 extraordinary session, and RCW 82.32.180; amending section 82.32.190, chapter 15, Laws of 1961 and RCW 82.32.190; amending section 82.32.340, chapter 15, Laws of 1961 and RCW 82.32.340; and adding a new section to chapter 15, Laws of 1961 and to chapter 82.32 RCW and providing an effective date.

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

RCW 82.32.050 amended.

SECTION 1. Section 82.32.050, chapter 15, Laws of 1961 and RCW 82.32.050 are each amended to read as follows:

Excise taxes—
Administrative provisions.
Deficient and delinquent payments—
Penalties and interest—
Limitations.

If, upon examination of any returns or from other information obtained by the tax commission it appears that a tax or penalty has been paid less than that properly due, the commission shall assess against the taxpayer such additional amount found to be due and as to assessments made on and after May 1, 1965, including assessments for additional tax or penalties due prior to that date shall add thereto interest at the rate of six percent per annum from the last day of the year in which the deficiency is incurred until date of payment. The commission shall notify the taxpayer by mail of the additional amount and the same shall become due and shall be paid within ten days from the date of the notice, or within such further time as the commission may

provide. If payment is not received by the commission by the due date specified in the notice, or any extension thereof, the commission shall add a penalty of ten percent of the amount of the additional tax found due. If the commission finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.

No assessment or correction of an assessment for additional taxes due may be made by the commission more than four years after the close of the tax year, except (1) against a taxpayer who has not registered as required by this chapter, (2) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (3) where a taxpayer has executed a written waiver of such limitation.

SEC. 2. Section 82.32.080, chapter 15, Laws of 1961, as amended by section 6, chapter 28, Laws of 1963 extraordinary session, and RCW 82.32.080 are each amended to read as follows:

RCW 82.32.080
amended.

Payment of the tax may be made by uncertified check under such regulations as the commission shall prescribe, but, if a check so received is not paid by the bank on which it is drawn, the taxpayer, by whom such check is tendered, shall remain liable for payment of the tax and for all legal penalties, the same as if such check had not been tendered.

Payment by
check—Mail-
ing—Time
extension—
Deposits—
Payment must
accompany
tax return—
Penalties.

A return or remittance which is transmitted to the tax commission by United States mail shall be deemed filed or received on the date shown by the post office cancellation mark stamped upon the envelope containing it.

The tax commission, for good cause shown, may extend the time for making and filing any return, and may grant such reasonable additional time

Excise taxes—
 Administrative
 provisions.
 Payment by
 check—Time
 extension—
 Deposits—
 Payment must
 accompany
 tax return—
 Penalties.

within which to make and file returns as it may deem proper, but any permanent extension granting the taxpayer a reporting date without penalty more than ten days beyond the due date, and any extension in excess of thirty days shall be conditional on deposit with the commission of an amount to be determined by the commission which shall be approximately equal to the estimated tax liability for the reporting period or periods for which the extension is granted. In the case of a permanent extension or a temporary extension of more than thirty days the deposit shall be deposited within the state treasury with other tax funds and a credit recorded to the taxpayer's account which may be applied to taxpayer's liability upon cancellation of the permanent extension or upon reporting of the tax liability where an extension of more than thirty days has been granted.

The commission shall review the requirement for deposit at least annually and may require a change in the amount of the deposit required when it believes that such amount does not approximate the tax liability for the reporting period or periods for which the extension is granted.

The commission shall keep full and accurate records of all funds received and disbursed by it.

The commission may refuse to accept any return which is not accompanied by a remittance of the tax shown to be due thereon. When such return is not accepted, the taxpayer shall be deemed to have failed or refused to file a return and shall be subject to the procedures provided in RCW 82.32.100 and to the penalties provided in RCW 82.32.090.

RCW 82.32.090
 amended.

SEC. 3. Section 82.32.090, chapter 15, Laws of 1961, as amended by section 7, chapter 28, Laws of 1963 extraordinary session, and RCW 82.32.090 are each amended to read as follows:

If payment of any tax due is not received by the tax commission by the twenty-fifth day of the month in which the tax becomes due, there shall be assessed a penalty of two percent of the amount of the tax; and if the tax is not received within forty days of 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 seventy days of 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.

Late payment
—Penalties.

If a warrant be issued by the tax commission 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.

SEC. 4. Section 82.32.100, chapter 15, Laws of 1961 and RCW 82.32.100 are each amended to read as follows:

RCW 82.32.100
amended.

If any person fails or refuses to make any return or to make available for examination the records required by this chapter, the tax commission shall proceed, in such manner as it may deem best, to obtain facts and information on which to base its estimate of the tax; and to this end the commission may examine the books, records, and papers of any such person and may take evidence, on oath, of any person, relating to the subject of inquiry.

Failure to file
returns—
Assessment of
tax by
commission—
Penalties.

As soon as the commission procures such facts and information as it is able to obtain upon which to base the assessment of any tax payable by any person who has failed or refused to make a return,

Excise taxes—
Administrative
provisions.
Failure to file
returns—
Assessment of
tax by
commission—
Penalties.

it shall proceed to determine and assess against such person the tax and penalties due, but such action shall not deprive such person from appealing to the superior court as hereinafter provided. To the assessment the commission shall add, the penalties provided in RCW 82.32.090. The commission shall notify the taxpayer by mail of the total amount of such tax, penalties, and interest, and the total amount shall become due and shall be paid within ten days from the date of such notice.

No assessment or correction of an assessment may be made by the commission more than four years after the close of the tax year, except (1) against a taxpayer who has not registered as required by this chapter, (2) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (3) where a taxpayer has executed a written waiver of such limitation.

RCW 82.32.180
amended.

SEC. 5. Section 82.32.180, chapter 15, Laws of 1961, as amended by section 9, chapter 28, Laws of 1963 extraordinary session, and RCW 82.32.180 are each amended to read as follows:

Court appeal
—Procedure.

Any person, except one who has failed to keep and preserve books, records, and invoices as required in this chapter and chapter 82.24, having paid any tax as required and feeling aggrieved by the amount of the tax may appeal to the superior court of Thurston county, within the time limitation for a refund provided in this chapter, or within thirty days after the date of the notice denying a hearing, or within thirty days after the due date of the notice of the amount of any adjustment of tax liability authorized by the commission in the order provided in RCW 82.32.160, or within thirty days after the due date established by the order provided in RCW 82.32.160 if no adjustment is authorized, or within thirty days after the date of the order provided in RCW 82.32.170. In the appeal the taxpayer shall set

forth the amount of the the tax imposed upon him which he concedes to be the correct tax and the reason why the tax should be reduced or abated. The appeal shall be perfected by serving a copy of the notice of appeal upon the tax commission within the time herein specified and by filing the original thereof with proof of service with the clerk of the superior court of Thurston county. Within ten days after filing notice of appeal, the taxpayer shall file with the clerk of the superior court a good and sufficient surety bond payable to the state in the sum of two hundred dollars, conditioned to diligently prosecute the appeal and pay the state all costs that may be awarded if the appeal of the taxpayer is not sustained.

The trial in the superior court on the appeal shall be de novo and without the necessity of any pleadings other than the notice of appeal. The burden shall rest upon the taxpayer to prove that the tax as paid by him is incorrect, either in whole or in part, and to establish the correct amount of the tax. In such proceeding the taxpayer shall be deemed the plaintiff, and the state, the defendant; and both parties shall be entitled to subpoena the attendance of witnesses as in other civil actions and to produce evidence that is competent, relevant, and material to determine the correct amount of the tax that should be paid by the taxpayer. Either party shall be allowed to appeal to the supreme court in the same manner as other civil actions are appealed to that court.

It shall not be necessary for the taxpayer to protest against the payment of any tax or to make any demand to have the same refunded or to petition the commissioner for a hearing in order to appeal to the superior court, but no court action or proceeding of any kind shall be maintained by the

taxpayer to recover any tax paid, or any part thereof, except as herein provided.

RCW 82.32.190
amended.

SEC. 6. Section 82.32.190, chapter 15, Laws of 1961 and RCW 82.32.190 are each amended to read as follows:

Excise taxes—
Administrative
provisions.
Stay of collec-
tion pending
suit.

The tax commission, by its order, may hold in abeyance the collection of tax from any taxpayer or any group of taxpayers when a question bearing on their liability for tax hereunder is pending before the courts: *Provided*, That the commission may impose such conditions as may be deemed just and equitable and shall require the payment of interest at the rate of one-half of one percent of the amount of the tax for each thirty days or portion thereof from the date upon which such tax became due.

RCW 82.32.340
amended.

SEC. 7. Section 82.32.340, chapter 15, Laws of 1961 and RCW 82.32.340 are each amended to read as follows:

Charge off of
uncollectible
taxes or
penalties—
Destruction
of files.

Any tax or penalty which the tax commission deems to be uncollectible, may be transferred from accounts receivable, subject to approval by the director of budget, to a suspense account and cease to be accounted an asset: *Provided*, That any item transferred shall continue to be a debt due the state from the taxpayer and may at any time within twelve years from the filing of a warrant covering such amount with the clerk of the superior court be transferred back to accounts receivable for the purpose of collection: *Provided further*, The commission may charge off as finally uncollectible any tax or penalty which it deems uncollectible at any time after twelve years from the date of the filing of a warrant covering such tax and penalty with the clerk of the superior court after the commission and the attorney general are satisfied that there are no available and lawful means by which such tax or penalty may thereafter be collected.

After any tax or penalty has been charged off as finally uncollectible under the provisions of this section, the commission may destroy any or all files and records pertaining to the liability of any taxpayer for such tax or penalty.

The commission, subject to the approval of the director of budget, may at the expiration of five years after the close of any taxable year, destroy any or all files and records pertaining to the tax liability of any taxpayer for such taxable year, who has fully paid all taxes, penalties and interest for such taxable year, or any preceding taxable year for which such taxes, penalties and interest have been fully paid.

SEC. 8. There is added to chapter 15, Laws of 1961 and to chapter 82.32 RCW a new section to read as follows: New section.

If the commission finds that the payment by a taxpayer of a tax less than that properly due or the failure of a taxpayer to pay any tax by the due date was the result of circumstances beyond the control of the taxpayer, the commission shall waive or cancel any interest or penalties imposed under this chapter with respect to such tax. The tax commission shall prescribe rules for the waiver or cancellation of interest or penalties imposed by this chapter. Notwithstanding the foregoing the amount of any interest which has been waived, canceled or refunded prior to May 1, 1965 shall not be reassessed according to the provisions of this chapter. Waiver or cancellation of interest or penalties, when—Rules—No reassessment for prior interest waived or cancelled.

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. Severability.

SEC. 10. This act is necessary for the immediate preservation of the public peace, health and safety, Emergency.

the support of the state government and its existing public institutions, and shall take effect July 1, 1965.

Passed the House April 14, 1965.

Passed the Senate April 13, 1965.

Approved by the Governor April 22, 1965.

CHAPTER 142.

[Senate Bill No. 101.]

STATE EMPLOYEE SUGGESTION AWARDS BOARD.

AN ACT relating to state government; establishing a suggestion awards board; and providing for the payment of cash awards to certain state employees.

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

SECTION 1. As used in this act:

Employee suggestion awards board. Definitions.

(1) "Board" means the employee suggestion awards board.

(2) "Employee suggestion program" means the program developed by the board under subsection (2) of section 2 of this act.

(3) "Secretary" means the secretary of the employee suggestion program.

Board established—Members—Chairman—Secretary—Duties—Rules and regulations.

SEC. 2. (1) There is hereby established the employee suggestion awards board. The board shall consist of three state officers or state employees appointed by the governor, to serve at his pleasure. The members of the board shall elect one member as chairman. The governor shall appoint a state officer or state employee to serve as secretary of the employee suggestion program.

(2) The board shall formulate, establish and maintain an employee suggestion program to encourage and reward meritorious suggestions by state employees that will promote efficiency and economy

in the performance of any function of state government.

(3) The secretary, with the approval of the employee suggestion awards board, shall prepare rules and regulations necessary or appropriate for the proper administration and for the accomplishment of the purposes of this act.

SEC. 3. The board shall make the final determination as to whether an employee suggestion award will be made and, subject to the rules and regulations adopted pursuant to subsection (3) of section 2 of this act, the board shall determine the nature and extent of the award.

Board to determine if award made, amount.

SEC. 4. Cash awards, not to exceed a total of five thousand dollars during any fiscal year, may be paid from the department of personnel service fund: *Provided*, That no award or awards in any fiscal year to any one employee shall exceed three hundred dollars.

Cash awards—Maximum—Source.

SEC. 5. Administrative expenses of the board in administering this act shall be limited to two hundred dollars per biennium and shall be paid from the department of personnel service fund.

Administrative expenses—Maximum—Source.

SEC. 6. (1) The amount of the cash awards and administrative expenses under this act which are paid from the department of personnel service fund shall be in addition to the administrative expenses and costs of operating the personnel departments established under the provisions of RCW 41.06.030, 41.06.050 and 41.06.060, and shall be added to and collected with the administrative expenses and costs of operating these agencies under RCW 41.06.280.

Awards as additional administrative expenses of personnel departments—Payment of awards and expenses by voucher.

(2) Vouchers for the payment of cash awards and administrative expenses shall be prepared by the directors of the personnel boards established by RCW 41.06.030, 41.06.050 and 41.06.060 payable from the department of personnel service fund upon cer-

Employee suggestion awards board.

tification of the chairman or secretary of the employee suggestion awards board of the amount of the cash award and the person to whom the award has been made or the amount of the administrative expenses.

Suggestions qualifying.

SEC. 7. The provisions of this act shall apply only to those suggestions presented after the effective date of this act.

Passed the Senate March 25, 1965.

Passed the House April 19, 1965.

Approved by the Governor April 26, 1965.

CHAPTER 143.

[House Bill No. 695.]

ALCOHOLISM SERVICES—LIQUOR REVOLVING FUND DISTRIBUTIONS—CLASS H LICENSE FEES.

AN ACT relating to intoxicating liquor and alcoholism; increasing certain license fees; providing the department of health with certain responsibilities; providing for the distribution of certain funds; amending section 77, chapter 62, Laws of 1933, extraordinary session, as last amended by section 10, chapter 5, Laws of 1949 and RCW 66.08.180; and adding a new section to chapter 70.96 RCW; amending section 3, chapter 5, Laws of 1949; and declaring an emergency.

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

New section.

SECTION 1. There is added to chapter 85, Laws of 1959 and to chapter 70.96 RCW a new section to read as follows:

Rehabilitation centers for alcoholics. State assistance to.

The department of health is authorized to provide financial assistance and consultative services to assist in the development, establishment, construction, maintenance, and operation of community, public, or private nonprofit facilities throughout the state for the referral, care, custody, treatment, recovery and rehabilitation of alcoholics.

SEC. 2. Section 77, chapter 62, Laws of 1933 extraordinary session, as last amended by section 10, chapter 5, Laws of 1949 and RCW 66.08.180 are each amended to read as follows:

RCW 66.08.180 amended.

Moneys in the liquor revolving fund shall be distributed by the board at least once every three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210: *Provided*, That the board shall reserve from distribution such amount not exceeding five hundred thousand dollars as may be necessary for the proper administration of this title: *And provided further*, That all license fees, penalties and forfeitures derived under this act from class H licenses or class H licensees shall every three months be disbursed by the board to the University of Washington and to Washington State University for medical and biological research only, in such proportions as shall be determined by the board after consultation with the heads of said state institutions: *And provided further*, That when the allocations in any biennium to the University of Washington and Washington State University shall amount to a total of one million dollars, the entire allocation for the remainder of the biennium shall be disbursed to the department of health to carry out the purposes of section 1 of this act.

Liquor revolving fund. Distribution—Reserve for administration—Disbursement to University of Washington, Washington State University and Department of Health.

SEC. 3. Section 3, chapter 5, Laws of 1949 and RCW 66.24.420 are each amended to read as follows:

RCW 66.24.420 amended.

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

Liquor by the drink, Class H licenses. Schedule of fees—Location—Number of licenses.

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be three hundred thirty dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and

Liquor by the
drink, Class H
licenses.
Schedule of
fees—Location
—Number of
licenses.

towns, shall be graduated according to the population thereof as follows:

Incorporated cities and towns of less than 10,000 population; fee \$550.00;

Incorporated cities and towns of 10,000 and less than 100,000 population; fee \$825.00;

Incorporated cities and towns of 100,000 population and over; fee \$1,100.00.

(c) The annual fee for said license when issued to any other class H licensee outside of incorporated cities and towns shall be: one thousand one hundred dollars; this fee shall be prorated according to the calendar months, or major portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(d) The fee for any dining, club or buffet car, or any boat or airplane shall be as provided in subsection (4) of this section.

(2) The board, so far as in its judgment is reasonably possible, shall confine class H licenses to the business district of incorporated cities and towns, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue class H licenses outside of incorporated cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of incorporated cities and towns, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) Where the license shall be issued to any corporation, association or person operating as a common carrier for hire any dining, club and buffet

car or any boat or airplane, such license shall be issued upon the payment of a fee of one hundred sixty-five dollars per annum, which shall be a master license and shall permit such sale upon one such car or boat or airplane, and upon payment of an additional sum of five dollars per car or per boat or airplane per annum, such license shall extend to additional cars or boats or airplanes operated by the same licensee within the state, and a duplicate license for each such additional car and boat and airplane shall be issued: *Provided*, That such licensee may make such sales upon cars or boats or airplanes in emergency for not more than five consecutive days without such license: *And provided further*, That such license shall be valid only while such cars or boats or airplanes are actively operated as common carriers for hire and not while they are out of common carrier service.

(5) The total number of class H licenses issued in the state of Washington by the board shall not in the aggregate at any time exceed one license for each fifteen hundred of population in the state, determined according to the last available federal census.

(6) Notwithstanding the provisions of subsection (5) of this section, the board shall refuse a class H license to any applicant if in the opinion of the board the class H licenses already granted for the particular locality are adequate for the reasonable needs of the community.

SEC. 4. This act is necessary for the immediate Emergency. 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, 1965.

Passed the House April 13, 1965.

Passed the Senate April 21, 1965.

Approved by the Governor April 26, 1965.

CHAPTER 144.

[Senate Bill No. 535.]

HIGHWAYS—OPERATIONS—CAPITAL IMPROVEMENTS
—APPROPRIATIONS—REAPPROPRIATIONS.

AN ACT relating to highways; making appropriations and re-appropriations for the operations and capital improvements of the state highway commission and the Washington toll bridge authority; and declaring an emergency.

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

Highways, appropriations, reappropriations, Operational expenses, department of highways.

SECTION 1. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1967, and for obligations incurred and not yet paid, the sum of fifty-eight million two hundred seventy-two thousand four hundred eighty dollars, or so much thereof as shall be necessary for the operations of the department of highways, including the programs for the executive, general, and engineering administration, and plant operations and maintenance; the planning and research operations; the highway maintenance operations; research and studies approved by the Washington state highway commission and the joint committee on highways; the special reimbursable services; and maintenance of stores and inventories: *Provided*, That none of this appropriation or other funds shall be allotted or used for general salaried increases based upon salary survey studies at any time prior to or in any increment percentage greater than that granted during the biennium to employees of departments or agencies as fixed by the budget director.

Roads in Adams, Grant and Franklin counties.

SEC. 2. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1967, and for obligations incurred and not yet paid, the sum of four hundred fifty thousand seven

hundred forty-five dollars, the same being the December 31, 1964 unexpended balance of the appropriation contained in section 1, chapter 15, extraordinary session, Laws of 1963, for construction of roads in Adams, Grant and Franklin counties: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the central budget agency as of June 30, 1965.

SEC. 3. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1967, and for obligations incurred and not yet paid, the sum of two million two hundred seventy-four thousand three hundred seventy-four dollars, the same being the December 31, 1964 unexpended balance of the appropriation contained in section 2, chapter 15, extraordinary session, Laws of 1963, for the construction of highways on primary state highway No. 1 Snoqualmie Pass and Columbia Basin secondaries: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the central budget agency as of June 30, 1965.

State highway
No. 1, Sno-
qualmie Pass
and Columbia
Basin
secondaries.

SEC. 4. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1967, and for obligations incurred and not yet paid, the sum of twenty-eight million three hundred seventy-seven thousand five hundred ninety-seven dollars, the same being the December 31, 1964 unexpended balance of the appropriation contained in section 4, chapter 15, extraordinary session, Laws of 1963, for construction of the Tacoma-Seattle-Everett freeway: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the central budget agency as of June 30, 1965.

Tacoma-
Seattle-Everett
freeway.

Highways,
appropriations,
reappropriations,
Construction and
reconstruction
of highways.

SEC. 5. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1967, and for obligations incurred and not yet paid, the sum of two hundred thirty-six million nine hundred fifty-two thousand nine hundred sixty-six dollars, for buildings and other structures, construction and reconstruction of highways, and designated routes through cities and towns, including location, rights-of-way, bridges and ferries, and including funds to be expended on and off the state system to be reimbursed under specific project agreements executed or to be executed under the federal aid road acts and the state acts assenting thereto; and any other expenditures off the system for which reimbursement is anticipated under agreements, and for emergencies and any other proper highway purpose, emergencies being defined as damages to highways, structures, ferries, and/or conditions involving public safety or welfare which could not with the exercise of reasonable judgment have been foreseen. To the above appropriation there is added a reappropriation of one hundred fifty-eight million one hundred ninety-seven thousand three hundred thirty-seven dollars, the same being the December 31, 1964 unexpended balance of the appropriation contained in sections 19 and 31, chapter 3, and section 6, chapter 15, extraordinary session, Laws of 1963, or so much thereof as shown on the records of the central budget agency as of June 30, 1965.

Ferries and
ferry
terminals.

SEC. 6. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for biennium ending June 30, 1967, the sum of one million seven hundred forty-four thousand two hundred thirty dollars for the improvement of the Puget Sound transportation system in the following specified amounts and purposes:

- (1) Complete the rebuilding of the Colman terminal \$449,230
- (2) Construct new Friday Harbor ferry terminal 225,000
- (3) New ferry for Point Defiance-Tahlequah 850,000
- (4) Winslow Ferry Terminal—Provide an auxiliary slip..... 220,000

To the above appropriation there is added a re-appropriation of one million seven hundred seventy-nine thousand eight hundred twenty-eight dollars, the same being the December 31, 1964 unexpended balance of the appropriation contained in section 11, paragraph (1) chapter 15, extraordinary session, Laws of 1963, or so much thereof as shown on the records of the central budget agency as of June 30, 1965.

SEC. 7. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1967, the sum of four hundred twenty-five thousand dollars for toll facilities subsidies as specified below:

Spokane river toll bridge revenue bond appropriation —Vernita toll bridge revenue bond appropriation.

- (1) Interest payments on Spokane River toll bridge revenue bonds... \$225,000

The authority shall transfer such amounts of the appropriation as may be necessary from time to time to the Spokane River toll bridge revenue bond fund established by resolution No. 320 of the authority to pay interest on the Spokane River toll bridge revenue bonds as the same shall come due but only to the extent that net revenues from said bridge are insufficient therefor.

- (2) Guaranteeing the payment of principal and interest on Vernita toll bridge revenue bonds..... \$200,000

The authority shall transfer such amounts of the appropriation as may be necessary from time to time to the Vernita toll bridge revenue bond fund estab-

lished by resolution No. 366 of the authority to pay interest on the Vernita toll bridge revenue bonds as the same shall come due but only to the extent that net revenues from said bridge are insufficient therefor.

Any expenditures from the above appropriations are to be considered as loans and are to be repaid to the motor vehicle fund from revenues, and tolls shall be continued for any additional lengths of time necessary for this purpose.

Highways, ap-
propriations,
reappropriations.
Bond pay-
ments, from
Puget Sound
Reserve
Account.

SEC. 8. There is hereby appropriated from the Puget Sound Reserve Account to the Washington toll bridge authority for the biennium ending June 30, 1967, the sum of two million seven hundred thousand dollars to carry out the provisions of section 3, chapter 9, extraordinary session, Laws of 1961 and RCW 47.60.420.

Administra-
tion of toll
facilities,
engineering
studies on
new facilities.

SEC. 9. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1967, the sum of two hundred fifty-eight thousand seven hundred forty-eight dollars for administration of toll facilities and for supervision of engineering studies on proposed new facilities: *Provided*, That none of this appropriation or other funds shall be allotted or used for general salaried increases based upon salary survey studies at any time prior to or in any increment percentage greater than that granted during the biennium to employees of departments or agencies as fixed by the budget director.

Toll bridge
authority
functions.

SEC. 10. There is hereby appropriated from the authority revolving fund to the Washington toll bridge authority for the biennium ending June 30, 1967, the sum of ninety thousand dollars to carry out the provisions of RCW 47.60.180.

Debt service
on Spokane
river toll
bridge.

SEC. 11. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge

authority for the biennium ending June 30, 1965 the sum of sixty thousand dollars or so much thereof as may be necessary to pay for debt service on the Spokane river toll bridge.

Any expenditures from the appropriation contained in this section are to be considered as loans and are to be repaid to the motor vehicle fund from revenues, and tolls shall be continued on the Spokane river toll bridge for any additional length of time necessary for this purpose.

SEC. 12. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1967, the sum of one hundred four thousand dollars, or so much thereof as may be necessary to carry out the provisions of sections 26 through 31, chapter 3, extraordinary session, Laws of 1963 and RCW 47.20.380.

Olympic
National Park
service
parkway.

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 section 11 shall take effect immediately. Sections 1 through 10 inclusive and section 12 shall take effect on July 1, 1965.

Emergency—
Effective date.

Passed the Senate April 21, 1965.

Passed the House April 14, 1965.

Approved by the Governor April 28, 1965.

CHAPTER 145.

[Senate Bill No. 160.]

AGRICULTURAL FAIRS—BUSINESS AND OCCUPATION
TAX EXEMPTION.

AN ACT relating to taxation; providing for the exemption of admission charges by agricultural fairs from the business and occupation tax; and adding a new section to chapter 82.04 RCW.

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

New section.

SECTION 1. There is added to chapter 82.04 RCW a new section to read as follows:

B & O tax.
Agricultural
fairs as ex-
empted from.

This chapter shall not apply to any business of any bona fide agricultural fair, if no part of the net earnings therefrom inures to the benefit of any stockholder or member of the association conducting the same: *Provided*, That any amount paid for admission to any exhibit, grandstand, entertainment, or other feature conducted within the fair grounds by others shall be taxable under the provisions of this chapter, except as otherwise provided by law.

Passed the Senate March 16, 1965.

Passed the House April 20, 1965.

Approved by the Governor April 28, 1965.

CHAPTER 146.

[Senate Bill No. 555.]

COMMUNITY COLLEGES—TUITION AND OTHER FEES.

AN ACT relating to education; amending section 5, chapter 198, Laws of 1961 as last amended by section 1, chapter 89 (House Bill No. 125), Laws of 1965 [extraordinary session], and RCW 28.84.210; and amending section 2, chapter 20, Laws of 1961 extraordinary session as amended by section 6, chapter 2, Laws of 1963 extraordinary session, and RCW 28.84.270.

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

SECTION 1. Section 5, chapter 198, Laws of 1961 as last amended by section 1, chapter 89 (House Bill No. 125), Laws of 1965 [extraordinary session], and RCW 28.84.210 are each amended to read as follows:

RCW 28.84.210 amended.

Every board of directors operating a community college, unless otherwise specially provided by law, shall:

Community colleges. Powers and duties of directors—Fees.

(1) Perform all acts necessary or appropriate to the administration of the community college consistent with statutes governing school districts and the regulations of the state board of education;

(2) Employ for a period to be fixed by the board, a president, members of the faculty, and such other administrative officers and other employees as may be necessary or appropriate, and fix their salaries and duties;

(3) Discharge for sufficient cause any officer, faculty member or employee;

(4) Construct, equip and operate necessary community college facilities but this authority shall not include the power to construct, equip or operate directly or indirectly any dormitories, nor shall any school employee or officer charge or collect any fees for housing provided for by an individual, association or corporation;

Community colleges. Powers and duties of directors—Fees.

(5) Promulgate regulations governing the students enrolled in the community college, including regulations relating to housing;

(6) Receive such gifts, grants, conveyances, devises and bequests of real and personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs as specified by law and the regulations of the state board of education; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(7) Prescribe fees to be paid by students enrolled in the community college, not inconsistent with the regulations of the state board of education: *Provided*, That a tuition fee of not less than one hundred ten dollars per quarter shall be charged each full time student who has not been domiciled in this state for a period of one year prior to the commencement of the term for which he registers: *Provided further*, That the aggregate of tuition and other fees for each full time student who has not been domiciled in this state for a period of one year prior to the commencement of the term for which he registers shall not exceed one hundred and sixty dollars per quarter exclusive of the summer session.

RCW 28.84.270 amended.

SEC. 2. Section 2, chapter 20, Laws of 1961 extraordinary session as amended by section 6, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.270 are each amended to read as follows:

Resident tuition fees for full time students.

Each full time student registering in a community college who has been domiciled in this state for a period of one year prior to the date of the commencement of the term for which he registers shall

be charged a tuition fee of not less than twenty dollars per quarter: *Provided*, That the aggregate of tuition and other fees for each full time student who has been domiciled in the state for a period of one year prior to the commencement of the term for which he registers shall not exceed seventy dollars per quarter exclusive of the summer session.

Passed the Senate April 19, 1965.

Passed the House April 21, 1965.

Approved by the Governor April 28, 1965.

CHAPTER 147.

[Senate Bill No. 552.]

STATE COLLEGES—TUITION AND INCIDENTAL FEES.

AN ACT relating to education; and amending section 3, chapter 13, Laws of 1961 extraordinary session as amended by section 1, chapter 143, Laws of 1963, and RCW 28.81.080.

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

SECTION 1. Section 3, chapter 13, Laws of 1961 extraordinary session as amended by section 1, chapter 143, Laws of 1963, and RCW 28.81.080 are each amended to read as follows:

RCW 28.81.080
amended.

The boards of trustees of Eastern Washington State College, Central Washington State College, and Western Washington State College shall, each quarter other than summer session charge to and collect from each of the full time students registered at the respective colleges general tuition fee and incidental fees as follows:

State colleges.
Student fees.

(1) Resident students

(a) General tuition fee, not less than fifteen dollars; and

State colleges.
Student fees.

(b) Incidental fees, an amount which, together with such general tuition fee, will be not more than eighty-eight dollars.

(2) Nonresident students

(a) General tuition fee, not less than forty-five dollars; and

(b) Incidental fees, an amount which, together with such general tuition fee, will be not more than one hundred fifty-seven dollars.

The term "incidental fees" as used in this section, without limiting the generality thereof, should be deemed to include all building fees, (except the above denominated general tuition fees), student activity fees, laboratory, library, gymnasium, and health fees charged all students registering at each college.

The term "resident students" as used in this section shall mean full-time students who have been domiciled in this state at least one year prior to the date of their registration and the children and spouses of federal employees residing within the state and children and spouses of staff members of the colleges. The term "nonresident students" shall mean all full-time students other than resident students.

In addition to the foregoing fees, the boards of trustees of the state colleges are authorized to make such charges as each board shall in its discretion determine, for application for admission, part time instruction, summer sessions, short courses, correspondence courses, extension courses, noncredit instruction, deposits, breakage, disciplinary infractions, late registration, change of program, diplomas, special individual instruction or examination or service; materials, textbooks, yearbooks, equipment rental, or transportation, and to make and establish such charges and rentals as they may in their discretion determine for the use of all revenue-produc-

ing lands, buildings, and facilities of each college, heretofore or hereafter acquired, constructed, or installed, including but not limited to income from rooms, dormitories, dining rooms, hospital, infirmaries, housing, or student activity buildings or facilities, vehicular parking facilities, land, or the appurtenances thereon.

Passed the Senate April 19, 1965.

Passed the House April 22, 1965.

Approved by the Governor April 28, 1965.

CHAPTER 148.

[Senate Bill No. 566.]

LEGISLATIVE COUNCIL—MEMBERSHIP.

AN ACT relating to state government; increasing the membership of the legislative council; and amending section 1, chapter 36, Laws of 1947 and RCW 44.24.010; and declaring an emergency.

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

SECTION 1. Section 1, chapter 36, Laws of 1947 and RCW 44.24.010 are each amended to read as follows:

RCW 44.24.010
amended.

There is hereby created a "state legislative council" hereinafter referred to as the council, which shall consist of thirteen senators and fourteen representatives from the legislature of the state of Washington, including the president pro tem of the senate and the speaker of the house of representatives, said council to be appointed by the president of the senate and the speaker of the house of representatives at least ten days before the close of the 1947 session of the legislature, and at least ten days before the close of each regular session thereafter.

Legislative
council.
Created—
Composition.

Legislative
council.
Created—
Composition.

The president of the senate and the speaker of the house of representatives shall prepare their lists of appointees so that the whole membership of the council shall include at least one individual from each United States congressional district within the state and so that the minority political party in each house shall have six members on the council. The said lists of appointees shall be subject to confirmation as to the senate members by the senate and as to the house members by the house of representatives. In the event of a failure to appoint council members within the time above stated, or in the event of a refusal by either senate or house of representatives to confirm appointments on the council, then the members on the council from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house.

Emergency.

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 23, 1965.

Passed the House April 24, 1965.

Approved by the Governor April 28, 1965.

CHAPTER 149.

[Senate Bill No. 451.]

PUBLIC UTILITY DISTRICTS—EMPLOYEE BENEFITS—
PAYMENTS AFTER RETIREMENT.

AN ACT relating to public utility districts; and adding a new section to chapter 245, Laws of 1941 and to chapter 54.04 RCW.

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

SECTION 1. There is added to chapter 245, Laws of 1941 and to chapter 54.04 RCW, a new section to read as follows:

Any public utility district which provides for the coverage of any of its employees under any plan for individual annuity contracts, retirement income policies, group annuity contracts, group insurance for the benefit of its employees, or any other contract for the benefit of its employees, and pays all or any part of the premiums or other payments required therefor, is hereby authorized to continue to make such payments for such employees after their retirement from employment. Such payments agreed to by the public utility district shall be considered as deferred compensation. Such payments shall not be retroactive but shall only be available for those employees employed on or after the effective date of this act provided that such payments for retired employees shall not exceed those being paid for regular employees.

New section.
Public utility districts. Contracts for benefit of employees, district may contribute to after employee's retirement—Deferred compensation.

Passed the Senate March 29, 1965.

Passed the House March 24, 1965.

Approved by the Governor April 29, 1965.

CHAPTER 150.

[Substitute Senate Bill No. 1.]

CODE OF ETHICS.

AN ACT relating to public officials and candidates for public office; defining terms; requiring certain disclosures; defining crimes; and prescribing penalties; amending section 29.18.140, chapter 9, Laws of 1965 and RCW 29.18.140, and providing penalties.

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

State officials, code of ethics for. Purpose.

SECTION 1. It is declared that high moral and ethical standards among public officials are essential to the conduct of free government; that a code of ethics for the guidance of public officials is necessary to prevent conflicts of interest in public office, improve standards of public service, and promote and strengthen the faith and confidence of the people of the state of Washington in their public officials.

Definitions.

SEC. 2. "Public official" means every person holding a position of public trust in or under an executive, legislative or judicial office of the state and includes judges of the superior and supreme courts, members of the legislature together with the secretary and sergeant at arms of the senate and the clerk and sergeant at arms of the house of representatives, elective and appointive state officials and such employees of the supreme court, of the legislature, and of the state offices as are engaged in supervisory, policy making or policy enforcing work.

"Candidate" means any individual who declares himself to be a candidate for an elective office and who if elected thereto would meet the definition of public official herein set forth.

"Regulatory agency" means any state board, commission, department or officer authorized by law to make rules or to adjudicate contested cases except those in the legislative or judicial branches.

SEC. 3. No public official shall use his position to secure special privileges or exemptions for himself, his spouse, child, parents or other persons standing in the first degree of relationship.

Position not to be used to secure special privileges or exemptions.

SEC. 4. No public official shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his official position.

Utilizing confidential information acquired in office elsewhere, prohibited.

SEC. 5. No public official shall disclose confidential information gained by reason of his official position nor shall he otherwise use such information for his personal gain or benefit.

Disclosure of confidential information acquired in office, prohibited.

SEC. 6. Every public official shall on or before January 31st of each year, and every candidate shall within thirty days after filing a declaration of candidacy, file with the secretary of state, a written statement of:

Statements required of officials, candidates—Contents.

(1) The name of any corporation, firm or enterprise subject to the jurisdiction of a regulatory agency in which he has a direct financial interest of a value in excess of one thousand dollars: *Provided*, That policies of insurance issued to himself or his spouse are not to be considered financial interests;

(2) Every office or directorship held by him or his spouse in any corporation, firm or enterprise which is subject to the jurisdiction of a regulatory agency; and

(3) The name of any person, corporation, firm, partnership, or other business association from which he receives compensation in excess of one thousand five hundred dollars during the preceding twelve month period by virtue of his being an officer, director, employee, partner or member of any such person, corporation, firm, partnership or other business association.

State officials,
code of ethics
for.
Statement of
officials,
candidates—
Contents.

(4) As to attorneys or others practicing before regulatory agencies during the preceding twelve month period, the name of the agency or agencies and the name of the firm, partnership or association of which he is a member, partner or employee.

Report of
secretary of
state—Public
document.

SEC. 7. On or before February 15th of each year, the secretary of state shall prepare a report containing the statements required to be filed pursuant to section 6, which reports shall be open to public inspection.

Penalty.

SEC. 8. Any person wilfully, knowingly and intentionally violating any provision of this chapter shall be guilty of a gross misdemeanor.

RCW 29.18.140
amended.

SEC. 9. Section 29.18.140, chapter 9, Laws of 1965 and RCW 29.18.140 are each amended to read as follows:

Statement of
expense of
candidate—
Penalty.

Every candidate for nomination at a primary election, shall, within ten days after the day of holding the primary election at which he is a candidate, file an itemized statement in writing, duly sworn to as to its correctness, with the officer with whom his declaration of candidacy or other nomination paper is filed, setting forth each sum of money and thing of value, or any consideration whatever, contributed, paid or promised by him, or anyone for him, with his knowledge or acquiescence, for the purpose of securing or influencing, or in any way affecting his nomination to said office. The statement shall set forth the sums paid as personal expenses, stating fully the nature, kind and character of the expense for which the sums were expended separately, and the persons to whom the sums were paid and the purposes for which such payments were made. In this statement all sums or other considerations promised and not paid shall be included. The statement, when so filed shall immediately be subject to the inspection and examination of any

elector and shall be and become a part of the public records. Any violation of this section shall be a misdemeanor.

Passed the Senate March 21, 1965.

Passed the House April 23, 1965.

Approved by the Governor April 30, 1965.

CHAPTER 151.

[Substitute Senate Bill No. 504.]

STATE CAPITOL BUILDINGS—PARKING FACILITIES—
BOND ISSUE AUTHORIZED.

AN ACT relating to state government; authorizing the state capitol committee to provide for the construction, remodeling and financing of state buildings and parking facilities; making an appropriation; and declaring an emergency.

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

SECTION 1. In addition to any authority previously granted, the state capitol committee is authorized and directed to issue coupon or registered bonds of the state in an amount not to exceed six million dollars. The bonds shall bear interest at a rate not to exceed five percent per annum, both principal and interest to be payable only from revenues hereafter received from leases and contracts of sale heretofore or hereafter made of lands, timber, and other products from the surface or beneath the surface of the lands granted to the state by the United States pursuant to the act of congress approved February 22, 1889, for capitol building purposes. For bonds issued for parking facilities principal and interest thereon shall be payable only from parking revenues.

State capitol buildings, parking facilities—Financing of. Bonds—Issuance of by committee—Authorized—Interest—Payment, source of.

SEC. 2. Such bonds may be sold in such manner and in such amounts, in such denominations and at

Bonds—Manner and time of sale.

such times as the capitol committee shall determine, and at the best price obtainable. They shall be sold at such price and interest rate that the net interest cost shall not exceed five percent.

State capitol buildings, parking facilities—
Financing of Bonds—
Maturity—
Payment, where.

SEC. 3. Bonds issued under this act shall mature at such time or times, and include such provisions for optional redemption, premiums, coverage, guarantees, and other covenants as in the opinion of the state capitol committee may be necessary. The principal and interest of said bonds shall be payable at the office of the state treasurer, or at the office of the fiscal agent of the state in New York City at the option of the holder of any such bond or bonds. No bonds which may have been heretofore issued and are now outstanding by authority of chapter 22, Laws of 1951 as amended, may be refunded out of the proceeds of the bonds provided for in this act.

Bonds—
Signatures—
Registration.

SEC. 4. The bonds shall be signed by the governor and state auditor under the seal of the state which may be printed or engraved in the border of such bonds. The signature of the governor may be a facsimile printed upon the bonds and any coupons attached thereto shall be signed with the facsimile signature of said officials. Any of such bonds may be registered in the name of the holder upon presentation to the state treasurer, or at the fiscal agency of the state in New York City, as to principal alone, or as to both principal and interest, under such regulations as the treasurer may prescribe.

State building bond redemption fund—
Created—Purpose—
Action to compel deposit of funds in—
Disposition of proceeds from sale of bonds.

SEC. 5. For the purpose of paying the principal and interest of said bonds as the same shall become due, or as said bonds become callable at the option of the capitol committee, there is created a fund to be denominated the "state building bond redemption fund". While any of said bonds remain outstanding and unpaid, it shall be the duty of the capitol committee in December of each year to de-

termine the amount that will be required for the redemption of bonds and the payment of interest during the twelve month period of the next calendar year, and certify said amount to the state treasurer in writing. The state treasurer shall forthwith and thereafter during said twelve month period deposit into the state building bond redemption fund that portion of all receipts necessary to pay the principal and interest on the bonds issued for parking facilities that would otherwise be deposited in the general fund—state capitol vehicle parking account and all receipts that would otherwise be deposited in the general fund—capitol building construction account until the amount certified to said treasurer by the said capitol committee has accrued to the state building bond redemption fund: *Provided*, That nothing in this act shall prohibit the use of parking revenues as provided in RCW 46.08.172 when not required for the redemption and payment of interest of parking facilities revenue bonds authorized herein.

In addition to certifying and providing for the annual amounts required to pay the principal and interest of said bonds, the capitol committee may, under such terms and conditions and at such times and in such amounts as may be found necessary to insure the sale of said bonds, provide for additional payments into the state building bond redemption fund to be held as a reserve to secure the payment of the principal and interest of such bonds.

The owner and holder of any of said bonds or the trustee for any of said bonds may by mandamus or other appropriate proceeding require and compel the deposit and payment of funds as directed herein.

The proceeds from the sale of the bonds hereby authorized shall be paid into the general fund—state building construction account.

State capitol buildings, parking facilities—Financing of. Bonds—As security, investments.

SEC. 6. Bonds authorized by this act shall be accepted by the state, counties, cities, towns, school districts, and other political subdivisions as security for the deposit of any of their funds in any banking institution. Any officer of this state, or any county, city, town, school district, or other political subdivision may invest surplus funds, which he is authorized to invest in securities, and where such authorization is not limited or restricted as to the class of securities in which he may invest, in bonds issued under this act.

Purposes proceeds from bonds may be expended for.

SEC. 7. Proceeds of the bonds issued hereunder shall be expended by the state capitol committee for the purposes enumerated in this section.

The state capitol committee shall provide for the construction, remodeling, and furnishing of capitol office buildings, parking facilities, governor's mansion, and such other buildings and facilities as are determined by the state capitol committee to be necessary to provide space for the legislature by way of offices, committee rooms, hearing rooms, and work rooms, and to provide executive office space and housing for the governor, and to provide executive office space for other elective officials and such other state agencies as may be necessary.

Appropriation.

SEC. 8. There is appropriated to the state capitol committee from the general fund—state building construction account the sum of six million dollars or so much thereof as may be necessary to accomplish the purposes set forth in section 7 of this act.

Legislative approval—Committee powers, limitation on.

SEC. 9. The state capitol committee shall perform the foregoing in accordance with law and after consultation with and advice of such committee of the senate and house of representatives as the legislature may appoint for this purpose. The state capitol committee shall have power to do all acts and things necessary or convenient to carry

out the purposes of this act in accordance with the provisions of this act and chapters 43.19 and 79.24 RCW. Selection of architects and determination of contract awards shall be subject to the approval of the state capitol committee.

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. **Severability.**

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. **Emergency.**

Passed the Senate April 22, 1965.

Passed the House April 27, 1965.

Approved by the Governor May 4, 1965.

CHAPTER 152.

[House Bill No. 714.]

CONGRESSIONAL REDISTRICTING.

AN ACT relating to the redistricting and reapportionment of the state into congressional districts; and adding new sections to chapter 29.68 RCW and to chapter 9, Laws of 1965; and repealing section 29.68.005, chapter 9, Laws of 1965 and RCW 29.68.005; and repealing section 29.68.007, chapter 9, Laws of 1965 and RCW 29.68.007; and repealing section 29.68.011, chapter 9, Laws of 1965 and RCW 29.68.011; and repealing section 29.68.021, chapter 9, Laws of 1965 and RCW 29.68.021; and repealing section 29.68.030, chapter 9, Laws of 1965 and RCW 29.68.030; and repealing section 29.68.040, chapter 9, Laws of 1965 and RCW 29.68.040; and repealing section 29.68.062, chapter 9, Laws of 1965 and RCW 29.68.062; and repealing section 29.68.066, chapter 9, Laws of 1965 and RCW 29.68.066; and providing for submission of this act to a vote of the people.

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

New section.

SECTION 1. There is added to chapter 29.68 RCW and to chapter 9, Laws of 1965 a new section to read as follows:

Congressional districts—Redistricting. First district boundaries and representation.

Bainbridge Island and the following area in King county shall constitute the first congressional district and shall be entitled to one representative in the congress of the United States: Beginning at the outer harbor line in Elliott Bay and Denny Way proceed east on Denny Way, except that unpopulated area known as the Seattle Civic Center, southeast on 4th Avenue, northeast on Wall Street, east on Denny Way, southwest on Bell Street, southeast on 3rd Avenue, northeast on Pike Street, south on Minor Avenue, east on Union Street, north on Summit Avenue and Summit Avenue East, east on East Republican Street, north on Broadway East, east on East Aloha Street, south on 22nd Avenue East, east on East Thomas, north on 37th Ave. East, east and south through Union Bay and Lake Wash-

ington including Mercer Island to the southern city limits of the city of Bellevue, then east and north along the southern and eastern city limits of the city of Bellevue, east along the Sunset highway, north along 166th Ave. S.E., east along S.E. 30th into Lake Sammamish, north through Lake Sammamish to N.E. 24th St., west along N.E. 24th St., south along 152nd Ave. N.E., west along N.E. 20th St., generally north along the western city limits of Redmond, west along N.E. 90th St., north along 140th Ave. N.E., west along N.E. 116th St., north along 132nd Ave. N.E., west along N.E. 145th St., north and west along the western and southern city limits of Bothell to the Sammamish River, west along the Sammamish River to Lake Washington, northwest through Lake Washington to the logical extension of 55th Ave. N.E., north along 55th Ave. N.E., west along N.E. 185th St., south along 35th Ave. N.E., west along N.E. 165th St., north along 5th Ave. N.E., west along the King-Snohomish county line to Puget Sound, generally south through Puget Sound and Elliott Bay to the point of beginning; shall constitute the first congressional district and shall be entitled to one representative in the congress of the United States.

SEC. 2. There is added to chapter 29.68 RCW and to chapter 9, Laws of 1965 a new section to read as follows: New section.

The county of Clallam; and the county of Jefferson north of the line dividing townships 27 and 28 north in each of ranges 2 west, 1 west, and 1 east, Willamette Meridian; the counties of Island, San Juan, Whatcom, Skagit, Snohomish; the area in the county of King encompassed by the following boundaries: Beginning at the intersection of the King-Snohomish county line and 5th Ave. N.E., proceed east and south along the northern and eastern boundaries of the first congressional dis- Second district boundaries and representation.

Congressional districts—Redistricting. Second district boundaries and representation.

trict, as described in section 1 of this act, to Lake Sammamish, south through Lake Sammamish to the logical extension of 196th Ave. S.E. south along 196th Ave. S.E. and its logical extension, east along the logical extension of S.E. 288th St., north along the King-Kittitas and the King-Chelan county lines, west along the King-Snohomish county line to the point of beginning; shall constitute the second congressional district and shall be entitled to one representative in the congress of the United States.

New section.

SEC. 3. There is added to chapter 29.68 RCW and to chapter 9, Laws of 1965 a new section to read as follows:

Third district boundaries and representation.

That portion of the county of Klickitat not included in the fourth congressional district as described in section 4 of this act; the counties of Skamania, Clark, Cowlitz, Wahkiakum, Lewis, Pacific, Thurston, Grays Harbor, Mason; and that portion of the county of Jefferson not included in the second congressional district as described in section 2 of this act; shall constitute the third congressional district and shall be entitled to one representative in the congress of the United States.

New section.

SEC. 4. There is added to chapter 29.68 RCW and to chapter 9, Laws of 1965 a new section to read as follows:

Fourth district boundaries and representation.

The counties of Yakima, Benton, Kittitas, Whitman, Grant, Adams, Franklin, Walla Walla, Columbia, Garfield, Asotin, and that portion of the county of Klickitat included in United States census county divisions 1 through 4, shall constitute the fourth congressional district, and shall be entitled to one representative in the congress of the United States.

New section.

SEC. 5. There is added to chapter 29.68 RCW and to chapter 9, Laws of 1965 a new section to read as follows:

The county of Pierce; Vashon and Maury Islands in the county of King; that area of the county of King south of S. 288th St. and S.E. 288th St., and east of 196th Ave. S.E.; and that portion of the county of Kitsap not included in section 1 of this act; shall constitute the sixth congressional district and shall be entitled to one representative in the congress of the United States.

Sixth district boundaries and representation.

SEC. 6. There is added to chapter 29.68 RCW and to chapter 9, Laws of 1965 a new section to read as follows:

New section.

That portion of the county of King not included in the first, second or sixth congressional districts as described in sections 1, 2 and 5 of this act, shall constitute the seventh congressional district and shall be entitled to one representative in the congress of the United States.

Seventh district boundaries and representation.

SEC. 7. There is added to chapter 29.68 RCW and to chapter 9, Laws of 1965 a new section to read as follows:

New section.

(1) Water boundaries follow the outer harbor line of first class shorelands, the outer limits or line of extreme low tide of second class shorelands, or the main thread of the river or stream.

Boundary particularities.

(2) Street descriptions follow the center line of the named or numbered streets, and a straight line extension thereof where such named or numbered streets have not been cut through, except where the context expressly indicates otherwise.

(3) Street descriptions are as numbered or named, and as delineated, on the records of the county assessor and in conformity with a numbering scheme as set forth by the county engineer, except where the context expressly indicates otherwise.

(4) Municipal and district boundaries are those boundaries of political subdivisions of this state as they existed on January 1, 1965.

New section.

SEC. 8. There is added to chapter 29.68 RCW and to chapter 9, Laws of 1965 a new section to read as follows:

Congressional
districts—
Redistricting.
Inclusion of
areas not
specifically
mentioned or
included
within any
district.

(1) Any area not specifically included within the boundaries of any of the districts as described in this act, and which is completely surrounded by a particular district, shall be a part of that district. Any such area not completely surrounded by a particular district shall be a part of the district having the smallest number of inhabitants and having territory contiguous to such area in the same county in which the area is located.

(2) Any area described in this act as specifically embraced in two or more noninclusive districts shall be a part of the adjoining district having the smallest number of inhabitants and shall not be a part of the other district or districts.

(3) Any area specifically mentioned as embraced within a district but separated from such district by one or more other districts, shall be assigned as though it had not been included in any district specifically described.

(4) The 1960 United States census shall be used for determining the number of inhabitants under the provisions of this act.

Repeal.

SEC. 9. The following acts or parts of acts are each repealed:

(1) Section 29.68.005, chapter 9, Laws of 1965 and RCW 29.68.005;

(2) Section 29.68.007, chapter 9, Laws of 1965 and RCW 29.68.007;

(3) Section 29.68.011, chapter 9, Laws of 1965 and RCW 29.68.011;

(4) Section 29.68.021, chapter 9, Laws of 1965 and RCW 29.68.021;

(5) Section 29.68.030, chapter 9, Laws of 1965 and RCW 29.68.030;

(6) Section 29.68.040, chapter 9, Laws of 1965 and RCW 29.68.040;

(7) Section 29.68.062, chapter 9, Laws of 1965 and RCW 29.68.062; and

(8) Section 29.68.066, chapter 9, Laws of 1965 and RCW 29.68.066.

SEC. 10. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1966 in accordance with the provisions of section 1, Article II of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof. Referendum
to people.

Passed the House May 5, 1965.

Passed the Senate May 6, 1965.

Received directly from the office of Chief Clerk, House of Representatives and filed in my office as of 1:45 p.m., May 7, 1965.

A. LUDLOW KRAMER,
Secretary of State.

CHAPTER 153.

[Substitute Senate Bill No. 42.]

CAPITAL BUDGET AND APPROPRIATIONS.

AN ACT adopting the capital budget and making appropriations for capital improvements; and declaring an emergency.

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

Capital budget.
Appropriations.

SECTION 1. That a capital budget is hereby adopted and subject to the provisions hereinafter set forth the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated are hereby appropriated and authorized to be disbursed for capital projects during the fiscal biennium beginning July 1, 1965, and ending June 30, 1967, except as hereinafter provided, out of the several funds hereinafter named:

FOR GENERAL ADMINISTRATION

	Reappropriations	From the Capitol Purchase and Development Account	From the Capitol Building Construction Account
Acquire land, repair buildings, provide drainage facilities and develop parking East Capitol Site (\$700,000) Capitol Purchase and Development Account	\$ 200,000	\$ 500,000	.....
Develop Capitol Lake recreational facilities .....	.....	.....	\$ 40,000
Remodel and repair buildings, offices and facilities Capitol Group Site (\$172,880) .....	.....	.....	166,510
State Building Construction Account	6,370	.....	.....
Modernization of electrical distribution system .....	.....	.....	281,875
Repairs and improvements to Capitol Lake area .....	.....	.....	20,000
Total (\$1,214,755)	\$ 206,370	\$ 500,000	\$ 508,385

FOR AERONAUTICS COMMISSION

		From the General Fund	
Repair and improve emergency airports	\$ 11,500		.....

FOR THE STATE PATROL

	Reappropriations From the State Patrol Highway Account	From the State Patrol Highway Account	
Construct and equip scale houses including site acquisition and improvements to existing sites (\$234,608)...	\$ 69,608	\$ 165,000	.....
Construct district offices at Everett and Spokane		310,000	.....
Extend and replace microwave communication, Point-to-Point relay system stations (\$239,194)	172,194	67,000	.....
Acquire land and construct district offices: East King County, South King County	127,000	
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Total (\$910,802)	\$ 368,802	\$ 542,000

FOR THE MILITARY DEPARTMENT

		From the General Fund	
Construct, repair, remodel buildings and improve facilities.....		\$ 70,800	.....

FOR THE DEPARTMENT OF INSTITUTIONS HEADQUARTERS

	Reappropriations	From the CEP & RI Account	
Repair, remodel buildings, and improve facilities at various institutions.....		\$ 125,000	.....

FOR THE PENITENTIARY

		From the CEP & RI Account	
Construct new power house and elevated water storage tank.....		\$ 976,150	.....

FOR THE REFORMATORY

	Reappropriations		
Construct sewage disposal plant State Building Construction Account	\$ 18,410		.....

FOR THE WASHINGTON CORRECTION CENTER

	Reappropriations		
Construct and equip correctional institution C. E. P. & R. I. Account.....	\$ 500,000		.....

FOR THE CASCADIA JUVENILE RECEPTION-DIAGNOSTIC CENTER

		From the CEP & RI Account	
Convert staff residence to girls' residential hall and equip.....	\$ 34,800		

FOR THE GREEN HILL SCHOOL

	Reappropriations	From the CEP & RI Account	
Provide perimeter lighting.....		\$ 32,000	
Renovate and extend utilities State Building Construction Account	\$ 128,268		
Total (\$160,268)	\$ 128,268	\$ 32,000	

FOR THE ECHO GLEN SCHOOL

	Reappropriations		
Construct and equip new juvenile institution Juvenile Correctional Institutional Building Construction Account..	\$4,411,000		

FOR THE GROUP HOMES

		From the CEP & RI Account	
Construct or acquire and equip Group home		\$ 92,200	

FOR CEDAR CREEK YOUTH FORESTRY CAMP

	Reappropriations	From the CEP & RI Account	
Renovate Water System State Building Construction Account	\$ 81,305		
Construct sewage treatment facility...		\$ 41,200	
Total (\$122,505)	\$ 81,305	\$ 41,200	

FOR MISSION CREEK YOUTH FORESTRY CAMP

		From the CEP & RI Account	
Construct elevated water tower.....		\$ 37,000	
Construct and equip dormitory wing...		22,948	
Total (\$59,948)		\$ 59,948	

FOR VETERANS' HOME

	Reappropriations		
Roof Repairs State Building Construction Account	\$ 3,854		

FOR THE SCHOOL FOR THE BLIND

		From the CEP & RI Account	
Purchase adjoining land	\$ 47,300	.....	.....
General Fund Appropriation.....	.....	.....	\$ 25,000
To the Department of Institutions for the Washington State School for the Blind to provide for com- pletion of teaching and classroom space and facilities of the building authorized by the laws of 1961 and otherwise completed and dedicated in the 1963-65 biennium			

FOR THE SCHOOL FOR THE DEAF

		From the CEP & RI Account	
Expansion of girls' dormitory.....	.....	\$ 87,940	.....
Construct and equip Superintendent's residence .....	.....	35,000	.....
Total (\$122,940).....	.....	\$ 122,940	.....

FOR WESTERN HOSPITAL

	Reappro- priations	From the CEP & RI Account	
Renovate power house C. E. P. and R. I. Account	\$ 390,000	.....	.....
Remodel and equip ward buildings C. E. P. and R. I. Account	83,000	.....	.....
Roof Repairs State Building Construction Account	25,000	.....	.....
Renovate utilities .....	.....	\$ 37,000	.....
Total (\$535,000)	\$ 498,000	\$ 37,000	.....

FOR NORTHERN HOSPITAL

	Reappro- priations		
Addition to and equip Laundry Building State Building Construction Account	\$ 27,000	.....	.....
Roof Repairs State Building Construction Account	5,000	.....	.....
Cover Reservoir and renovate water system State Building Construction Account	50,000	.....	.....

Remodel and enlarge public restrooms			
State Building Construction			
Account	10,000
Remodel and equip ward buildings			
C. E. P. and R. I. Account.....	400,000
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Total (\$492,000)	\$ 492,000

FOR EASTERN HOSPITAL

	Reappropriations	From the CEP & RI Account	
Renovate utilities (\$124,000)			
C. E. P. and R. I. Account.....	\$ 14,000	\$ 110,000	.....
Renovate Geriatrics Building			
State Building Construction			
Account	37,800	.....	.....
Replace elevators in ward buildings			
State Building Construction			
Account	57,000
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Total (\$218,800)	\$ 108,800	\$ 110,000

FOR LAKELAND VILLAGE

	Reappropriations	From the CEP & RI Account	
Renovate utilities			
State Building Construction			
Account	\$ 80,000	.....	.....
Repair entrance and stairs to			
Administration Building	\$ 16,000
Install fire escapes on various residence			
halls	25,000
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Total (\$121,000)	\$ 80,000	\$ 41,000

FOR RAINIER SCHOOL

	Reappropriations		
Construct, equip and furnish laundry			
and handling facilities in residence			
halls			
State Building Construction			
Account	\$ 53,000	.....	.....

FOR YAKIMA VALLEY SCHOOL

		From the CEP & RI Account	
Install water softener system.....	.....	\$ 23,100	.....

FOR FIRCREST SCHOOL

	Reappropriations	From the CEP & RI Account	From the General Fund
Construct and equip six residence units State Building Construction Account	\$ 17,000	.....	.....
Remodel and equip four residence units C. E. P. and R. I. Account.....	5,407.27	.....	.....
Construction of a halfway house; demolition of old structures.....	.....	\$ 173,793	\$ 176,300
Total (\$372,500.27)	\$ 22,407.27	\$ 173,793	\$ 176,300

FOR BOARD OF EDUCATION

	Reappropriations	From the Public School Building Construction Account	From the Common School Construction Fund
Public School Building Construction Public School Building Construction Account (\$63,430,996)	\$43,348,386	\$12,388,450	\$ 7,694,160

FOR THE UNIVERSITY OF WASHINGTON

	Reappropriations	From the University of Washington Building Account	
Biology Building Unit I University of Washington Building Account (\$1,400,512)	\$1,148,180	\$ 252,332	.....
Complete Padelford Hall (Arts and Sciences Office Building) University of Washington Building Account (\$3,257,067)	2,724,036	533,031	.....
Mental Retardation and Child Development Center University of Washington Building Account (\$1,334,378)	534,378	800,000	.....
Tunnels and Utilities University of Washington Building Account (\$2,732,546)	789,546	1,943,000	.....
Replace boilers and turbo generator...	.....	50,000	.....
Remodel buildings and improve facilities University of Washington Building Account (\$795,385)	100,818	694,567	.....
Construct Fisheries wing .....	.....	833,680	.....
Construct Scientific Stores addition....	.....	250,000	.....
Construct teaching wing, Oceanography building (\$538,345) .....	.....	138,345	.....
University of Washington Building Account	400,000	.....	.....

Construct and equip Undergraduate Library	2,689,425	.....	.....
Construct and equip Zoology (Biology Unit II) Building	1,600,000	.....	.....
Construct and equip Engineering classroom and library building	2,334,000	.....	.....
Construct and equip Instructional Facility at Hanford	500,000	.....	.....
Friday Harbor housing and improvements			
University of Washington Building Account	69,121	.....	.....
Environmental Health Research Facility (\$1,218,823)			
Accident Fund	609,407
Medical Aid Fund	609,416
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Total (\$19,603,282)	\$6,984,902	\$12,618,380

FOR WASHINGTON STATE UNIVERSITY

	Reappropriations	From the Washington State University Building Account	From the General Fund
Complete Todd Hall addition			
Washington State University Building Account	\$1,743,532	.....	.....
Construct and equip Music Building			
Washington State University Building Account	500,000	.....	.....
Construct Wegner Hall addition			
Washington State University Building Account	20,000	.....	.....
Remodel buildings and improve facilities			
Washington State University Building Account (\$1,670,555) ..	550,000	\$1,120,555	.....
Construct and equip Administration Building		2,876,500	.....
Complete Sloan Hall addition		370,080	.....
Extend utilities			
Washington State University Building Account (\$550,000)	300,000	250,000	.....
Construct and equip Research Laboratory Building and Boiler Plant—Wenatchee (\$899,500)		299,085	\$ 600,415
Construct and equip Water Research Building		180,000
Nuclear Reactor facilities		300,000

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Land development and improvements at outlying research units	82,000
Construct potato field laboratory— Othello	21,000
Construct and equip Wood Technology Building	581,000	.....
Construct and equip Johnson Hall annex (computer center).....	185,000	.....
Total (\$9,979,167)	\$3,113,532	\$6,265,220
		\$ 600,415

FOR EASTERN WASHINGTON STATE COLLEGE

	Reappropriations	From the Eastern Washington State College Capital Projects Account	
Construct and equip classroom addition to Martin Hall		\$ 502,000	.....
Construct and equip Industrial Arts Building		350,000	.....
Land acquisition		35,000	.....
Remodel Hargreaves Library.....		170,000	.....
Remodel buildings, extend utilities, develop and improve facilities Eastern Washington State College Capital Projects Account (\$445,439)	\$ 47,439	398,000	.....
Total (\$1,502,439)	\$ 47,439	\$1,455,000	.....

FOR CENTRAL WASHINGTON STATE COLLEGE

		From the Central Washington State College Capital Projects Account	
Extend utilities		\$ 289,500	.....
Remodel buildings and improve facilities and campus		215,800	.....
Purchase land		571,000	.....
Construct and equip Science Building (first unit)		1,400,000	.....
Construct and equip Administration Building (first unit)		675,000	.....
Construct and equip Health Center (first unit)		150,000	.....
Total (\$3,301,300)		\$3,301,300	.....

FOR WESTERN WASHINGTON STATE COLLEGE

	Reappro- priations	From the Western Washington State College Capital Projects Account	
Convert dormitory to academic use and equip	\$ 71,600	.....
Construct addition to heating plant and install boiler	256,960	.....
Utilities expansion and modernization.	428,400	.....
Purchase land	331,000	.....
Construct and equip Maintenance Building	259,900	.....
Remodel college buildings and improve facilities (\$745,758)	623,600	.....
Western Washington State College Capital Projects Account.....	\$ 122,158	.....	.....
Construct or enlarge and equip class- room building Fall 1967.....	1,678,000	.....
Construct and equip addition to Arts Building	220,000	.....
Total (\$3,991,618)	\$ 122,158	\$3,869,460	.....

FOR THE PARKS AND RECREATION COMMISSION

	Reappro- priations from the Parks and Parkways Account	From the Parks and Parkways Account	
Purchase land	\$ 100,610	.....
Purchase and Develop Park Sites, De- velop Boat Moorages, Group Camp Facilities, Historical Sites and Mark- ers and Archaeological Investigation (\$243,683)	\$ 15,000	\$ 228,683	.....
Develop Park Facilities (\$1,170,388)			
Alta Lake State Park	14,000	.....
Bayview State Park	6,000	.....
Birch Bay State Park.....	2,000	.....
Blake Island State Park.....	9,000	.....
Bogachiel State Park	17,500	.....
Brooks Memorial State Park.....	22,200	.....
Camano Island State Park.....	5,000	.....
Curlew Lake State Park.....	8,500	.....
Dash Point State Park.....	5,000	.....
Deception Pass State Park.....	55,000	.....
Dosewallips State Park (\$55,000)... ..	5,000	50,000	.....
Fort Canby State Park.....	95,500	.....
Fort Okanogan State Park.....	1,500	.....

Fort Spokane State Park (\$70,000) ..	55,000	15,000	.....
Horsethief Lake State Park.....		7,500	.....
Lake Chelan State Park.....		34,000	.....
Lake Cushman State Park.....		60,000	.....
Lake Osoyoos State Park.....		17,000	.....
Lake Sammamish State Park (\$100,200)	49,500	50,700	.....
Lake Sylvania State Park.....		20,000	.....
Larrabee State Park		25,000	.....
Lewis and Clark State Park.....		5,000	.....
Lewis and Clark Trail State Park...		5,000	.....
Millersylvania State Park.....		27,000	.....
Monticello Monument State Park...		6,000	.....
Moran State Park		33,000	.....
Mount Pilchuck State Park.....		49,500	.....
Mukilteo State Park		5,000	.....
Ocean City State Park.....		52,000	.....
Pearrygin Lake State Park.....		6,500	.....
Riverside State Park		50,000	.....
Sun Lakes State Park (\$81,060).....	59,360	21,700	.....
Twanoh State Park		20,000	.....
Wanapum Dam State Park.....		65,306	.....
Wenberg State Park		15,000	.....
Yakima State Park		25,000	.....
American Camp State Park.....	500		.....
English Camp State Park.....	10,950		.....
Lake Chelan Vicinity	33,675		.....
Lake Wenatchee State Park.....	20,000		.....
Prehistoric Caves—Lower Grand Coulee	29,997		.....
Total (\$1,514,681)	\$ 278,982	\$1,235,699	.....

FOR THE DEPARTMENT OF FISHERIES

	Reappro- priations	From the General Fund	
Construct and improve Fish Farms, Rearing Ponds, Spawning Channels, Hatcheries, Fishways and Fish Facil- ities, Purchase Land, Emergency Re- pairs to Structures (\$342,690).....	.....	\$ 163,150	.....
General Fund	\$ 103,400	.....	.....
State Building Construction Account	76,140	.....	.....
Construct and improve Fish Farms, Rearing Ponds, Spawning Channels, Hatcheries, Fishways and Fish Facil- ities, Purchase Land, Emergency Repairs to Structures (100% Reim- bursable) (\$594,300) .....	.....	298,300	.....

General Fund (100% Reimbursable)	296,000	.....	.....
Emergency repairs at Puyallup Hatchery, Lower Kalama Hatchery, Nooksack Hatchery, Simpson Hatchery... ..		75,000	.....
Projects for Improvements in Fishing Industry under federal program, Public Law 88-309		20,000	.....
		<hr/>	<hr/>
Total (\$1,031,990)	\$ 475,540	\$ 556,450	.....

FOR THE DEPARTMENT OF GAME

		From the Game Fund	
Purchase land		\$ 500,000	.....
Repairs and Replacement of Fish and Game Protective Facilities.....		150,000	.....
Construct and equip Fish and Game Protective Facilities (100% Reimbursable)		1,000,000	.....
Construct or purchase and improve Headquarters Buildings, Hatchery Facilities, Rearing Ponds, Game Range Facilities, Brooder Houses and Pens		479,270	.....
		<hr/>	<hr/>
Total (\$2,129,270)		\$2,129,270	.....

FOR THE DEPARTMENT OF NATURAL RESOURCES

	Reappropriations	From the General Fund	From Fund Designated
Rights-of-way Acquisition, construct Honor Camp Bridges and Culverts, Timber Access Road Construction, Construct Scaling Stations, Lookout Towers and improvements to Fire Protective Facilities (\$490,300)		\$ 354,800	.....
State Building Construction Account	\$ 115,500	.....	.....
Forest Development Account.....	10,000	.....	\$ 10,000
Construct and equip Cone Storage Building at L. T. Webster Nursery (\$77,850)			
Forest Development Account.....			38,925
State Forest Nursery Fund (Local non - appropriated authorization \$38,925)			
Construct and equip laboratory and office building and purchase land at L. T. Webster Nursery (\$70,000)			
Forest Development Account.....			27,500

Resources Management Cost			
Account .....	.....	.....	15,000
State Forest Nursery Fund (Local non - appropriated authorization \$27,500)			
Total (\$571,725)	\$ 125,500	\$ 354,800	\$ 91,425

SEC. 2. The words "capital improvement" or "capital project" used herein shall mean acquisition of sites, easements, rights of way or improvements thereon or appurtenances thereto, construction and initial equipment, reconstruction, demolition or major alteration of new or presently owned capital assets.

"Capital improvement", "capital project", defined.

SEC. 3. Before a capital project shall begin or an obligation incurred or contract entered into, the Budget Director, with the approval of the Governor, shall first allot funds therefor or so much as may be necessary from the appropriations made herein.

Funds to be allotted before project begins.

SEC. 4. Additional federal or other receipts and gifts and grants in excess of those estimated in the budget may be allotted by the governor for capital projects included in the capital budget. In addition, the governor may receive and allot any federal funds made available for capital outlay at any one of the five institutions of higher education: *Provided*, That if any of the projects contained in this act qualify for such federal funds, the amount of state funds not required are hereby appropriated to projects in the 1967-69 capital program for that institution to be designated by the governor on the basis of priority in the program and funds available on the advice of the governing board of the institution.

Additional funds may be allotted before governor.

SEC. 5. To effectively carry out the provisions of this act, the governor may assign responsibility for planning, engineering and construction and other related activities to any appropriate agency.

Governor may assign duties to appropriate agency.

Capital budget. Reappropriations, limitations, limitation on.

SEC. 6. Reappropriations shall be limited to the unexpended balances remaining at June 30, 1965, in the current appropriation for each project.

Transfer of excess funds to another project.

SEC. 7. The governor, through the budget director may authorize the transfer of funds appropriated for a capital project which are in excess of the amount required for the completion of such project, to other capital projects in this act for which there are insufficient appropriations: *Provided*, That no such transfer shall be used to expand the capacity of any facility beyond that anticipated by the appropriation: *Provided further*, That although such transfers may be made between institutions of the department of institutions they shall not be made between different departments, commissions, or institutions of higher learning.

Any funds in excess of the amounts required for completion of projects in this act may be allotted to other projects in the capital program for the agency to the extent that matching funds become available for such projects under PL 87-658.

Public works provisions as applicable to capital projects.

SEC. 8. Any capital improvement or capital project for construction, repair, or maintenance authorized by this act, unless constructed pursuant to the provisions of chapter 39.04 RCW, shall be done by contract after public notice and competitive bid: *Provided*, That this section shall not apply to the acquisition of sites, easements, or rights of way; nor to contracts for architectural or engineering services; nor to emergency repairs nor to any improvement or project costing less than twenty-five hundred dollars, nor to portions of projects involving inmate labor at a state institution.

State colleges, universities, appropriations for planning capital projects—Accounts reimbursed.

SEC. 9. For the purpose of providing funds for the payment of the cost of planning the capital improvements and capital projects of the five state institutions of higher education included in chapter

172, Laws of 1965 [extraordinary session] (Senate Bill No. 41) pending the availability of funds therein appropriated from the state building and higher education construction account for such purposes, there is hereby appropriated to each of the five institutions of higher education of the state of Washington the following designated amounts, or so much thereof as shall be sufficient to accomplish such purpose:

For Washington State University, from the Washington State University Building Account, the sum of \$450,000; for the University of Washington, from the University of Washington Building Account, the sum of \$750,000; for Eastern Washington State College, from the Eastern Washington State College Capital Projects Account, the sum of \$136,000; for Central Washington State College, from the Central Washington State College Capital Projects Account, the sum of \$235,000; for Western Washington State College, from the Western Washington State College Capital Projects Account, the sum of \$150,000.

The Washington State University Building Account, the University of Washington Building Account, the Eastern Washington State College Capital Projects Account, the Central Washington State College Capital Projects Account, and the Western Washington State College Capital Projects Account shall each be reimbursed for such disbursements at such time as funds become available in the state building and higher education construction account for the appropriations made under said chapter 172, Laws of 1965 [extraordinary session] (Senate Bill No. 41).

SEC. 10. This act is necessary for the immediate Emergency. preservation of the public peace, health and safety, and *the appropriations contained herein from the University of Washington Building Account, the*

Washington State University Building Account, the Eastern Washington State College Capital Projects Account, the Central Washington State College Capital Projects Account, and the Western Washington State College Projects Account shall take effect immediately.

Passed the Senate April 21, 1965.

Passed the House April 20, 1965.

Approved by the Governor April 28, 1965, with the exception of a certain item in Section 10 which was vetoed.

Veto
message.

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

"I have no objection to the appropriations contained in this bill, but I am concerned that it should take effect on July 1, 1965 when the next biennium commences.

"This bill contains appropriations and reappropriations for capital improvement projects. The allotment of funds pursuant to this bill is intended to occur during the biennium commencing July 1, 1965; however with the exception of certain projects at the state universities and state colleges which take effect immediately, this bill will not take effect until ninety days after adjournment of this legislative session. It is difficult to predict the effective date of the bill; however it is obvious that it will be a month or more after the commencement of the next biennium.

"This delay in making funds available could work a hardship with respect to projects previously authorized for which reappropriations have been made in this bill. It is unfortunate that the emergency clause in section 10 was not expanded to make all portions of the bill effective no later than July 1, 1965. However, to relieve this problem, I have vetoed the language in section 10 which restricts the operation of the emergency clause to appropriations from the building and capital projects accounts of the state universities and state colleges. By striking this language the entire act will become effective immediately. However, this does not mean that funds will be expended prior to the time intended by the legislature. Under section 3 of the bill the Budget Director, with the approval of the Governor, must allot funds before any project can begin or any obligation can be incurred. The power to make such allotments can be used to give effect to the legislative intent that appropriations from the building and capital projects accounts of the state universities and colleges shall take effect immediately and that other appropriations shall take effect July 1, 1965.

"With the exception of a certain item in section 10, which I have vetoed for the reasons stated above, the remainder of the bill is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 154.

[Senate Bill No. 522.]

SCHOOLS—DISTRIBUTION AND APPORTIONMENT
OF STATE FUNDS.

AN ACT relating to education; adding new sections to chapter 28.41 RCW; adding new sections to chapter 28.24 RCW; adding a new section to chapter 28.48 RCW; repealing section 2, chapter 282, Laws of 1953 as amended by section 3, chapter 187, Laws of 1955 and RCW 28.41.060; repealing section 4, chapter 187, Laws of 1955, section 7, chapter 297, Laws of 1957, section 1, chapter 175, Laws of 1961 and RCW 28.41.070; repealing section 5, chapter 187, Laws of 1955 and RCW 28.41.075; repealing section 3, chapter 282, Laws of 1953 as amended by section 7, chapter 187, Laws of 1955 and RCW 28.41.080; repealing section 8, chapter 187, Laws of 1955 and RCW 28.41.090; repealing section 4, page 322, Laws of 1909 and RCW 28.41.100; repealing section 1, chapter 217, Laws of 1947 and RCW 28.41.110; repealing section 2, chapter 217, Laws of 1947 and RCW 28.41.120; repealing section 12, chapter 97, page 314, Laws of 1909, section 1, chapter 45, Laws of 1919, section 7, chapter 28, Laws of 1933, section 2, chapter 77, Laws of 1943, section 1, chapter 148, Laws of 1959 and RCW 28.48.070; repealing section 10, chapter 21, Laws of 1917, section 1, chapter 77, Laws of 1943, section 12, chapter 141, Laws of 1945 and RCW 28.24.010; repealing section 1, chapter 53, Laws of 1941 and RCW 28.24.070; repealing section 2, chapter 53, Laws of 1941, RCW 28.24.071; declaring an emergency; and fixing the expiration date of this act.

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

Section 1. There is added to chapter 28.48 RCW a new section to read as follows:

School districts
—Apportion-
ment of state
aid to.

In each calendar year in which the state shall collect a property tax for the support of common schools, the superintendent of public instruction shall distribute the proceeds of such tax to each school district of the state operating a program approved by the state board of education, in the manner provided in this section.

Except as hereinafter provided, the amount to be distributed to each school district in each year

School districts
—Apportion-
ment of state
aid to.

shall be a fraction of the total amount available for distribution, the numerator of which fraction shall be the assessed valuation of all taxable property in such school district adjusted to fifty percent of true and fair value thereof in accordance with the ratio of assessed valuation to actual valuation fixed by the state board of equalization, and the denominator of which fraction shall be the aggregate assessed valuation of taxable property in all school districts entitled to a distribution under this section adjusted as to the property in each such district to fifty percent of true and fair value thereof in accordance with the ratio of assessed valuation to actual valuation fixed by the state board of equalization: PROVIDED, That each nonhigh school district shall receive only three-fifths of the amount otherwise distributable to a school district as provided above and the remaining two-fifths of such amount shall be distributed to the high school district fund of the county in which the nonhigh school district is located: PROVIDED FURTHER, That each union high school district shall receive only two-fifths of the amount otherwise distributable to a school district as provided above, and the remaining three-fifths of such amount shall be distributed to the component districts within each union high school district in proportionate amounts based upon the respective aggregate assessed valuations of taxable property in such component districts adjusted to fifty percent of true and fair value thereof in accordance with the ratio of assessed valuation to actual valuation fixed by the state board of equalization.

Funds distributable under this section will replace in whole or in part the requirements of school districts for excess tax levies for maintenance and operation of the common schools. Each district authorized by the electors of the district prior to July

1, 1965 to impose an excess tax levy for maintenance and operation purposes shall reduce the number of mills actually levied below the number of mills authorized so that total revenues of the district from all sources for maintenance and operation purposes will not exceed the total revenues of the district for such purposes computed at the time the excess levy was authorized by the electors of the district. With respect to each such district the state superintendent shall determine the amount of such revenues computed at the time the excess levy was authorized. If the state superintendent finds that the district has not reduced any excess levy in accordance with this paragraph, he shall withhold from the amount otherwise distributable to such district under this section an amount equal to the surplus revenues which would have accrued to the district by reason of the imposition of an excess levy greater than that permitted by this paragraph.

Notwithstanding any other provision of this act the superintendent of public instruction shall not distribute funds to any school district pursuant to this section in excess of the amount which constitutes an equal guarantee in dollars for each weighted student enrolled, based upon a full school year of one hundred eighty days.

The superintendent of public instruction shall make the distribution of funds authorized in this section on or before the tenth day of March, 1966, and on or before the tenth day of each month thereafter by prorating the funds available on such distribution dates to the school districts entitled thereto.

SEC. 2. There is added to chapter 28.41 RCW a New section. new section to read as follows:

From those funds made available by the legislature for the current use of the common schools, Apportionment based upon receipt of other specified revenues. other than the proceeds of the state property tax,

School districts
—Apportionment of state aid to.
Apportionment based upon receipt of other specified revenues—
Equal guarantee in dollars for each weighted student enrolled.

the state superintendent of public instruction shall distribute annually as provided in RCW 28.48.010 to each school district of the state operating a program approved by the state board of education, an amount which, when combined with the following revenues, will constitute an equal guarantee in dollars for each weighted student enrolled, based upon one full school year of one hundred eighty days:

(1) *The amount of money which would be produced by a levy of ten mills on the assessed valuation of taxable property within the school district adjusted to fifty percent of true and fair value thereof in accordance with the ratio of assessed valuation to actual valuation fixed by the state board of equalization: PROVIDED, That during the school year 1965-66 only eighty-five percent of such amount shall be deemed to be revenues within the meaning of this section; and*

(2) The receipts from the one percent tax on real estate transactions which may be imposed pursuant to chapter 28.45 RCW: *Provided, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in the full amount authorized by chapter 28.45 RCW shall be reduced by five percent; and*

(3) Net receipts from those funds received pursuant to Title 20, sections 236 through 244, United States Code, in the following specified percentages:

School year 1965-66.....	40%
School year 1966-67.....	55%
School year 1967-68.....	70%
School year 1968-69 and thereafter.....	85%

Net receipts are gross receipts of the district less the cost to the district of processing the records and claims required for the administration of Title 20, sections 236 through 244, United States Code; and

(4) Eighty-five percent of the maximum receipts collectible from the high school district fund pursuant to chapter 28.44 RCW; and

(5) Public utility district funds distributed to school districts pursuant to RCW 54.28.090, in the following specified percentages:

School year 1965-66.....	40%
School year 1966-67.....	55%
School year 1967-68.....	70%
School year 1968-69 and thereafter.....	85%

(6) Federal forest revenues distributed to school districts pursuant to RCW 36.33.110, in the following specified percentages:

School year 1965-66.....	40%
School year 1966-67.....	55%
School year 1967-68.....	70%
School year 1968-69 and thereafter.....	85%

(7) Eighty-five percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support: *Provided*, That the apportionment per weighted student under this section 2 to any district which complies with the requirement of this act for the school years 1965-66 and 1966-67 shall be an amount sufficient to guarantee ninety-five percent of the total revenue per weighted student, excluding special levies, which such district realized during the 1964-65 school year.

SEC. 3. There is added to chapter 28.41 RCW a New section. new section to read as follows:

To determine a "weighted student enrolled," as that term is used in this act a schedule shall be established by the superintendent of public instruction which shall provide appropriate recognition of the following costs among the various types of students and districts of the state, with the equalization of educational opportunity being the primary objective:

Determining "weighted student enrolled".

School districts
—Apportionment of state aid to.
Determining "weighted student enrolled".

(1) Costs attributable to staff experience and professional preparation; and

(2) Costs to state and local funds attributable to the operation of approved educational programs arising as a result of a concentration of culturally disadvantaged students, or as a result of a high degree of transient enrollment; and

(3) Costs resulting from the operation of small districts judged by the state board of education as remote and necessary; and

(4) Costs differentials attributable to the operation of approved elementary and secondary programs; and

(5) Costs which must be incurred to operate an approved vocational program; and

(6) Costs which must be incurred and are appropriated to operate an approved program for handicapped children.

The weighting schedule when established shall be renewed biennially by the state superintendent and shall be subject to approval, rejection or amendment by the legislature. The schedule shall be submitted for approval as a part of the state superintendent's biennial state budget. In the event the legislature rejects the weighting schedule presented, without adopting a new schedule, the schedule established for the previous biennium shall remain in effect. The enrollment of any district, before weighting, shall be the average number of full time students enrolled on the first day of each month.

New section.

SEC. 4. There is added to chapter 28.41 RCW a new section to read as follows:

Adjustment in allocation when unforeseen emergency.

In the event of an unforeseen emergency, in the nature of either an unavoidable cost to a district or unexpected variation in anticipated revenues to a district, the state superintendent is authorized, for not to exceed two years, to make such an adjustment in the allocation of funds as is consistent with

the intent of this act in providing an equal educational opportunity for the children of such district or districts.

SEC. 5. There is added to chapter 28.41 RCW a **New section.**
new section to read as follows:

Reimbursement for transportation costs shall be **Reimbursement for transportation.**
in addition to state assistance based upon weighted enrollment. Transportation costs shall be reimbursed as follows:

(1) Operational reimbursement shall be limited to ninety percent of the service costs on routes recommended by the county transportation commission, and as approved by the state superintendent, or shall be limited to ninety percent of the average state cost per vehicle mile for the class of vehicle approved for operation as determined by the state superintendent, whichever is the smaller; and

(2) Costs of acquisition of approved transportation equipment shall be limited to ninety percent to be reimbursed over the anticipated life of the vehicle, as determined by the state superintendent.

SEC. 6. There is added to chapter 28.41 RCW a **New section.**
new section to read as follows:

The superintendent of public instruction shall **Rules and regulations—Reports.**
have the power and duty to make such rules and regulations as are necessary for the proper administration of this act not inconsistent with the provisions of this act, and in addition to require such reports as may be necessary to carry out his duties under this act.

SEC. 7. There is added to chapter 28.24 RCW a **New section.**
new section to read as follows:

School district transportation routes, for purposes **School district transportation routes—Recommendations for—Approval.**
of state reimbursement of transportation costs, shall be recommended by the county transportation commission and approved by the state superintendent pursuant to rules and regulations established for

School districts
—Apportionment of state aid to.
Transportation routes.

that purpose. The commission shall consist of (1) a representative of the local board of directors, (2) a representative of the state superintendent of public instruction, and (3) the county superintendent of schools.

New section.

SEC. 8. There is added to chapter 28.24 RCW a new section to read as follows:

—Cooperation of local directors.

The local board of directors shall cooperate with the transportation commission and the state superintendent in establishing routes and in determining the costs of such routes.

New section.

SEC. 9. There is added to chapter 28.24 RCW a new section to read as follows:

Transportation method up to commission—Transportation denied, when.

Individual transportation or other arrangements may be authorized when these seem best in the judgment of the commission. No district shall be required to transport any pupil living within two miles of the school which such pupil attends. The commission may require pupils residing within two miles of an established route to travel to the route at their own expense.

New section.

SEC. 10. There is added to chapter 28.24 RCW a new section to read as follows:

Transporting and educating students in another district.

A local district may be authorized by the county superintendent to transport and educate its pupils in another district for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education. Such authorization may be extended for an additional year at the discretion of the county superintendent.

Emergency.

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 on July 1, 1965: *Provided*, That year-end adjustments

in state support which would have been computed pursuant to RCW 28.41.060 at the close of the 1964-65 school year for addition to or subtraction from the first grants of the 1965-66 school year shall be made as if RCW 28.41.060 had not been repealed by this act.

SEC. 12. Section 2, chapter 282, Laws of 1953 as amended by section 3, chapter 187, Laws of 1955 and RCW 28.41.060, section 4, chapter 187, Laws of 1955, section 7, chapter 297, Laws of 1957, section 1, chapter 175, Laws of 1961 and RCW 28.41.070, section 5, chapter 187, Laws of 1955 and RCW 28.41.075, section 3, chapter 282, Laws of 1953 as amended by section 7, chapter 187, Laws of 1955 and RCW 28.41.080, section 8, chapter 187, Laws of 1955 and RCW 28.41.090, section 4, page 322, Laws of 1909 and RCW 28.41.100, section 1, chapter 217, Laws of 1947 and RCW 28.41.110, section 2, chapter 217, Laws of 1947 and RCW 28.41.120, section 12, chapter 97, page 314, Laws of 1909, section 1, chapter 45, Laws of 1919, section 7, chapter 28, Laws of 1933, section 2, chapter 77, Laws of 1943, section 1, chapter 148, Laws of 1959 and RCW 28.48.070, section 10, chapter 21, Laws of 1917, section 1, chapter 77, Laws of 1943, section 12, chapter 141, Laws of 1945 and RCW 28.24.010, section 1, chapter 53, Laws of 1941 and RCW 28.24.070, and section 2, chapter 53, Laws of 1941 and RCW 28.24.071 are each repealed: *Provided*, That the provisions of such statutes herein repealed insofar as they are expressly or impliedly adopted by reference or otherwise referred to in or for the benefit of any other statutes, are hereby preserved for such purposes.

Repeal—
Savings.

SEC. 13. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Severability—
Expiration.

School districts
—Apportionment of state
aid to.
Expiration.

This act shall expire on June 30, 1967.

Passed the Senate April 13, 1965.

Passed the House April 10, 1965.

Approved by the Governor April 19, 1965, with the exception of Section 1 and certain items in Section 2 which were vetoed.

Veto
message.

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

"This bill enacts a new formula governing the apportionment of state funds to local school districts for maintenance and operation purposes. It represents a positive step forward in the field of school finance. Basically the bill measures all revenues, local and federal, available for maintenance and operation of common schools. Then it provides for the distribution of state money on the basis of need, to achieve as nearly as possible a guaranteed level of support for the public schools. This bill should greatly equalize the educational opportunities for school children throughout the state.

"This is one of five bills which I proposed as a program to equalize the local tax support of schools and to provide schools with an assured base of local tax revenue, thereby reducing their reliance on special levies. The legislature failed to adopt the permanent parts of this program, thus I was forced to veto Senate Bill No. 523 which imposed a temporary ten-mill state property tax for schools.

"Section 1 of Senate Bill No. 522, which is returned herewith, provides for the distribution of proceeds of the temporary ten-mill state tax. Since there will be no such tax, this section is no longer appropriate and has been vetoed.

"In section 2 of the bill returned herewith there is a reference to the state property tax on lines 29 and 30 of page 3, which is surplusage and has been vetoed.

"Subparagraph (1) of section 2, appearing on page 4 of Senate Bill No. 522, provides that for purposes of determining state apportionment, property tax revenues will be recognized as a local resource to the extent of specified percentages of ten mills based upon assessed valuations adjusted to fifty percent of true and fair value according to ratios fixed by the State Board of Equalization. Since there will be no proceeds of a property tax 'equalized at the state level' available to local school districts, I have vetoed subparagraph (1) of section 2.

"The result of the veto of this item is to remove from the bill any specific legislative mandate that any property tax revenues be treated as a local resource in computing state apportionment; however subparagraph (7) of section 2 treats as a local resource 'eighty-five percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support' The state superintendent has advised me that he will utilize this authority to consider eighty-five percent of the local school property tax as a local resource. However, the legislature may wish to amend this statute to give more specific authority to the state superintendent and to provide some penalty in the event a school district fails to levy the maximum millage permitted by law without a vote of the people. Such provisions were contained in the school apportionment statutes repealed by this bill.

"With the exception of section 1 and the items in section 2 described above which are vetoed, the remainder of Senate Bill No. 522 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 155.

[House Bill No. 234.]

MOTOR VEHICLES—RULES OF THE ROAD.

AN ACT relating to rules of the road; adding new sections to chapter 12, Laws of 1961 and chapter 46.04 RCW; amending section 46.37.190, chapter 12, Laws of 1961 as amended by section 14, chapter 154, Laws of 1963 and RCW 46.37-.190; amending section 1, chapter 16, Laws of 1963 and RCW 46.48.011; amending section 3, chapter 16, Laws of 1963 and RCW 46.48.013; and amending section 46.56.040, chapter 12, Laws of 1961 and RCW 46.56.040; repealing section 46.04.070, chapter 12, Laws of 1961 and RCW 46.04.070; section 46.04.390, chapter 12, Laws of 1961 and RCW 46.04-.390; section 46.04.430, chapter 12, Laws of 1961 and RCW 46.04.430; section 46.04.520, chapter 12, Laws of 1961 and RCW 46.04.520; section 46.04.610, chapter 12, Laws of 1961 and RCW 46.04.610; section 46.08.040, chapter 12, Laws of 1961 and RCW 46.08.040; section 46.08.050, chapter 12, Laws of 1961 and RCW 46.08.050; section 46.20.260, chapter 12, Laws of 1961 and RCW 46.20.260; sections 46.47.010 through 46.47.090, chapter 12, Laws of 1961 and RCW 46.47.010 through 46.47.090; section 46.48.027, chapter 12, Laws of 1961 and RCW 46.48.027; section 46.48.130, chapter 12, Laws of 1961 as amended by section 1, chapter 203, Laws of 1961 and RCW 46.48.130; section 46.48.140, chapter 12, Laws of 1961 and RCW 46.48.140; sections 46.48.260 through 46.48-.330, chapter 12, Laws of 1961 and RCW 46.48.260 through 46.48.330; section 46.56.010, chapter 12, Laws of 1961 and RCW 46.56.010; section 46.56.020, chapter 12, Laws of 1961 and RCW 46.56.020; section 46.56.050, chapter 12, Laws of 1961 and RCW 46.56.050; section 46.56.060, chapter 12, Laws of 1961 and RCW 46.56.060; section 46.56.080, chapter 12, Laws of 1961 and RCW 46.56.080; section 46.56.090, chapter 12, Laws of 1961 and RCW 46.56.090; section 46.56.110, chapter 12, Laws of 1961 and RCW 46.56.110; section 46.56-.120, chapter 12, Laws of 1961 and RCW 46.56.120; sections 46.56.140 through 46.56.180, chapter 12, Laws of 1961 and RCW 46.56.140 through 46.56.180; section 46.60.010, chapter 12, Laws of 1961 and RCW 46.60.010; section 46.60.020, chapter 12, Laws of 1961 as amended by section 50, chapter 3, Laws of 1963 extraordinary session and RCW 46.60-.020; sections 46.60.040 through 46.60.140, chapter 12, Laws of 1961 and RCW 46.60.040 through 46.60.140; section 46.60-.150, chapter 12, Laws of 1961 as amended by section 46, chapter 3, Laws of 1963 extraordinary session and RCW 46.60.150; section 46.60.160, chapter 12, Laws of 1961 as amended by section 1, chapter 118, Laws of 1961 and RCW

46.60.160; section 46.60.170, chapter 12, Laws of 1961 as amended by section 47, chapter 3, Laws of 1963 extraordinary session and RCW 46.60.170; sections 46.60.180 through 46.60.250, chapter 12, Laws of 1961 and RCW 46.60.180 through 46.60.250; sections 46.60.280 through 46.60.310, chapter 12, Laws of 1961 and RCW 46.60.280 through 46.60.310; section 46.60.320, chapter 12, Laws of 1961 as amended by section 1, chapter 125, Laws of 1963, and RCW 46.60.320; section 46.60.350, chapter 12, Laws of 1961 and RCW 46.60.350; sections 47.36.140 through 47.36.170, chapter 13, Laws of 1961 and RCW 47.36.140 through 47.36.170; section 47.52.030, chapter 13, Laws of 1961 and RCW 47.52.030; and providing penalties; declaring certain signs, signals or markings public nuisances and providing for the removal thereof; directing the recodification of certain RCW sections; and adding new sections to chapter 12, Laws of 1961 and providing for a new chapter in Title 46 of the revised code of Washington to be organized under enumerated captions.

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

Motor vehicles
—Rules of the
road. Provi-
sions refer to
vehicles upon
highways—
Exceptions.

SECTION 1. The provisions of this amendatory act relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given section.

(2) The provisions of RCW 46.52.010 through 46.52.090 and sections 59 through 63 of this amendatory act shall apply upon highways and elsewhere throughout the state.

Obedience
required—
Unlawful acts,
omissions, as
misdemeanors.

SEC. 2. It is unlawful and, unless otherwise declared in this amendatory act with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this amendatory act.

Obedience to
police officers,
flagmen.

SEC. 3. No person shall wilfully fail or refuse to comply with any lawful order or direction of any duly authorized flagman or any police officer invested by law with authority to direct, control or regulate traffic.

SEC. 4. Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this amendatory act except those provisions of this amendatory act which by their very nature can have no application.

Persons riding animals, driving animal-drawn vehicles.

SEC. 5. Unless specifically made applicable, the provisions of this amendatory act except those contained in sections 59 through 63 of this amendatory act shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

Persons working on highways—Exception.

SEC. 6. (1) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

Authorized emergency vehicles.

(2) The driver of an authorized emergency vehicle may:

(a) Park or stand, irrespective of the provisions of this amendatory act;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the maximum speed limits so long as he does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and visual signals meeting the requirements of section 53 of this

Motor vehicles
—Rules of the
road.
Authorized
emergency
vehicles.

amendatory act, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Obedience to
and required
traffic-control
devices.

SEC. 7. (1) The driver of any vehicle and every pedestrian shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this amendatory act, unless otherwise directed by a traffic or police officer, subject to the exception granted the driver of an authorized emergency vehicle in this amendatory act.

(2) No provision of this amendatory act for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible or visible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

(3) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this amendatory act, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(4) Any official traffic-control device placed pursuant to the provisions of this amendatory act and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this amendatory act,

unless the contrary shall be established by competent evidence.

SEC. 8. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

Traffic-control
signal legend.

(1) Green indication

(a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Unless otherwise directed by a pedestrian-control signal, as provided in section 9 of this amendatory act, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication

(a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be

Motor vehicles
—Rules of the
road. Traffic-
control signal
legend.

exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided in section 9 of this amendatory act, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Steady red indication

(a) Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown: *Provided*, That such traffic may, after stopping cautiously proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement; but vehicular traffic making such turns shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Unless otherwise directed by a pedestrian-control signal as provided in section 9 of this amendatory act, pedestrians facing a steady red signal alone shall not enter the roadway.

(4) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made,

but in the absence of any such sign or marking the stop shall be made at the signal.

SEC. 9. Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" are in place such signals shall indicate as follows: Pedestrian-control signals.

(1) WALK—Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(2) DON'T WALK—No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the don't walk signal is showing.

(3) Pedestrian-control signals having the "Wait" legend in use on the effective date of this amendatory act shall be deemed authorized signals and shall indicate the same as the "Don't Walk" legend. Whenever such pedestrian-control signals are replaced the legend "Wait" shall be replaced by the legend "Don't Walk".

SEC. 10. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows: Flashing signals.

(a) FLASHING RED (STOP SIGNAL). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) FLASHING YELLOW (CAUTION SIGNAL). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed

Motor vehicles
—Rules of the
road. Flashing
signals.

through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section 46 of this amendatory act.

Lane-direction
control signals.

SEC. 11. When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

Display of
unauthorized
signs, signals
or markings.

SEC. 12. (1) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.

(2) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(3) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(4) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

Interference
with official
traffic-control

SEC. 13. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down

or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

devices or
railroad signs
or signals.

SEC. 14. No traffic control signal or device shall be erected or maintained upon any city street designated as forming a part of the route of a primary state highway or secondary state highway unless first approved by the state highway commission.

Commission
to approve
devices on
those city
streets part of
state highway
route.

SEC. 15. (1) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

Drive on right
side of road-
way—
Exceptions.

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

(d) Upon a roadway designated and signposted for one-way traffic.

(2) Upon all roadways any vehicle proceeding slower than the legal maximum speed or at a speed slower than necessary for safe operation at the time and place and under the conditions then existing, shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection, exit, or into a private road or driveway when such left turn is legally permitted.

(3) Upon any roadway having four or more lanes for moving traffic and providing for two-way move-

Motor vehicles
—Rules of the
road. Drive on
right side of
roadway—
Exceptions.

ment of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (1) (b) hereof.

Passing
vehicles
proceeding in
opposite
direction.

SEC. 16. Drivers of vehicles proceeding in opposite directions shall pass to the right of each other, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

Overtaking of
vehicles on
the left.

SEC. 17. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When over-
taking on the
right is
permitted.

SEC. 18. (1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or about to make a left turn;

(b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;

(c) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

SEC. 19. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of sections 15 through 27 of this amendatory act and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

Limitations in overtaking on the left.

SEC. 20. (1) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

Further limitations on driving to left of center roadway.

(a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing;

(c) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel.

(2) The foregoing limitations shall not apply upon a one-way roadway.

Motor vehicles
—Rules of the
road. No-
passing zones.

SEC. 21. (1) The state highway commission and local authorities are hereby authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the roadway would be especially hazardous and may indicate the beginning and end of such zones by means of a solid barrier paint line of contrasting color parallel, adjacent, and to the right of the painted barrier line of the traffic lane in which the vehicle is operating. When such markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(2) Where signs or markings are in place to define a no-passing zone as set forth in subsection (1) above no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

One-way road-
ways and
rotary traffic
islands.

SEC. 22. (1) The state highway commission may designate any state highway or any separate roadway under its jurisdiction and local authorities may designate any city street or county road under their respective jurisdictions for one-way traffic and shall erect appropriate signs giving notice thereof.

(2) Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.

(3) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

SEC. 23. Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply.

Driving on roadways lined for traffic.

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(3) Official traffic-control devices may be erected directing slow moving or other specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.

(4) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

SEC. 24. (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

Following too closely.

Motor vehicles
—Rules of the
road. Follow-
ing too closely.

(2) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

Driving on
divided
highways.

SEC. 25. Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section or by two parallel yellow barrier stripes four inches or more apart so installed as to control vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, or yellow barrier stripes, except through an opening in such physical barrier or dividing section or space or yellow barrier stripes, or at a crossover or intersection as established, unless specifically prohibited by public authority.

Restricted
access.

SEC. 26. No person shall drive a vehicle onto or from any limited access roadway except at such

entrances and exits as are established by public authority.

SEC. 27. The state highway commission may by resolution or order, and local authorities may by ordinance or resolution, with respect to any limited access roadway under their respective jurisdictions prohibit the use of any such roadway by funeral processions, or by parades, pedestrians, bicycles or other nonmotorized traffic, or by any person operating a motor-driven cycle.

Restrictions on use of controlled-access highways.

The state highway commission or the local authority adopting any such prohibitory regulation shall erect and maintain official signs on the limited access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

SEC. 28. The driver of a vehicle approaching an intersection shall look out for and yield the right of way to any vehicle on his right simultaneously approaching the intersection regardless of which vehicle first reaches and enters the intersection.

Right of way—Vehicles approaching or entering intersection.

The right of way rule declared in this section is modified at arterial highways and otherwise as stated in this amendatory act.

SEC. 29. The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

Right of way—Vehicle turning left.

SEC. 30. (1) Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in RCW 47.36.110.

Right of way—Vehicle entering stop or yield intersection.

(2) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by

Motor vehicles
—Rules of the
road. Right of
way—Vehicle
entering stop
or yield
intersection.

a stop sign shall stop as required by section 50 subsection (2) of this amendatory act, and after having stopped shall yield the right of way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

(3) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right of way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection: *Provided*, That if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right of way.

Right of way—
Vehicle enter-
ing highway
from private
road.

SEC. 31. The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right of way to all vehicles approaching on said highway.

Right of way—
Operation of
vehicles on
approach of
authorized
emergency
vehicles.

SEC. 32. (1) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of section 53 of this amendatory act, or of a police vehicle properly and lawfully making use of an audible signal only the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

SEC. 33. Pedestrians shall be subject to traffic-control signals at intersections as provided in section 9 of this amendatory act, and at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this amendatory act.

Pedestrians
subject to
traffic
regulations.

SEC. 34. (1) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

Pedestrians'
right of way
in crosswalks.

(2) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(3) Subsection (1) above shall not apply under the conditions stated in section 35 subsection (2) of this amendatory act.

(4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

SEC. 35. (1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

Pedestrians—
Crossing at
other than
crosswalks.

Motor vehicles
—Rules of the
road.
Pedestrians—
Crossing at
other than
crosswalks.

(2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

(3) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(4) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(5) No pedestrian shall cross a roadway at an unmarked crosswalk where an official sign prohibits such crossing.

Pedestrians—
Drivers to
exercise due
care.

SEC. 36. Notwithstanding the foregoing provisions of this amendatory act every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

Pedestrians on
roadways.

SEC. 37. (1) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(2) Where sidewalks are not provided any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction and upon meeting an oncoming vehicle shall step clear of the roadway.

Pedestrians
soliciting rides
or business.

SEC. 38. (1) No person shall solicit by word or sign or by any other means for himself or for another a ride from the occupant of any vehicle.

(2) It shall be unlawful for the driver of a vehicle to offer or give a ride to any person soliciting a ride upon or along a public highway.

(3) The provisions of subsections (1) and (2) above shall not be construed to prevent a person upon a public highway from soliciting, or a driver of a vehicle from giving a ride where an emergency actually exists, nor to prevent a person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire.

(4) No person shall stand in a roadway for the purpose of soliciting employment or business from the occupant of any vehicle.

(5) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

SEC. 39. No vehicle shall at any time be driven through or within a safety zone.

Driving in safety zone prohibited.

SEC. 40. The driver of a vehicle intending to turn at an intersection shall do so as follows:

Required position and method of turning at intersection.

(1) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn

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—Rules of the
road. Required
position and
method of
turning at
intersection.

shall be made in that portion of the intersection to the left of the center of the intersection.

(3) Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

(4) Local authorities in their respective jurisdictions may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

Turning on
curve or crest
of grade
prohibited.

SEC. 41. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet within residence or business districts and within one thousand feet in all other locations.

Starting
parked
vehicle.

SEC. 42. No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

Turning
movements,
required
signals.

SEC. 43. (1) No person shall turn a vehicle at an intersection unless the vehicle is in proper posi-

tion upon the roadway as required in section 40 of this amendatory act, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

(2) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(4) The signals provided for in section 44 subsection (2) of this amendatory act, shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

SEC. 44. (1) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (2) hereof.

Signals by
hand or arm
or signal
lamps.

(2) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurements shall apply

to any single vehicle, also to any combination of vehicles.

Motor vehicles
--Rules of the
road. Method
of giving hand
and arm
signals.

SEC. 45. All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- (1) Left turn. Hand and arm extended horizontally.
- (2) Right turn. Hand and arm extended upward.
- (3) Stop or decrease speed. Hand and arm extended downward.

Obedience to
signal indicat-
ing approach
of train.

SEC. 46. (1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

- (a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
- (b) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
- (c) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

All vehicles
must stop at
certain rail-
road grade
crossings.

SEC. 47. The state highway commission and local authorities within their respective jurisdictions are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within

fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

SEC. 48. (1) The driver of any motor vehicle carrying passengers for hire, other than a passenger car, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

Certain vehicles must stop at all railroad grade crossings.

(2) No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

SEC. 49. (1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

Moving heavy equipment at railroad grade crossings.

(2) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen

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—Rules of the
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ment at
railroad grade
crossings.

feet nor more than fifty feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(3) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

Stop signs and
yield signs.

SEC. 50. (1) Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in RCW 47.36.110.

(2) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(3) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

Emerging
from alley,
driveway or
building.

SEC. 51. The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or drive-

way, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

SEC. 52. (1) The driver of a vehicle upon overtaking or meeting from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in section 53 of this amendatory act and said driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer activated.

Overtaking
and passing
school bus.

(2) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of section 53 of this amendatory act which shall be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children, except:

(a) When school children do not have to cross a highway and the bus is stopped completely off the main traveled portion of the roadway; or

(b) When the bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic control signal; or

(c) When the bus is stopped at school for the purpose of receiving or discharging school children and school children are not required to cross the roadway.

(3) The driver of a vehicle upon a highway divided into separate roadways as provided in section 25 of this amendatory act, need not stop upon

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bus.

meeting or passing a school bus which is on a separate roadway or when upon a limited access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

RCW 46.37.190
amended.

SEC. 53. Section 46.37.190, chapter 12, Laws of 1961 as amended by section 14, chapter 154, Laws of 1963 and RCW 46.37.190 are each amended to read as follows:

Vehicle equip-
ment, lighting.
Red lights—
—Emergency
vehicles—
School buses—
Police vehicles—
—Sirens on
emergency
vehicles.

(1) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a "stop" signal upon a background not less than fourteen by eighteen inches displaying the word "stop" in letters of distinctly contrasting colors not less than eight inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(3) A police vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately flashing red lights specified herein.

(4) The alternately flashing lighting described in subsections (2) and (3) of this section shall not be used on any vehicle other than a school bus or an authorized emergency vehicle.

(5) The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in section 32 of this amendatory act and section 52 of this amendatory act.

SEC. 54. Section 1, chapter 16, Laws of 1963 and RCW 46.48.011 are each amended to read as follows:

RCW 46.48.011 amended.

(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

Speed. General criterion stated— Maximum speed limits specified —Duty to drive at reduced speed.

(2) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

(a) Twenty-five miles per hour on city and town streets;

(b) Fifty miles per hour on county roads;

(c) Sixty miles per hour on state highways.

The maximum speed limits set forth in this section may be altered as authorized in RCW 46.48.012, section 55 of this amendatory act, and 46.48.014.

(3) The driver of every vehicle shall, consistent with the requirements of subsection (1) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when

special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

RCW 46.48.013 amended.

Motor vehicles. Speed. Alteration of maximum speed limits. Increase by state highway commission.

SEC. 55. Section 3, chapter 16, Laws of 1963 and RCW 46.48.013 are each amended to read as follows:

(1) Subject to subsection (2) below the state highway commission may increase the maximum speed limit on any part of a limited access highway constructed under chapter 47.52 RCW to not more than seventy miles per hour whenever said commission determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway. The greater maximum limit so determined shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination shall not exceed sixty miles per hour and may be established at a lower limit by the state highway commission as provided in RCW 46.48.012.

(3) The word "trucks" used by the state highway commission on signs giving notice of maximum speed limits shall mean vehicles over ten thousand pounds gross weight and all vehicles in combination.

Speed limits in city or town, procedure for reducing.

SEC. 56. Any existing city or town ordinance establishing a speed limit on a state highway within the city or town in conflict with subsection (2) (c) of section 54 of this amendatory act shall continue in effect not to exceed six months from the effective

date of this amendatory act during which time the city or town council may enact a reduced speed limit for such state highway subject to the provisions of subsection (4) of RCW 46.48.014.

SEC. 57. No person shall operate any motor-driven cycle at any time mentioned in RCW 46.37.020 at a speed greater than thirty-five miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead.

Motor-driven cycles, maximum speed without lamps.

SEC. 58. (1) In every charge of violation of any speed regulation in this amendatory act the complaint, also the summons or notice to appear, shall specify the approximate speed at which the defendant is alleged to have driven, also the maximum speed applicable within the district or at the location.

Driving delinquencies. Charging violations to indicate speed.

(2) *Any provision of this amendatory act declaring maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant.*

SEC. 59. (1) Any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving.

Reckless driving.

(2) The license or permit to drive or any non-resident privilege of any person convicted of reckless driving shall be suspended by the department of licenses for not less than thirty days.

SEC. 60. (1) It is unlawful for any person who is under the influence of or affected by the use of intoxicating liquor or of any narcotic drug to drive or be in actual physical control of any vehicle upon the public highways.

Persons under the influence of intoxicating liquor.

(2) In any criminal prosecution for a violation of the provisions of this section relating to driving a vehicle while under the influence of intoxicating

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liquor.

liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

(a) If there was at that time 0.05 percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;

(b) If there was at that time in excess of 0.05 percent but less than 0.15 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;

(c) If there was at that time 0.15 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(3) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor. Nothing herein contained shall be construed as requiring any person to submit to a chemical analysis of his blood, and the refusal to submit to such an analysis shall not be admissible in evidence in any criminal prosecution for a violation of the provisions of this section or in any civil action.

(4) Evidence of the chemical analysis or scientific breath test of any kind of such person's blood shall not be admissible unless such person shall have been advised by the person giving the test before giving the test that such person has the constitutional right not to submit to such test. Evidence taken in

violation of this act shall not be admitted in evidence in any criminal or civil proceeding.

SEC. 61. It is unlawful and punishable as provided in section 62 of this amendatory act for any person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within this state. The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.

Person under the influence of drugs.

SEC. 62. (1) Every person who is convicted of a violation of (a) driving a motor vehicle while under the influence of intoxicating liquor or (b) driving a motor vehicle while under the influence of a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle shall be punished by imprisonment for not less than five days nor more than one year, and by a fine of not less than fifty dollars nor more than five hundred dollars.

Penalties for driving motor vehicle while under the influence of intoxicating liquor or drugs—Administrative action.

On a second or subsequent conviction of either offense within a five year period he shall be punished by imprisonment for not less than thirty days nor more than one year and by a fine of not less than one hundred dollars nor more than one thousand dollars, and neither the jail sentence nor the fine shall be suspended. If such person at the time of a second or subsequent conviction is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

(2) The license or permit to drive or any non-resident privilege of any person convicted of either of the offenses named in subsection (1) above shall:

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(a) Be suspended by the department of licenses for not less than thirty days;

(b) On a second conviction under either such offense within a five year period, be suspended by the department for not less than sixty days after the termination of such person's jail sentence;

(c) On a third or subsequent conviction under either such offense within a five year period, be revoked by the department.

(3) In any case provided for in this section, where a driver's license is to be revoked or suspended, such revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case such conviction is sustained on appeal such revocation or suspension shall take effect as of the date that the conviction becomes effective for other purposes.

RCW 46.56.040 amended.

SEC. 63. Section 46.56.040, chapter 12, Laws of 1961 and RCW 46.56.040 are each amended to read as follows:

Negligent homicide by means of a motor vehicle.

(1) When the death of any person shall ensue within one year as a proximate result of injury received by the driving of any vehicle by any person while under the influence of or affected by intoxicating liquor or narcotic drugs or by the operation of any vehicle in a reckless manner or with disregard for the safety of others, the person so operating such vehicle shall be guilty of negligent homicide by means of a motor vehicle.

(2) Any person convicted of negligent homicide by means of a motor vehicle shall be punished by imprisonment in the state penitentiary for not more than twenty years, or by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars, or by both fine and imprisonment.

SEC. 64. (1) Upon any highway outside of incorporated cities and towns no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the main-traveled part of the highway.

Stopping, standing or parking outside unincorporated city or town.

(2) This section shall not apply to the driver of any vehicle which is disabled while on the main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

SEC. 65. (1) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of section 64 of this amendatory act, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the main-traveled part of such highway.

Officers authorized to remove illegally stopped vehicles.

(2) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

(3) The charge for removal of a vehicle as authorized in subsections (1) and (2) above shall be fixed by the governmental agency having traffic law enforcement jurisdiction over the portion of highway where such vehicle was found. Such governmental agency may perform the removal service directly or through a private firm. A private firm providing such removal services shall post the authorized charges therefor prominently at its place of business. The costs incurred in the removal of such a vehicle shall be paid by the vehicle's owner and shall be a lien upon the vehicle until paid.

Motor vehicles
—Rules of the
road. Stopping,
standing or
parking pro-
hibited in
specified
places.

SEC. 66. (1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

(a) Stop, stand or park a vehicle:

(i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(ii) On a sidewalk or street planting strip;

(iii) Within an intersection;

(iv) On a crosswalk;

(v) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone.

(vi) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(viii) On any railroad tracks; or

(ix) At any place where official signs prohibit stopping.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(i) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;

(ii) Within fifteen feet of a fire hydrant;

(iii) Within twenty feet of a crosswalk;

(iv) Within thirty feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;

(v) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance; or

(vi) At any place where official signs prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

(i) Within fifty feet of the nearest rail of a railroad crossing; or

(ii) At any place where official signs prohibit parking.

(2) Parking or standing shall be permitted in the manner provided by law at all other places except a time limit may be imposed or parking restricted at other places, but such limitation and restriction shall be by city ordinance or county resolution or order of the state highway commission upon public highways under their respective jurisdictions.

(3) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

SEC. 67. (1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or edge of the roadway.

Additional
parking regu-
lations.

(2) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or edge of the roadway, or its left-hand wheels within twelve inches of the left-hand curb or edge of the roadway.

(3) Local authorities may by ordinance or resolution permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the state high-

Motor vehicles
—Rules of the
road. Additional
parking
regulations.

way commission has determined by resolution or order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) The state highway commission with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion, as evidenced by resolution or order, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

Unattended
motor vehicle.

SEC. 68. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway.

Limitations on
backing.

SEC. 69. (1) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any limited access highway.

Riding on
motorcycle.

SEC. 70. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another

seat firmly attached to the rear or side of the operator.

SEC. 71. (1) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

Obstruction to driver's view or driving mechanism.

(2) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

SEC. 72. No person shall open the door of a motor vehicle on the side adjacent to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle adjacent to moving traffic for a period of time longer than necessary to load or unload passengers.

Opening and closing vehicle door.

SEC. 73. No person or persons shall occupy any trailer while it is being moved upon a public highway, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position.

Riding in house trailers.

SEC. 74. (1) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

Coasting prohibited.

(2) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

SEC. 75. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Following fire apparatus prohibited.

Motor vehicles
—Rules of the
road. Crossing
fire hose.

SEC. 76. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Putting glass,
etc., on high-
way pro-
hibited.

SEC. 77. (1) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

Parent or
guardian not
to permit dis-
obedience by
child.

SEC. 78. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this amendatory act.

Violations,
misdemeanors
—Application
of bicycle
regulations.

SEC. 79. (1) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in sections 79 through 85 of this amendatory act.

(2) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

Traffic laws
apply to
persons riding
bicycles.

SEC. 80. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this amendatory act, except as to special regulations in sections 79 through 85 of this amendatory act and except as to those provisions of this amendatory act which by their nature can have no application.

SEC. 81. (1) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

Riding on bicycles.

(2) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

SEC. 82. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

Clinging to vehicles.

SEC. 83. (1) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Bicycles—
Riding on
roadways and
bicycle paths.

(2) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(3) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

SEC. 84. No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

Bicycles—
Carrying
articles.

SEC. 85. (1) Every bicycle when in use during the hours of darkness as defined in RCW 46.37.020 shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the state commission on equipment which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of

Lamps and
other equip-
ment on
bicycles.

five hundred feet to the rear may be used in addition to the red reflector.

(2) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

New section. SEC. 86. There is added to chapter 12, Laws of 1961 and chapter 46.04 RCW a new section to read as follows:

Motor vehicles. Definitions. Bicycle defined. Bicycle means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty inches in diameter.

New section. SEC. 87. There is added to chapter 12, Laws of 1961 and chapter 46.04 RCW a new section to read as follows:

Highway defined. Highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

New section. SEC. 88. There is added to chapter 12, Laws of 1961 and chapter 46.04 RCW a new section to read as follows:

Official traffic device defined. Official traffic-control devices means all signs, signals, markings and devices not inconsistent with Title 46 RCW placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

New section. SEC. 89. There is added to chapter 12, Laws of 1961 and chapter 46.04 RCW a new section to read as follows:

Police officer defined. Police officer means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

New section. SEC. 90. There is added to chapter 12, Laws of 1961 and chapter 46.04 RCW a new section to read as follows:

School bus means every motor vehicle used regularly to transport children to and from school or in connection with school activities, which is subject to the requirements set forth in the most recent edition of "Specifications for School Buses" published by the state superintendent of public instruction, but does not include buses operated by common carriers in urban transportation of school children.

School bus defined.

SEC. 91. Section 46.04.070, chapter 12, Laws of 1961 and RCW 46.04.070; section 46.04.390, chapter 12, Laws of 1961 and RCW 46.04.390; section 46.04.430, chapter 12, Laws of 1961 and RCW 46.04.430; section 46.04.520, chapter 12, Laws of 1961 and RCW 46.04.520; section 46.04.610, chapter 12, Laws of 1961 and RCW 46.04.610; section 46.08.040, chapter 12, Laws of 1961 and RCW 46.08.040; section 46.08.050, chapter 12, Laws of 1961 and RCW 46.08.050; section 46.20.260, chapter 12, Laws of 1961 and RCW 46.20.260; sections 46.47.010 through 46.47.090, chapter 12, Laws of 1961 and RCW 46.47.010 through 46.47.090; section 46.48.027, chapter 12, Laws of 1961 and RCW 46.48.027; section 46.48.130, chapter 12, Laws of 1961 as amended by section 1, chapter 203, Laws of 1961 and RCW 46.48.130; section 46.48.140, chapter 12, Laws of 1961 and RCW 46.48.140; sections 46.48.260 through 46.48.330, chapter 12, Laws of 1961 and RCW 46.48.260 through 46.48.330; section 46.56.010, chapter 12, Laws of 1961 and RCW 46.56.010; section 46.56.020, chapter 12, Laws of 1961 and RCW 46.56.020; section 46.56.050, chapter 12, Laws of 1961 and RCW 46.56.050; section 46.56.060, chapter 12, Laws of 1961 and RCW 46.56.060; section 46.56.080, chapter 12, Laws of 1961 and RCW 46.56.080; section 46.56.090, chapter 12, Laws of 1961 and RCW 46.56.090; section 46.56.110, chapter 12, Laws of 1961 and RCW 46.56.110; section 46.56.120, chapter 12, Laws of 1961 and RCW 46.56.120; sections 46.56.140 through 46.56.180, chapter 12, Laws of 1961 and RCW 46.56.140 through

Repeal.

Motor vehicles
—Rules of the
road. Repeal.

46.56.180; section 46.60.010, chapter 12, Laws of 1961 and RCW 46.60.010; section 46.60.020, chapter 12, Laws of 1961 as amended by section 50, chapter 3, Laws of 1963 extraordinary session and RCW 46.60.020; sections 46.60.040 through 46.60.140, chapter 12, Laws of 1961 and RCW 46.60.040 through 46.60.140; section 46.60.150, chapter 12, Laws of 1961 as amended by section 46, chapter 3, Laws of 1963 extraordinary session and RCW 46.60.150; section 46.60.160, chapter 12, Laws of 1961 as amended by section 1, chapter 118, Laws of 1961 and RCW 46.60.160; section 46.60.170, chapter 12, Laws of 1961 as amended by section 47, chapter 3, Laws of 1963 extraordinary session and RCW 46.60.170; sections 46.60.180 through 46.60.250, chapter 12, Laws of 1961 and RCW 46.60.180 through 46.60.250; sections 46.60.280 through 46.60.310, chapter 12, Laws of 1961 and RCW 46.60.280 through 46.60.310; section 46.60.320, chapter 12, Laws of 1961 as amended by section 1, chapter 125, Laws of 1963, and RCW 46.60.320; section 46.60.350, chapter 12, Laws of 1961 and RCW 46.60.350; sections 47.36.140 through 47.36.170, chapter 13, Laws of 1961 and RCW 47.36.140 through 47.36.170; section 47.52.030, chapter 13, Laws of 1961 and RCW 47.52.030 are each hereby repealed.

New chapter—
Organization
under enumer-
ated
captions.

SEC. 92. Sections 1 through 52 and 54 through 86 of this amendatory act are added to chapter 12, Laws of 1961 and shall constitute a new chapter in Title 46 of the Revised Code of Washington and sections 54, 55 and 63 as herein amended and RCW 46.48.012, 46.48.014, 46.48.015, 46.48.016, 46.48.023, 46.48.025, 46.48.026, 46.48.041, 46.48.046, 46.48.050, 46.48.060, 46.48.080, 46.48.110, 46.48.120, 46.48.150, 46.48.160, 46.48.340, 46.56.030, 46.56.070, 46.56.100, 46.56.130, 46.56.135, 46.56.190, 46.56.200, 46.56.210, 46.56.220, 46.56.230, 46.56.240, 46.60.260, 46.60.270, 46.60.330, 46.60.340 shall be recodified as and be a part of said chapter. The sections of the new chapter shall be or-

ganized under the following captions: "OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS", "TRAFFIC SIGNS, SIGNALS AND MARKINGS", "DRIVING ON RIGHT SIDE OF ROADWAY—OVERTAKING AND PASSING—USE OF ROADWAY", "RIGHT OF WAY", "PEDESTRIANS' RIGHTS AND DUTIES", "TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING", "SPECIAL STOPS REQUIRED", "SPEED RESTRICTIONS", "RECKLESS DRIVING, DRIVING WHILE INTOXICATED AND NEGLIGENT HOMICIDE BY VEHICLE", "STOPPING, STANDING AND PARKING", "MISCELLANEOUS RULES", and "OPERATION OF BICYCLES AND PLAY VEHICLES". Such captions shall not constitute any part of the law.

SEC. 93. If any provision of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

Passed the House April 20, 1965.

Passed the Senate April 21, 1965.

Approved by the Governor April 29, 1965, with the exception of section 58 (2) which was vetoed.

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

Veto message.

"House Bill No. 234 enacts a modern traffic regulation statute and brings together all Rules of the Road in one place. I have vetoed subsection (2) of section 58 of House Bill No. 234 because I believe it inadvertently changes the law of the State of Washington in a manner totally unintended by the legislature.

"As originally drafted this subsection restated the existing law that the plaintiff has the burden of proving that negligence of the defendant was the 'proximate cause of an accident.' This language made it clear that the subsection referred only to civil cases. A floor amendment adopted by the House of Representatives deleted part of the language so that subsection (2) of section 58 as amended states:

'Any provision of this amendatory act declaring maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant.'

Veto message.

"I am convinced that as a result of the amendment, the subsection alters the present rule of law that violation of the maximum speed laws constitutes negligence as a matter of law in civil suits. This would alter the burden of proof which an injured person now has to meet to obtain compensation from the one causing the injury. If the legislature wishes to make this change, it should be accomplished after consideration of its merits, not as an unintended consequence of an amendment made for another purpose.

"Subsection (2) of section 58 as it now exists, further creates ambiguity by referring only to the burden of proof which the plaintiff must meet, even though contributory negligence of the plaintiff may be raised by the defendant. If a change in the law were desirable, it should apply equally to either party to a lawsuit having the burden of proving negligence, and not just to the plaintiff.

"I am also concerned that subsection (2) in its present form may apply to criminal charges of violations of maximum speed laws. The remainder of section 58 refers only to criminal actions, and subsection (2) refers to any action in which maximum speed laws are drawn in question. I am sure the legislature did not intend to create any possibility that proof of negligence in addition to proof of excessive speed would be necessary in order to obtain a conviction under the maximum speed laws.

"By vetoing subsection (2) of section 58, I believe the law of the state on this subject will remain unchanged as the legislature intended. With the exception of subsection (2) of section 58 of House Bill No. 234, which is vetoed, the remainder of the bill is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 156.

[Senate Bill No. 301.]

ELECTIONS—REGISTRATION—RECORDS—
POLL BOOKS—PROCEDURES.

AN ACT relating to elections; amending section 29.10.110, chapter 9, Laws of 1965 and RCW 29.10.110; amending section 29.51.060, chapter 9, Laws of 1965 and RCW 29.51.060; and adding new sections to chapter 9, Laws of 1965 and to chapters 29.04 and 29.10 RCW.

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

SECTION 1. Section 29.10.110, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.10.110 are each amended to read as follows:

RCW 29.10.110 amended.

Every city clerk and county auditor shall carefully preserve in a separate file, to be kept in his office for that purpose, all original and duplicate registration cards canceled. The files for the preservation of canceled registration cards, shall be arranged and kept in alphabetical order irrespective of the precincts from which the canceled cards were received and the signed statement used as the authority for cancellation as provided in RCW 29.10.090 and the provisions of this 1965 act shall be firmly affixed to the canceled duplicate registration card (Permanent Registration Form No. 2).

Elections. Registration transfers and cancellations. Record of cancellations—Statement to be affixed to canceled duplicate registration card.

The city or town clerk and county auditor may destroy all original cards (Permanent Registration Form No. 1) that have been canceled for a period of four years or more.

SEC. 2. There is added to chapter 9, Laws of 1965 (Senate Bill No. 5) and to chapter 29.10 RCW a new section to read as follows:

New section.

Any precinct committeeman, precinct election officer or registration officer may sign a preliminary request form, subject to the penalties of perjury, to the effect that to his personal knowledge and belief

Preliminary request for cancellation due to change of residence.

another registered voter does not actually reside and maintain his abode at the address as given on his 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.

New section.

SEC. 3. There is added to chapter 9, Laws of 1965 (Senate Bill No. 5) and to chapter 29.10 RCW a new section to read as follows:

Elections.
Registration
transfers and
cancellations.
Procedural
steps before
cancellation
on challenge
because of a
change in
residence.

All such signed forms 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 date of publication or as soon thereafter as is practicable: *Provided*, That the following procedural steps are first honored:

(1) That notice of intent to cancel the registration on account of a claimed change of residence shall be mailed by first class mail, postage prepaid, to the last known address of each voter whose registration has been so questioned.

(2) The county auditor shall compile a single list of the names and addresses of all voters in question. The names shall appear in alphabetical sequence irrespective of address, together with the name of the precinct in which the challenged registration appears.

(3) Such listing shall be published at least once by the county auditor in one or more newspapers in general circulation throughout the county, or whichever newspapers, in the judgment of the county auditor, best serve the interest of the voters concerned. Publication of said listing, based on preliminary request forms in possession of the county auditor, shall be between January 1st and June 30th of each calendar year.

(4) Any voter, whose registration has been so questioned, who believes that the allegation is not

true, shall within twenty days of such mailing or publication file a written protest with his county auditor. Said county auditor shall immediately notify, by certified mail, the challenger and the challenged voter to appear at a meeting to be held at a place, day and hour certain to be stated in the notice, for determination of the validity of such registration: *Provided*, That should the challenged voter be unable to appear in person he may file a reply by means of an affidavit stating therein under oath the reasons he believes his registration to be valid and should the challenger be unable to appear in person he may file a statement by means of affidavit stating the reasons he believes the registration to be invalid.

The hearing shall take place at the time and place designated by the county auditor. In the event both the challenger and the challenged voter file affidavits instead of appearing in person, an evaluation of such affidavits by the county auditor shall constitute a hearing for the purposes of this section.

At the meeting to be held by the county auditor, he shall hear both parties according to the facts presented and his ruling shall be final, unless ordered otherwise by a court of competent jurisdiction. 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. 4. There is added to chapter 9, Laws of 1965 (Senate Bill No. 5) and to chapter 29.10 RCW a new section to read as follows:

The secretary of state as chief elections officer shall cause appropriate forms to be designed to carry out the provisions of this 1965 act. The respective county auditors and city and town clerks shall have such forms available. Further, a reasonable supply of

New section.

Forms to be designated, available.

such forms shall be at each polling place on the day of a primary or election, general or special.

RCW 29.51.060
amended.

SEC. 5. Section 29.51.060, chapter 9, Laws of 1965 and RCW 29.51.060 are each amended to read as follows:

Elections.
Voting hours—
Polling place
regulations
during. Sign-
ing the poll
book—
Comparison of
signatures.

If any person appears and offers or demands the right to vote at any primary or election, as a registered voter in the precinct where the primary or election is held, the election officers shall require him to sign his name and current address subject to penalties of perjury in one of the official poll books, which shall be designated the county auditor's copy, and shall compare such signature with the signature upon the registration card of the person registered under the same name. If the election officers, or a majority of them, upon comparing the signatures are satisfied that the person offering to vote is the identical person registered, they shall permit him to vote: *Provided*, That if the person registered signed his registration card with a cross or mark, identified by the signature of some other person, the election officers must require the person offering to vote to be identified by the person who signed the registration card, or by a registered voter of the precinct. Unless the identifying witness is personally known to the election officers, or to some of them, they may require the identifying witness to sign his name in the presence of the election officers for the purpose of identification.

As soon as it is determined that the person is qualified to vote, one of the precinct election officers shall copy the voter's name and address on the corresponding line in a second poll book which shall be identified as the inspector's copy. Such second poll book shall contain two extra copies of each page and so designed that two carbon copies can be easily made and readily detached.

It shall not be necessary to use such redesigned poll books for any primary or election until on and after the 1966 state primary election.

SEC. 6. There is added to chapter 9, Laws of 1965 and to chapter 29.04 RCW a new section to read as follows:

New section.

All poll books shall be public records and be made available for inspection under such reasonable rules and regulations as the county auditor may prescribe. The county auditor shall promptly furnish copies of any poll books in his possession, at cost, to any person requesting such copies.

Poll books as public records
—Carbon copies of inspector's copy to political representative.

On the day of any primary or election, general or special, the precinct election officer in charge of the inspector's copy of the poll book shall detach the two carbon copies as each page is filled, and shall make one copy available to the official representative of each major political party as shall have been designated in writing by the respective county chairmen.

SEC. 7. There is added to chapter 9, Laws of 1965 and to chapter 29.10 RCW two new sections to read as set forth in sections 8 and 9 of this amendatory act.

New sections.

SEC. 8. At the time any registration officer inspects the permanent registration records in his possession, to determine whether or not any voter's record should be canceled for failure to vote as provided in section RCW 29.10.080 as it now exists or hereafter amended, he shall also compare the voter registration record with the signature and address of each voter as it appears in the poll book used at the most recent preceding state general election. If the address of any voter, as written by the voter, in the poll book does not agree with the address of the voter as stated on his permanent registration records, the registration officer shall:

Registration transfers and cancellations. Procedural steps before cancellation due to conflicting addresses of voter.

Elections.
Registration
transfers and
cancellations.
Procedural
steps before
cancellation
due to
conflicting
addresses of
voter.

(1) Send a notice, by certified mail to addressee only, with return receipt requested, showing address where delivered, to the voter, using the address as given in the poll book and advising him that he must either have his registration transferred or register anew, as the case may be. Such notice shall also contain a prepaid postcard form addressed to the registration officer for the convenience of the voter to indicate what action the voter intends to take.

(2) If the voter believes that his registration record should not be changed, he shall so notify his registration officer who, in turn, shall promptly arrange for a hearing unless it is manifestly apparent that the voter's reasons are valid for keeping his record unchanged. If a hearing is necessary, any ruling issued by the registration officer shall be final, subject only to an appeal to the superior court under the provisions of chapter 34.04 RCW.

(3) If the notice mailed by the registration officer is either returned as undeliverable or the voter does not respond within thirty days from the date of mailing, the registration officer shall cancel the registration record concerned and notify the secretary of state of such cancellation. If the voter received the notice, as evidenced by the return receipt, the registration officer shall further notify such voter by first class mail that his registration has been canceled.

Sec. 9. The secretary of state shall cause appropriate forms to be designed to carry out the provisions of section 8 of this amendatory act, and shall furnish such forms to the various county auditors and city and town clerks.

Passed the Senate March 29, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 8, 1965, with the exception of section 9 which was vetoed.

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

Veto message.

"This bill makes a number of changes in the law relating to elections, and provides procedures for removing from the registration rolls the name of any person who no longer resides in the precinct in which he is registered.

"Section 4 and section 9 each provides that the Secretary of State shall cause appropriate forms to be designed to carry out the provisions of this amendatory act.

"However, section 9 also provides that some of the forms shall be furnished by the Secretary of State to the various county auditors and city and town clerks. The Secretary of State has never been required to furnish election supplies to the cities, towns and counties; and none of the budgets submitted to the legislature this session has provided for this expense.

"In order that the bill will be consistent with past election procedures and not involve additional expense to the state, I have vetoed section 9. The remainder of Senate Bill No. 301 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 157.

[Senate Bill No. 122.]

UNIFORM COMMERCIAL CODE.

AN ACT relating to commercial transactions; enacting a Uniform Commercial Code; repealing certain acts and parts of acts; and declaring an effective date.

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

Article 1

General Provisions

Part 1

SHORT TITLE, CONSTRUCTION, APPLICATION AND SUBJECT MATTER OF THE ACT

SECTION 1-101. *Short Title.* This Act shall be known and may be cited as Uniform Commercial Code.

Uniform
commercial
code.
Short title.

SEC. 1-102. *Purposes; Rules of Construction; Variation by Agreement.* (1) This Act shall be liberally

Purposes.

Uniform commercial code. Purposes— Rules of construction— Variation by agreement.

construed and applied to promote its underlying purposes and policies.

(2) Underlying purposes and policies of this Act are

- (a) to simplify, clarify and modernize the law governing commercial transactions;
- (b) to permit the continued expansion of commercial practices through custom, usage and agreement of the parties;
- (c) to make uniform the law among the various jurisdictions.

(3) The effect of provisions of this Act may be varied by agreement, except as otherwise provided in this Act and except that the obligations of good faith, diligence, reasonableness and care prescribed by this Act may not be disclaimed by agreement but the parties may by agreement determine the standards by which the performance of such obligations is to be measured if such standards are not manifestly unreasonable.

(4) The presence in certain provisions of this Act of the words “unless otherwise agreed” or words of similar import does not imply that the effect of other provisions may not be varied by agreement under subsection (3).

(5) In this Act unless the context otherwise requires

- (a) words in the singular number include the plural, and in the plural include the singular;
- (b) words of the masculine gender include the feminine and the neuter, and when the sense so indicates words of the neuter gender may refer to any gender.

Supplementary general principles of law applicable.

SEC. 1-103. *Supplementary General Principles of Law Applicable.* Unless displaced by the particular provisions of this Act, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent,

estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause shall supplement its provisions.

SEC. 1-104. *Construction Against Implicit Repeal.* This Act being a general act intended as a unified coverage of its subject matter, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such construction can reasonably be avoided.

Construction against implicit repeal.

SEC. 1-105. *Territorial Application of the Act; Parties' Power to Choose Applicable Law.* (1) Except as provided hereafter in this section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties. Failing such agreement this Act applies to transactions bearing an appropriate relation to this state.

Territorial application of the act—Parties' power to choose applicable law.

(2) Where one of the following provisions of this Act specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law (including the conflict of laws rules) so specified:

Rights of creditors against sold goods. Section 2-402.

Applicability of the Article on Bank Deposits and Collections. Section 4-102.

Bulk transfers subject to the Article on Bulk Transfers. Section 6-102.

Applicability of the Article on Investment Securities. Section 8-106.

Policy and scope of the Article on Secured Transactions. Sections 9-102 and 9-103.

SEC. 1-106. *Remedies to be Liberally Administered.* (1) The remedies provided by this Act shall be liberally administered to the end that the aggrieved party may be put in as good a position as if

Remedies to be liberally administered.

Uniform commercial code.

the other party had fully performed but neither consequential or special nor penal damages may be had except as specifically provided in this Act or by other rule of law.

(2) Any right or obligation declared by this Act is enforceable by action unless the provision declaring it specifies a different and limited effect.

Waiver or renunciation of claim or right after breach.

SEC. 1-107. *Waiver or Renunciation of Claim or Right After Breach.* Any claim or right arising out of an alleged breach can be discharged in whole or in part without consideration by a written waiver or renunciation signed and delivered by the aggrieved party.

Severability.

SEC. 1-108. *Severability.* If any provision or clause of this Act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section captions.

SEC. 1-109. *Section Captions.* Section captions are parts of this Act.

Part 2

GENERAL DEFINITIONS AND PRINCIPLES OF INTERPRETATION

General definitions.

SEC. 1-201. *General Definitions.* Subject to additional definitions contained in the subsequent Articles of this Act which are applicable to specific Articles or Parts thereof, and unless the context otherwise requires, in this Act:

(1) "Action" in the sense of a judicial proceeding includes recoupment, counterclaim, set-off, suit in equity and any other proceedings in which rights are determined.

(2) "Aggrieved party" means a party entitled to resort to a remedy.

(3) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this Act (Sections 1-205 and 2-208). Whether an agreement has legal consequences is determined by the provisions of this Act, if applicable; otherwise by the law of contracts (Section 1-103). (Compare "Contract".)

(4) "Bank" means any person engaged in the business of banking.

(5) "Bearer" means the person in possession of an instrument, document of title, or security payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods, and includes an airbill. "Airbill" means a document serving for air transportation as a bill of lading does for marine or rail transportation, and includes an air consignment note or air waybill.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the triers of fact that the existence of the fact is more probable than its non-existence.

(9) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him is in violation of the ownership rights or security interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a pre-existing contract for

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sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous": A term or clause is conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. A printed heading in capitals (as: NON-NEGOTIABLE BILL OF LADING) is conspicuous. Language in the body of a form is "conspicuous" if it is in larger or other contrasting type or color. But in a telegram any stated term is "conspicuous". Whether a term or clause is "conspicuous" or not is for decision by the court.

(11) "Contract" means the total legal obligation which results from the parties' agreement as affected by this Act and any other applicable rules of law. (Compare "Agreement".)

(12) "Creditor" includes a general creditor, a secured creditor, a lien creditor and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity and an executor or administrator of an insolvent debtor's or assignor's estate.

(13) "Defendant" includes a person in the position of defendant in a cross-action or counterclaim.

(14) "Delivery" with respect to instruments, documents of title, chattel paper or securities means voluntary transfer of possession.

(15) "Document of title" includes bill of lading, dock warrant, dock receipt, warehouse receipt or order for the delivery of goods, and also any other document which in the regular course of business or financing is treated as adequately evidencing that the person in possession of it is entitled to receive, hold and dispose of the document and the goods it covers. To be a document of title a document must purport to be issued by or addressed to a bailee and purport to cover goods in the bailee's possession

which are either identified or are fungible portions of an identified mass.

(16) "Fault" means wrongful act, omission or breach.

(17) "Fungible" with respect to goods or securities means goods or securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit. Goods which are not fungible shall be deemed fungible for the purposes of this Act to the extent that under a particular agreement or document unlike units are treated as equivalents.

(18) "Genuine" means free of forgery or counterfeiting.

(19) "Good faith" means honesty in fact in the conduct or transaction concerned.

(20) "Holder" means a person who is in possession of a document of title or an instrument or an investment security drawn, issued or indorsed to him or to his order or to bearer or in blank.

(21) To "honor" is to pay or to accept and pay, or where a credit so engages to purchase or discount a draft complying with the terms of the credit.

(22) "Insolvency proceedings" includes any assignment for the benefit of creditors or other proceedings intended to liquidate or rehabilitate the estate of the person involved.

(23) A person is "insolvent" who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due or is insolvent within the meaning of the federal bankruptcy law.

(24) "Money" means a medium of exchange authorized or adopted by a domestic or foreign government as a part of its currency.

(25) A person has "notice" of a fact when (a) he has actual knowledge of it; or

(b) he has received a notice or notification of it;
or

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- (c) from all the facts and circumstances known to him at the time in question he has reason to know that it exists.

A person "knows" or has "knowledge" of a fact when he has actual knowledge of it. "Discover" or "learn" or a word or phrase of similar import refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this Act.

(26) A person "notifies" or "gives" a notice or notification to another by taking such steps as may be reasonably required to inform the other in ordinary course whether or not such other actually comes to know of it. A person "receives" a notice or notification when

- (a) it comes to his attention; or
(b) it is duly delivered at the place of business through which the contract was made or at any other place held out by him as the place for receipt of such communications.

(27) Notice, knowledge or a notice or notification received by an organization is effective for a particular transaction from the time when it is brought to the attention of the individual conducting that transaction, and in any event from the time when it would have been brought to his attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(28) "Organization" includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(29) "Party", as distinct from "third party", means a person who has engaged in a transaction or made an agreement within this Act.

(30) "Person" includes an individual or an organization (See Section 1-102).

(31) "Presumption" or "presumed" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its non-existence.

(32) "Purchase" includes taking by sale, discount, negotiation, mortgage, pledge, lien, issue or re-issue, gift or any other voluntary transaction creating an interest in property.

(33) "Purchaser" means a person who takes by purchase.

(34) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(35) "Representative" includes an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate, or any other person empowered to act for another.

(36) "Rights" includes remedies.

(37) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (Section 2-401) is limited in effect to a reservation of a "security interest". The term also includes any interest of a buyer of accounts, chattel paper, or contract rights which is subject to Article 9. The special property interest of a buyer of goods on identifica-

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tion of such goods to a contract for sale under Section 2-401 is not a "security interest", but a buyer may also acquire a "security interest" by complying with Article 9. Unless a lease or consignment is intended as security, reservation of title thereunder is not a "security interest" but a consignment is in any event subject to the provisions on consignment sales (Section 2-326). Whether a lease is intended as security is to be determined by the facts of each case; however, (a) the inclusion of an option to purchase does not of itself make the lease one intended for security, and (b) an agreement that upon compliance with the terms of the lease the lessee shall become or has the option to become the owner of the property for no additional consideration or for a nominal consideration does make the lease one intended for security.

(38) "Send" in connection with any writing or notice means to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and in the case of an instrument to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances. The receipt of any writing or notice within the time at which it would have arrived if properly sent has the effect of a proper sending.

(39) "Signed" includes any symbol executed or adopted by a party with present intention to authenticate a writing.

(40) "Surety" includes guarantor.

(41) "Telegram" includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.

(42) "Term" means that portion of an agreement which relates to a particular matter.

(43) "Unauthorized" signature or indorsement means one made without actual, implied or apparent authority and includes a forgery.

(44) "Value". Except as otherwise provided with respect to negotiable instruments and bank collections (Sections 3-303, 4-208 and 4-209) a person gives "value" for rights if he acquires them

- (a) in return for a binding commitment to extend credit or for the extension of immediately available credit whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection; or
- (b) as security for or in total or partial satisfaction of a pre-existing claim; or
- (c) by accepting delivery pursuant to a pre-existing contract for purchase; or
- (d) generally, in return for any consideration sufficient to support a simple contract.

(45) "Warehouse receipt" means a receipt issued by a person engaged in the business of storing goods for hire.

(46) "Written" or "writing" includes printing, typewriting or any other intentional reduction to tangible form.

SEC. 1-202. *Prima Facie Evidence by Third Party Documents.* A document in due form purporting to be a bill of lading, policy or certificate of insurance, official weigher's or inspector's certificate, consular invoice, or any other document authorized or required by the contract to be issued by a third party shall be prima facie evidence of its own authenticity and genuineness and of the facts stated in the document by the third party.

Prima facie evidence by third party documents.

SEC. 1-203. *Obligation of Good Faith.* Every contract or duty within this Act imposes an obligation of good faith in its performance or enforcement.

Obligation of good faith.

Uniform commercial code.
Time—Reasonable time—
“Seasonability”.

SEC. 1-204. *Time; Reasonable Time; “Seasonably”*. (1) Whenever this Act requires any action to be taken within a reasonable time, any time which is not manifestly unreasonable may be fixed by agreement.

(2) What is a reasonable time for taking any action depends on the nature, purpose and circumstances of such action.

(3) An action is taken “seasonably” when it is taken at or within the time agreed or if no time is agreed at or within a reasonable time.

Course of dealing and usage of trade.

SEC. 1-205. *Course of Dealing and Usage of Trade*.

(1) A course of dealing is a sequence of previous conduct between the parties to a particular transaction which is fairly to be regarded as establishing a common basis of understanding for interpreting their expressions and other conduct.

(2) A usage of trade is any practice or method of dealing having such regularity of observance in a place, vocation or trade as to justify an expectation that it will be observed with respect to the transaction in question. The existence and scope of such a usage are to be proved as facts. If it is established that such a usage is embodied in a written trade code or similar writing the interpretation of the writing is for the court.

(3) A course of dealing between parties and any usage of trade in the vocation or trade in which they are engaged or of which they are or should be aware give particular meaning to and supplement or qualify terms of an agreement.

(4) The express terms of an agreement and an applicable course of dealing or usage of trade shall be construed wherever reasonable as consistent with each other; but when such construction is unreasonable express terms control both course of dealing and usage of trade and course of dealing controls usage of trade.

(5) An applicable usage of trade in the place where any part of performance is to occur shall be used in interpreting the agreement as to that part of the performance.

(6) Evidence of a relevant usage of trade offered by one party is not admissible unless and until he has given the other party such notice as the court finds sufficient to prevent unfair surprise to the latter.

SEC. 1-206. *Statute of Frauds for Kinds of Personal Property Not Otherwise Covered.* (1) Except in the cases described in subsection (2) of this section a contract for the sale of personal property is not enforceable by way of action or defense beyond five thousand dollars in amount or value of remedy unless there is some writing which indicates that a contract for sale has been made between the parties at a defined or stated price, reasonably identifies the subject matter, and is signed by the party against whom enforcement is sought or by his authorized agent.

Statute of frauds for kinds of personal property not otherwise covered.

(2) Subsection (1) of this section does not apply to contracts for the sale of goods (Section 2-201) nor of securities (Section 8-319) nor to security agreements (Section 9-203).

SEC. 1-207. *Performance or Acceptance Under Reservation of Rights.* A party who with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice", "under protest" or the like are sufficient.

Performance or acceptance under reservation of rights.

SEC. 1-208. *Option to Accelerate at Will.* A term providing that one party or his successor in interest may accelerate payment or performance or require collateral or additional collateral "at will" or "when

Option to accelerate at will.

he deems himself insecure” or in words of similar import shall be construed to mean that he shall have power to do so only if he in good faith believes that the prospect of payment or performance is impaired.

Article 2

Sales

Part 1

SHORT TITLE, GENERAL CONSTRUCTION AND SUBJECT MATTER

Uniform commercial code—Sales.

SEC. 2-101. *Short Title.* This Article shall be known and may be cited as Uniform Commercial Code—Sales.

Scope—Certain security and other transactions excluded from this article.

SEC. 2-102. *Scope; Certain Security and Other Transactions Excluded from This Article.* Unless the context otherwise requires, this Article applies to transactions in goods; it does not apply to any transaction which although in the form of an unconditional contract to sell or present sale is intended to operate only as a security transaction nor does this Article impair or repeal any statute regulating sales to consumers, farmers or other specified classes of buyers.

Definitions and Index of definitions.

SEC. 2-103. *Definitions and Index of Definitions.* (1) In this Article unless the context otherwise requires

- (a) “Buyer” means a person who buys or contracts to buy goods.
- (b) “Good faith” in the case of a merchant means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade.
- (c) “Receipt” of goods means taking physical possession of them.
- (d) “Seller” means a person who sells or contracts to sell goods.

(2) Other definitions applying to this Article or to specified Parts thereof, and the sections in which they appear are:

- “Acceptance”. Section 2-606.
- “Banker’s credit”. Section 2-325.
- “Between merchants”. Section 2-104.
- “Cancellation”. Section 2-106(4).
- “Commercial unit”. Section 2-105.
- “Confirmed credit”. Section 2-325.
- “Conforming to contract”. Section 2-106.
- “Contract for sale”. Section 2-106.
- “Cover”. Section 2-712.
- “Entrusting”. Section 2-403.
- “Financing agency”. Section 2-104.
- “Future goods”. Section 2-105.
- “Goods”. Section 2-105.
- “Identification”. Section 2-501.
- “Installment contract”. Section 2-612.
- “Letter of Credit”. Section 2-325.
- “Lot”. Section 2-105.
- “Merchant”. Section 2-104.
- “Overseas”. Section 2-323.
- “Person in position of seller”. Section 2-707.
- “Present sale”. Section 2-106.
- “Sale”. Section 2-106.
- “Sale on approval”. Section 2-326.
- “Sale or return”. Section 2-326.
- “Termination”. Section 2-106.

(3) The following definitions in other Articles apply to this Article:

- “Check”. Section 3-104.
- “Consignee”. Section 7-102.
- “Consignor”. Section 7-102.
- “Consumer goods”. Section 9-109.
- “Dishonor”. Section 3-507.
- “Draft”. Section 3-104.

Uniform com-
mercial code—
Sales.

(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Definitions—
"Merchant"—
"Between
merchants"—
"Financing
agency".

SEC. 2-104. *Definitions: "Merchant"; "Between Merchants"; "Financing Agency"*. (1) "Merchant" means a person who deals in goods of the kind or otherwise by his occupation holds himself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his employment of an agent or broker or other intermediary who by his occupation holds himself out as having such knowledge or skill.

(2) "Financing agency" means a bank, finance company or other person who in the ordinary course of business makes advances against goods or documents of title or who by arrangement with either the seller or the buyer intervenes in ordinary course to make or collect payment due or claimed under the contract for sale, as by purchasing or paying the seller's draft or making advances against it or by merely taking it for collection whether or not documents of title accompany the draft. "Financing agency" includes also a bank or other person who similarly intervenes between persons who are in the position of seller and buyer in respect to the goods (Section 2-707).

(3) "Between merchants" means in any transaction with respect to which both parties are chargeable with the knowledge or skill of merchants.

Definitions—
"Transferability"—
"Goods"—
"Future goods"—
"Lot"—
"Commercial unit".

SEC. 2-105. *Definitions: Transferability; "Goods"; "Future" Goods; "Lot"; "Commercial Unit"*. (1) "Goods" means all things (including specially manufactured goods) which are movable at the time of identification to the contract for sale other than the money in which the price is to be paid, investment securities (Article 8) and things in action. "Goods"

also includes the unborn young of animals and growing crops and other identified things attached to realty as described in the section on goods to be severed from realty (Section 2-107).

(2) Goods must be both existing and identified before any interest in them can pass. Goods which are not both existing and identified are "future" goods. A purported present sale of future goods or of any interest therein operates as a contract to sell.

(3) There may be a sale of a part interest in existing identified goods.

(4) An undivided share in an identified bulk of fungible goods is sufficiently identified to be sold although the quantity of the bulk is not determined.

Any agreed proportion of such a bulk or any quantity thereof agreed upon by number, weight or other measure may to the extent of the seller's interest in the bulk be sold to the buyer who then becomes an owner in common.

(5) "Lot" means a parcel or a single article which is the subject matter of a separate sale or delivery, whether or not it is sufficient to perform the contract.

(6) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of sale and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article (as a machine) or a set or articles (as a suite of furniture or an assortment of sizes) or a quantity (as a bale, gross, or carload) or any other unit treated in use or in the relevant market as a single whole.

SEC. 2-106. *Definitions: "Contract"; "Agreement"; "Contract for Sale"; "Sale"; "Present Sale"; "Conforming" to Contract; "Termination"; "Cancellation".*

(1) In this Article unless the context otherwise requires "contract" and "agreement" are limited to those relating to the present or future sale of goods. "Contract for sale" includes both a present sale of

Definitions—
 "Contract"—
 "Agreement"—
 —"Contract"
 for sale"—
 "Sale"—"Pres-
 ent sale"—
 "Conforming
 to contract"—
 "Termination"—
 —"Cancell-
 ation".

Uniform commercial code—
Sales. Definitions—“Sale”
—“Present sale”—“Conforming to contract”—
“Termination”—“Cancellation”.

goods and a contract to sell goods at a future time. A “sale” consists in the passing of title from the seller to the buyer for a price (Section 2-401). A “present sale” means a sale which is accomplished by the making of the contract.

(2) Goods or conduct including any part of a performance are “conforming” or conform to the contract when they are in accordance with the obligations under the contract.

(3) “Termination” occurs when either party pursuant to a power created by agreement or law puts an end to the contract otherwise than for its breach. On “termination” all obligations which are still executory on both sides are discharged but any right based on prior breach or performance survives.

(4) “Cancellation” occurs when either party puts an end to the contract for breach by the other and its effect is the same as that of “termination” except that the cancelling party also retains any remedy for breach of the whole contract or any unperformed balance.

Goods to be severed from realty—
Recording.

SEC. 2-107. *Goods to be Severed from Realty: Recording.* (1) A contract for the sale of timber, minerals or the like or a structure or its materials to be removed from realty is a contract for the sale of goods within this Article if they are to be severed by the seller but until severance a purported present sale thereof which is not effective as a transfer of an interest in land is effective only as a contract to sell.

(2) A contract for the sale apart from the land of growing crops or other things attached to realty and capable of severance without material harm thereto but not described in subsection (1) is a contract for the sale of goods within this Article whether the subject matter is to be severed by the buyer or by the seller even though it forms part of the realty

at the time of contracting, and the parties can by identification effect a present sale before severance.

(3) The provisions of this section are subject to any third party rights provided by the law relating to realty records, and the contract for sale may be executed and recorded as a document transferring an interest in land and shall then constitute notice to third parties of the buyer's rights under the contract for sale.

Part 2

FORM, FORMATION AND READJUSTMENT OF CONTRACT

SEC. 2-201. *Formal Requirements; Statute of Frauds.* (1) Except as otherwise provided in this section a contract for the sale of goods for the price of \$500 or more is not enforceable by way of action or defense unless there is some writing sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by his authorized agent or broker. A writing is not insufficient because it omits or incorrectly states a term agreed upon but the contract is not enforceable under this paragraph beyond the quantity of goods shown in such writing.

Form, formation and readjustment of contract. Formal requirements—Statute of frauds.

(2) Between merchants if within a reasonable time a writing in confirmation of the contract and sufficient against the sender is received and the party receiving it has reason to know its contents, it satisfies the requirements of subsection (1) against such party unless written notice of objection to its contents is given within ten days after it is received.

(3) A contract which does not satisfy the requirements of subsection (1) but which is valid in other respects is enforceable

- (a) if the goods are to be specially manufactured for the buyer and are not suitable for sale to others in the ordinary course of the sell-

Uniform commercial code—
Sales. Form, formation and readjustment of contract. Formal requirements—
Statute of frauds.

er's business and the seller, before notice of repudiation is received and under circumstances which reasonably indicate that the goods are for the buyer, has made either a substantial beginning of their manufacture or commitments for their procurement; or

- (b) if the party against whom enforcement is sought admits in his pleading, testimony or otherwise in court that a contract for sale was made, but the contract is not enforceable under this provision beyond the quantity of goods admitted; or
- (c) with respect to goods for which payment has been made and accepted or which have been received and accepted (Section 2-606).

Final written expression—
Parol or extrinsic evidence.

SEC. 2-202. *Final Written Expression: Parol or Extrinsic Evidence.* Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a writing intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented

- (a) by course of dealing or usage of trade (Section 1-205) or by course of performance (Section 2-208); and
- (b) by evidence of consistent additional terms unless the court finds the writing to have been intended also as a complete and exclusive statement of the terms of the agreement.

Seals inoperative.

SEC. 2-203. *Seals Inoperative.* The affixing of a seal to a writing evidencing a contract for sale or an offer to buy or sell goods does not constitute the writing a sealed instrument and the law with respect to sealed instruments does not apply to such a contract or offer.

SEC. 2-204. *Formation in General.* (1) A contract for sale of goods may be made in any manner sufficient to show agreement, including conduct by both parties which recognizes the existence of such a contract. Formation in general.

(2) An agreement sufficient to constitute a contract for sale may be found even though the moment of its making is undetermined.

(3) Even though one or more terms are left open a contract for sale does not fail for indefiniteness if the parties have intended to make a contract and there is a reasonably certain basis for giving an appropriate remedy.

SEC. 2-205. *Firm Offers.* An offer by a merchant to buy or sell goods in a signed writing which by its terms gives assurance that it will be held open is not revocable, for lack of consideration, during the time stated or if no time is stated for a reasonable time, but in no event may such period of irrevocability exceed three months; but any such term of assurance on a form supplied by the offeree must be separately signed by the offeror. Firm offers.

SEC. 2-206. *Offer and Acceptance in Formation of Contract.* (1) Unless otherwise unambiguously indicated by the language or circumstances Offer and acceptance in formation of contract.

- (a) an offer to make a contract shall be construed as inviting acceptance in any manner and by any medium reasonable in the circumstances;
- (b) an order or other offer to buy goods for prompt or current shipment shall be construed as inviting acceptance either by a prompt promise to ship or by the prompt or current shipment of conforming or non-conforming goods, but such a shipment of non-conforming goods does not constitute an acceptance if the seller seasonably notifies the buyer that the shipment is offered only as an accommodation to the buyer.

(2) Where the beginning of a requested performance is a reasonable mode of acceptance an offeror who is not notified of acceptance within a reasonable time may treat the offer as having lapsed before acceptance.

Uniform commercial code—
Sales. Form,
formation and
readjustment
of contract.
Additional
terms in
acceptance or
confirmation.

SEC. 2-207. *Additional Terms in Acceptance or Confirmation.* (1) A definite and seasonable expression of acceptance or a written confirmation which is sent within a reasonable time operates as an acceptance even though it states terms additional to or different from those offered or agreed upon, unless acceptance is expressly made conditional on assent to the additional or different terms.

(2) The additional terms are to be construed as proposals for addition to the contract. Between merchants such terms become part of the contract unless:

- (a) the offer expressly limits acceptance to the terms of the offer;
- (b) they materially alter it; or
- (c) notification of objection to them has already been given or is given within a reasonable time after notice of them is received.

(3) Conduct by both parties which recognizes the existence of a contract is sufficient to establish a contract for sale although the writings of the parties do not otherwise establish a contract. In such case the terms of the particular contract consist of those terms on which the writings of the parties agree, together with any supplementary terms incorporated under any other provisions of this Act.

Course of
performance
or practical
construction.

SEC. 2-208. *Course of Performance or Practical Construction.* (1) Where the contract for sale involves repeated occasions for performance by either party with knowledge of the nature of the performance and opportunity for objection to it by the other, any course of performance accepted or acqui-

esced in without objection shall be relevant to determine the meaning of the agreement.

(2) The express terms of the agreement and any such course of performance, as well as any course of dealing and usage of trade, shall be construed whenever reasonable as consistent with each other; but when such construction is unreasonable, express terms shall control course of performance and course of performance shall control both course of dealing and usage of trade (Section 1-205).

(3) Subject to the provisions of the next section on modification and waiver, such course of performance shall be relevant to show a waiver or modification of any term inconsistent with such course of performance.

SEC. 2-209. *Modification, Rescission and Waiver.*

(1) An agreement modifying a contract within this Article needs no consideration to be binding.

Modification
—Rescission
and waiver.

(2) A signed agreement which excludes modification or rescission except by a signed writing cannot be otherwise modified or rescinded, but except as between merchants such a requirement on a form supplied by the merchant must be separately signed by the other party.

(3) The requirements of the statute of frauds section of this Article (Section 2-201) must be satisfied if the contract as modified is within its provisions.

(4) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2) or (3) it can operate as a waiver.

(5) A party who has made a waiver affecting an executory portion of the contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

Uniform commercial code—
Sales. Form, formation and readjustment of contract. Delegation of performance—Assignment of rights.

SEC. 2-210. *Delegation of Performance; Assignment of Rights.* (1) A party may perform his duty through a delegate unless otherwise agreed or unless the other party has a substantial interest in having his original promisor perform or control the acts required by the contract. No delegation of performance relieves the party delegating of any duty to perform or any liability for breach.

(2) Unless otherwise agreed all rights of either seller or buyer can be assigned except where the assignment would materially change the duty of the other party, or increase materially the burden or risk imposed on him by his contract, or impair materially his chance of obtaining return performance. A right to damages for breach of the whole contract or a right arising out of the assignor's due performance of his entire obligation can be assigned despite agreement otherwise.

(3) Unless the circumstances indicate the contrary a prohibition of assignment of "the contract" is to be construed as barring only the delegation to the assignee of the assignor's performance.

(4) An assignment of "the contract" or of "all my rights under the contract" or an assignment in similar general terms is an assignment of rights and unless the language or the circumstances (as in an assignment for security) indicate the contrary, it is a delegation of performance of the duties of the assignor and its acceptance by the assignee constitutes a promise by him to perform those duties. This promise is enforceable by either the assignor or the other party to the original contract.

(5) The other party may treat any assignment which delegates performance as creating reasonable grounds for insecurity and may without prejudice to his rights against the assignor demand assurances from the assignee (Section 2-609).

Part 3

GENERAL OBLIGATION AND CONSTRUCTION
OF CONTRACT

SEC. 2-301. *General Obligations of Parties.* The obligation of the seller is to transfer and deliver and that of the buyer is to accept and pay in accordance with the contract.

General obligation and construction of contract. General obligations of parties.

SEC. 2-302. *Unconscionable Contract or Clause.*
(1) If the court as a matter of law finds the contract or any clause of the contract to have been unconscionable at the time it was made the court may refuse to enforce the contract, or it may enforce the remainder of the contract without the unconscionable clause, or it may so limit the application of any unconscionable clause as to avoid any unconscionable result.

Unconscionable contract or clause.

(2) When it is claimed or appears to the court that the contract or any clause thereof may be unconscionable the parties shall be afforded a reasonable opportunity to present evidence as to its commercial setting, purpose and effect to aid the court in making the determination.

SEC. 2-303. *Allocation or Division of Risks.* Where this Article allocates a risk or a burden as between the parties "unless otherwise agreed", the agreement may not only shift the allocation but may also divide the risk or burden.

Allocation or division of risks.

SEC. 2-304. *Price Payable in Money, Goods, Realty, or Otherwise.* (1) The price can be made payable in money or otherwise. If it is payable in whole or in part in goods each party is a seller of the goods which he is to transfer.

Price payable in money, goods, realty, or otherwise.

(2) Even though all or part of the price is payable in an interest in realty the transfer of the goods and the seller's obligations with reference to them are subject to this Article, but not the transfer of the

interest in realty or the transferor's obligations in connection therewith.

Uniform commercial code—
Sales. General obligation and construction of contract. Open price term.

SEC. 2-305. *Open Price Term.* (1) The parties if they so intend can conclude a contract for sale even though the price is not settled. In such a case the price is a reasonable price at the time for delivery if

- (a) nothing is said as to price; or
- (b) the price is left to be agreed by the parties and they fail to agree; or
- (c) the price is to be fixed in terms of some agreed market or other standard as set or recorded by a third person or agency and it is not so set or recorded.

(2) A price to be fixed by the seller or by the buyer means a price for him to fix in good faith.

(3) When a price left to be fixed otherwise than by agreement of the parties fails to be fixed through fault of one party the other may at his option treat the contract as cancelled or himself fix a reasonable price.

(4) Where, however, the parties intend not to be bound unless the price be fixed or agreed and it is not fixed or agreed there is no contract. In such a case the buyer must return any goods already received or if unable so to do must pay their reasonable value at the time of delivery and the seller must return any portion of the price paid on account.

Output, requirements and exclusive dealings.

SEC. 2-306. *Output, Requirements and Exclusive Dealings.* (1) A term which measures the quantity by the output of the seller or the requirements of the buyer means such actual output or requirements as may occur in good faith, except that no quantity unreasonably disproportionate to any stated estimate or in the absence of a stated estimate to any normal or otherwise comparable prior output or requirements may be tendered or demanded.

(2) A lawful agreement by either the seller or the buyer for exclusive dealing in the kind of goods

concerned imposes unless otherwise agreed an obligation by the seller to use best efforts to supply the goods and by the buyer to use best efforts to promote their sale.

SEC. 2-307. *Delivery in Single Lot or Several Lots.* Delivery in single lot or several lots.
 Unless otherwise agreed all goods called for by a contract for sale must be tendered in a single delivery and payment is due only on such tender but where the circumstances give either party the right to make or demand delivery in lots the price if it can be apportioned may be demanded for each lot.

SEC. 2-308. *Absence of Specified Place for Delivery.* Absence of specified place for delivery.
 Unless otherwise agreed

- (a) the place for delivery of goods is the seller's place of business or if he has none his residence; but
- (b) in a contract for sale of identified goods which to the knowledge of the parties at the time of contracting are in some other place, that place is the place for their delivery; and
- (c) documents of title may be delivered through customary banking channels.

SEC. 2-309. *Absence of Specific Time Provisions; Notice of Termination.* Absence of specific time provisions—Notice of termination.
 (1) The time for shipment or delivery or any other action under a contract if not provided in this Article or agreed upon shall be a reasonable time.

(2) Where the contract provides for successive performances but is indefinite in duration it is valid for a reasonable time but unless otherwise agreed may be terminated at any time by either party.

(3) Termination of a contract by one party except on the happening of an agreed event requires that reasonable notification be received by the other party and an agreement dispensing with notification is invalid if its operation would be unconscionable.

Uniform commercial code—Sales. General obligation and construction of contract. Open time for payment or running of credit—Authority to ship under reservation.

SEC. 2-310. *Open Time for Payment or Running of Credit; Authority to Ship Under Reservation.* Unless otherwise agreed

- (a) payment is due at the time and place at which the buyer is to receive the goods even though the place of shipment is the place of delivery; and
- (b) if the seller is authorized to send the goods he may ship them under reservation, and may tender the documents of title, but the buyer may inspect the goods after their arrival before payment is due unless such inspection is inconsistent with the terms of the contract (Section 2-513); and
- (c) if delivery is authorized and made by way of documents of title otherwise than by subsection (b) then payment is due at the time and place at which the buyer is to receive the documents regardless of where the goods are to be received; and
- (d) where the seller is required or authorized to ship the goods on credit the credit period runs from the time of shipment but post-dating the invoice or delaying its dispatch will correspondingly delay the starting of the credit period.

Options and cooperation respecting performance.

SEC. 2-311. *Options and Cooperation Respecting Performance.* (1) An agreement for sale which is otherwise sufficiently definite (subsection (3) of Section 2-204) to be a contract is not made invalid by the fact that it leaves particulars of performance to be specified by one of the parties. Any such specification must be made in good faith and within limits set by commercial reasonableness.

(2) Unless otherwise agreed specifications relating to assortment of the goods are at the buyer's option and except as otherwise provided in subsections (1) (c) and (3) of Section 2-319 specifications

or arrangements relating to shipment are at the seller's option.

(3) Where such specification would materially affect the other party's performance but is not seasonably made or where one party's cooperation is necessary to the agreed performance of the other but is not seasonably forthcoming, the other party in addition to all other remedies

- (a) is excused for any resulting delay in his own performance; and
- (b) may also either proceed to perform in any reasonable manner or after the time for a material part of his own performance treat the failure to specify or to cooperate as a breach by failure to deliver or accept the goods.

SEC. 2-312. *Warranty of Title and Against Infringement; Buyer's Obligation Against Infringement.* (1) Subject to subsection (2) there is in a contract for sale a warranty by the seller that

Warranty of title and against infringement—Buyer's obligation against infringement.

- (a) the title conveyed shall be good, and its transfer rightful; and
- (b) the goods shall be delivered free from any security interest or other lien or encumbrance of which the buyer at the time of contracting has no knowledge.

(2) A warranty under subsection (1) will be excluded or modified only by specific language or by circumstances which give the buyer reason to know that the person selling does not claim title in himself or that he is purporting to sell only such right or title as he or a third person may have.

(3) Unless otherwise agreed a seller who is a merchant regularly dealing in goods of the kind warrants that the goods shall be delivered free of the rightful claim of any third person by way of infringement or the like but a buyer who furnishes specifications to the seller must hold the seller harm-

less against any such claim which arises out of compliance with the specifications.

Uniform commercial code—Sales. General obligation and construction of contract. Express warranties by affirmation, promise, description, sample.

SEC. 2-313. *Express Warranties By Affirmation, Promise, Description, Sample.* (1) Express warranties by the seller are created as follows:

- (a) Any affirmation of fact or promise made by the seller to the buyer which relates to the goods and becomes part of the basis of the bargain creates an express warranty that the goods shall conform to the affirmation or promise.
- (b) Any description of the goods which is made part of the basis of the bargain creates an express warranty that the goods shall conform to the description.
- (c) Any sample or model which is made part of the basis of the bargain creates an express warranty that the whole of the goods shall conform to the sample or model.

(2) It is not necessary to the creation of an express warranty that the seller use formal words such as "warrant" or "guarantee" or that he have a specific intention to make a warranty, but an affirmation merely of the value of the goods or a statement purporting to be merely the seller's opinion or commendation of the goods does not create a warranty.

Implied warranty—Merchantability—Usage of trade.

SEC. 2-314. *Implied Warranty: Merchantability; Usage of Trade.* (1) Unless excluded or modified (Section 2-316), a warranty that the goods shall be merchantable is implied in a contract for their sale if the seller is a merchant with respect to goods of that kind. Under this section the serving for value of food or drink to be consumed either on the premises or elsewhere is a sale.

(2) Goods to be merchantable must be at least such as

- (a) pass without objection in the trade under the contract description; and
 - (b) in the case of fungible goods, are of fair average quality within the description; and
 - (c) are fit for the ordinary purposes for which such goods are used; and
 - (d) run, within the variations permitted by the agreement, of even kind, quality and quantity within each unit and among all units involved; and
 - (e) are adequately contained, packaged, and labeled as the agreement may require; and
 - (f) conform to the promises or affirmations of fact made on the container or label if any.
- (3) Unless excluded or modified (Section 2-316) other implied warranties may arise from course of dealing or usage of trade.

SEC. 2-315. *Implied Warranty: Fitness for Particular Purpose.* Where the seller at the time of contracting has reason to know any particular purpose for which the goods are required and that the buyer is relying on the seller's skill or judgment to select or furnish suitable goods, there is unless excluded or modified under the next section an implied warranty that the goods shall be fit for such purpose.

Implied warranty—Fitness for particular purpose.

SEC. 2-316. *Exclusion or Modification of Warranties.* (1) Words or conduct relevant to the creation of an express warranty and words or conduct tending to negate or limit warranty shall be construed wherever reasonable as consistent with each other; but subject to the provisions of this Article on parol or extrinsic evidence (Section 2-202) negation or limitation is inoperative to the extent that such construction is unreasonable.

Exclusion or modification of warranty.

(2) Subject to subsection (3), to exclude or modify the implied warranty of merchantability or any part of it the language must mention merchantability and in case of a writing must be conspicuous, and

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to exclude or modify any implied warranty of fitness the exclusion must be by a writing and conspicuous. Language to exclude all implied warranties of fitness is sufficient if it states, for example, that “There are no warranties which extend beyond the description on the face hereof.”

(3) Notwithstanding subsection (2)

(a) unless the circumstances indicate otherwise, all implied warranties are excluded by expressions like “as is”, “with all faults” or other language which in common understanding calls the buyer’s attention to the exclusion of warranties and makes plain that there is no implied warranty; and

(b) when the buyer before entering into the contract has examined the goods or the sample or model as fully as he desired or has refused to examine the goods there is no implied warranty with regard to defects which an examination ought in the circumstances to have revealed to him; and

(c) an implied warranty can also be excluded or modified by course of dealing or course of performance or usage of trade.

(4) Remedies for breach of warranty can be limited in accordance with the provisions of this Article on liquidation or limitation of damages and on contractual modification of remedy (Sections 2-718 and 2-719).

Cumulation and conflict of warranties express or implied.

SEC. 2-317. *Cumulation and Conflict of Warranties Express or Implied.* Warranties whether express or implied shall be construed as consistent with each other and as cumulative, but if such construction is unreasonable the intention of the parties shall determine which warranty is dominant. In ascertaining that intention the following rules apply:

- (a) Exact or technical specifications displace an inconsistent sample or model or general language of description.
- (b) A sample from an existing bulk displaces inconsistent general language of description.
- (c) Express warranties displace inconsistent implied warranties other than an implied warranty of fitness for a particular purpose.

SEC. 2-318. *Third Party Beneficiaries of Warranties Express or Implied.* A seller's warranty whether express or implied extends to any natural person who is in the family or household of his buyer or who is a guest in his home if it is reasonable to expect that such person may use, consume or be affected by the goods and who is injured in person by breach of the warranty. A seller may not exclude or limit the operation of this section.

Third party beneficiaries of warranties express or implied.

SEC. 2-319. *F. O. B. and F. A. S. Terms.* (1) Unless otherwise agreed the term F. O. B. (which means "free on board") at a named place, even though used only in connection with the stated price, is a delivery term under which

F.O.B. and F.A.S. terms.

- (a) when the term is F. O. B. the place of shipment, the seller must at that place ship the goods in the manner provided in this Article (Section 2-504) and bear the expense and risk of putting them into the possession of the carrier; or
- (b) when the term is F. O. B. the place of destination, the seller must at his own expense and risk transport the goods to that place and there tender delivery of them in the manner provided in this Article (Section 2-503);
- (c) when under either (a) or (b) the term is also F. O. B. vessel, car or other vehicle, the seller must in addition at his own expense

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and risk load the goods on board. If the term is F. O. B. vessel the buyer must name the vessel and in an appropriate case the seller must comply with the provisions of this Article on the form of bill of lading (Section 2-323).

(2) Unless otherwise agreed the term F. A. S. vessel (which means "free alongside") at a named port, even though used only in connection with the stated price, is a delivery term under which the seller must

- (a) at his own expense and risk deliver the goods alongside the vessel in the manner usual in that port or on a dock designated and provided by the buyer; and
- (b) obtain and tender a receipt for the goods in exchange for which the carrier is under a duty to issue a bill of lading.

(3) Unless otherwise agreed in any case falling within subsection (1) (a) or (c) or subsection (2) the buyer must seasonably give any needed instructions for making delivery, including when the term is F. A. S. or F. O. B. the loading berth of the vessel and in an appropriate case its name and sailing date. The seller may treat the failure of needed instructions as a failure of cooperation under this Article (Section 2-311). He may also at his option move the goods in any reasonable manner preparatory to delivery or shipment.

(4) Under the term F. O. B. vessel or F. A. S. unless otherwise agreed the buyer must make payment against tender of the required documents and the seller may not tender nor the buyer demand delivery of the goods in substitution for the documents.

C.I.F. and
C.&F. terms.

SEC. 2-320. *C. I. F. and C. & F. Terms.* (1) The term C. I. F. means that the price includes in a lump sum the cost of the goods and the insurance and freight to the named destination. The term C. & F.

or C. F. means that the price so includes cost and freight to the named destination.

(2) Unless otherwise agreed and even though used only in connection with the stated price and destination, the term C. I. F. destination or its equivalent requires the seller at his own expense and risk to

- (a) put the goods into the possession of a carrier at the port for shipment and obtain a negotiable bill or bills of lading covering the entire transportation to the named destination; and
- (b) load the goods and obtain a receipt from the carrier (which may be contained in the bill of lading) showing that the freight has been paid or provided for; and
- (c) obtain a policy or certificate of insurance, including any war risk insurance, of a kind and on terms then current at the port of shipment in the usual amount, in the currency of the contract, shown to cover the same goods covered by the bill of lading and providing for payment of loss to the order of the buyer or for the account of whom it may concern; but the seller may add to the price the amount of the premium for any such war risk insurance; and
- (d) prepare an invoice of the goods and procure any other documents required to effect shipment or to comply with the contract; and
- (e) forward and tender with commercial promptness all the documents in due form and with any indorsement necessary to perfect the buyer's rights.

(3) Unless otherwise agreed the term C. & F. or its equivalent has the same effect and imposes upon the seller the same obligations and risks as a C. I. F. term except the obligation as to insurance.

(4) Under the term C. I. F. or C. & F. unless otherwise agreed the buyer must make payment against tender of the required documents and the seller may not tender nor the buyer demand delivery of the goods in substitution for the documents.

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“Payment on arrival”—
Warranty of condition on arrival.

SEC. 2-321. *C. I. F. or C. & F.: “Net Landed Weights”; “Payment on Arrival”; Warranty of Condition on Arrival.* Under a contract containing a term C. I. F. or C. & F.

(1) Where the price is based on or is to be adjusted according to “net landed weights”, “delivered weights”, “out turn” quantity or quality or the like, unless otherwise agreed the seller must reasonably estimate the price. The payment due on tender of the documents called for by the contract is the amount so estimated, but after final adjustment of the price a settlement must be made with commercial promptness.

(2) An agreement described in subsection (1) or any warranty of quality or condition of the goods on arrival places upon the seller the risk of ordinary deterioration, shrinkage and the like in transportation but has no effect on the place or time of identification to the contract for sale or delivery or on the passing of the risk of loss.

(3) Unless otherwise agreed where the contract provides for payment on or after arrival of the goods the seller must before payment allow such preliminary inspection as is feasible; but if the goods are lost delivery of the documents and payment are due when the goods should have arrived.

Delivery “ex-ship”.

SEC. 2-322. *Delivery “Ex-Ship”.* (1) Unless otherwise agreed a term for delivery of goods “ex-ship” (which means from the carrying vessel) or in equivalent language is not restricted to a particular ship and requires delivery from a ship which has reached a place at the named port of destination where goods of the kind are usually discharged.

- (2) Under such a term unless otherwise agreed
 - (a) the seller must discharge all liens arising out of the carriage and furnish the buyer with a direction which puts the carrier under a duty to deliver the goods; and
 - (b) the risk of loss does not pass to the buyer until the goods leave the ship's tackle or are otherwise properly unloaded.

SEC. 2-323. *Form of Bill of Lading Required in Overseas Shipment; "Overseas"*. (1) Where the contract contemplates overseas shipment and contains a term C. I. F. or C. & F. or F. O. B. vessel, the seller unless otherwise agreed must obtain a negotiable bill of lading stating that the goods have been loaded on board or, in the case of a term C. I. F. or C. & F., received for shipment.

Form of bill of lading required in overseas shipment—*"Overseas"*.

(2) Where in a case within subsection (1) a bill of lading has been issued in a set of parts, unless otherwise agreed if the documents are not to be sent from abroad the buyer may demand tender of the full set; otherwise only one part of the bill of lading need be tendered. Even if the agreement expressly requires a full set

- (a) due tender of a single part is acceptable within the provisions of this Article on cure of improper delivery (subsection (1) of Section 2-508); and
- (b) even though the full set is demanded, if the documents are sent from abroad the person tendering an incomplete set may nevertheless require payment upon furnishing an indemnity which the buyer in good faith deems adequate.

(3) A shipment by water or by air or a contract contemplating such shipment is "overseas" insofar as by usage of trade or agreement it is subject to the commercial, financing or shipping practices characteristic of international deep water commerce.

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Sales. General obligation and construction of contract. “No arrival, no sale” term.

SEC. 2-324. “*No Arrival, No Sale*” Term. Under a term “no arrival, no sale” or terms of like meaning, unless otherwise agreed,

- (a) the seller must properly ship conforming goods and if they arrive by any means he must tender them on arrival but he assumes no obligation that the goods will arrive unless he has caused the non-arrival; and
- (b) where without fault of the seller the goods are in part lost or have so deteriorated as no longer to conform to the contract or arrive after the contract time, the buyer may proceed as if there had been casualty to identified goods (Section 2-613).

“Letter of credit” term—
“Confirmed credit”.

SEC. 2-325. “*Letter of Credit*” Term; “*Confirmed Credit*”. (1) Failure of the buyer seasonably to furnish an agreed letter of credit is a breach of the contract for sale.

(2) The delivery to seller of a proper letter of credit suspends the buyer’s obligation to pay. If the letter of credit is dishonored, the seller may on reasonable notification to the buyer require payment directly from him.

(3) Unless otherwise agreed the term “letter of credit” or “banker’s credit” in a contract for sale means an irrevocable credit issued by a financing agency of good repute and, where the shipment is overseas, of good international repute. The term “confirmed credit” means that the credit must also carry the direct obligation of such an agency which does business in the seller’s financial market.

Sale on approval and sale or return—
Consignment sales and rights of creditors.

SEC. 2-326. *Sale on Approval and Sale or Return; Consignment Sales and Rights of Creditors*. (1) Unless otherwise agreed, if delivered goods may be returned by the buyer even though they conform to the contract, the transaction is

- (a) a “sale on approval” if the goods are delivered primarily for use, and

(b) a "sale or return" if the goods are delivered primarily for resale.

(2) Except as provided in subsection (3), goods held on approval are not subject to the claims of the buyer's creditors until acceptance; goods held on sale or return are subject to such claims while in the buyer's possession.

(3) Where goods are delivered to a person for sale and such person maintains a place of business at which he deals in goods of the kind involved, under a name other than the name of the person making delivery, then with respect to claims of creditors of the person conducting the business the goods are deemed to be on sale or return. The provisions of this subsection are applicable even though an agreement purports to reserve title to the person making delivery until payment or resale or uses such words as "on consignment" or "on memorandum". However, this subsection is not applicable if the person making delivery

(a) complies with an applicable law providing for a consignor's interest or the like to be evidenced by a sign, or

(b) establishes that the person conducting the business is generally known by his creditors to be substantially engaged in selling the goods of others, or

(c) complies with the filing provisions of the Article on Secured Transactions (Article 9).

(4) Any "or return" term of a contract for sale is to be treated as a separate contract for sale within the statute of frauds section of this Article (Section 2-201) and as contradicting the sale aspect of the contract within the provisions of this Article on parol or extrinsic evidence (Section 2-202).

SEC. 2-327. *Special Incidents of Sale on Approval and Sale or Return.* (1) Under a sale on approval unless otherwise agreed

Special incidents of sale on approval and sale or return.

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- (a) although the goods are identified to the contract the risk of loss and the title do not pass to the buyer until acceptance; and
 - (b) use of the goods consistent with the purpose of trial is not acceptance but failure seasonably to notify the seller of election to return the goods is acceptance, and if the goods conform to the contract acceptance of any part is acceptance of the whole; and
 - (c) after due notification of election to return, the return is at the seller's risk and expense but a merchant buyer must follow any reasonable instructions.
- (2) Under a sale or return unless otherwise agreed
- (a) the option to return extends to the whole or any commercial unit of the goods while in substantially their original condition, but must be exercised seasonably; and
 - (b) the return is at the buyer's risk and expense.

Sale by
auction.

SEC. 2-328. *Sale by Auction.* (1) In a sale by auction if goods are put up in lots each lot is the subject of a separate sale.

(2) A sale by auction is complete when the auctioneer so announces by the fall of the hammer or in other customary manner. Where a bid is made while the hammer is falling in acceptance of a prior bid the auctioneer may in his discretion reopen the bidding or declare the goods sold under the bid on which the hammer was falling.

(3) Such a sale is with reserve unless the goods are in explicit terms put up without reserve. In an auction with reserve the auctioneer may withdraw the goods at any time until he announces completion of the sale. In an auction without reserve, after the auctioneer calls for bids on an article or lot, that article or lot cannot be withdrawn unless no bid is made within a reasonable time. In either case a

bidder may retract his bid until the auctioneer's announcement of completion of the sale, but a bidder's retraction does not revive any previous bid.

(4) If the auctioneer knowingly receives a bid on the seller's behalf or the seller makes or procures such a bid, and notice has not been given that liberty for such bidding is reserved, the buyer may at his option avoid the sale or take the goods at the price of the last good faith bid prior to the completion of the sale. This subsection shall not apply to any bid at a forced sale.

Part 4

TITLE, CREDITORS AND GOOD FAITH PURCHASERS

SEC. 2-401. *Passing of Title; Reservation for Security; Limited Application of This Section.* Each provision of this Article with regard to the rights, obligations and remedies of the seller, the buyer, purchasers or other third parties applies irrespective of title to the goods except where the provision refers to such title. Insofar as situations are not covered by the other provisions of this Article and matters concerning title become material the following rules apply:

Title, creditors and good faith purchasers.
Passing of title—Reservation for security—Limited application of this section.

(1) Title to goods cannot pass under a contract for sale prior to their identification to the contract (Section 2-501), and unless otherwise explicitly agreed the buyer acquires by their identification a special property as limited by this Act. Any retention or reservation by the seller of the title (property) in goods shipped or delivered to the buyer is limited in effect to a reservation of a security interest. Subject to these provisions and to the provisions of the Article on Secured Transactions (Article 9), title to goods passes from the seller to the buyer in any manner and on any conditions explicitly agreed on by the parties.

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(2) Unless otherwise explicitly agreed title passes to the buyer at the time and place at which the seller completes his performance with reference to the physical delivery of the goods, despite any reservation of a security interest and even though a document of title is to be delivered at a different time or place; and in particular and despite any reservation of a security interest by the bill of lading

(a) if the contract requires or authorizes the seller to send the goods to the buyer but does not require him to deliver them at destination, title passes to the buyer at the time and place of shipment; but

(b) if the contract requires delivery at destination, title passes on tender there.

(3) Unless otherwise explicitly agreed where delivery is to be made without moving the goods,

(a) if the seller is to deliver a document of title, title passes at the time when and the place where he delivers such documents; or

(b) if the goods are at the time of contracting already identified and no documents are to be delivered, title passes at the time and place of contracting.

(4) A rejection or other refusal by the buyer to receive or retain the goods, whether or not justified, or a justified revocation of acceptance reverts title to the goods in the seller. Such reversion occurs by operation of law and is not a "sale".

Rights of
seller's credi-
tors against
sold goods.

SEC. 2-402. *Rights of Seller's Creditors Against Sold Goods.* (1) Except as provided in subsections (2) and (3), rights of unsecured creditors of the seller with respect to goods which have been identified to a contract for sale are subject to the buyer's rights to recover the goods under this Article (Sections 2-502 and 2-716).

(2) A creditor of the seller may treat a sale or an identification of goods to a contract for sale as

void if as against him a retention of possession by the seller is fraudulent under any rule of law of the state where the goods are situated, except that retention of possession in good faith and current course of trade by a merchant-seller for a commercially reasonable time after a sale or identification is not fraudulent.

(3) Nothing in this Article shall be deemed to impair the rights of creditors of the seller

- (a) under the provisions of the Article on Secured Transactions (Article 9); or
- (b) where identification to the contract or delivery is made not in current course of trade but in satisfaction of or as security for a pre-existing claim for money, security or the like and is made under circumstances which under any rule of law of the state where the goods are situated would apart from this Article constitute the transaction a fraudulent transfer or voidable preference.

SEC. 2-403. *Power to Transfer; Good Faith Purchase of Goods; "Entrusting"*. (1) A purchaser of goods acquires all title which his transferor had or had power to transfer except that a purchaser of a limited interest acquires rights only to the extent of the interest purchased. A person with voidable title has power to transfer a good title to a good faith purchaser for value. When goods have been delivered under a transaction of purchase the purchaser has such power even though

Power to transfer—Good faith purchase of goods—“Entrusting”.

- (a) the transferor was deceived as to the identity of the purchaser, or
- (b) the delivery was in exchange for a check which is later dishonored, or
- (c) it was agreed that the transaction was to be a “cash sale”, or

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(d) the delivery was procured through fraud punishable as larcenous under the criminal law.

(2) Any entrusting of possession of goods to a merchant who deals in goods of that kind gives him power to transfer all rights of the entruster to a buyer in ordinary course of business.

(3) “Entrusting” includes any delivery and any acquiescence in retention of possession regardless of any condition expressed between the parties to the delivery or acquiescence and regardless of whether the procurement of the entrusting or the possessor’s disposition of the goods have been such as to be larcenous under the criminal law.

(4) The rights of other purchasers of goods and of lien creditors are governed by the Articles on Secured Transactions (Article 9), Bulk Transfers (Article 6) and Documents of Title (Article 7).

Part 5

PERFORMANCE

Performance. Insurable interest in goods—
Manner of identification of goods.

SEC. 2-501. *Insurable Interest in Goods; Manner of Identification of Goods.* (1) The buyer obtains a special property and an insurable interest in goods by identification of existing goods as goods to which the contract refers even though the goods so identified are non-conforming and he has an option to return or reject them. Such identification can be made at any time and in any manner explicitly agreed to by the parties. In the absence of explicit agreement identification occurs

- (a) when the contract is made if it is for the sale of goods already existing and identified;
- (b) if the contract is for the sale of future goods other than those described in paragraph (c), when goods are shipped, marked or otherwise designated by the seller as goods to which the contract refers;

- (c) when the crops are planted or otherwise become growing crops or the young are conceived if the contract is for the sale of unborn young to be born within twelve months after contracting or for the sale of crops to be harvested within twelve months or the next normal harvest season after contracting whichever is longer.

(2) The seller retains an insurable interest in goods so long as title to or any security interest in the goods remains in him and where the identification is by the seller alone he may until default or insolvency or notification to the buyer that the identification is final substitute other goods for those identified.

(3) Nothing in this section impairs any insurable interest recognized under any other statute or rule of law.

SEC. 2-502. *Buyer's Right to Goods on Seller's Insolvency.* (1) Subject to subsection (2) and even though the goods have not been shipped a buyer who has paid a part or all of the price of goods in which he has a special property under the provisions of the immediately preceding section may on making and keeping good a tender of any unpaid portion of their price recover them from the seller if the seller becomes insolvent within ten days after receipt of the first installment on their price.

Buyer's right to goods on seller's insolvency.

(2) If the identification creating his special property has been made by the buyer he acquires the right to recover the goods only if they conform to the contract for sale.

SEC. 2-503. *Manner of Seller's Tender of Delivery.* (1) Tender of delivery requires that the seller put and hold conforming goods at the buyer's disposition and give the buyer any notification reasonably necessary to enable him to take delivery. The manner,

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time and place for tender are determined by the agreement and this Article, and in particular

- (a) tender must be at a reasonable hour, and if it is of goods they must be kept available for the period reasonably necessary to enable the buyer to take possession; but
- (b) unless otherwise agreed the buyer must furnish facilities reasonably suited to the receipt of the goods.

(2) Where the case is within the next section respecting shipment tender requires that the seller comply with its provisions.

(3) Where the seller is required to deliver at a particular destination tender requires that he comply with subsection (1) and also in any appropriate case tender documents as described in subsections (4) and (5) of this section.

(4) Where goods are in the possession of a bailee and are to be delivered without being moved

- (a) tender requires that the seller either tender a negotiable document of title covering such goods or procure acknowledgment by the bailee of the buyer's right to possession of the goods; but
- (b) tender to the buyer of a non-negotiable document of title or of a written direction to the bailee to deliver is sufficient tender unless the buyer seasonably objects, and receipt by the bailee of notification of the buyer's rights fixes those rights as against the bailee and all third persons; but risk of loss of the goods and of any failure by the bailee to honor the non-negotiable document of title or to obey the direction remains on the seller until the buyer has had a reasonable time to present the document or direction, and a refusal by the bailee to honor the document or to obey the direction defeats the tender.

(5) Where the contract requires the seller to deliver documents

- (a) he must tender all such documents in correct form, except as provided in this Article with respect to bills of lading in a set (subsection (2) of Section 2-323); and
- (b) tender through customary banking channels is sufficient and dishonor of a draft accompanying the documents constitutes non-acceptance or rejection.

SEC. 2-504. *Shipment by Seller.* Where the seller is required or authorized to send the goods to the buyer and the contract does not require him to deliver them at a particular destination, then unless otherwise agreed he must

Shipment by seller.

- (a) put the goods in the possession of such a carrier and make such a contract for their transportation as may be reasonable having regard to the nature of the goods and other circumstances of the case; and
- (b) obtain and promptly deliver or tender in due form any document necessary to enable the buyer to obtain possession of the goods or otherwise required by the agreement or by usage of trade; and

(c) promptly notify the buyer of the shipment. Failure to notify the buyer under paragraph (c) or to make a proper contract under paragraph (a) is a ground for rejection only if material delay or loss ensues.

SEC. 2-505. *Seller's Shipment Under Reservation.*

(1) Where the seller has identified goods to the contract by or before shipment:

Seller's shipment under reservation.

- (a) his procurement of a negotiable bill of lading to his own order or otherwise reserves in him a security interest in the goods. His procurement of the bill to the order of a financing agency or of the buyer indicates in

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addition only the seller's expectation of trans-
ferring that interest to the person named.

- (b) a non-negotiable bill of lading to himself or his nominee reserves possession of the goods as security but except in a case of conditional delivery (subsection (2) of Section 2-507) a non-negotiable bill of lading naming the buyer as consignee reserves no security interest even though the seller retains possession of the bill of lading.

(2) When shipment by the seller with reservation of a security interest is in violation of the contract for sale it constitutes an improper contract for transportation within the preceding section but impairs neither the rights given to the buyer by shipment and identification of the goods to the contract nor the seller's powers as a holder of a negotiable document.

Rights of
financing
agency.

SEC. 2-506. *Rights of Financing Agency.* (1) A financing agency by paying or purchasing for value a draft which relates to a shipment of goods acquires to the extent of the payment or purchase and in addition to its own rights under the draft and any document of title securing it any rights of the shipper in the goods including the right to stop delivery and the shipper's right to have the draft honored by the buyer.

(2) The right to reimbursement of a financing agency which has in good faith honored or purchased the draft under commitment to or authority from the buyer is not impaired by subsequent discovery of defects with reference to any relevant document which was apparently regular on its face.

Effect of
seller's tender
—Delivery on
condition.

SEC. 2-507. *Effect of Seller's Tender; Delivery on Condition.* (1) Tender of delivery is a condition to the buyer's duty to accept the goods and, unless otherwise agreed, to his duty to pay for them. Tender

entitles the seller to acceptance of the goods and to payment according to the contract.

(2) Where payment is due and demanded on the delivery to the buyer of goods or documents of title, his right as against the seller to retain or dispose of them is conditional upon his making the payment due.

SEC. 2-508. *Cure by Seller of Improper Tender or Delivery; Replacement.* (1) Where any tender or delivery by the seller is rejected because non-conforming and the time for performance has not yet expired, the seller may seasonably notify the buyer of his intention to cure and may then within the contract time make a conforming delivery.

Cure by seller of improper tender or delivery—Replacement.

(2) Where the buyer rejects a non-conforming tender which the seller had reasonable grounds to believe would be acceptable with or without money allowance the seller may if he seasonably notifies the buyer have a further reasonable time to substitute a conforming tender.

SEC. 2-509. *Risk of Loss in the Absence of Breach.* (1) Where the contract requires or authorizes the seller to ship the goods by carrier

Risk of loss in absence of breach.

- (a) if it does not require him to deliver them at a particular destination, the risk of loss passes to the buyer when the goods are duly delivered to the carrier even though the shipment is under reservation (Section 2-505); but
- (b) if it does require him to deliver them at a particular destination and the goods are there duly tendered while in the possession of the carrier, the risk of loss passes to the buyer when the goods are there duly so tendered as to enable the buyer to take delivery.

(2) Where the goods are held by a bailee to be delivered without being moved, the risk of loss passes to the buyer

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- (a) on his receipt of a negotiable document of title covering the goods; or
- (b) on acknowledgment by the bailee of the buyer's right to possession of the goods; or
- (c) after his receipt of a non-negotiable document of title or other written direction to deliver, as provided in subsection (4) (b) of Section 2-503.

(3) In any case not within subsection (1) or (2), the risk of loss passes to the buyer on his receipt of the goods if the seller is a merchant; otherwise the risk passes to the buyer on tender of delivery.

(4) The provisions of this section are subject to contrary agreement of the parties and to the provisions of this Article on sale on approval (Section 2-327) and on effect of breach on risk of loss (Section 2-510).

Effect of
breach on risk
of loss.

SEC. 2-510. *Effect of Breach on Risk of Loss.* (1) Where a tender or delivery of goods so fails to conform to the contract as to give a right of rejection the risk of their loss remains on the seller until cure or acceptance.

(2) Where the buyer rightfully revokes acceptance he may to the extent of any deficiency in his effective insurance coverage treat the risk of loss as having rested on the seller from the beginning.

(3) Where the buyer as to conforming goods already identified to the contract for sale repudiates or is otherwise in breach before risk of their loss has passed to him, the seller may to the extent of any deficiency in his effective insurance coverage treat the risk of loss as resting on the buyer for a commercially reasonable time.

Tender of
payment by
buyer—Pay-
ment by
check.

SEC. 2-511. *Tender of Payment by Buyer; Payment by Check.* (1) Unless otherwise agreed tender of payment is a condition to the seller's duty to tender and complete any delivery.

(2) Tender of payment is sufficient when made by any means or in any manner current in the ordinary course of business unless the seller demands payment in legal tender and gives any extension of time reasonably necessary to procure it.

(3) Subject to the provisions of this Act on the effect of an instrument on an obligation (Section 3-802), payment by check is conditional and is defeated as between the parties by dishonor of the check on due presentment.

SEC. 2-512. *Payment by Buyer Before Inspection.*

Payment by
buyer before
inspection.

(1) Where the contract requires payment before inspection non-conformity of the goods does not excuse the buyer from so making payment unless

- (a) the non-conformity appears without inspection; or
- (b) despite tender of the required documents the circumstances would justify injunction against honor under the provisions of this Act (Section 5-114).

(2) Payment pursuant to subsection (1) does not constitute an acceptance of goods or impair the buyer's right to inspect or any of his remedies.

SEC. 2-513. *Buyer's Right to Inspection of Goods.*

Buyer's right
to inspection
of goods.

(1) Unless otherwise agreed and subject to subsection (3), where goods are tendered or delivered or identified to the contract for sale, the buyer has a right before payment or acceptance to inspect them at any reasonable place and time and in any reasonable manner. When the seller is required or authorized to send the goods to the buyer, the inspection may be after their arrival.

(2) Expenses of inspection must be borne by the buyer but may be recovered from the seller if the goods do not conform and are rejected.

(3) Unless otherwise agreed and subject to the provisions of this Article on C. I. F. contracts (subsection (3) of Section 2-321), the buyer is not entitled

Uniform commercial code—
Sales. Performance.
Buyer's right to inspection
of goods.

to inspect the goods before payment of the price when the contract provides

- (a) for delivery "C. O. D." or on other like terms; or
- (b) for payment against documents of title, except where such payment is due only after the goods are to become available for inspection.

(4) A place or method of inspection fixed by the parties is presumed to be exclusive but unless otherwise expressly agreed it does not postpone identification or shift the place for delivery or for passing the risk of loss. If compliance becomes impossible, inspection shall be as provided in this section unless the place or method fixed was clearly intended as an indispensable condition failure of which avoids the contract.

When documents deliverable on acceptance—
When on payment.

SEC. 2-514. *When Documents Deliverable on Acceptance; When on Payment.* Unless otherwise agreed documents against which a draft is drawn are to be delivered to the drawee on acceptance of the draft if it is payable more than three days after presentment; otherwise, only on payment.

Preserving evidence of goods in dispute.

SEC. 2-515. *Preserving Evidence of Goods in Dispute.* In furtherance of the adjustment of any claim or dispute

- (a) either party on reasonable notification to the other and for the purpose of ascertaining the facts and preserving evidence has the right to inspect, test and sample the goods including such of them as may be in the possession or control of the other; and
- (b) the parties may agree to a third party inspection or survey to determine the conformity or condition of the goods and may agree that the findings shall be binding upon them in any subsequent litigation or adjustment.

Part 6

BREACH, REPUDIATION AND EXCUSE

SEC. 2-601. *Buyer's Rights on Improper Delivery.* Subject to the provisions of this Article on breach in installment contracts (Section 2-612) and unless otherwise agreed under the sections on contractual limitations of remedy (Sections 2-718 and 2-719), if the goods or the tender of delivery fail in any respect to conform to the contract, the buyer may

Breach, repudiation and excuse. Buyer's rights on improper delivery.

- (a) reject the whole; or
- (b) accept the whole; or
- (c) accept any commercial unit or units and reject the rest.

SEC. 2-602. *Manner and Effect of Rightful Rejection.* (1) Rejection of goods must be within a reasonable time after their delivery or tender. It is ineffective unless the buyer seasonably notifies the seller.

Manner and effect of rightful rejection.

(2) Subject to the provisions of the two following sections on rejected goods (Sections 2-603 and 2-604),

- (a) after rejection any exercise of ownership by the buyer with respect to any commercial unit is wrongful as against the seller; and
- (b) if the buyer has before rejection taken physical possession of goods in which he does not have a security interest under the provisions of this Article (subsection (3) of Section 2-711), he is under a duty after rejection to hold them with reasonable care at the seller's disposition for a time sufficient to permit the seller to remove them; but
- (c) the buyer has no further obligations with regard to goods rightfully rejected.

(3) The seller's rights with respect to goods wrongfully rejected are governed by the provisions

of this Article on Seller's remedies in general (Section 2-703).

Uniform commercial code—
Sales.
Breach, repudiation and excuse.
Merchant buyer's duties as to rightfully rejected goods.

SEC. 2-603. *Merchant Buyer's Duties as to Rightfully Rejected Goods.* (1) Subject to any security interest in the buyer (subsection (3) of Section 2-711), when the seller has no agent or place of business at the market of rejection a merchant buyer is under a duty after rejection of goods in his possession or control to follow any reasonable instructions received from the seller with respect to the goods and in the absence of such instructions to make reasonable efforts to sell them for the seller's account if they are perishable or threaten to decline in value speedily. Instructions are not reasonable if on demand indemnity for expenses is not forthcoming.

(2) When the buyer sells goods under subsection (1), he is entitled to reimbursement from the seller or out of the proceeds for reasonable expenses of caring for and selling them, and if the expenses include no selling commission then to such commission as is usual in the trade or if there is none to a reasonable sum not exceeding ten per cent on the gross proceeds.

(3) In complying with this section the buyer is held only to good faith and good faith conduct hereunder is neither acceptance nor conversion nor the basis of an action for damages.

Buyer's options as to salvage of rightfully rejected goods.

SEC. 2-604. *Buyer's Options as to Salvage of Rightfully Rejected Goods.* Subject to the provisions of the immediately preceding section on perishables if the seller gives no instructions within a reasonable time after notification of rejection the buyer may store the rejected goods for the seller's account or reship them to him or resell them for the seller's account with reimbursement as provided in the preceding section. Such action is not acceptance or conversion.

SEC. 2-605. *Waiver of Buyer's Objections by Failure to Particularize.* (1) The buyer's failure to state in connection with rejection a particular defect which is ascertainable by reasonable inspection precludes him from relying on the unstated defect to justify rejection or to establish breach

Waiver of buyer's objections by failure to particularize.

- (a) where the seller could have cured it if stated seasonably; or
- (b) between merchants when the seller has after rejection made a request in writing for a full and final written statement of all defects on which the buyer proposes to rely.

(2) Payment against documents made without reservation of rights precludes recovery of the payment for defects apparent on the face of the documents.

SEC. 2-606. *What Constitutes Acceptance of Goods.* (1) Acceptance of goods occurs when the buyer

What constitutes acceptance of goods.

- (a) after a reasonable opportunity to inspect the goods signifies to the seller that the goods are conforming or that he will take or retain them in spite of their non-conformity; or
- (b) fails to make an effective rejection (subsection (1) of Section 2-602), but such acceptance does not occur until the buyer has had a reasonable opportunity to inspect them; or
- (c) does any act inconsistent with the seller's ownership; but if such act is wrongful as against the seller it is an acceptance only if ratified by him.

(2) Acceptance of a part of any commercial unit is acceptance of that entire unit.

SEC. 2-607. *Effect of Acceptance; Notice of Breach; Burden of Establishing Breach After Acceptance; Notice of Claim or Litigation to Person Answerable Over.* (1) The buyer must pay at the contract rate for any goods accepted.

Effect of acceptance—Notice of breach after acceptance, etc.

Uniform commercial code—
Sales.
Breach, repudiation and excuse.
Effect of acceptance—
Notice of breach—
Burden of establishing breach after acceptance—
Notice of claim or litigation to person answerable over.

(2) Acceptance of goods by the buyer precludes rejection of the goods accepted and if made with knowledge of a non-conformity cannot be revoked because of it unless the acceptance was on the reasonable assumption that the non-conformity would be seasonably cured but acceptance does not of itself impair any other remedy provided by this Article for non-conformity.

- (3) Where a tender has been accepted
 - (a) the buyer must within a reasonable time after he discovers or should have discovered any breach notify the seller of breach or be barred from any remedy; and
 - (b) if the claim is one for infringement or the like (subsection (3) of Section 2-312) and the buyer is sued as a result of such a breach he must so notify the seller within a reasonable time after he receives notice of the litigation or be barred from any remedy over for liability established by the litigation.
- (4) The burden is on the buyer to establish any breach with respect to the goods accepted.

(5) Where the buyer is sued for breach of a warranty or other obligation for which his seller is answerable over

- (a) he may give his seller written notice of the litigation. If the notice states that the seller may come in and defend and that if the seller does not do so he will be bound in any action against him by his buyer by any determination of fact common to the two litigations, then unless the seller after seasonable receipt of the notice does come in and defend he is so bound.
- (b) if the claim is one for infringement or the like (subsection (3) of Section 2-312) the original seller may demand in writing that his buyer turn over to him control of the

litigation including settlement or else be barred from any remedy over and if he also agrees to bear all expense and to satisfy any adverse judgment, then unless the buyer after reasonable receipt of the demand does turn over control the buyer is so barred.

(6) The provisions of subsections (3), (4) and (5) apply to any obligation of a buyer to hold the seller harmless against infringement or the like (subsection (3) of Section 2-312).

SEC. 2-608. *Revocation of Acceptance in Whole or in Part.* (1) The buyer may revoke his acceptance of a lot or commercial unit whose non-conformity substantially impairs its value to him if he has accepted it

Revocation of acceptance in whole or in part.

- (a) on the reasonable assumption that its non-conformity would be cured and it has not been seasonably cured; or
- (b) without discovery of such non-conformity if his acceptance was reasonably induced either by the difficulty of discovery before acceptance or by the seller's assurances.

(2) Revocation of acceptance must occur within a reasonable time after the buyer discovers or should have discovered the ground for it and before any substantial change in condition of the goods which is not caused by their own defects. It is not effective until the buyer notifies the seller of it.

(3) A buyer who so revokes has the same rights and duties with regard to the goods involved as if he had rejected them.

SEC. 2-609. *Right to Adequate Assurance of Performance.* (1) A contract for sale imposes an obligation on each party that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party the other may in writing demand adequate assurance of due

Right to adequate assurance of performance.

Uniform commercial code—
Sales.
Breach, repudiation and excuse.
Right to adequate assurance of performance.

performance and until he receives such assurance may if commercially reasonable suspend any performance for which he has not already received the agreed return.

(2) Between merchants the reasonableness of grounds for insecurity and the adequacy of any assurance offered shall be determined according to commercial standards.

(3) Acceptance of any improper delivery or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance.

(4) After receipt of a justified demand failure to provide within a reasonable time not exceeding thirty days such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of the contract.

Anticipatory repudiation.

SEC. 2-610. *Anticipatory Repudiation.* When either party repudiates the contract with respect to a performance not yet due the loss of which will substantially impair the value of the contract to the other, the aggrieved party may

- (a) for a commercially reasonable time await performance by the repudiating party; or
- (b) resort to any remedy for breach (Section 2-703 or Section 2-711), even though he has notified the repudiating party that he would await the latter's performance and has urged retraction; and
- (c) in either case suspend his own performance or proceed in accordance with the provisions of this Article on the seller's right to identify goods to the contract notwithstanding breach or to salvage unfinished goods (Section 2-704).

Retraction of anticipatory repudiation.

SEC. 2-611. *Retraction of Anticipatory Repudiation.* (1) Until the repudiating party's next perform-

ance is due he can retract his repudiation unless the aggrieved party has since the repudiation cancelled or materially changed his position or otherwise indicated that he considers the repudiation final.

(2) Retraction may be by any method which clearly indicates to the aggrieved party that the repudiating party intends to perform, but must include any assurance justifiably demanded under the provisions of this Article (Section 2-609).

(3) Retraction reinstates the repudiating party's rights under the contract with due excuse and allowance to the aggrieved party for any delay occasioned by the repudiation.

SEC. 2-612. *"Installment Contract"; Breach.* (1) An "installment contract" is one which requires or authorizes the delivery of goods in separate lots to be separately accepted, even though the contract contains a clause "each delivery is a separate contract" or its equivalent.

"Installment
contract"—
Breach.

(2) The buyer may reject any installment which is non-conforming if the non-conformity substantially impairs the value of that installment and cannot be cured or if the non-conformity is a defect in the required documents; but if the non-conformity does not fall within subsection (3) and the seller gives adequate assurance of its cure the buyer must accept that installment.

(3) Whenever non-conformity or default with respect to one or more installments substantially impairs the value of the whole contract there is a breach of the whole. But the aggrieved party reinstates the contract if he accepts a non-conforming installment without seasonably notifying of cancellation or if he brings an action with respect only to past installments or demands performance as to future installments.

SEC. 2-613. *Casualty to Identified Goods.* Where the contract requires for its performance goods iden-

Casualty to
identified
goods.

Uniform commercial code—
Sales.
Breach, repudiation and excuse.
Casualty to identified goods.

tified when the contract is made, and the goods suffer casualty without fault of either party before the risk of loss passes to the buyer, or in a proper case under a “no arrival, no sale” term (Section 2-324) then

- (a) if the loss is total the contract is avoided; and
- (b) if the loss is partial or the goods have so deteriorated as no longer to conform to the contract the buyer may nevertheless demand inspection and at his option either treat the contract as avoided or accept the goods with due allowance from the contract price for the deterioration or the deficiency in quantity but without further right against the seller.

Substituted performance.

SEC. 2-614. *Substituted Performance.* (1) Where without fault of either party the agreed berthing, loading, or unloading facilities fail or an agreed type of carrier becomes unavailable or the agreed manner of delivery otherwise becomes commercially impracticable but a commercially reasonable substitute is available, such substitute performance must be tendered and accepted.

(2) If the agreed means or manner of payment fails because of domestic or foreign governmental regulation, the seller may withhold or stop delivery unless the buyer provides a means or manner of payment which is commercially a substantial equivalent. If delivery has already been taken, payment by the means or in the manner provided by the regulation discharges the buyer’s obligation unless the regulation is discriminatory, oppressive or predatory.

Excuse by failure of presupposed conditions.

SEC. 2-615. *Excuse by Failure of Presupposed Conditions.* Except so far as a seller may have assumed a greater obligation and subject to the preceding section on substituted performance:

- (a) Delay in delivery or non-delivery in whole or in part by a seller who complies with para-

graphs (b) and (c) is not a breach of his duty under a contract for sale if performance as agreed has been made impracticable by the occurrence of a contingency the non-occurrence of which was a basic assumption on which the contract was made or by compliance in good faith with any applicable foreign or domestic governmental regulation or order whether or not it later proves to be invalid.

- (b) Where the causes mentioned in paragraph (a) affect only a part of the seller's capacity to perform, he must allocate production and deliveries among his customers but may at his option include regular customers not then under contract as well as his own requirements for further manufacture. He may so allocate in any manner which is fair and reasonable.
- (c) The seller must notify the buyer seasonably that there will be delay or non-delivery and, when allocation is required under paragraph (b), of the estimated quota thus made available for the buyer.

SEC. 2-616. *Procedure on Notice Claiming Excuse.* (1) Where the buyer receives notification of a material or indefinite delay or an allocation justified under the preceding section he may by written notification to the seller as to any delivery concerned, and where the prospective deficiency substantially impairs the value of the whole contract under the provisions of this Article relating to breach of installment contracts (Section 2-612), then also as to the whole,

Procedure
on notice
claiming
excuse.

- (a) terminate and thereby discharge any unexecuted portion of the contract; or
- (b) modify the contract by agreeing to take his available quota in substitution.

Uniform com-
mercial code—
Sales.
Breach,
repudiation
and excuse.

(2) If after receipt of such notification from the seller the buyer fails so to modify the contract within a reasonable time not exceeding thirty days the contract lapses with respect to any deliveries affected.

(3) *The provisions of this section may not be negated by agreement except in so far as the seller has assumed a greater obligation under the preceding section.*

Part 7

REMEDIES

Remedies for
breach of
collateral
contracts not
impaired.

SEC. 2-701. *Remedies for Breach of Collateral Contracts Not Impaired.* Remedies for breach of any obligation or promise collateral or ancillary to a contract for sale are not impaired by the provisions of this Article.

Seller's
remedies on
discovery of
buyer's
insolvency.

SEC. 2-702. *Seller's Remedies on Discovery of Buyer's Insolvency.* (1) Where the seller discovers the buyer to be insolvent he may refuse delivery except for cash including payment for all goods theretofore delivered under the contract, and stop delivery under this Article (Section 2-705).

(2) Where the seller discovers that the buyer has received goods on credit while insolvent he may reclaim the goods upon demand made within ten days after the receipt, but if misrepresentation of solvency has been made to the particular seller in writing within three months before delivery the ten day limitation does not apply. Except as provided in this subsection the seller may not base a right to reclaim goods on the buyer's fraudulent or innocent misrepresentation of solvency or of intent to pay.

(3) The seller's right to reclaim under subsection (2) is subject to the rights of a buyer in ordinary course or other good faith purchaser or lien creditor under this Article (Section 2-403). Suc-

cessful reclamation of goods excludes all other remedies with respect to them.

SEC. 2-703. *Seller's Remedies in General.* Where the buyer wrongfully rejects or revokes acceptance of goods or fails to make a payment due on or before delivery or repudiates with respect to a part or the whole, then with respect to any goods directly affected and, if the breach is of the whole contract (Section 2-612), then also with respect to the whole undelivered balance, the aggrieved seller may

Seller's remedies in general.

- (a) withhold delivery of such goods;
- (b) stop delivery by any bailee as hereafter provided (Section 2-705);
- (c) proceed under the next section respecting goods still unidentified to the contract;
- (d) resell and recover damages as hereafter provided (Section 2-706);
- (e) recover damages for non-acceptance (Section 2-708) or in a proper case the price (Section 2-709);
- (f) cancel.

SEC. 2-704. *Seller's Right to Identify Goods to the Contract Notwithstanding Breach or to Salvage Unfinished Goods.* (1) An aggrieved seller under the preceding section may

Seller's right to identify goods to the contract notwithstanding breach or to salvage unfinished goods.

- (a) identify to the contract conforming goods not already identified if at the time he learned of the breach they are in his possession or control;
- (b) treat as the subject of resale goods which have demonstrably been intended for the particular contract even though those goods are unfinished.

(2) Where the goods are unfinished an aggrieved seller may in the exercise of reasonable commercial judgment for the purposes of avoiding loss and of effective realization either complete the manufacture and wholly identify the goods to the contract

or cease manufacture and resell for scrap or salvage value or proceed in any other reasonable manner.

Uniform commercial code—
Sales. Remedies. Seller's
stoppage of delivery in
transit or otherwise.

SEC. 2-705. *Seller's Stoppage of Delivery in Transit or Otherwise.* (1) The seller may stop delivery of goods in the possession of a carrier or other bailee when he discovers the buyer to be insolvent (Section 2-702) and may stop delivery of carload, truckload, paneload or larger shipments of express or freight when the buyer repudiates or fails to make a payment due before delivery or if for any other reason the seller has a right to withhold or reclaim the goods.

(2) As against such buyer the seller may stop delivery until

- (a) receipt of the goods by the buyer; or
 - (b) acknowledgment to the buyer by any bailee of the goods except a carrier that the bailee holds the goods for the buyer; or
 - (c) such acknowledgment to the buyer by a carrier by reshipment or as warehouseman; or
 - (d) negotiation to the buyer of any negotiable document of title covering the goods.
- (3) (a) To stop delivery the seller must so notify as to enable the bailee by reasonable diligence to prevent delivery of the goods.
- (b) After such notification the bailee must hold and deliver the goods according to the directions of the seller but the seller is liable to the bailee for any ensuing charges or damages.
- (c) If a negotiable document of title has been issued for goods the bailee is not obliged to obey a notification to stop until surrender of the document.
- (d) A carrier who has issued a non-negotiable bill of lading is not obliged to obey a notifica-

tion to stop received from a person other than the consignor.

SEC. 2-706. Seller's Resale Including Contract for Resale. (1) Under the conditions stated in Section 2-703 on seller's remedies, the seller may resell the goods concerned or the undelivered balance thereof. Where the resale is made in good faith and in a commercially reasonable manner the seller may recover the difference between the resale price and the contract price together with any incidental damages allowed under the provisions of this Article (Section 2-710), but less expenses saved in consequence of the buyer's breach.

Seller's resale including contract for resale.

(2) Except as otherwise provided in subsection (3) or unless otherwise agreed resale may be at public or private sale including sale by way of one or more contracts to sell or of identification to an existing contract of the seller. Sale may be as a unit or in parcels and at any time and place and on any terms but every aspect of the sale including the method, manner, time, place and terms must be commercially reasonable. The resale must be reasonably identified as referring to the broken contract, but it is not necessary that the goods be in existence or that any or all of them have been identified to the contract before the breach.

(3) Where the resale is at private sale the seller must give the buyer reasonable notification of his intention to resell.

- (4) Where the resale is at public sale
- (a) only identified goods can be sold except where there is a recognized market for a public sale of futures in goods of the kind; and
 - (b) it must be made at a usual place or market for public sale if one is reasonably available and except in the case of goods which are perishable or threaten to decline in value

Uniform commercial code—
Sales. Remedies. Seller's
resale including contract
for resale.

speedily the seller must give the buyer reasonable notice of the time and place of the resale; and

- (c) if the goods are not to be within the view of those attending the sale the notification of sale must state the place where the goods are located and provide for their reasonable inspection by prospective bidders; and
- (d) the seller may buy.

(5) A purchaser who buys in good faith at a resale takes the goods free of any rights of the original buyer even though the seller fails to comply with one or more of the requirements of this section.

(6) The seller is not accountable to the buyer for any profit made on any resale. A person in the position of a seller (Section 2-707) or a buyer who has rightfully rejected or justifiably revoked acceptance must account for any excess over the amount of his security interest, as hereinafter defined (subsection (3) of Section 2-711).

(7) Any sale made hereunder, if a loss has been sustained, in order to charge the purchaser for the loss, the seller must have exerted a reasonable effort to obtain the fair market price of the said goods sold.

"Person in the
position of a
seller".

SEC. 2-707. "*Person in the Position of a Seller*".

(1) A "person in the position of a seller" includes as against a principal an agent who has paid or become responsible for the price of goods on behalf of his principal or anyone who otherwise holds a security interest or other right in goods similar to that of a seller.

(2) A person in the position of a seller may as provided in this Article withhold or stop delivery (Section 2-705) and resell (Section 2-706) and recover incidental damages (Section 2-710).

SEC. 2-708. *Seller's Damages for Non-Acceptance or Repudiation.* (1) Subject to subsection (2) and to the provisions of this Article with respect to proof of market price (Section 2-723), the measure of damages for non-acceptance or repudiation by the buyer is the difference between the market price at the time and place for tender and the unpaid contract price together with any incidental damages provided in this Article (Section 2-710), but less expenses saved in consequence of the buyer's breach.

Seller's
damages for
non-accept-
ance or
repudiation.

(2) If the measure of damages provided in subsection (1) is inadequate to put the seller in as good a position as performance would have done then the measure of damages is the profit (including reasonable overhead) which the seller would have made from full performance by the buyer, together with any incidental damages provided in this Article (Section 2-710), due allowance for costs reasonably incurred and due credit for payments or proceeds of resale.

SEC. 2-709. *Action for the Price.* (1) When the buyer fails to pay the price as it becomes due the seller may recover, together with any incidental damages under the next section, the price

Action for the
price.

- (a) of goods accepted or of conforming goods lost or damaged within a commercially reasonable time after risk of their loss has passed to the buyer; and
- (b) of goods identified to the contract if the seller is unable after reasonable effort to resell them at a reasonable price or the circumstances reasonably indicate that such effort will be unavailing.

(2) Where the seller sues for the price he must hold for the buyer any goods which have been identified to the contract and are still in his control except that if resale becomes possible he may re-

Uniform com-
mercial code—
Sales. Reme-
dies. Action
for the price.

sell them at any time prior to the collection of the judgment. The net proceeds of any such resale must be credited to the buyer and payment of the judgment entitles him to any goods not resold.

(3) After the buyer has wrongfully rejected or revoked acceptance of the goods or has failed to make a payment due or has repudiated (Section 2-610), a seller who is held not entitled to the price under this section shall nevertheless be awarded damages for non-acceptance under the preceding section.

Seller's
incidental
damages.

SEC. 2-710. *Seller's Incidental Damages.* Incidental damages to an aggrieved seller include any commercially reasonable charges, expenses or commissions incurred in stopping delivery, in the transportation, care and custody of goods after the buyer's breach, in connection with return or resale of the goods or otherwise resulting from the breach.

Buyer's reme-
dies in general
—Buyer's
security in-
terest in re-
jected goods.

SEC. 2-711. *Buyer's Remedies in General; Buyer's Security Interest in Rejected Goods.* (1) Where the seller fails to make delivery or repudiates or the buyer rightfully rejects or justifiably revokes acceptance then with respect to any goods involved, and with respect to the whole if the breach goes to the whole contract (Section 2-612), the buyer may cancel and whether or not he has done so may in addition to recovering so much of the price as has been paid

- (a) "cover" and have damages under the next section as to all the goods affected whether or not they have been identified to the contract; or
- (b) recover damages for non-delivery as provided in this Article (Section 2-713).

(2) Where the seller fails to deliver or repudiates the buyer may also

- (a) if the goods have been identified recover them as provided in this Article (Section 2-502); or
- (b) in a proper case obtain specific performance or replevy the goods as provided in this Article (Section 2-716).

(3) On rightful rejection or justifiable revocation of acceptance a buyer has a security interest in goods in his possession or control for any payments made on their price and any expenses reasonably incurred in their inspection, receipt, transportation, care and custody and may hold such goods and resell them in like manner as an aggrieved seller (Section 2-706).

SEC. 2-712. *“Cover”; Buyer’s Procurement of Substitute Goods.* (1) After a breach within the preceding section the buyer may “cover” by making in good faith and without unreasonable delay any reasonable purchase of or contract to purchase goods in substitution for those due from the seller.

“Cover”—
Buyer’s procurement of substitute goods.

(2) The buyer may recover from the seller as damages the difference between the cost of cover and the contract price together with any incidental or consequential damages as hereinafter defined (Section 2-715), but less expenses saved in consequence of the seller’s breach.

(3) Failure of the buyer to effect cover within this section does not bar him from any other remedy.

SEC. 2-713. *Buyer’s Damages for Non-Delivery or Repudiation.* (1) Subject to the provisions of this Article with respect to proof of market price (Section 2-723), the measure of damages for non-delivery or repudiation by the seller is the difference between the market price at the time when the buyer learned of the breach and the contract price together with any incidental and consequential damages provided in this Article (Section 2-715), but less expenses saved in consequence of the seller’s breach.

Buyer’s damages for non-delivery or repudiation.

(2) Market price is to be determined as of the place for tender or, in cases of rejection after arrival or revocation of acceptance, as of the place of arrival.

Uniform commercial code—
Sales. Remedies. Buyer's damages for breach in regard to accepted goods.

SEC. 2-714. *Buyer's Damages for Breach in Regard to Accepted Goods.* (1) Where the buyer has accepted goods and given notification (subsection (3) of Section 2-607) he may recover as damages for any non-conformity of tender the loss resulting in the ordinary course of events from the seller's breach as determined in any manner which is reasonable.

(2) The measure of damages for breach of warranty is the difference at the time and place of acceptance between the value of the goods accepted and the value they would have had if they had been as warranted, unless special circumstances show proximate damages of a different amount.

(3) In a proper case any incidental and consequential damages under the next section may also be recovered.

Buyer's incidental and consequential damages.

SEC. 2-715. *Buyer's Incidental and Consequential Damages.* (1) Incidental damages resulting from the seller's breach include expenses reasonably incurred in inspection, receipt, transportation and care and custody of goods rightfully rejected, any commercially reasonable charges, expenses or commissions in connection with effecting cover and any other reasonable expense incident to the delay or other breach.

(2) Consequential damages resulting from the seller's breach include

- (a) any loss resulting from general or particular requirements and needs of which the seller at the time of contracting had reason to know and which could not reasonably be prevented by cover or otherwise; and
- (b) injury to person or property proximately resulting from any breach of warranty.

SEC. 2-716. *Buyer's Right to Specific Performance or Replevin.* (1) Specific performance may be decreed where the goods are unique or in other proper circumstances.

Buyer's right to specific performance or replevin.

(2) The decree for specific performance may include such terms and conditions as to payment of the price, damages, or other relief as the court may deem just.

(3) The buyer has a right of replevin for goods identified to the contract if after reasonable effort he is unable to effect cover for such goods or the circumstances reasonably indicate that such effort will be unavailing or if the goods have been shipped under reservation and satisfaction of the security interest in them has been made or tendered.

SEC. 2-717. *Deduction of Damages From the Price.* The buyer on notifying the seller of his intention to do so may deduct all or any part of the damages resulting from any breach of the contract from any part of the price still due under the same contract.

Deduction of damages from the price.

SEC. 2-718. *Liquidation or Limitation of Damages; Deposits.* (1) Damages for breach by either party may be liquidated in the agreement but only at an amount which is reasonable in the light of the anticipated or actual harm caused by the breach, the difficulties of proof of loss, and the inconvenience or nonfeasibility of otherwise obtaining an adequate remedy. A term fixing unreasonably large liquidated damages is void as a penalty.

Liquidation or limitation of damages—Deposits.

(2) Where the seller justifiably withholds delivery of goods because of the buyer's breach, the buyer is entitled to restitution of any amount by which the sum of his payments exceeds

- (a) the amount to which the seller is entitled by virtue of terms liquidating the seller's damages in accordance with subsection (1), or

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Deposits.

(b) in the absence of such terms, twenty per cent of the value of the total performance for which the buyer is obligated under the contract or \$500, whichever is smaller.

(3) The buyer's right to restitution under subsection (2) is subject to offset to the extent that the seller establishes

(a) a right to recover damages under the provisions of this Article other than subsection (1), and

(b) the amount or value of any benefits received by the buyer directly or indirectly by reason of the contract.

(4) Where a seller has received payment in goods their reasonable value or the proceeds of their resale shall be treated as payments for the purposes of subsection (2); but if the seller has notice of the buyer's breach before reselling goods received in part performance, his resale is subject to the conditions laid down in this Article on resale by an aggrieved seller (Section 2-706).

Contractual modification or limitation of remedy.

SEC. 2-719. *Contractual Modification or Limitation of Remedy.* (1) Subject to the provisions of subsections (2) and (3) of this section and of the preceding section on liquidation and limitation of damages,

(a) the agreement may provide for remedies in addition to or in substitution for those provided in this Article and may limit or alter the measure of damages recoverable under this Article, as by limiting the buyer's remedies to return of the goods and repayment of the price or to repair and replacement of non-conforming goods or parts; and

(b) resort to a remedy as provided is optional unless the remedy is expressly agreed to be exclusive, in which case it is the sole remedy.

(2) Where circumstances cause an exclusive or limited remedy to fail of its essential purpose, remedy may be had as provided in this Act.

(3) Consequential damages may be limited or excluded unless the limitation or exclusion is unconscionable. Limitation of consequential damages for injury to the person in the case of consumer goods is prima facie unconscionable but limitation of damages where the loss is commercial is not.

SEC. 2-720. *Effect of "Cancellation" or "Rescission" on Claims for Antecedent Breach.* Unless the contrary intention clearly appears, expressions of "cancellation" or "rescission" of the contract or the like shall not be construed as a renunciation or discharge of any claim in damages for an antecedent breach.

Effect of "cancellation" or "rescission" on claims for antecedent breach.

SEC. 2-721. *Remedies for Fraud.* Remedies for material misrepresentation or fraud include all remedies available under this Article for non-fraudulent breach. Neither rescission or a claim for rescission of the contract for sale nor rejection or return of the goods shall bar or be deemed inconsistent with a claim for damages or other remedy.

Remedies for fraud.

SEC. 2-722. *Who Can Sue Third Parties for Injury to Goods.* Where a third party so deals with goods which have been identified to a contract for sale as to cause actionable injury to a party to that contract

Who can sue third parties for injuries to goods.

- (a) a right of action against the third party is in either party to the contract for sale who has title to or a security interest or a special property or an insurable interest in the goods; and if the goods have been destroyed or converted a right of action is also in the party who either bore the risk of loss under the contract for sale or has since the injury assumed that risk as against the other;
- (b) if at the time of the injury the party plaintiff did not bear the risk of loss as against the

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other party to the contract for sale and there is no arrangement between them for disposition of the recovery, his suit or settlement is, subject to his own interest, as a fiduciary for the other party to the contract;

- (c) either party may with the consent of the other sue for the benefit of whom it may concern.

Proof of market price—
Time and place.

SEC. 2-723. *Proof of Market Price: Time and Place.*

(1) If an action based on anticipatory repudiation comes to trial before the time for performance with respect to some or all of the goods, any damages based on market price (Section 2-708 or Section 2-713) shall be determined according to the price of such goods prevailing at the time when the aggrieved party learned of the repudiation.

(2) If evidence of a price prevailing at the times or places described in this Article is not readily available the price prevailing within any reasonable time before or after the time described or at any other place which in commercial judgment or under usage of trade would serve as a reasonable substitute for the one described may be used, making any proper allowance for the cost of transporting the goods to or from such other place.

(3) Evidence of a relevant price prevailing at a time or place other than the one described in this Article offered by one party is not admissible unless and until he has given the other party such notice as the court finds sufficient to prevent unfair surprise.

Admissibility of market quotations.

SEC. 2-724. *Admissibility of Market Quotations.*

Whenever the prevailing price or value of any goods regularly bought and sold in any established commodity market is in issue, reports in official publications or trade journals or in newspapers or periodicals of general circulation published as the reports of such market shall be admissible in evidence. The

circumstances of the preparation of such a report may be shown to affect its weight but not its admissibility.

SEC. 2-725. *Statute of Limitations in Contracts for Sale.* (1) An action for breach of any contract for sale must be commenced within four years after the cause of action has accrued. By the original agreement the parties may reduce the period of limitation to not less than one year but may not extend it.

Statute of
limitations in
contracts for
sale.

(2) A cause of action accrues when the breach occurs, regardless of the aggrieved party's lack of knowledge of the breach. A breach of warranty occurs when tender of delivery is made, except that where a warranty explicitly extends to future performance of the goods and discovery of the breach must await the time of such performance the cause of action accrues when the breach is or should have been discovered.

(3) Where an action commenced within the time limited by subsection (1) is so terminated as to leave available a remedy by another action for the same breach such other action may be commenced after the expiration of the time limited and within six months after the termination of the first action unless the termination resulted from voluntary discontinuance or from dismissal for failure or neglect to prosecute.

(4) This section does not alter the law on tolling of the statute of limitations nor does it apply to causes of action which have accrued before this Act becomes effective.

Article 3
Commercial Paper

Part 1

SHORT TITLE, FORM AND INTERPRETATION

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mercial code—
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paper.

SEC. 3-101. *Short Title.* This Article shall be known and may be cited as Uniform Commercial Code—Commercial Paper.

Definitions and
index of
definitions.

SEC. 3-102. *Definitions and Index of Definitions.*
(1) In this Article unless the context otherwise requires

- (a) "Issue" means the first delivery of an instrument to a holder or a remitter.
- (b) An "order" is a direction to pay and must be more than an authorization or request. It must identify the person to pay with reasonable certainty. It may be addressed to one or more such persons jointly or in the alternative but not in succession.
- (c) A "promise" is an undertaking to pay and must be more than an acknowledgment of an obligation.
- (d) "Secondary party" means a drawer or endorser.
- (e) "Instrument" means a negotiable instrument.

(2) Other definitions applying to this Article and the sections in which they appear are:

- "Acceptance". Section 3-410.
- "Accommodation party". Section 3-415.
- "Alteration". Section 3-407.
- "Certificate of deposit". Section 3-104.
- "Certification". Section 3-411.
- "Check". Section 3-104.
- "Definite time". Section 3-109.
- "Dishonor". Section 3-507.
- "Draft". Section 3-104.
- "Holder in due course". Section 3-302.

“Negotiation”. Section 3-202.

“Note”. Section 3-104.

“Notice of dishonor”. Section 3-508.

“On demand”. Section 3-108.

“Presentment”. Section 3-504.

“Protest”. Section 3-509.

“Restrictive Indorsement”. Section 3-205.

“Signature”. Section 3-401.

(3) The following definitions in other Articles apply to this Article:

“Account”. Section 4-104.

“Banking Day”. Section 4-104.

“Clearing house”. Section 4-104.

“Collecting bank”. Section 4-105.

“Customer”. Section 4-104.

“Depository Bank”. Section 4-105.

“Documentary Draft”. Section 4-104.

“Intermediary Bank”. Section 4-105.

“Item”. Section 4-104.

“Midnight deadline”. Section 4-104.

“Payor bank”. Section 4-105.

(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

SEC. 3-103. *Limitations on Scope of Article.* (1) This Article does not apply to money, documents of title or investment securities.

Limitations on scope of article.

(2) The provisions of this Article are subject to the provisions of the Article on Bank Deposits and Collections (Article 4) and Secured Transactions (Article 9).

SEC. 3-104. *Form of Negotiable Instruments; “Draft”; “Check”; “Certificate of Deposit”; “Note”.*

Form of negotiable instruments—
“Draft”—
“Check”—
“Certificate of deposit”—
“Note”.

(1) Any writing to be a negotiable instrument within this Article must

(a) be signed by the maker or drawer; and

(b) contain an unconditional promise or order to pay a sum certain in money and no other

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promise, order, obligation or power given by the maker or drawer except as authorized by this Article; and

- (c) be payable on demand or at a definite time; and
- (d) be payable to order or to bearer.

(2) A writing which complies with the requirements of this section is

- (a) a "draft" ("bill of exchange") if it is an order;
- (b) a "check" if it is a draft drawn on a bank and payable on demand;
- (c) a "certificate of deposit" if it is an acknowledgment by a bank of receipt of money with an engagement to repay it;
- (d) a "note" if it is a promise other than a certificate of deposit.

(3) As used in other Articles of this Act, and as the context may require, the terms "draft", "check", "certificate of deposit" and "note" may refer to instruments which are not negotiable within this Article as well as to instruments which are so negotiable.

When promise
or order
unconditional.

SEC. 3-105. *When Promise or Order Unconditional.* (1) A promise or order otherwise unconditional is not made conditional by the fact that the instrument

- (a) is subject to implied or constructive conditions; or
- (b) states its consideration, whether performed or promised, or the transaction which gave rise to the instrument, or that the promise or order is made or the instrument matures in accordance with or "as per" such transaction; or
- (c) refers to or states that it arises out of a separate agreement or refers to a separate

agreement for rights as to prepayment or acceleration; or

- (d) states that it is drawn under a letter of credit; or
- (e) states that it is secured, whether by mortgage, reservation of title or otherwise; or
- (f) indicates a particular account to be debited or any other fund or source from which reimbursement is expected; or
- (g) is limited to payment out of a particular fund or the proceeds of a particular source, if the instrument is issued by a government or governmental agency or unit; or
- (h) is limited to payment out of the entire assets of a partnership, unincorporated association, trust or estate by or on behalf of which the instrument is issued.

(2) A promise or order is not unconditional if the instrument

- (a) states that it is subject to or governed by any other agreement; or
- (b) states that it is to be paid only out of a particular fund or source except as provided in this section.

SEC. 3-106. *Sum Certain.* (1) The sum payable Sum certain.
is a sum certain even though it is to be paid

- (a) with stated interest or by stated installments; or
- (b) with stated different rates of interest before and after default or a specified date; or
- (c) with a stated discount or addition if paid before or after the date fixed for payment; or
- (d) with exchange or less exchange, whether at a fixed rate or at the current rate; or
- (e) with costs of collection or an attorney's fee or both upon default.

(2) Nothing in this section shall validate any term which is otherwise illegal.

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mercial code—
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paper. Money.

SEC. 3-107. *Money.* (1) An instrument is payable in money if the medium of exchange in which it is payable is money at the time the instrument is made. An instrument payable in "currency" or "current funds" is payable in money.

(2) A promise or order to pay a sum stated in a foreign currency is for a sum certain in money and, unless a different medium of payment is specified in the instrument, may be satisfied by payment of that number of dollars which the stated foreign currency will purchase at the buying sight rate for that currency on the day on which the instrument is payable or, if payable on demand, on the day of demand. If such an instrument specifies a foreign currency as the medium of payment the instrument is payable in that currency.

Payable on
demand.

SEC. 3-108. *Payable on Demand.* Instruments payable on demand include those payable at sight or on presentation and those in which no time for payment is stated.

Definite time.

SEC. 3-109. *Definite Time.* (1) An instrument is payable at a definite time if by its terms it is payable

- (a) on or before a stated date or at a fixed period after a stated date; or
- (b) at a fixed period after sight; or
- (c) at a definite time subject to any acceleration; or
- (d) at a definite time subject to extension at the option of the holder, or to extension to a further definite time at the option of the maker or acceptor or automatically upon or after a specified act or event.

(2) An instrument which by its terms is otherwise payable only upon an act or event uncertain as to time of occurrence is not payable at a definite time even though the act or event has occurred.

SEC. 3-110. *Payable to Order.* (1) An instrument is payable to order when by its terms it is payable to the order or assigns of any person therein specified with reasonable certainty, or to him or his order, or when it is conspicuously designated on its face as "exchange" or the like and names a payee. It may be payable to the order of

Payable to order.

- (a) the maker or drawer; or
- (b) the drawee; or
- (c) a payee who is not maker, drawer or drawee; or
- (d) two or more payees together or in the alternative; or
- (e) an estate, trust or fund, in which case it is payable to the order of the representative of such estate, trust or fund or his successors; or
- (f) an office, or an officer by his title as such in which case it is payable to the principal but the incumbent of the office or his successors may act as if he or they were the holder; or
- (g) a partnership or unincorporated association, in which case it is payable to the partnership or association and may be indorsed or transferred by any person thereto authorized.

(2) An instrument not payable to order is not made so payable by such words as "payable upon return of this instrument properly indorsed."

(3) An instrument made payable both to order and to bearer is payable to order unless the bearer words are handwritten or typewritten.

SEC. 3-111. *Payable to Bearer.* An instrument is payable to bearer when by its terms it is payable to

Payable to bearer.

- (a) bearer or the order of bearer; or
- (b) a specified person or bearer; or
- (c) "cash" or the order of "cash", or any other indication which does not purport to designate a specific payee.

Uniform commercial code—Commercial paper. Terms and omissions not affecting negotiability.

SEC. 3-112. *Terms and Omissions Not Affecting Negotiability.* (1) The negotiability of an instrument is not affected by

- (a) the omission of a statement of any consideration or of the place where the instrument is drawn or payable; or
- (b) a statement that collateral has been given to secure obligations either on the instrument or otherwise of an obligor on the instrument or that in case of default on those obligations the holder may realize on or dispose of the collateral; or
- (c) a promise or power to maintain or protect collateral or to give additional collateral; or
- (d) a term authorizing a confession of judgment on the instrument if it is not paid when due; or
- (e) a term purporting to waive the benefit of any law intended for the advantage or protection of any obligor; or
- (f) a term in a draft providing that the payee by indorsing or cashing it acknowledges full satisfaction of an obligation of the drawer; or
- (g) a statement in a draft drawn in a set of parts (Section 3-801) to the effect that the order is effective only if no other part has been honored.

(2) Nothing in this section shall validate any term which is otherwise illegal.

Seal.

SEC. 3-113. *Seal.* An instrument otherwise negotiable is within this Article even though it is under a seal.

Date, antedating, postdating.

SEC. 3-114. *Date, Antedating, Postdating.* (1) The negotiability of an instrument is not affected by the fact that it is undated, antedated or postdated.

(2) Where an instrument is antedated or postdated the time when it is payable is determined by

the stated date if the instrument is payable on demand or at a fixed period after date.

(3) Where the instrument or any signature thereon is dated, the date is presumed to be correct.

SEC. 3-115. *Incomplete Instruments.* (1) When a paper whose contents at the time of signing show that it is intended to become an instrument is signed while still incomplete in any necessary respect it cannot be enforced until completed, but when it is completed in accordance with authority given it is effective as completed.

Incomplete instruments.

(2) If the completion is unauthorized the rules as to material alteration apply (Section 3-407), even though the paper was not delivered by the maker or drawer; but the burden of establishing that any completion is unauthorized is on the party so asserting.

SEC. 3-116. *Instruments Payable to Two or More Persons.* An instrument payable to the order of two or more persons

Instruments payable to two or more persons.

- (a) if in the alternative is payable to any one of them and may be negotiated, discharged or enforced by any of them who has possession of it;
- (b) if not in the alternative is payable to all of them and may be negotiated, discharged or enforced only by all of them.

SEC. 3-117. *Instruments Payable With Words of Description.* An instrument made payable to a named person with the addition of words describing him

Instruments payable with words of description.

- (a) as agent or officer of a specified person is payable to his principal but the agent or officer may act as if he were the holder;
- (b) as any other fiduciary for a specified person or purpose is payable to the payee and may be negotiated, discharged or enforced by him;

- (c) in any other manner is payable to the payee unconditionally and the additional words are without effect on subsequent parties.

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paper.
Ambiguous
terms and
rules of
construction.

SEC. 3-118. *Ambiguous Terms and Rules of Construction.* The following rules apply to every instrument:

- (a) Where there is doubt whether the instrument is a draft or a note the holder may treat it as either. A draft drawn on the drawer is effective as a note.
- (b) Handwritten terms control typewritten and printed terms, and typewritten control printed.
- (c) Words control figures except that if the words are ambiguous figures control.
- (d) Unless otherwise specified a provision for interest means interest at the judgment rate at the place of payment from the date of the instrument, or if it is undated from the date of issue.
- (e) Unless the instrument otherwise specifies two or more persons who sign as maker, acceptor or drawer or indorser and as a part of the same transaction are jointly and severally liable even though the instrument contains such words as "I promise to pay."
- (f) Unless otherwise specified consent to extension authorizes a single extension for not longer than the original period. A consent to extension, expressed in the instrument, is binding on secondary parties and accommodation makers. A holder may not exercise his option to extend an instrument over the objection of a maker or acceptor or other party who in accordance with Section 3-604 tenders full payment when the instrument is due.

SEC. 3-119. *Other Writings Affecting Instrument.*

Other writings affecting instrument.

(1) As between the obligor and his immediate obligee or any transferee the terms of an instrument may be modified or affected by any other written agreement executed as a part of the same transaction, except that a holder in due course is not affected by any limitation of his rights arising out of the separate written agreement if he had no notice of the limitation when he took the instrument.

(2) A separate agreement does not affect the negotiability of an instrument.

SEC. 3-120. *Instruments "Payable Through" Bank.*

Instruments "payable through" bank.

An instrument which states that it is "payable through" a bank or the like designates that bank as a collecting bank to make presentment but does not of itself authorize the bank to pay the instrument.

SEC. 3-121. *Instruments Payable at Bank.*

Instruments payable at bank.

A note or acceptance which states that it is payable at a bank is not of itself an order or authorization to the bank to pay it.

SEC. 3-122. *Accrual of Cause of Action.* (1) A cause of action against a maker or an acceptor accrues

Accrual of cause of action.

- (a) in the case of a time instrument on the day after maturity;
- (b) in the case of a demand instrument upon its date or, if no date is stated, on the date of issue.

(2) A cause of action against the obligor of a demand or time certificate of deposit accrues upon demand, but demand on a time certificate may not be made until on or after the date of maturity.

(3) A cause of action against a drawer of a draft or an indorser of any instrument accrues upon demand following dishonor of the instrument. Notice of dishonor is a demand.

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paper. Accrual
of cause of
action.

(4) Unless an instrument provides otherwise, interest runs at the rate provided by law for a judgment

- (a) in the case of a maker, acceptor or other primary obligor of a demand instrument, from the date of demand;
- (b) in all other cases from the date of accrual of the cause of action.

Part 2

TRANSFER AND NEGOTIATION

Transfer and
negotiation.
Transfer—
Right to
indorsement.

SEC. 3-201. *Transfer: Right to Indorsement.* (1) Transfer of an instrument vests in the transferee such rights as the transferor has therein, except that a transferee who has himself been a party to any fraud or illegality affecting the instrument or who as a prior holder had notice of a defense or claim against it cannot improve his position by taking from a later holder in due course.

(2) A transfer of a security interest in an instrument vests the foregoing rights in the transferee to the extent of the interest transferred.

(3) Unless otherwise agreed any transfer for value of an instrument not then payable to bearer gives the transferee the specifically enforceable right to have the unqualified indorsement of the transferor. Negotiation takes effect only when the indorsement is made and until that time there is no presumption that the transferee is the owner.

Negotiation.

SEC. 3-202. *Negotiation.* (1) Negotiation is the transfer of an instrument in such form that the transferee becomes a holder. If the instrument is payable to order it is negotiated by delivery with any necessary indorsement; if payable to bearer it is negotiated by delivery.

(2) An indorsement must be written by or on behalf of the holder and on the instrument or on

a paper so firmly affixed thereto as to become a part thereof.

(3) An indorsement is effective for negotiation only when it conveys the entire instrument or any unpaid residue. If it purports to be of less it operates only as a partial assignment.

(4) Words of assignment, condition, waiver, guaranty, limitation or disclaimer of liability and the like accompanying an indorsement do not affect its character as an indorsement.

SEC. 3-203. *Wrong or Misspelled Name.* Where an instrument is made payable to a person under a misspelled name or one other than his own he may indorse in that name or his own or both; but signature in both names may be required by a person paying or giving value for the instrument.

Wrong or misspelled name.

SEC. 3-204. *Special Indorsement; Blank Indorsement.* (1) A special indorsement specifies the person to whom or to whose order it makes the instrument payable. Any instrument specially indorsed becomes payable to the order of the special indorsee and may be further negotiated only by his indorsement.

Special indorsement—Blank indorsement.

(2) An indorsement in blank specifies no particular indorsee and may consist of a mere signature. An instrument payable to order and indorsed in blank becomes payable to bearer and may be negotiated by delivery alone until specially indorsed.

(3) The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

SEC. 3-205. *Restrictive Indorsements.* An indorsement is restrictive which either

Restrictive indorsements.

- (a) is conditional; or
- (b) purports to prohibit further transfer of the instrument; or

- (c) includes the words "for collection", "for deposit", "pay any bank", or like terms signifying a purpose of deposit or collection; or
- (d) otherwise states that it is for the benefit or use of the indorser or of another person.

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Transfer and negotiation.
Effect of restrictive indorsement.

SEC. 3-206. *Effect of Restrictive Indorsement.* (1) No restrictive indorsement prevents further transfer or negotiation of the instrument.

(2) An intermediary bank, or a payor bank which is not the depository bank, is neither given notice nor otherwise affected by a restrictive indorsement of any person except the bank's immediate transferor or the person presenting for payment.

(3) Except for an intermediary bank, any transferee under an indorsement which is conditional or includes the words "for collection", "for deposit", "pay any bank", or like terms (subparagraphs (a) and (c) of Section 3-205) must pay or apply any value given by him for or on the security of the instrument consistently with the indorsement and to the extent that he does so he becomes a holder for value. In addition such transferee is a holder in due course if he otherwise complies with the requirements of Section 3-302 on what constitutes a holder in due course.

(4) The first taker under an indorsement for the benefit of the indorser or another person (subparagraph (d) of Section 3-205) must pay or apply any value given by him for or on the security of the instrument consistently with the indorsement and to the extent that he does so he becomes a holder for value. In addition such taker is a holder in due course if he otherwise complies with the requirements of Section 3-302 on what constitutes a holder in due course. A later holder for value is neither given notice nor otherwise affected by such restrictive indorsement unless he has knowledge that a fiduciary or other person has negotiated the instru-

ment in any transaction for his own benefit or otherwise in breach of duty (subsection (2) of Section 3-304).

SEC. 3-207. *Negotiation Effective Although It May Be Rescinded.* (1) Negotiation is effective to transfer the instrument although the negotiation is

Negotiation effective although it may be rescinded.

- (a) made by an infant, a corporation exceeding its powers, or any other person without capacity; or
- (b) obtained by fraud, duress or mistake of any kind; or
- (c) part of an illegal transaction; or
- (d) made in breach of duty.

(2) Except as against a subsequent holder in due course such negotiation is in an appropriate case subject to rescission, the declaration of a constructive trust or any other remedy permitted by law.

SEC. 3-208. *Reacquisition.* Where an instrument is returned to or reacquired by a prior party he may cancel any indorsement which is not necessary to his title and reissue or further negotiate the instrument, but any intervening party is discharged as against the reacquiring party and subsequent holders not in due course and if his indorsement has been cancelled is discharged as against subsequent holders in due course as well.

Reacquisition.

Part 3

RIGHTS OF A HOLDER

SEC. 3-301. *Rights of a Holder.* The holder of an instrument whether or not he is the owner may transfer or negotiate it and, except as otherwise provided in Section 3-603 on payment or satisfaction, discharge it or enforce payment in his own name.

Rights of a holder.

SEC. 3-302. *Holder in Due Course.* (1) A holder in due course is a holder who takes the instrument

Holder in due course.

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of a holder.
Holder in due
course.

- (a) for value; and
 - (b) in good faith; and
 - (c) without notice that it is overdue or has been dishonored or of any defense against or claim to it on the part of any person.
- (2) A payee may be a holder in due course.
- (3) A holder does not become a holder in due course of an instrument:
- (a) by purchase of it at judicial sale or by taking it under legal process; or
 - (b) by acquiring it in taking over an estate; or
 - (c) by purchasing it as part of a bulk transaction not in regular course of business of the transferor.
- (4) A purchaser of a limited interest can be a holder in due course only to the extent of the interest purchased.

Taking for
value.

SEC. 3-303. *Taking for Value.* A holder takes the instrument for value

- (a) to the extent that the agreed consideration has been performed or that he acquires a security interest in or a lien on the instrument otherwise than by legal process; or
- (b) when he takes the instrument in payment of or as security for an antecedent claim against any person whether or not the claim is due; or
- (c) when he gives a negotiable instrument for it or makes an irrevocable commitment to a third person.

Notice to
purchaser.

SEC. 3-304. *Notice to Purchaser.* (1) The purchaser has notice of a claim or defense if

- (a) the instrument is so incomplete, bears such visible evidence of forgery or alteration, or is otherwise so irregular as to call into question its validity, terms or ownership or to create an ambiguity as to the party to pay; or

- (b) the purchaser has notice that the obligation of any party is voidable in whole or in part, or that all parties have been discharged.

(2) The purchaser has notice of a claim against the instrument when he has knowledge that a fiduciary has negotiated the instrument in payment of or as security for his own debt or in any transaction for his own benefit or otherwise in breach of duty.

(3) The purchaser has notice than an instrument is overdue if he has reason to know

- (a) that any part of the principal amount is overdue or that there is an uncured default in payment of another instrument of the same series; or
- (b) that acceleration of the instrument has been made; or
- (c) that he is taking a demand instrument after demand has been made or more than a reasonable length of time after its issue. A reasonable time for a check drawn and payable within the states and territories of the United States and the District of Columbia is presumed to be thirty days.

(4) Knowledge of the following facts does not of itself give the purchaser notice of a defense or claim

- (a) that the instrument is antedated or postdated;
- (b) that it was issued or negotiated in return for an executory promise or accompanied by a separate agreement, unless the purchaser has notice that a defense or claim has arisen from the terms thereof;
- (c) that any party has signed for accommodation;
- (d) that an incomplete instrument has been completed, unless the purchaser has notice of any improper completion;

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Notice to
purchaser.

- (e) that any person negotiating the instrument is or was a fiduciary;
- (f) that there has been default in payment of interest on the instrument or in payment of any other instrument, except one of the same series.

(5) The filing or recording of a document does not of itself constitute notice within the provisions of this Article to a person who would otherwise be a holder in due course.

(6) To be effective notice must be received at such time and in such manner as to give a reasonable opportunity to act on it.

Rights of a
holder in due
course.

SEC. 3-305. *Rights of a Holder in Due Course.* To the extent that a holder is a holder in due course he takes the instrument free from

- (1) all claims to it on the part of any person; and
- (2) all defenses of any party to the instrument with whom the holder has not dealt except
 - (a) infancy, to the extent that it is a defense to a simple contract; and
 - (b) such other incapacity, or duress, or illegality of the transaction, as renders the obligation of the party a nullity; and
 - (c) such misrepresentation as has induced the party to sign the instrument with neither knowledge nor reasonable opportunity to obtain knowledge of its character or its essential terms; and
 - (d) discharge in insolvency proceedings; and
 - (e) any other discharge of which the holder has notice when he takes the instrument.

Rights of one
not holder in
due course.

SEC. 3-306. *Rights of One Not Holder in Due Course.* Unless he has the rights of a holder in due course any person takes the instrument subject to

- (a) all valid claims to it on the part of any person; and

- (b) all defenses of any party which would be available in an action on a simple contract; and
- (c) the defenses of want or failure of consideration, non-performance of any condition precedent, non-delivery, or delivery for a special purpose (Section 3-408); and
- (d) the defense that he or a person through whom he holds the instrument acquired it by theft, or that payment or satisfaction to such holder would be inconsistent with the terms of a restrictive indorsement. The claim of any third person to the instrument is not otherwise available as a defense to any party liable thereon unless the third person himself defends the action for such party.

SEC. 3-307. *Burden of Establishing Signatures, Defenses and Due Course.* (1) Unless specifically denied in the pleadings each signature on an instrument is admitted. When the effectiveness of a signature is put in issue

Burden of establishing signatures, defenses and due course.

- (a) the burden of establishing it is on the party claiming under the signature; but
 - (b) the signature is presumed to be genuine or authorized except where the action is to enforce the obligation of a purported signer who has died or become incompetent before proof is required.
- (2) When signatures are admitted or established, production of the instrument entitles a holder to recover on it unless the defendant establishes a defense.
- (3) After it is shown that a defense exists a person claiming the rights of a holder in due course has the burden of establishing that he or some person under whom he claims is in all respects a holder in due course.

Part 4

LIABILITY OF PARTIES

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Commercial paper. Liability of parties. Signature.

SEC. 3-401. *Signature.* (1) No person is liable on an instrument unless his signature appears thereon.

(2) A signature is made by use of any name, including any trade or assumed name, upon an instrument, or by any word or mark used in lieu of a written signature.

Signature in ambiguous capacity.

SEC. 3-402. *Signature in Ambiguous Capacity.* Unless the instrument clearly indicates that a signature is made in some other capacity it is an indorsement.

Signature by authorized representative.

SEC. 3-403. *Signature by Authorized Representative.* (1) A signature may be made by an agent or other representative, and his authority to make it may be established as in other cases of representation. No particular form of appointment is necessary to establish such authority.

(2) An authorized representative who signs his own name to an instrument

(a) is personally obligated if the instrument neither names the person represented nor shows that the representative signed in a representative capacity;

(b) except as otherwise established between the immediate parties, is personally obligated if the instrument names the person represented but does not show that the representative signed in a representative capacity, or if the instrument does not name the person represented but does show that the representative signed in a representative capacity.

(3) Except as otherwise established the name of an organization preceded or followed by the name and office of an authorized individual is a signature made in a representative capacity.

SEC. 3-404. *Unauthorized Signatures.* (1) Any unauthorized signature is wholly inoperative as that of the person whose name is signed unless he ratifies it or is precluded from denying it; but it operates as the signature of the unauthorized signer in favor of any person who in good faith pays the instrument or takes it for value.

Unauthorized signatures.

(2) Any unauthorized signature may be ratified for all purposes of this Article. Such ratification does not of itself affect any rights of the person ratifying against the actual signer.

SEC. 3-405. *Impostors; Signature in Name of Payee.* (1) An indorsement by any person in the name of a named payee is effective if

Impostors—Signature in name of payee.

- (a) an impostor by use of the mails or otherwise has induced the maker or drawer to issue the instrument to him or his confederate in the name of the payee; or
- (b) a person signing as or on behalf of a maker or drawer intends the payee to have no interest in the instrument; or
- (c) an agent or employee of the maker or drawer has supplied him with the name of the payee intending the latter to have no such interest.

(2) Nothing in this section shall affect the criminal or civil liability of the person so indorsing.

SEC. 3-406. *Negligence Contributing to Alteration or Unauthorized Signature.* Any person who by his negligence substantially contributes to a material alteration of the instrument or to the making of an unauthorized signature is precluded from asserting the alteration or lack of authority against a holder in due course or against a drawee or other payor who pays the instrument in good faith and in accordance with the reasonable commercial standards of the drawee's or payor's business.

Negligence contributing to alteration or unauthorized signature.

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ity of parties.
Alteration.

SEC. 3-407. *Alteration.* (1) Any alteration of an instrument is material which changes the contract of any party thereto in any respect, including any such change in

- (a) the number or relations of the parties; or
- (b) an incomplete instrument, by completing it otherwise than as authorized; or
- (c) the writing as signed, by adding to it or by removing any part of it.

(2) As against any person other than a subsequent holder in due course

- (a) alteration by the holder which is both fraudulent and material discharges any party whose contract is thereby changed unless that party assents or is precluded from asserting the defense;
- (b) no other alteration discharges any party and the instrument may be enforced according to its original tenor, or as to incomplete instruments according to the authority given.

(3) A subsequent holder in due course may in all cases enforce the instrument according to its original tenor, and when an incomplete instrument has been completed, he may enforce it as completed.

Consideration.

SEC. 3-408. *Consideration.* Want or failure of consideration is a defense as against any person not having the rights of a holder in due course (Section 3-305), except that no consideration is necessary for an instrument or obligation thereon given in payment of or as security for an antecedent obligation of any kind. Nothing in this section shall be taken to displace any statute outside this Act under which a promise is enforceable notwithstanding lack or failure of consideration. Partial failure of consideration is a defense pro tanto whether or not the failure is in an ascertained or liquidated amount.

Draft not an
assignment.

SEC. 3-409. *Draft Not an Assignment.* (1) A check or other draft does not of itself operate as an assign-

ment of any funds in the hands of the drawee available for its payment, and the drawee is not liable on the instrument until he accepts it.

(2) Nothing in this section shall affect any liability in contract, tort or otherwise arising from any letter of credit or other obligation or representation which is not an acceptance.

SEC. 3-410. *Definition and Operation of Acceptance.* (1) Acceptance is the drawee's signed engagement to honor the draft as presented. It must be written on the draft, and may consist of his signature alone. It becomes operative when completed by delivery or notification.

Definition and operation of acceptance.

(2) A draft may be accepted although it has not been signed by the drawer or is otherwise incomplete or is overdue or has been dishonored.

(3) Where the draft is payable at a fixed period after sight and the acceptor fails to date his acceptance the holder may complete it by supplying a date in good faith.

SEC. 3-411. *Certification of a Check.* (1) Certification of a check is acceptance. Where a holder procures certification the drawer and all prior indorsers are discharged.

Certification of a check.

(2) Unless otherwise agreed a bank has no obligation to certify a check.

(3) A bank may certify a check before returning it for lack of proper indorsement. If it does so the drawer is discharged.

SEC. 3-412. *Acceptance Varying Draft.* (1) Where the drawee's proffered acceptance in any manner varies the draft as presented the holder may refuse the acceptance and treat the draft as dishonored in which case the drawee is entitled to have his acceptance cancelled.

Acceptance varying draft.

(2) The terms of the draft are not varied by an acceptance to pay at any particular bank or place

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in the United States, unless the acceptance states that the draft is to be paid only at such bank or place.

(3) Where the holder assents to an acceptance varying the terms of the draft each drawer and indorser who does not affirmatively assent is discharged.

Contract of maker, drawer and acceptor.

SEC. 3-413. *Contract of Maker, Drawer and Acceptor.* (1) The maker or acceptor engages that he will pay the instrument according to its tenor at the time of his engagement or as completed pursuant to Section 3-115 on incomplete instruments.

(2) The drawer engages that upon dishonor of the draft and any necessary notice of dishonor or protest he will pay the amount of the draft to the holder or to any indorser who takes it up. The drawer may disclaim this liability by drawing without recourse.

(3) By making, drawing or accepting the party admits as against all subsequent parties including the drawee the existence of the payee and his then capacity to indorse.

Contract of indorser—
Order of liability.

SEC. 3-414. *Contract of Indorser; Order of Liability.* (1) Unless the indorsement otherwise specifies (as by such words as "without recourse") every indorser engages that upon dishonor and any necessary notice of dishonor and protest he will pay the instrument according to its tenor at the time of his indorsement to the holder or to any subsequent indorser who takes it up, even though the indorser who takes it up was not obligated to do so.

(2) Unless they otherwise agree indorsers are liable to one another in the order in which they indorse, which is presumed to be the order in which their signatures appear on the instrument.

Contract of accommodation party.

SEC. 3-415. *Contract of Accommodation Party.* (1) An accommodation party is one who signs the

instrument in any capacity for the purpose of lending his name to another party to it.

(2) When the instrument has been taken for value before it is due the accommodation party is liable in the capacity in which he has signed even though the taker knows of the accommodation.

(3) As against a holder in due course and without notice of the accommodation oral proof of the accommodation is not admissible to give the accommodation party the benefit of discharges dependent on his character as such. In other cases the accommodation character may be shown by oral proof.

(4) An indorsement which shows that it is not in the chain of title is notice of its accommodation character.

(5) An accommodation party is not liable to the party accommodated, and if he pays the instrument has a right of recourse on the instrument against such party.

SEC. 3-416. *Contract of Guarantor.* (1) "Payment guaranteed" or equivalent words added to a signature mean that the signer engages that if the instrument is not paid when due he will pay it according to its tenor without resort by the holder to any other party.

Contract of guarantor.

(2) "Collection guaranteed" or equivalent words added to a signature mean that the signer engages that if the instrument is not paid when due he will pay it according to its tenor, but only after the holder has reduced his claim against the maker or acceptor to judgment and execution has been returned unsatisfied, or after the maker or acceptor has become insolvent or it is otherwise apparent that it is useless to proceed against him.

(3) Words of guaranty which do not otherwise specify guarantee payment.

(4) No words of guaranty added to the signature of a sole maker or acceptor affect his liability on the

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instrument. Such words added to the signature of one of two or more makers or acceptors create a presumption that the signature is for the accommodation of the others.

(5) When words of guaranty are used presentment, notice of dishonor and protest are not necessary to charge the user.

(6) Any guaranty written on the instrument is enforceable notwithstanding any statute of frauds.

Warranties on presentment and transfer.

SEC. 3-417. *Warranties on Presentment and Transfer.* (1) Any person who obtains payment or acceptance and any prior transferor warrants to a person who in good faith pays or accepts that

- (a) he has a good title to the instrument or is authorized to obtain payment or acceptance on behalf of one who has a good title; and
- (b) he has no knowledge that the signature of the maker or drawer is unauthorized, except that this warranty is not given by a holder in due course acting in good faith
 - (i) to a maker with respect to the maker's own signature; or
 - (ii) to a drawer with respect to the drawer's own signature, whether or not the drawer is also the drawee; or
 - (iii) to an acceptor of a draft if the holder in due course took the draft after the acceptance or obtained the acceptance without knowledge that the drawer's signature was unauthorized; and
- (c) the instrument has not been materially altered, except that this warranty is not given by a holder in due course acting in good faith
 - (i) to the maker of a note; or
 - (ii) to the drawer of a draft whether or not the drawer is also the drawee; or
 - (iii) to the acceptor of a draft with respect to an alteration made prior to the acceptance if the

holder in due course took the draft after the acceptance, even though the acceptance provided "payable as originally drawn" or equivalent terms; or

(iv) to the acceptor of a draft with respect to an alteration made after the acceptance.

(2) Any person who transfers an instrument and receives consideration warrants to his transferee and if the transfer is by indorsement to any subsequent holder who takes the instrument in good faith that

(a) he has a good title to the instrument or is authorized to obtain payment or acceptance on behalf of one who has a good title and the transfer is otherwise rightful; and

(b) all signatures are genuine or authorized; and

(c) the instrument has not been materially altered; and

(d) no defense of any party is good against him; and

(e) he has no knowledge of any insolvency proceeding instituted with respect to the maker or acceptor or the drawer of an unaccepted instrument.

(3) By transferring "without recourse" the transferor limits the obligation stated in subsection (2) (d) to a warranty that he has no knowledge of such a defense.

(4) A selling agent or broker who does not disclose the fact that he is acting only as such gives the warranties provided in this section, but if he makes such disclosure warrants only his good faith and authority.

SEC. 3-418. *Finality of Payment or Acceptance.* Except for recovery of bank payments as provided in the Article on Bank Deposits and Collections (Article 4) and except for liability for breach of warranty on presentment under the preceding section,

Finality of
payment or
acceptance.

payment or acceptance of any instrument is final in favor of a holder in due course, or a person who has in good faith changed his position in reliance on the payment.

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mercial code—
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ity of parties.
Conversion of
instrument—
Innocent
representative.

SEC. 3-419. *Conversion of Instrument; Innocent Representative.* (1) An instrument is converted when

- (a) a drawee to whom it is delivered for acceptance refuses to return it on demand; or
- (b) any person to whom it is delivered for payment refuses on demand either to pay or to return it; or
- (c) it is paid on a forged indorsement.

(2) In an action against a drawee under subsection (1) the measure of the drawee's liability is the face amount of the instrument. In any other action under subsection (1) the measure of liability is presumed to be the face amount of the instrument.

(3) Subject to the provisions of this Act concerning restrictive indorsements a representative, including a depository or collecting bank, who has in good faith and in accordance with the reasonable commercial standards applicable to the business of such representative dealt with an instrument or its proceeds on behalf of one who was not the true owner is not liable in conversion or otherwise to the true owner beyond the amount of any proceeds remaining in his hands.

(4) An intermediary bank or payor bank which is not a depository bank is not liable in conversion solely by reason of the fact that proceeds of an item indorsed restrictively (Sections 3-205 and 3-206) are not paid or applied consistently with the restrictive indorsement of an indorser other than its immediate transferor.

Part 5

PRESENTMENT, NOTICE OF DISHONOR AND PROTEST

SEC. 3-501. *When Presentment, Notice of Dishonor, and Protest Necessary or Permissible.* (1) Unless excused (Section 3-511) presentment is necessary to charge secondary parties as follows:

Presentment, notice of dishonor and protest. When presentment, notice of dishonor, and protest necessary or permissible.

- (a) presentment for acceptance is necessary to charge the drawer and indorsers of a draft where the draft so provides, or is payable elsewhere than at the residence or place of business of the drawee, or its date of payment depends upon such presentment. The holder may at his option present for acceptance any other draft payable at a stated date;
 - (b) presentment for payment is necessary to charge any indorser;
 - (c) in the case of any drawer, the acceptor of a draft payable at a bank or the maker of a note payable at a bank, presentment for payment is necessary, but failure to make presentment discharges such drawer, acceptor or maker only as stated in Section 3-502 (1) (b).
- (2) Unless excused (Section 3-511)
- (a) notice of any dishonor is necessary to charge any indorser;
 - (b) in the case of any drawer, the acceptor of a draft payable at a bank or the maker of a note payable at a bank, notice of any dishonor is necessary, but failure to give such notice discharges such drawer, acceptor or maker only as stated in Section 3-502 (1) (b).
- (3) Unless excused (Section 3-511) protest of any dishonor is necessary to charge the drawer and indorsers of any draft which on its face appears to be drawn or payable outside of the states and territories of the United States and the District of Columbia. The holder may at his option make protest

of any dishonor of any other instrument and in the case of a foreign draft may on insolvency of the acceptor before maturity make protest for better security.

(4) Notwithstanding any provision of this section, neither presentment nor notice of dishonor nor protest is necessary to charge an indorser who has indorsed an instrument after maturity.

Uniform commercial code—
Commercial paper. Presentment, notice of dishonor and protest. Unexcused delay—
Discharge.

SEC. 3-502. *Unexcused Delay; Discharge.* (1) Where without excuse any necessary presentment or notice of dishonor is delayed beyond the time when it is due

- (a) any indorser is discharged; and
- (b) any drawer or the acceptor of a draft payable at a bank or the maker of a note payable at a bank who because the drawee or payor bank becomes insolvent during the delay is deprived of funds maintained with the drawee or payor bank to cover the instrument may discharge his liability by written assignment to the holder of his rights against the drawee or payor bank in respect of such funds, but such drawer, acceptor or maker is not otherwise discharged.

(2) Where without excuse a necessary protest is delayed beyond the time when it is due any drawer or indorser is discharged.

Time of presentment.

SEC. 3-503. *Time of Presentment.* (1) Unless a different time is expressed in the instrument the time for any presentment is determined as follows:

- (a) where an instrument is payable at or a fixed period after a stated date any presentment for acceptance must be made on or before the date it is payable;
- (b) where an instrument is payable after sight it must either be presented for acceptance

or negotiated within a reasonable time after date or issue whichever is later;

- (c) where an instrument shows the date on which it is payable presentment for payment is due on that date;
- (d) where an instrument is accelerated presentment for payment is due within a reasonable time after the acceleration;
- (e) with respect to the liability of any secondary party presentment for acceptance or payment of any other instrument is due within a reasonable time after such party becomes liable thereon.

(2) A reasonable time for presentment is determined by the nature of the instrument, any usage of banking or trade and the facts of the particular case. In the case of an uncertified check which is drawn and payable within the United States and which is not a draft drawn by a bank the following are presumed to be reasonable periods within which to present for payment or to initiate bank collection:

- (a) with respect to the liability of the drawer, thirty days after date or issue whichever is later; and
- (b) with respect to the liability of an endorser, seven days after his indorsement.

(3) Where any presentment is due on a day which is not a full business day for either the person making presentment or the party to pay or accept, presentment is due on the next following day which is a full business day for both parties.

(4) Presentment to be sufficient must be made at a reasonable hour, and if at a bank during its banking day.

SEC. 3-504. *How Presentment Made.* (1) Presentment is a demand for acceptance or payment made upon the maker, acceptor, drawee or other payor by or on behalf of the holder.

How presentment made.

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Commercial paper. Presentment, notice of dishonor and protest. How presentment made.

- (2) Presentment may be made
 - (a) by mail, in which event the time of presentment is determined by the time of receipt of the mail; or
 - (b) through a clearing house; or
 - (c) at the place of acceptance or payment specified in the instrument or if there be none at the place of business or residence of the party to accept or pay. If neither the party to accept or pay nor anyone authorized to act for him is present or accessible at such place presentment is excused.
- (3) It may be made
 - (a) to any one of two or more makers, acceptors, drawees or other payors; or
 - (b) to any person who has authority to make or refuse the acceptance or payment.
- (4) A draft accepted or a note made payable at a bank in the United States must be presented at such bank.
- (5) In the cases described in Section 4-210 presentment may be made in the manner and with the result stated in that section.

Rights of party to whom presentment is made.

SEC. 3-505. *Rights of Party to Whom Presentment Is Made.* (1) The party to whom presentment is made may without dishonor require

- (a) exhibition of the instrument; and
- (b) reasonable identification of the person making presentment and evidence of his authority to make it if made for another; and
- (c) that the instrument be produced for acceptance or payment at a place specified in it, or if there be none at any place reasonable in the circumstances; and
- (d) a signed receipt on the instrument for any partial or full payment and its surrender upon full payment.

(2) Failure to comply with any such requirement invalidates the presentment but the person presenting has a reasonable time in which to comply and the time for acceptance or payment runs from the time of compliance.

SEC. 3-506. *Time Allowed for Acceptance or Payment.* (1) Acceptance may be deferred without dishonor until the close of the next business day following presentment. The holder may also in a good faith effort to obtain acceptance and without either dishonor of the instrument or discharge of secondary parties allow postponement of acceptance for an additional business day.

Time allowed
for accept-
ance or
payment.

(2) Except as a longer time is allowed in the case of documentary drafts drawn under a letter of credit, and unless an earlier time is agreed to by the party to pay, payment of an instrument may be deferred without dishonor pending reasonable examination to determine whether it is properly payable, but payment must be made in any event before the close of business on the day of presentment.

SEC. 3-507. *Dishonor; Holder's Right of Recourse; Term Allowing Re-presentment.* (1) An instrument is dishonored when

Dishonor—
Holder's right
of recourse—
Term allowing
re-present-
ment.

- (a) a necessary or optional presentment is duly made and due acceptance or payment is refused or cannot be obtained within the prescribed time or in case of bank collections the instrument is seasonably returned by the midnight deadline (Section 4-301); or
- (b) presentment is excused and the instrument is not duly accepted or paid.

(2) Subject to any necessary notice of dishonor and protest, the holder has upon dishonor an immediate right of recourse against the drawers and indorsers.

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(3) Return of an instrument for lack of proper indorsement is not dishonor.

(4) A term in a draft or an indorsement thereof allowing a stated time for re-presentment in the event of any dishonor of the draft by nonacceptance if a time draft or by nonpayment if a sight draft gives the holder as against any secondary party bound by the term an option to waive the dishonor without affecting the liability of the secondary party and he may present again up to the end of the stated time.

Notice of dishonor.

SEC. 3-508. *Notice of Dishonor.* (1) Notice of dishonor may be given to any person who may be liable on the instrument by or on behalf of the holder or any party who has himself received notice, or any other party who can be compelled to pay the instrument. In addition an agent or bank in whose hands the instrument is dishonored may give notice to his principal or customer or to another agent or bank from which the instrument was received.

(2) Any necessary notice must be given by a bank before its midnight deadline and by any other person before midnight of the third business day after dishonor or receipt of notice of dishonor.

(3) Notice may be given in any reasonable manner. It may be oral or written and in any terms which identify the instrument and state that it has been dishonored. A misdescription which does not mislead the party notified does not vitiate the notice. Sending the instrument bearing a stamp, ticket or writing stating that acceptance or payment has been refused or sending a notice of debit with respect to the instrument is sufficient.

(4) Written notice is given when sent although it is not received.

(5) Notice to one partner is notice to each although the firm has been dissolved.

(6) When any party is in insolvency proceedings instituted after the issue of the instrument notice may be given either to the party or to the representative of his estate.

(7) When any party is dead or incompetent notice may be sent to his last known address or given to his personal representative.

(8) Notice operates for the benefit of all parties who have rights on the instrument against the party notified.

SEC. 3-509. *Protest; Noting for Protest.* (1) A protest is a certificate of dishonor made under the hand and seal of a United States consul or vice consul or a notary public or other person authorized to certify dishonor by the law of the place where dishonor occurs. It may be made upon information satisfactory to such person.

Protest—
Noting for
protest.

(2) The protest must identify the instrument and certify either that due presentment has been made or the reason why it is excused and that the instrument has been dishonored by nonacceptance or nonpayment.

(3) The protest may also certify that notice of dishonor has been given to all parties or to specified parties.

(4) Subject to subsection (5) any necessary protest is due by the time that notice of dishonor is due.

(5) If, before protest is due, an instrument has been noted for protest by the officer to make protest, the protest may be made at any time thereafter as of the date of the noting.

SEC. 3-510. *Evidence of Dishonor and Notice of Dishonor.* The following are admissible as evidence and create a presumption of dishonor and of any notice of dishonor therein shown:

Evidence of
dishonor and
notice of
dishonor.

- (a) a document regular in form as provided in the preceding section which purports to be a protest;

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- (b) the purported stamp or writing of the drawee, payor bank or presenting bank on the instrument or accompanying it stating that acceptance or payment has been refused for reasons consistent with dishonor;
- (c) any book or record of the drawee, payor bank, or any collecting bank kept in the usual course of business which shows dishonor, even though there is no evidence of who made the entry.

Waived or excused presentment, protest or notice of dishonor or delay therein.

SEC. 3-511. *Waived or Excused Presentment, Protest or Notice of Dishonor or Delay Therein.* (1) Delay in presentment, protest or notice of dishonor is excused when the party is without notice that it is due or when the delay is caused by circumstances beyond his control and he exercises reasonable diligence after the cause of the delay ceases to operate.

(2) Presentment or notice or protest as the case may be is entirely excused when

- (a) the party to be charged has waived it expressly or by implication either before or after it is due; or
 - (b) such party has himself dishonored the instrument or has countermanded payment or otherwise has no reason to expect or right to require that the instrument be accepted or paid; or
 - (c) by reasonable diligence the presentment or protest cannot be made or the notice given.
- (3) Presentment is also entirely excused when
- (a) the maker, acceptor or drawee of any instrument except a documentary draft is dead or in insolvency proceedings instituted after the issue of the instrument; or
 - (b) acceptance or payment is refused but not for want of proper presentment.

(4) Where a draft has been dishonored by non-acceptance a later presentment for payment and any

notice of dishonor and protest for nonpayment are excused unless in the meantime the instrument has been accepted.

(5) A waiver of protest is also a waiver of presentment and of notice of dishonor even though protest is not required.

(6) Where a waiver of presentment or notice or protest is embodied in the instrument itself it is binding upon all parties; but where it is written above the signature of an indorser it binds him only.

Part 6

DISCHARGE

SEC. 3-601. *Discharge of Parties.* (1) The extent of the discharge of any party from liability on an instrument is governed by the sections on

Discharge.
Of parties.

- (a) payment or satisfaction (Section 3-603); or
- (b) tender of payment (Section 3-604); or
- (c) cancellation or renunciation (Section 3-605); or
- (d) impairment of right of recourse or of collateral (Section 3-606); or
- (e) reacquisition of the instrument by a prior party (Section 3-208); or
- (f) fraudulent and material alteration (Section 3-407); or
- (g) certification of a check (Section 3-411); or
- (h) acceptance varying a draft (Section 3-412); or
- (i) unexcused delay in presentment or notice of dishonor or protest (Section 3-502).

(2) Any party is also discharged from his liability on an instrument to another party by any other act or agreement with such party which would discharge his simple contract for the payment of money.

(3) The liability of all parties is discharged when any party who has himself no right of action or recourse on the instrument

Uniform commercial code—
Commercial paper.
Discharge.
Of parties.

- (a) reacquires the instrument in his own right;
OR
- (b) is discharged under any provision of this Article, except as otherwise provided with respect to discharge for impairment of recourse or of collateral (Section 3-606).

Effect of discharge against holder in due course.

SEC. 3-602. *Effect of Discharge Against Holder in Due Course.* No discharge of any party provided by this Article is effective against a subsequent holder in due course unless he has notice thereof when he takes the instrument.

Payment or satisfaction.

SEC. 3-603. *Payment or Satisfaction.* (1) The liability of any party is discharged to the extent of his payment or satisfaction to the holder even though it is made with knowledge of a claim of another person to the instrument unless prior to such payment or satisfaction the person making the claim either supplies indemnity deemed adequate by the party seeking the discharge or enjoins payment or satisfaction by order of a court of competent jurisdiction in an action in which the adverse claimant and the holder are parties. This subsection does not, however, result in the discharge of the liability

- (a) of a party who in bad faith pays or satisfies a holder who acquired the instrument by theft or who (unless having the rights of a holder in due course) holds through one who so acquired it; or
- (b) of a party (other than an intermediary bank or a payor bank which is not a depository bank) who pays or satisfies the holder of an instrument which has been restrictively indorsed in a manner not consistent with the terms of such restrictive indorsement.

(2) Payment or satisfaction may be made with the consent of the holder by any person including a stranger to the instrument. Surrender of the instru-

ment to such a person gives him the rights of a transferee (Section 3-201).

SEC. 3-604. *Tender of Payment.* (1) Any party making tender of full payment to a holder when or after it is due is discharged to the extent of all subsequent liability for interest, costs and attorney's fees. Tender of payment.

(2) The holder's refusal of such tender wholly discharges any party who has a right of recourse against the party making the tender.

(3) Where the maker or acceptor of an instrument payable otherwise than on demand is able and ready to pay at every place of payment specified in the instrument when it is due, it is equivalent to tender.

SEC. 3-605. *Cancellation and Renunciation.* (1) The holder of an instrument may even without consideration discharge any party Cancellation of renunciation..

(a) in any manner apparent on the face of the instrument or the indorsement, as by intentionally cancelling the instrument or the party's signature by destruction or mutilation, or by striking out the party's signature; or

(b) by renouncing his rights by a writing signed and delivered or by surrender of the instrument to the party to be discharged.

(2) Neither cancellation nor renunciation without surrender of the instrument affects the title thereto.

SEC. 3-606. *Impairment of Recourse or of Collateral.* (1) The holder discharges any party to the instrument to the extent that without such party's consent the holder Impairment of recourse or of collateral.

(a) without express reservation of rights releases or agrees not to sue any person against whom the party has to the knowledge of the holder a right of recourse or agrees to sus-

Uniform com-
mercial code—
Commercial
paper. Dis-
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pairment of
recourse or
of collateral.

pend the right to enforce against such person the instrument or collateral or otherwise discharges such person, except that failure or delay in effecting any required presentment, protest or notice of dishonor with respect to any such person does not discharge any party as to whom presentment, protest or notice of dishonor is effective or unnecessary; or

(b) unjustifiably impairs any collateral for the instrument given by or on behalf of the party or any person against whom he has a right of recourse.

(2) By express reservation of rights against a party with a right of recourse the holder preserves

(a) all his rights against such party as of the time when the instrument was originally due; and

(b) the right of the party to pay the instrument as of that time; and

(c) all rights of such party to recourse against others.

Part 7

ADVICE OF INTERNATIONAL SIGHT DRAFT

Advice of
international
sight draft.
Letter of.

SEC. 3-701. *Letter of Advice of International Sight Draft.* (1) A "letter of advice" is a drawer's communication to the drawee that a described draft has been drawn.

(2) Unless otherwise agreed when a bank receives from another bank a letter of advice of an international sight draft the drawee bank may immediately debit the drawer's account and stop the running of interest pro tanto. Such a debit and any resulting credit to any account covering outstanding drafts leaves in the drawer full power to stop payment or otherwise dispose of the amount and creates no trust or interest in favor of the holder.

(3) Unless otherwise agreed and except where a draft is drawn under a credit issued by the drawee, the drawee of an international sight draft owes the drawer no duty to pay an unadvised draft but if it does so and the draft is genuine, may appropriately debit the drawer's account.

Part 8

MISCELLANEOUS

SEC. 3-801. *Drafts in a Set.* (1) Where a draft is drawn in a set of parts, each of which is numbered and expressed to be an order only if no other part has been honored, the whole of the parts constitutes one draft but a taker of any part may become a holder in due course of the draft.

Miscellaneous.
Drafts in a set.

(2) Any person who negotiates, indorses or accepts a single part of a draft drawn in a set thereby becomes liable to any holder in due course of that part as if it were the whole set, but as between different holders in due course to whom different parts have been negotiated the holder whose title first accrues has all rights to the draft and its proceeds.

(3) As against the drawee the first presented part of a draft drawn in a set is the part entitled to payment, or if a time draft to acceptance and payment. Acceptance of any subsequently presented part renders the drawee liable thereon under subsection (2). With respect both to a holder and to the drawer payment of a subsequently presented part of a draft payable at sight has the same effect as payment of a check notwithstanding an effective stop order (Section 4-407).

(4) Except as otherwise provided in this section, where any part of a draft in a set is discharged by payment or otherwise the whole draft is discharged.

SEC. 3-802. *Effect of Instrument on Obligation for Which It Is Given.* (1) Unless otherwise agreed

Effect of
instrument on
obligation for
which given.

Uniform commercial code—
Commercial code—
paper.
Miscellaneous.
Effect of instrument on
obligation for which it is
given.

where an instrument is taken for an underlying obligation

- (a) the obligation is pro tanto discharged if a bank is drawer, maker or acceptor of the instrument and there is no recourse on the instrument against the underlying obligor; and
- (b) in any other case the obligation is suspended pro tanto until the instrument is due or if it is payable on demand until its presentment. If the instrument is dishonored action may be maintained on either the instrument or the obligation; discharge of the underlying obligor on the instrument also discharges him on the obligation.

(2) The taking in good faith of a check which is not postdated does not of itself so extend the time on the original obligation as to discharge a surety.

Notice to third party.

SEC. 3-803. *Notice to Third Party.* Where a defendant is sued for breach of an obligation for which a third person is answerable over under this Article he may give the third person written notice of the litigation, and the person notified may then give similar notice to any other person who is answerable over to him under this Article. If the notice states that the person notified may come in and defend and that if the person notified does not do so he will in any action against him by the person giving the notice be bound by any determination of fact common to the two litigations, then unless after seasonable receipt of the notice the person notified does come in and defend he is so bound.

Lost, destroyed or stolen instruments.

SEC. 3-804. *Lost, Destroyed or Stolen Instruments.* The owner of an instrument which is lost, whether by destruction, theft or otherwise, may maintain an action in his own name and recover from any party liable thereon upon due proof of his ownership, the facts which prevent his production of the

instrument and its terms. The court may require security indemnifying the defendant against loss by reason of further claims on the instrument.

SEC. 3-805. *Instruments Not Payable to Order or to Bearer.* This Article applies to any instrument whose terms do not preclude transfer and which is otherwise negotiable within this Article but which is not payable to order or to bearer, except that there can be no holder in due course of such an instrument.

Instruments not payable to order or to bearer.

Article 4

Bank Deposits and Collections

Part 1

GENERAL PROVISIONS AND DEFINITIONS

SEC. 4-101. *Short Title.* This Article shall be known and may be cited as Uniform Commercial Code—Bank Deposits and Collections.

Bank deposits and collections. Short title.

SEC. 4-102. *Applicability.* (1) To the extent that items within this Article are also within the scope of Articles 3 and 8, they are subject to the provisions of those Articles. In the event of conflict the provisions of this Article govern those of Article 3 but the provisions of Article 8 govern those of this Article.

Applicability.

(2) The liability of a bank for action or non-action with respect to any item handled by it for purposes of presentment, payment or collection is governed by the law of the place where the bank is located. In the case of action or non-action by or at a branch or separate office of a bank, its liability is governed by the law of the place where the branch or separate office is located.

SEC. 4-103. *Variation by Agreement; Measure of Damages; Certain Action Constituting Ordinary*

Variation by agreement, etc.

Uniform commercial code—
Bank deposits and collections. General. Variations by agreement—
Measure of damages—
Certain action constituting ordinary care.

Care. (1) The effect of the provisions of this Article may be varied by agreement except that no agreement can disclaim a bank's responsibility for its own lack of good faith or failure to exercise ordinary care or can limit the measure of damages for such lack or failure; but the parties may by agreement determine the standards by which such responsibility is to be measured if such standards are not manifestly unreasonable.

(2) Federal Reserve regulations and operating letters, clearing house rules, and the like, have the effect of agreements under subsection (1), whether or not specifically assented to by all parties interested in items handled.

(3) Action or non-action approved by this Article or pursuant to Federal Reserve regulations or operating letters constitutes the exercise of ordinary care and, in the absence of special instructions, action or non-action consistent with clearing house rules and the like or with a general banking usage not disapproved by this Article, prima facie constitutes the exercise of ordinary care.

(4) The specification or approval of certain procedures by this Article does not constitute disapproval of other procedures which may be reasonable under the circumstances.

(5) The measure of damages for failure to exercise ordinary care in handling an item is the amount of the item reduced by an amount which could not have been realized by the use of ordinary care, and where there is bad faith it includes other damages, if any, suffered by the party as a proximate consequence.

Definitions and index of definitions.

SEC. 4-104. *Definitions and Index of Definitions.*
(1) In this Article unless the context otherwise requires

- (a) "Account" means any account with a bank and includes a checking, time, interest or savings account;
- (b) "Afternoon" means the period of a day between noon and midnight;
- (c) "Banking day" means that part of any day on which a bank is open to the public for carrying on substantially all of its banking functions;
- (d) "Clearing house" means any association of banks or other payors regularly clearing items;
- (e) "Customer" means any person having an account with a bank or for whom a bank has agreed to collect items and includes a bank carrying an account with another bank;
- (f) "Documentary draft" means any negotiable or non-negotiable draft with accompanying documents, securities or other papers to be delivered against honor of the draft;
- (g) "Item" means any instrument for the payment of money even though it is not negotiable but does not include money;
- (h) "Midnight deadline" with respect to a bank is midnight on its next banking day following the banking day on which it receives the relevant item or notice or from which the time for taking action commences to run, whichever is later;
- (i) "Properly payable" includes the availability of funds for payment at the time of decision to pay or dishonor;
- (j) "Settle" means to pay in cash, by clearing house settlement, in a charge or credit or by remittance, or otherwise as instructed. A settlement may be either provisional or final;
- (k) "Suspends payments" with respect to a bank means that it has been closed by order of

Uniform commercial code—
Bank deposits and collections. General. Definitions and index to definitions.

the supervisory authorities, that a public officer has been appointed to take it over or that it ceases or refuses to make payments in the ordinary course of business.

(2) Other definitions applying to this Article and the sections in which they appear are:

- “Collecting bank”Section 4-105.
- “Depository bank”Section 4-105.
- “Intermediary bank”Section 4-105.
- “Payor bank”Section 4-105.
- “Presenting bank”Section 4-105.
- “Remitting bank”Section 4-105.

(3) The following definitions in other Articles apply to this Article:

- “Acceptance”Section 3-410.
- “Certificate of deposit”Section 3-104.
- “Certification”Section 3-411.
- “Check”Section 3-104.
- “Draft”Section 3-104.
- “Holder in due course”Section 3-302.
- “Notice of dishonor”Section 3-508.
- “Presentment”Section 3-504.
- “Protest”Section 3-509.
- “Secondary party”Section 3-102.

(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

“Depository bank”—“Intermediary bank”—“Collecting bank”—“Payor bank”—“Presenting bank”—“Remitting bank”.

SEC. 4-105. “*Depository Bank*”; “*Intermediary Bank*”; “*Collecting Bank*”; “*Payor Bank*”; “*Presenting Bank*”; “*Remitting Bank*”. In this Article unless the context otherwise requires:

- (a) “*Depository bank*” means the first bank to which an item is transferred for collection even though it is also the payor bank;
- (b) “*Payor bank*” means a bank by which an item is payable as drawn or accepted;

- (c) "Intermediary bank" means any bank to which an item is transferred in course of collection except the depository or payor bank;
- (d) "Collecting bank" means any bank handling the item for collection except the payor bank;
- (e) "Presenting bank" means any bank presenting an item except a payor bank;
- (f) "Remitting bank" means any payor or intermediary bank remitting for an item.

SEC. 4-106. *Separate Office of a Bank.* A branch or separate office of a bank is a separate bank for the purpose of computing the time within which and determining the place at or to which action may be taken or notices or orders shall be given under this Article and under Article 3.

Separate office of a bank.

SEC. 4-107. *Time of Receipt of Items.* (1) For the purpose of allowing time to process items, prove balances and make the necessary entries on its books to determine its position for the day, a bank may fix an afternoon hour of two P.M. or later as a cut-off hour for the handling of money and items and the making of entries on its books.

Time of receipt of items.

(2) Any item or deposit of money received on any day after a cut-off hour so fixed or after the close of the banking day may be treated as being received at the opening of the next banking day.

SEC. 4-108. *Delays.* (1) Unless otherwise instructed, a collecting bank in a good faith effort to secure payment may, in the case of specific items and with or without the approval of any person involved, waive, modify or extend time limits imposed or permitted by this Act for a period not in excess of an additional banking day without discharge of secondary parties and without liability to its transferor or any prior party.

Delays.

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Bank deposits and collections. General. Delays.

(2) Delay by a collecting bank or payor bank beyond time limits prescribed or permitted by this Act or by instructions is excused if caused by interruption of communication facilities, suspension of payments by another bank, war, emergency conditions or other circumstances beyond the control of the bank provided it exercises such diligence as the circumstances require.

Process of posting.

SEC. 4-109. *Process of Posting.* The “process of posting” means the usual procedure followed by a payor bank in determining to pay an item and in recording the payment including one or more of the following or other steps as determined by the bank:

- (a) verification of any signature;
- (b) ascertaining that sufficient funds are available;
- (c) affixing a “paid” or other stamp;
- (d) entering a charge or entry to a customer’s account;
- (e) correcting or reversing an entry or erroneous action with respect to the item.

Part 2

COLLECTION OF ITEMS: DEPOSITARY AND COLLECTING BANKS

Collection of items—Depositary and collecting banks. Presumption and duration of agency status of collecting banks and provisional status of credits—Applicability of article—Item indorsed “Pay any bank”.

SEC. 4-201. *Presumption and Duration of Agency Status of Collecting Banks and Provisional Status of Credits; Applicability of Article; Item Indorsed “Pay Any Bank”.* (1) Unless a contrary intent clearly appears and prior to the time that a settlement given by a collecting bank for an item is or becomes final (subsection (3) of Section 4-211 and Sections 4-212 and 4-213) the bank is an agent or sub-agent of the owner of the item and any settlement given for the item is provisional. This provision applies regardless of the form of indorsement

or lack of indorsement and even though credit given for the item is subject to immediate withdrawal as of right or is in fact withdrawn; but the continuance of ownership of an item by its owner and any rights of the owner to proceeds of the item are subject to rights of a collecting bank such as those resulting from outstanding advances on the item and valid rights of setoff. When an item is handled by banks for purposes of presentment, payment and collection, the relevant provisions of this Article apply even though action of parties clearly establishes that a particular bank has purchased the item and is the owner of it.

(2) After an item has been indorsed with the words "pay any bank" or the like, only a bank may acquire the rights of a holder

- (a) until the item has been returned to the customer initiating collection; or
- (b) until the item has been specially indorsed by a bank to a person who is not a bank.

SEC. 4-202. *Responsibility for Collection; When Action Seasonable.* (1) A collecting bank must use ordinary care in

Responsibility
for collection—
When action
seasonable.

- (a) presenting an item or sending it for presentment; and
- (b) sending notice of dishonor or non-payment or returning an item other than a documentary draft to the bank's transferor or directly to the depository bank under subsection (2) of Section 4-212 after learning that the item has not been paid or accepted, as the case may be; and
- (c) settling for an item when the bank receives final settlement; and
- (d) making or providing for any necessary protest; and

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(e) notifying its transferor of any loss or delay in transit within a reasonable time after discovery thereof.

(2) A collecting bank taking proper action before its midnight deadline following receipt of an item, notice or payment acts seasonably; taking proper action within a reasonably longer time may be seasonable but the bank has the burden of so establishing.

(3) Subject to subsection (1) (a), a bank is not liable for the insolvency, neglect, misconduct, mistake or default of another bank or person or for loss or destruction of an item in transit or in the possession of others.

Effect of instructions.

SEC. 4-203. *Effect of Instructions.* Subject to the provisions of Article 3 concerning conversion of instruments (Section 3-419) and the provisions of both Article 3 and this Article concerning restrictive indorsements only a collecting bank's transferor can give instructions which affect the bank or constitute notice to it and a collecting bank is not liable to prior parties for any action taken pursuant to such instructions or in accordance with any agreement with its transferor.

Methods and sending and presenting—Sending direct to payor bank.

SEC. 4-204. *Methods of Sending and Presenting; Sending Direct to Payor Bank.* (1) A collecting bank must send items by reasonably prompt method taking into consideration any relevant instructions, the nature of the item, the number of such items on hand, and the cost of collection involved and the method generally used by it or others to present such items.

- (2) A collecting bank may send
 - (a) any item direct to the payor bank;
 - (b) any item to any non-bank payor if authorized by its transferor; and
 - (c) any item other than documentary drafts to any non-bank payor, if authorized by Fed-

eral Reserve regulation or operating letter, clearing house rule or the like.

(3) Presentment may be made by a presenting bank at a place where the payor bank has requested that presentment be made.

SEC. 4-205. *Supplying Missing Indorsement; No Notice from Prior Indorsement.* (1) A depository bank which has taken an item for collection may supply any indorsement of the customer which is necessary to title unless the item contains the words "payee's indorsement required" or the like. In the absence of such a requirement a statement placed on the item by the depository bank to the effect that the item was deposited by a customer or credited to his account is effective as the customer's indorsement.

Supplying missing indorsement—No notice from prior indorsement.

(2) An intermediary bank, or payor bank which is not a depository bank, is neither given notice nor otherwise affected by a restrictive indorsement of any person except the bank's immediate transferor.

SEC. 4-206. *Transfer Between Banks.* Any agreed method which identifies the transferor bank is sufficient for the item's further transfer to another bank.

Transfer between banks.

SEC. 4-207. *Warranties of Customer and Collecting Bank on Transfer or Presentment of Items; Time for Claims.* (1) Each customer or collecting bank who obtains payment or acceptance of an item and each prior customer and collecting bank warrants to the payor bank or other payor who in good faith pays or accepts the item that

Warranties of customer and collecting bank on transfer or presentment of items—Time for claims.

- (a) he has a good title to the item or is authorized to obtain payment or acceptance on behalf of one who has a good title; and
- (b) he has no knowledge that the signature of the maker or drawer is unauthorized, except that this warranty is not given by any cus-

Uniform commercial code—
Bank deposits and collections. Depository and collecting banks. Warranties of customer and collecting bank on transfer or presentation of items—Time for claims.

tomer or collecting bank that is a holder in due course and acts in good faith

- (i) to a maker with respect to the maker's own signature; or
- (ii) to a drawer with respect to the drawer's own signature, whether or not the drawer is also the drawee; or
- (iii) to an acceptor of an item if the holder in due course took the item after the acceptance or obtained the acceptance without knowledge that the drawer's signature was unauthorized; and
- (c) the item has not been materially altered, except that this warranty is not given by any customer or collecting bank that is a holder in due course and acts in good faith
 - (i) to the maker of a note; or
 - (ii) to the drawer of a draft whether or not the drawer is also the drawee; or
 - (iii) to the acceptor of an item with respect to an alteration made prior to the acceptance if the holder in due course took the item after the acceptance, even though the acceptance provided "payable as originally drawn" or equivalent terms; or
 - (iv) to the acceptor of an item with respect to an alteration made after the acceptance.

(2) Each customer and collecting bank who transfers an item and receives a settlement or other consideration for it warrants to his transferee and to any subsequent collecting bank who takes the item in good faith that

- (a) he has a good title to the item or is authorized to obtain payment or acceptance on behalf of one who has a good title and the transfer is otherwise rightful; and
- (b) all signatures are genuine or authorized; and

- (c) the item has not been materially altered; and
- (d) no defense of any party is good against him; and
- (e) he has no knowledge of any insolvency proceeding instituted with respect to the maker or acceptor or the drawer of an unaccepted item.

In addition each customer and collecting bank so transferring an item and receiving a settlement or other consideration engages that upon dishonor and any necessary notice of dishonor and protest he will take up the item.

(3) The warranties and the engagement to honor set forth in the two preceding subsections arise notwithstanding the absence of indorsement or words of guaranty or warranty in the transfer or presentment and a collecting bank remains liable for their breach despite remittance to its transferor. Damages for breach of such warranties or engagement to honor shall not exceed the consideration received by the customer or collecting bank responsible plus finance charges and expenses related to the item, if any.

(4) Unless a claim for breach of warranty under this section is made within a reasonable time after the person claiming learns of the breach, the person liable is discharged to the extent of any loss caused by the delay in making claim.

SEC. 4-208. *Security Interest of Collecting Bank in Items, Accompanying Documents and Proceeds.*

(1) A bank has a security interest in an item and any accompanying documents or the proceeds of either

- (a) in case of an item deposited in an account to the extent to which credit given for the item has been withdrawn or applied;

Security interest of collecting bank in items, accompanying documents and proceeds.

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Bank deposits and collections. Depository and collecting banks. Security interest of collecting bank in items, accompanying documents and proceeds.

- (b) in case of an item for which it has given credit available for withdrawal as of right, to the extent of the credit given whether or not the credit is drawn upon and whether or not there is a right of charge-back; or
- (c) if it makes an advance on or against the item.

(2) When credit which has been given for several items received at one time or pursuant to a single agreement is withdrawn or applied in part the security interest remains upon all the items, any accompanying documents or the proceeds of either. For the purpose of this section, credits first given are first withdrawn.

(3) Receipt by a collecting bank of a final settlement for an item is a realization on its security interest in the item, accompanying documents and proceeds. To the extent and so long as the bank does not receive final settlement for the item or give up possession of the item or accompanying documents for purposes other than collection, the security interest continues and is subject to the provisions of Article 9 except that

- (a) no security agreement is necessary to make the security interest enforceable (subsection (1) (b) of Section 9-203); and
- (b) no filing is required to perfect the security interest; and
- (c) the security interest has priority over conflicting perfected security interests in the item, accompanying documents or proceeds.

When bank gives value for purposes of holder in due course.

SEC. 4-209. *When Bank Gives Value for Purposes of Holder in Due Course.* For purposes of determining its status as a holder in due course, the bank has given value to the extent that it has a security interest in an item provided that the bank otherwise complies with the requirements of Section 3-302 on what constitutes a holder in due course.

SEC. 4-210. *Presentment by Notice of Item Not Payable By, Through or at a Bank; Liability of Secondary Parties.* (1) Unless otherwise instructed, a collecting bank may present an item not payable by, through or at a bank by sending to the party to accept or pay a written notice that the bank holds the item for acceptance or payment. The notice must be sent in time to be received on or before the day when presentment is due and the bank must meet any requirement of the party to accept or pay under Section 3-505 by the close of the bank's next banking day after it knows of the requirement.

Presentment by notice of item not payable by, through or at a bank—Liability of secondary parties.

(2) Where presentment is made by notice and neither honor nor request for compliance with a requirement under Section 3-505 is received by the close of business on the day after maturity or in the case of demand items by the close of business on the third banking day after notice was sent, the presenting bank may treat the item as dishonored and charge any secondary party by sending him notice of the facts.

SEC. 4-211. *Media of Remittance; Provisional and Final Settlement in Remittance Cases.* (1) A collecting bank may take in settlement of an item

Media of remittance—Provisional and final settlement in remittance cases.

- (a) a check of the remitting bank or of another bank on any bank except the remitting bank; or
- (b) a cashier's check or similar primary obligation of a remitting bank which is a member of or clears through a member of the same clearing house or group as the collecting bank; or
- (c) appropriate authority to charge an account of the remitting bank or of another bank with the collecting bank; or
- (d) if the item is drawn upon or payable by a person other than a bank, a cashier's check,

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certified check or other bank check or obligation.

(2) If before its midnight deadline the collecting bank properly dishonors a remittance check or authorization to charge on itself or presents or forwards for collection a remittance instrument of or on another bank which is of a kind approved by subsection (1) or has not been authorized by it, the collecting bank is not liable to prior parties in the event of the dishonor of such check, instrument or authorization.

(3) A settlement for an item by means of a remittance instrument or authorization to charge is or becomes a final settlement as to both the person making and the person receiving the settlement

- (a) if the remittance instrument or authorization to charge is of a kind approved by subsection (1) or has not been authorized by the person receiving the settlement and in either case the person receiving the settlement acts seasonably before its midnight deadline in presenting, forwarding for collection or paying the instrument or authorization,—at the time the remittance instrument or authorization is finally paid by the payor by which it is payable;
- (b) if the person receiving the settlement has authorized remittance by a non-bank check or obligation or by a cashier's check or similar primary obligation of or a check upon the payor or other remitting bank which is not of a kind approved by subsection (1) (b),—at the time of the receipt of such remittance check or obligation; or
- (c) if in a case not covered by sub-paragraphs (a) or (b) the person receiving the settlement fails to seasonably present, forward for collection, pay or return a remittance

instrument or authorization to it to charge before its midnight deadline,—at such midnight deadline.

SEC. 4-212. *Right of Charge-Back or Refund.* (1) Right of charge-back or refund.
 If a collecting bank has made provisional settlement with its customer for an item and itself fails by reason of dishonor, suspension of payments by a bank or otherwise to receive a settlement for the item which is or becomes final, the bank may revoke the settlement given by it, charge back the amount of any credit given for the item to its customer's account or obtain refund from its customer whether or not it is able to return the items if by its midnight deadline or within a longer reasonable time after it learns the facts it returns the item or sends notification of the facts. These rights to revoke, charge-back and obtain refund terminate if and when a settlement for the item received by the bank is or becomes final (subsection (3) of Section 4-211 and subsections (2) and (3) of Section 4-213).

(2) Within the time and manner prescribed by this section and Section 4-301, an intermediary or payor bank, as the case may be, may return an unpaid item directly to the depository bank and may send for collection a draft on the depository bank and obtain reimbursement. In such case, if the depository bank has received provisional settlement for the item, it must reimburse the bank drawing the draft and any provisional credits for the item between banks shall become and remain final.

(3) A depository bank which is also the payor may charge-back the amount of an item to its customer's account or obtain refund in accordance with the section governing return of an item received by a payor bank for credit on its books (Section 4-301).

(4) The right to charge-back is not affected by
 (a) prior use of the credit given for the item; or

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Bank deposits and collections. Depository and collecting banks. Right of charge-back or refund.

(b) failure by any bank to exercise ordinary care with respect to the item but any bank so failing remains liable.

(5) A failure to charge-back or claim refund does not affect other rights of the bank against the customer or any other party.

(6) If credit is given in dollars as the equivalent of the value of an item payable in a foreign currency the dollar amount of any charge-back or refund shall be calculated on the basis of the buying sight rate for the foreign currency prevailing on the day when the person entitled to the charge-back or refund learns that it will not receive payment in ordinary course.

Final payment of item by payor bank—
When provisional debits and credits become final—
When certain credits become available for withdrawal.

SEC. 4-213. *Final Payment of Item by Payor Bank; When Provisional Debits and Credits Become Final; When Certain Credits Become Available for Withdrawal.* (1) An item is finally paid by a payor bank when the bank has done any of the following, whichever happens first:

- (a) paid the item in cash; or
- (b) settled for the item without reserving a right to revoke the settlement and without having such right under statute, clearing house rule or agreement; or
- (c) completed the process of posting the item to the indicated account of the drawer, maker or other person to be charged therewith; or
- (d) made a provisional settlement for the item and failed to revoke the settlement in the time and manner permitted by statute, clearing house rule or agreement.

Upon a final payment under subparagraphs (b), (c) or (d) the payor bank shall be accountable for the amount of the item.

(2) If provisional settlement for an item between the presenting and payor banks is made through a clearing house or by debits or credits in an account

between them, then to the extent that provisional debits or credits for the item are entered in accounts between the presenting and payor banks or between the presenting and successive prior collecting banks seriatim, they become final upon final payment of the item by the payor bank.

(3) If a collecting bank receives a settlement for an item which is or becomes final (subsection (3) of Section 4-211, subsection (2) of Section 4-213) the bank is accountable to its customer for the amount of the item and any provisional credit given for the item in an account with its customer becomes final.

(4) Subject to any right of the bank to apply the credit to an obligation of the customer, credit given by a bank for an item in an account with its customer becomes available for withdrawal as of right

(a) in any case where the bank has received a provisional settlement for the item,—when such settlement becomes final and the bank has had a reasonable time to learn that the settlement is final;

(b) in any case where the bank is both a depository bank and a payor bank and the item is finally paid,—at the opening of the bank's second banking day following receipt of the item.

(5) A deposit of money in a bank is final when made but, subject to any right of the bank to apply the deposit to an obligation of the customer, the deposit becomes available for withdrawal as of right at the opening of the bank's next banking day following receipt of the deposit.

SEC. 4-214. *Insolvency and Preference.* (1) Any item in or coming into the possession of a payor or collecting bank which suspends payment and which item is not finally paid shall be returned by the receiver, trustee or agent in charge of the closed

Insolvency and preference.

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bank to the presenting bank or the closed bank's customer.

(2) If a payor bank finally pays an item and suspends payments without making a settlement for the item with its customer or the presenting bank which settlement is or becomes final, the owner of the item has a preferred claim against the payor bank.

(3) If a payor bank gives or a collecting bank gives or receives a provisional settlement for an item and thereafter suspends payments, the suspension does not prevent or interfere with the settlement becoming final if such finality occurs automatically upon the lapse of certain time or the happening of certain events (subsection (3) of Section 4-211, subsections (1) (d), (2) and (3) of Section 4-213).

(4) If a collecting bank receives from subsequent parties settlement for an item which settlement is or becomes final and suspends payments without making a settlement for the item with its customer which is or becomes final, the owner of the item has a preferred claim against such collecting bank.

Part 3

COLLECTION OF ITEMS: PAYOR BANKS

Collection of items—Payor banks. De-
ferred posting
—Recovery of
payment by
return of items
—Time of
dishonor.

SEC. 4-301. *Deferred Posting; Recovery of Payment by Return of Items; Time of Dishonor.* (1)

Where an authorized settlement for a demand item (other than a documentary draft) received by a payor bank otherwise than for immediate payment over the counter has been made before midnight of the banking day of receipt the payor bank may revoke the settlement and recover any payment if before it has made final payment (subsection (1) of Section 4-213) and before its midnight deadline it

- (a) returns the item; or
- (b) sends written notice of dishonor or nonpayment if the item is held for protest or is otherwise unavailable for return.

(2) If a demand item is received by a payor bank for credit on its books it may return such item or send notice of dishonor and may revoke any credit given or recover the amount thereof withdrawn by its customer, if it acts within the time limit and in the manner specified in the preceding subsection.

(3) Unless previous notice of dishonor has been sent an item is dishonored at the time when for purposes of dishonor it is returned or notice sent in accordance with this section.

(4) An item is returned:

- (a) as to an item received through a clearing house, when it is delivered to the presenting or last collecting bank or to the clearing house or is sent or delivered in accordance with its rules; or
- (b) in all other cases, when it is sent or delivered to the bank's customer or transferor or pursuant to his instructions.

SEC. 4-302. *Payor Bank's Responsibility for Late Return of Item.* In the absence of a valid defense such as breach of a presentment warranty (subsection (1) of Section 4-207), settlement effected or the like, if an item is presented on and received by a payor bank the bank is accountable for the amount of

Payor bank's
responsibility
for late return
of item.

- (a) a demand item other than a documentary draft whether properly payable or not if the bank, in any case where it is not also the depositary bank, retains the item beyond midnight of the banking day of receipt without settling for it or, regardless of whether it is also the depositary bank, does not pay or return the item or send notice of dishonor until after its midnight deadline; or
- (b) any other properly payable item unless within the time allowed for acceptance or payment of that item the bank either ac-

cepts or pays the item or returns it and accompanying documents.

Uniform commercial code—
Bank deposits and collections. Payor banks. When items subject to notice, stop-order, legal process or setoff—
Order in which items may be charged or certified.

SEC. 4-303. *When Items Subject to Notice, Stop-order, Legal Process or Setoff; Order in Which Items May be Charged or Certified.* (1) Any knowledge, notice or stop-order received by, legal process served upon or setoff exercised by a payor bank, whether or not effective under other rules of law to terminate, suspend or modify the bank's right or duty to pay an item or to charge its customer's account for the item, comes too late to so terminate, suspend or modify such right or duty if the knowledge, notice, stop-order or legal process is received or served and a reasonable time for the bank to act thereon expires or the setoff is exercised after the bank has done any of the following:

- (a) accepted or certified the item;
- (b) paid the item in cash;
- (c) settled for the item without reserving a right to revoke the settlement and without having such right under statute, clearing house rule or agreement;
- (d) completed the process of posting the item to the indicated account of the drawer, maker or other person to be charged therewith or otherwise has evidenced by examination of such indicated account and by action its decision to pay the item; or
- (e) become accountable for the amount of the item under subsection (1) (d) of Section 4-213 and Section 4-302 dealing with the payor bank's responsibility for late return of items.

(2) Subject to the provisions of subsection (1) items may be accepted, paid, certified or charged to the indicated account of its customer in any order convenient to the bank.

Part 4

RELATIONSHIP BETWEEN PAYOR BANK AND ITS
CUSTOMER

SEC. 4-401. *When Bank May Charge Customer's Account.* (1) As against its customer, a bank may charge against his account any item which is otherwise properly payable from that account even though the charge creates an overdraft.

Relationship between payor bank, customer. When bank may charge customer's account.

(2) A bank which in good faith makes payment to a holder may charge the indicated account of its customer according to

- (a) the original tenor of his altered item; or
- (b) the tenor of his completed item, even though the bank knows the item has been completed unless the bank has notice that the completion was improper.

SEC. 4-402. *Bank's Liability to Customer for Wrongful Dishonor.* A payor bank is liable to its customer for damages proximately caused by the wrongful dishonor of an item. When the dishonor occurs through mistake liability is limited to actual damages proved. If so proximately caused and proved damages may include damages for an arrest or prosecution of the customer or other consequential damages. Whether any consequential damages are proximately caused by the wrongful dishonor is a question of fact to be determined in each case.

Bank's liability to customer for wrongful dishonor.

SEC. 4-403. *Customer's Right to Stop Payment; Burden of Proof of Loss.* (1) A customer may by order to his bank stop payment of any item payable for his account but the order must be received at such time and in such manner as to afford the bank a reasonable opportunity to act on it prior to any action by the bank with respect to the item described in Section 4-303.

Customer's right to stop payment—Burden of proof of loss.

(2) An oral order is binding upon the bank only for fourteen calendar days unless confirmed in

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writing within that period. A written order is effective for only six months unless renewed in writing.

(3) The burden of establishing the fact and amount of loss resulting from the payment of an item contrary to a binding stop payment order is on the customer.

Bank not obligated to pay check more than six months old.

SEC. 4-404. *Bank Not Obligated to Pay Check More Than Six Months Old.* A bank is under no obligation to a customer having a checking account to pay a check, other than a certified check, which is presented more than six months after its date, but it may charge its customer's account for a payment made thereafter in good faith.

Death or incompetence of customer.

SEC. 4-405. *Death or Incompetence of Customer.* (1) A payor or collecting bank's authority to accept, pay or collect an item or to account for proceeds of its collection if otherwise effective is not rendered ineffective by incompetence of a customer of either bank existing at the time the item is issued or its collection is undertaken if the bank does not know of an adjudication of incompetence. Neither death nor incompetence of a customer revokes such authority to accept, pay, collect or account until the bank knows of the fact of death or of an adjudication of incompetence and has reasonable opportunity to act on it.

(2) Even with knowledge a bank may for ten days after the date of death pay or certify checks drawn on or prior to that date unless ordered to stop payment by a person claiming an interest in the account.

Customer's duty to discover and report unauthorized signature or alteration.

SEC. 4-406. *Customer's Duty to Discover and Report Unauthorized Signature or Alteration.* (1) When a bank sends to its customer a statement of account accompanied by items paid in good faith in support of the debit entries or holds the statement and items pursuant to a request or instructions of its customer

or otherwise in a reasonable manner makes the statement and items available to the customer, the customer must exercise reasonable care and promptness to examine the statement and items to discover his unauthorized signature or any alteration on an item and must notify the bank promptly after discovery thereof.

(2) If the bank establishes that the customer failed with respect to an item to comply with the duties imposed on the customer by subsection (1) the customer is precluded from asserting against the bank

(a) his unauthorized signature or any alteration on the item if the bank also establishes that it suffered a loss by reason of such failure; and

(b) an unauthorized signature or alteration by the same wrong-doer on any other item paid in good faith by the bank after the first item and statement was available to the customer for a reasonable period not exceeding fourteen calendar days and before the bank receives notification from the customer of any such unauthorized signature or alteration.

(3) The preclusion under subsection (2) does not apply if the customer establishes lack of ordinary care on the part of the bank in paying the item(s).

(4) Without regard to care or lack of care of either the customer or the bank a customer who does not within sixty days from the time the statement and items are made available to the customer (subsection (1)) discover and report his unauthorized signature or any alteration on the face or back of the item or does not within three years from that time discover and report any unauthorized indorsement is precluded from asserting against the bank

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such unauthorized signature or indorsement or such alteration.

(5) If under this section a payor bank has a valid defense against a claim of a customer upon or resulting from payment of an item and waives or fails upon request to assert the defense the bank may not assert against any collecting bank or other prior party presenting or transferring the item a claim based upon the unauthorized signature or alteration giving rise to the customer's claim.

Payor bank's right to subrogation on improper payment.

SEC. 4-407. *Payor Bank's Right to Subrogation on Improper Payment.* If a payor bank has paid an item over the stop payment order of the drawer or maker or otherwise under circumstances giving a basis for objection by the drawer or maker, to prevent unjust enrichment and only to the extent necessary to prevent loss to the bank by reason of its payment of the item, the payor bank shall be subrogated to the rights

- (a) of any holder in due course on the item against the drawer or maker; and
- (b) of the payee or any other holder of the item against the drawer or maker either on the item or under the transaction out of which the item arose; and
- (c) of the drawer or maker against the payee or any other holder of the item with respect to the transaction out of which the item arose.

Part 5

COLLECTION OF DOCUMENTARY DRAFTS

Collection of documentary drafts. Handling of—
Duty to send for presentment and to notify customer of dishonor.

SEC. 4-501. *Handling of Documentary Drafts; Duty to Send for Presentment and to Notify Customer of Dishonor.* A bank which takes a documentary draft for collection must present or send the draft and accompanying documents for present-

ment and upon learning that the draft has not been paid or accepted in due course must seasonably notify its customer of such fact even though it may have discounted or bought the draft or extended credit available for withdrawal as of right.

SEC. 4-502. *Presentment of "On Arrival" Drafts.* When a draft or the relevant instructions require presentment "on arrival", "when goods arrive" or the like, the collecting bank need not present until in its judgment a reasonable time for arrival of the goods has expired. Refusal to pay or accept because the goods have not arrived is not dishonor; the bank must notify its transferor of such refusal but need not present the draft again until it is instructed to do so or learns of the arrival of the goods.

Presentment of "on arrival" drafts.

SEC. 4-503. *Responsibility of Presenting Bank for Documents and Goods; Report of Reasons for Dishonor; Referee in Case of Need.* Unless otherwise instructed and except as provided in Article 5 a bank presenting a documentary draft

Responsibility of presenting bank for documents and goods—Report of reasons for dishonor—Referee in case of need.

- (a) must deliver the documents to the drawee on acceptance of the draft if it is payable more than three days after presentment; otherwise, only on payment; and
- (b) upon dishonor, either in the case of presentment for acceptance or presentment for payment, may seek and follow instructions from any referee in case of need designated in the draft or if the presenting bank does not choose to utilize his services it must use diligence and good faith to ascertain the reason for dishonor, must notify its transferor of the dishonor and of the results of its effort to ascertain the reasons therefor and must request instructions.

But the presenting bank is under no obligation with respect to goods represented by the documents except to follow any reasonable instructions seasonably

received; it has a right to reimbursement for any expense incurred in following instructions and to prepayment of or indemnity for such expenses.

Uniform commercial code—Bank deposits and collections. Collection of documentary drafts. Privilege of presenting bank to deal with goods—Security interest for expenses.

SEC. 4-504. *Privilege of Presenting Bank to Deal With Goods; Security Interest for Expenses.* (1) A presenting bank which, following the dishonor of a documentary draft, has seasonably requested instructions but does not receive them within a reasonable time may store, sell, or otherwise deal with the goods in any reasonable manner.

(2) For its reasonable expenses incurred by action under subsection (1) the presenting bank has a lien upon the goods or their proceeds, which may be foreclosed in the same manner as an unpaid seller's lien.

Article 5

Letters of Credit

Letters of credit. Short title.

SEC. 5-101. *Short Title.* This Article shall be known and may be cited as Uniform Commercial Code—Letters of Credit.

Scope.

SEC. 5-102. *Scope.* (1) This Article applies

- (a) to a credit issued by a bank if the credit requires a documentary draft or a documentary demand for payment; and
- (b) to a credit issued by a person other than a bank if the credit requires that the draft or demand for payment be accompanied by a document of title; and
- (c) to a credit issued by a bank or other person if the credit is not within subparagraphs (a) or (b) but conspicuously states that it is a letter of credit or is conspicuously so entitled.

(2) Unless the engagement meets the requirements of subsection (1), this Article does not apply

to engagements to make advances or to honor drafts or demands for payment, to authorities to pay or purchase, to guarantees or to general agreements.

(3) This Article deals with some but not all of the rules and concepts of letters of credit as such rules or concepts have developed prior to this act or may hereafter develop. The fact that this Article states a rule does not by itself require, imply or negate application of the same or a converse rule to a situation not provided for or to a person not specified by this Article.

SEC. 5-103. *Definitions.* (1) In this Article unless the context otherwise requires Definitions.

- (a) "Credit" or "letter of credit" means an engagement by a bank or other person made at the request of a customer and of a kind within the scope of this Article (Section 5-102) that the issuer will honor drafts or other demands for payment upon compliance with the conditions specified in the credit. A credit may be either revocable or irrevocable. The engagement may be either an agreement to honor or a statement that the bank or other person is authorized to honor.
- (b) A "documentary draft" or a "documentary demand for payment" is one honor of which is conditioned upon the presentation of a document or documents. "Document" means any paper including document of title, security, invoice, certificate, notice of default and the like.
- (c) An "issuer" is a bank or other person issuing a credit.
- (d) A "beneficiary" of a credit is a person who is entitled under its terms to draw or demand payment.

Uniform commercial code—
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Definitions.

- (e) An “advising bank” is a bank which gives notification of the issuance of a credit by another bank.
- (f) A “confirming bank” is a bank which engages either that it will itself honor a credit already issued by another bank or that such a credit will be honored by the issuer or a third bank.
- (g) A “customer” is a buyer or other person who causes an issuer to issue a credit. The term also includes a bank which procures issuance or confirmation on behalf of that bank’s customer.

(2) Other definitions applying to this Article and the sections in which they appear are:

- “Notation of Credit”...Section 5-108.
- “Presenter”Section 5-112(3).

(3) Definitions in other Articles applying to this Article and the sections in which they appear are:

- “Accept” or “Acceptance”.Section 3-410.
- “Contract for sale”...Section 2-106.
- “Draft”.Section 3-104.
- “Holder in due course”.Section 3-302.
- “Midnight deadline”..Section 4-104.
- “Security”.Section 8-102.

(4) In addition, Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Formal requirements—
Signing.

SEC. 5-104. *Formal Requirements; Signing.* (1) Except as otherwise required in subsection (1) (c) of Section 5-102 on scope, no particular form of phrasing is required for a credit. A credit must be in writing and signed by the issuer and a confirmation must be in writing and signed by the confirming bank. A modification of the terms of a credit or con-

firmation must be signed by the issuer or confirming bank.

(2) A telegram may be a sufficient signed writing if it identifies its sender by an authorized authentication. The authentication may be in code and the authorized naming of the issuer in an advice of credit is a sufficient signing.

SEC. 5-105. *Consideration.* No consideration is necessary to establish a credit or to enlarge or otherwise modify its terms. Consideration.

SEC. 5-106. *Time and Effect of Establishment of Credit.* (1) Unless otherwise agreed a credit is established Time and effect of establishment of credit.

- (a) as regards the customer as soon as a letter of credit is sent to him or the letter of credit or an authorized written advice of its issuance is sent to the beneficiary; and
- (b) as regards the beneficiary when he receives a letter of credit or an authorized written advice of its issuance.

(2) Unless otherwise agreed once an irrevocable credit is established as regards the customer it can be modified or revoked only with the consent of the customer and once it is established as regards the beneficiary it can be modified or revoked only with his consent.

(3) Unless otherwise agreed after a revocable credit is established it may be modified or revoked by the issuer without notice to or consent from the customer or beneficiary.

(4) Notwithstanding any modification or revocation of a revocable credit any person authorized to honor or negotiate under the terms of the original credit is entitled to reimbursement for or honor of any draft or demand for payment duly honored or negotiated before receipt of notice of the modification or revocation and the issuer in turn is entitled to reimbursement from its customer.

Uniform commercial code—
Letters of credit. Advice
of credit—
Confirmation
—Error in
statement of
terms.

SEC. 5-107. *Advice of Credit; Confirmation; Error in Statement of Terms.* (1) Unless otherwise specified an advising bank by advising a credit issued by another bank does not assume any obligation to honor drafts drawn or demands for payment made under the credit but it does assume obligation for the accuracy of its own statement.

(2) A confirming bank by confirming a credit becomes directly obligated on the credit to the extent of its confirmation as though it were its issuer and acquires the rights of an issuer.

(3) Even though an advising bank incorrectly advises the terms of a credit it has been authorized to advise the credit is established as against the issuer to the extent of its original terms.

(4) Unless otherwise specified the customer bears as against the issuer all risks of transmission and reasonable translation or interpretation of any message relating to a credit.

“Notation
credit”—
Exhaustion of
credit.

SEC. 5-108. *“Notation Credit”; Exhaustion of Credit.* (1) A credit which specifies that any person purchasing or paying drafts drawn or demands for payment made under it must note the amount of the draft or demand on the letter or advice of credit is a “notation credit”.

(2) Under a notation credit

(a) a person paying the beneficiary or purchasing a draft or demand for payment from him acquires a right to honor only if the appropriate notation is made and by transferring or forwarding for honor the documents under the credit such a person warrants to the issuer that the notation has been made; and

(b) unless the credit or a signed statement that an appropriate notation has been made accompanies the draft or demand for payment the issuer may delay honor until evidence of notation has been procured which is satis-

factory to it but its obligation and that of its customer continue for a reasonable time not exceeding thirty days to obtain such evidence.

- (3) If the credit is not a notation credit
 - (a) the issuer may honor complying drafts or demands for payment presented to it in the order in which they are presented and is discharged pro tanto by honor of any such draft or demand;
 - (b) as between competing good faith purchasers of complying drafts or demands the person first purchasing has priority over a subsequent purchaser even though the later purchased draft or demand has been first honored.

SEC. 5-109. *Issuer's Obligation to Its Customer.*

Issuer's
obligation to
its customer.

(1) An issuer's obligation to its customer includes good faith and observance of any general banking usage but unless otherwise agreed does not include liability or responsibility

- (a) for performance of the underlying contract for sale or other transaction between the customer and the beneficiary; or
- (b) for any act or omission of any person other than itself or its own branch or for loss or destruction of a draft, demand or document in transit or in the possession of others; or
- (c) based on knowledge or lack of knowledge of any usage of any particular trade.

(2) An issuer must examine documents with care so as to ascertain that on their face they appear to comply with the terms of the credit but unless otherwise agreed assumes no liability or responsibility for the genuineness, falsification or effect of any document which appears on such examination to be regular on its face.

(3) A non-bank issuer is not bound by any banking usage of which it has no knowledge.

Uniform commercial code—
Letters of credit. Availability of credit in portions—
Presenter's reservation of lien or claim.

SEC. 5-110. *Availability of Credit in Portions; Presenter's Reservation of Lien or Claim.* (1) Unless otherwise specified a credit may be used in portions in the discretion of the beneficiary.

(2) Unless otherwise specified a person by presenting a documentary draft or demand for payment under a credit relinquishes upon its honor all claims to the documents and a person by transferring such draft or demand or causing such presentment authorizes such relinquishment. An explicit reservation of claim makes the draft or demand non-complying.

Warranties on transfer and presentment.

SEC. 5-111. *Warranties on Transfer and Presentment.* (1) Unless otherwise agreed the beneficiary by transferring or presenting a documentary draft or demand for payment warrants to all interested parties that the necessary conditions of the credit have been complied with. This is in addition to any warranties arising under Articles 3, 4, 7 and 8.

(2) Unless otherwise agreed a negotiating, advising, confirming, collecting or issuing bank presenting or transferring a draft or demand for payment under a credit warrants only the matters warranted by a collecting bank under Article 4 and any such bank transferring a document warrants only the matters warranted by an intermediary under Articles 7 and 8.

Time allowed for honor or rejection—
Withholding honor or rejection by consent—
"Presenter".

SEC. 5-112. *Time Allowed for Honor or Rejection; Withholding Honor or Rejection by Consent; "Presenter"*. (1) A bank to which a documentary draft or demand for payment is presented under a credit may without dishonor of the draft, demand or credit

- (a) defer honor until the close of the third banking day following receipt of the documents; and

- (b) further defer honor if the presenter has expressly or impliedly consented thereto.

Failure to honor within the time here specified constitutes dishonor of the draft or demand and of the credit except as otherwise provided in subsection (4) of Section 5-114 on conditional payment.

(2) Upon dishonor the bank may unless otherwise instructed fulfill its duty to return the draft or demand and the documents by holding them at the disposal of the presenter and sending him an advice to that effect.

(3) "Presenter" means any person presenting a draft or demand for payment for honor under a credit even though that person is a confirming bank or other correspondent which is acting under an issuer's authorization.

SEC. 5-113. *Indemnities.* (1) A bank seeking to obtain (whether for itself or another) honor, negotiation or reimbursement under a credit may give an indemnity to induce such honor, negotiation or reimbursement.

Indemnities.

(2) An indemnity agreement inducing honor, negotiation or reimbursement

- (a) unless otherwise explicitly agreed applies to defects in the documents but not in the goods; and
- (b) unless a longer time is explicitly agreed expires at the end of ten business days following receipt of the documents by the ultimate customer unless notice of objection is sent before such expiration date. The ultimate customer may send notice of objection to the person from whom he received the documents and any bank receiving such notice is under a duty to send notice to its transferor before its midnight deadline.

SEC. 5-114. *Issuer's Duty and Privilege to Honor; Right to Reimbursement.* (1) An issuer must honor

Issuer's duty and privilege to honor etc.

Uniform commercial code—
Letters of credit. Issuer's
duty and privilege to
honor—Right to reimburse-
ment.

a draft or demand for payment which complies with the terms of the relevant credit regardless of whether the goods or documents conform to the underlying contract for sale or other contract between the customer and the beneficiary. The issuer is not excused from honor of such a draft or demand by reason of an additional general term that all documents must be satisfactory to the issuer, but an issuer may require that specified documents must be satisfactory to it.

(2) Unless otherwise agreed when documents appear on their face to comply with the terms of a credit but a required document does not in fact conform to the warranties made on negotiation or transfer of a document of title (Section 7-507) or of a security (Section 8-306) or is forged or fraudulent or there is fraud in the transaction

(a) the issuer must honor the draft or demand for payment if honor is demanded by a negotiating bank or other holder of the draft or demand which has taken the draft or demand under the credit and under circumstances which would make it a holder in due course (Section 3-302) and in an appropriate case would make it a person to whom a document of title has been duly negotiated (Section 7-502) or a bona fide purchaser of a security (Section 8-302); and

(b) in all other cases as against its customer, an issuer acting in good faith may honor the draft or demand for payment despite notification from the customer of fraud, forgery or other defect not apparent on the face of the documents but a court of appropriate jurisdiction may enjoin such honor.

(3) Unless otherwise agreed an issuer which has duly honored a draft or demand for payment is entitled to immediate reimbursement of any payment

made under the credit and to be put in effectively available funds not later than the day before maturity of any acceptance made under the credit.

(4) When a credit provides for payment by the issuer on receipt of notice that the required documents are in the possession of a correspondent or other agent of the issuer

- (a) any payment made on receipt of such notice is conditional; and
- (b) the issuer may reject documents which do not comply with the credit if it does so within three banking days following its receipt of the documents; and
- (c) in the event of such rejection, the issuer is entitled by charge back or otherwise to return of the payment made.

(5) In the case covered by subsection (4) failure to reject documents within the time specified in sub-paragraph (b) constitutes acceptance of the documents and makes the payment final in favor of the beneficiary.

SEC. 5-115. *Remedy for Improper Dishonor or Anticipatory Repudiation.* (1) When an issuer wrongfully dishonors a draft or demand for payment presented under a credit the person entitled to honor has with respect to any documents the rights of a person in the position of a seller (Section 2-707) and may recover from the issuer the face amount of the draft or demand together with incidental damages under Section 2-710 on seller's incidental damages and interest but less any amount realized by resale or other use or disposition of the subject matter of the transaction. In the event no resale or other utilization is made the documents, goods or other subject matter involved in the transaction must be turned over to the issuer on payment of judgment.

Remedy for improper dishonor or anticipatory repudiation.

(2) When an issuer wrongfully cancels or otherwise repudiates a credit before presentment of a draft

or demand for payment drawn under it the beneficiary has the rights of a seller after anticipatory repudiation by the buyer under Section 2-610 if he learns of the repudiation in time reasonably to avoid procurement of the required documents. Otherwise the beneficiary has an immediate right of action for wrongful dishonor.

Uniform commercial code—
Letters of credit.
Transfer and assignment.

SEC. 5-116. *Transfer and Assignment.* (1) The right to draw under a credit can be transferred or assigned only when the credit is expressly designated as transferable or assignable.

(2) Even though the credit specifically states that it is nontransferable or nonassignable the beneficiary may before performance of the conditions of the credit assign his right to proceeds. Such an assignment is an assignment of a contract right under Article 9 on Secured Transactions and is governed by that Article except that

- (a) the assignment is ineffective until the letter of credit or advice of credit is delivered to the assignee which delivery constitutes perfection of the security interest under Article 9; and
- (b) the issuer may honor drafts or demands for payment drawn under the credit until it receives a notification of the assignment signed by the beneficiary which reasonably identifies the credit involved in the assignment and contains a request to pay the assignee; and
- (c) after what reasonably appears to be such a notification has been received the issuer may without dishonor refuse to accept or pay even to a person otherwise entitled to honor until the letter of credit or advice of credit is exhibited to the issuer.

(3) Except where the beneficiary has effectively assigned his right to draw or his right to proceeds,

nothing in this section limits his right to transfer or negotiate drafts or demands drawn under the credit.

SEC. 5-117. *Insolvency of Bank Holding Funds for Documentary Credit.* (1) Where an issuer or an advising or confirming bank or a bank which has for a customer procured issuance of a credit by another bank becomes insolvent before final payment under the credit and the credit is one to which this Article is made applicable by paragraphs (a) or (b) of Section 5-102(1) on scope, the receipt or allocation of funds or collateral to secure or meet obligations under the credit shall have the following results:

Insolvency of bank holding funds for documentary credit.

- (a) to the extent of any funds or collateral turned over after or before the insolvency as indemnity against or specifically for the purpose of payment of drafts or demands for payment drawn under the designated credit, the drafts or demands are entitled to payment in preference over depositors or other general creditors of the issuer or bank; and
- (b) on expiration of the credit or surrender of the beneficiary's rights under it unused any person who has given such funds or collateral is similarly entitled to return thereof; and
- (c) a charge to a general or current account with a bank if specifically consented to for the purpose of indemnity against or payment of drafts or demands for payment drawn under the designated credit falls under the same rules as if the funds had been drawn out in cash and then turned over with specific instructions.

(2) After honor or reimbursement under this section the customer or other person for whose account the insolvent bank has acted is entitled to receive the documents involved.

Article 6

Bulk Transfers

Uniform commercial code—Bulk transfers.

SEC. 6-101. *Short Title.* This Article shall be known and may be cited as Uniform Commercial Code—Bulk Transfers.

“Bulk transfer”—Transfers of equipment—Enterprises subject to this article—Bulk transfers subject to this article.

SEC. 6-102. “*Bulk Transfer*”; *Transfers of Equipment; Enterprises Subject to This Article; Bulk Transfers Subject to This Article.* (1) A “bulk transfer” is any transfer in bulk and not in the ordinary course of the transferor’s business of a major part of the materials, supplies, merchandise or other inventory (Section 9-109) of an enterprise subject to this Article.

(2) A transfer of all or substantially all of the equipment (Section 9-109) of such an enterprise is a bulk transfer whether or not made in connection with a bulk transfer of inventory, merchandise, materials or supplies.

(3) The enterprises subject to this Article are all those whose principal business is the sale of merchandise from stock, including those who manufacture what they sell.

(4) Except as limited by the following section all bulk transfers of goods located within this state are subject to this Article.

Transfers excepted from this article.

SEC. 6-103. *Transfers Excepted from This Article.* The following transfers are not subject to this Article:

(1) Those made to give security for the performance of an obligation;

(2) General assignments for the benefit of all the creditors of the transferor, and subsequent transfers by the assignee thereunder;

(3) Transfers in settlement or realization of a lien or other security interests;

(4) Sales by executors, administrators, receivers, trustees in bankruptcy, or any public officer under judicial process;

(5) Sales made in the course of judicial or administrative proceedings for the dissolution or reorganization of a corporation and of which notice is sent to the creditors of the corporation pursuant to order of the court or administrative agency;

(6) Transfers to a person maintaining a known place of business in this State who becomes bound to pay the debts of the transferor in full and gives public notice of that fact, and who is solvent after becoming so bound;

(7) A transfer to a new business enterprise organized to take over and continue the business, if public notice of the transaction is given and the new enterprise assumes the debts of the transferor and he receives nothing from the transaction except an interest in the new enterprise junior to the claims of creditors;

(8) Transfers of property which is exempt from execution;

(9) Any sale subject to public auction on lien foreclosures.

Public notice under subsection (6) or subsection (7) may be given by publishing once a week for two consecutive weeks in a newspaper of general circulation where the transferor had its principal place of business in this state an advertisement including the names and addresses of the transferor and transferee and the effective date of the transfer.

SEC. 6-104. *Schedule of Property, List of Creditors.* (1) Except as provided with respect to auction sales (Section 6-108), a bulk transfer subject to this Article is ineffective against any creditor of the transferor unless:

Schedule of
property, list
of creditors.

Uniform commercial code—
Bulk transfers.
Schedule of
property, list
of creditors.

- (a) the transferee requires the transferor to furnish a list of his existing creditors prepared as stated in this section; and
- (b) the parties prepare a schedule of the property transferred sufficient to identify it; and
- (c) the transferee preserves the list and schedule for six months next following the transfer and permits inspection of either or both and copying therefrom at all reasonable hours by any creditor of the transferor, and files the list and schedule in the office of the county auditor of the county in which the property transferred is located and serves it upon the office of the state tax commission; the list and schedule shall be indexed as chattel mortgages are indexed, the name of the vendor being indexed as mortgagor and the name of the intending purchaser as mortgagee.

(2) The list of creditors and the schedule must be signed and sworn to by the transferor or his agent. It must contain the names and business addresses of all creditors of the transferor, with the amounts when known, and also the names of all persons who are known to the transferor to assert claims against him even though such claims are disputed. If the transferor is the obligor of an outstanding issue of bonds, debentures or the like as to which there is an indenture trustee, the list of creditors need include only the name and address of the indenture trustee and the aggregate outstanding principal amount of the issue.

(3) Responsibility for the completeness and accuracy of the list of creditors rests on the transferor, and the transfer is not rendered ineffective by errors or omissions therein unless the transferee is shown to have had knowledge.

SEC. 6-105. *Notice to Creditors.* In addition to the requirements of the preceding section, any bulk transfer subject to this Article except one made by auction sale (Section 6-108) is ineffective against any creditor of the transferor unless at least ten days before he takes possession of the goods or pays for them, whichever happens first, the transferee gives notice of the transfer in the manner and to the persons hereafter provided (Section 6-107).

Notice to
creditors.

SEC. 6-106. *Application of the Proceeds.* In addition to the requirements of the two preceding sections:

Application of
the proceeds.

(1) Upon every bulk transfer subject to this Article for which new consideration becomes payable except those made by sale at auction it is the duty of the transferee to assure that such consideration is applied so far as necessary to pay those debts of the transferor which are either shown on the list furnished by the transferor (Section 6-104) or filed in writing in the place stated in the notice (Section 6-107) within thirty days after the mailing of such notice. This duty of the transferee runs to all the holders of such debts, and may be enforced by any of them for the benefit of all.

(2) If any of said debts are in dispute the necessary sum may be withheld from distribution until the dispute is settled or adjudicated.

(3) If the consideration payable is not enough to pay all of the said debts in full distribution shall be made pro rata.

(4) The transferee may within ten days after he takes possession of the goods pay the consideration into the superior court in the county where the transferor had its principal place of business in this state and thereafter may discharge his duty under this section by giving notice by registered or certified mail to all the persons to whom the duty runs that the consideration has been paid into that court and

that they should file their claims there. On motion of any interested party, the court may order the distribution of the consideration to the persons entitled to it.

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mercial code—
Bulk transfers.
The notice.

SEC. 6-107. *The Notice.* (1) The notice to creditors (Section 6-105) shall state:

- (a) that a bulk transfer is about to be made; and
- (b) the names and business addresses of the transferor and transferee, and all other business names and addresses used by the transferor within three years last past so far as known to the transferee; and
- (c) whether or not all the debts of the transferor are to be paid in full as they fall due as a result of the transaction, and if so, the address to which creditors should send their bills.

(2) If the debts of the transferor are not to be paid in full as they fall due or if the transferee is in doubt on that point then the notice shall state further:

- (a) the location and general description of the property to be transferred and the estimated total of the transferor's debts;
- (b) the address where the schedule of property and list of creditors (Section 6-104) may be inspected;
- (c) whether the transfer is to pay existing debts and if so the amount of such debts and to whom owing;
- (d) whether the transfer is for new consideration and if so the amount of such consideration and the time and place of payment; and
- (e) if for new consideration the time and place where creditors of the transferor are to file their claims.

(3) The notice in any case shall be delivered personally or sent by registered or certified mail to all the persons shown on the list of creditors fur-

nished by the transferor (Section 6-104), to all other persons who are known to the transferee to hold or assert claims against the transferor, and to the office of the state tax commission. A copy of the notice shall be filed in the office of the county auditor of the county in which the property transferred is located and indexed as chattel mortgages are indexed, the name of the vendor being indexed as mortgagor and the name of the intending purchaser as mortgagee.

SEC. 6-108. *Auction Sales; "Auctioneer"*. (1) A bulk transfer is subject to this Article even though it is by sale at auction, but only in the manner and with the results stated in this section. Auction sales—
"Auctioneer".

(2) The transferor shall furnish a list of his creditors and assist in the preparation of a schedule of the property to be sold, both prepared as before stated (Section 6-104).

(3) The person or persons other than the transferor who direct, control or are responsible for the auction are collectively called the "auctioneer". The auctioneer shall:

- (a) receive and retain the list of creditors and prepare and retain the schedule of property for the period stated in this Article (Section 6-104);
- (b) give notice of the auction personally or by registered or certified mail at least ten days before it occurs to all persons shown on the list of creditors and to all other persons who are known to him to hold or assert claims against the transferor; and
- (c) assure that the net proceeds of the auction are applied as provided in this Article (Section 6-106).

(4) Failure of the auctioneer to perform any of these duties does not affect the validity of the sale or the title of the purchasers, but if the auctioneer

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Auction sales.

knows that the auction constitutes a bulk transfer such failure renders the auctioneer liable to the creditors of the transferor as a class for the sums owing to them from the transferor up to but not exceeding the net proceeds of the auction. If the auctioneer consists of several persons their liability is joint and several.

When creditors
protected—
Credit for
payment to
particular
creditors.

SEC. 6-109. *What Creditors Protected; Credit for Payment to Particular Creditors.* (1) The creditors of the transferor mentioned in this Article are those holding claims based on transactions or events occurring before the bulk transfer, but creditors who become such after notice to creditors is given (Sections 6-105 and 6-107) are not entitled to notice.

(2) Against the aggregate obligation imposed by the provisions of this Article concerning the application of the proceeds (Section 6-106 and subsection (3) (c) of 6-108) the transferee or auctioneer is entitled to credit for sums paid to particular creditors of the transferor, not exceeding the sums believed in good faith at the time of the payment to be properly payable to such creditors.

Subsequent
transfers.

SEC. 6-110. *Subsequent Transfers.* When the title of a transferee to property is subject to a defect by reason of his non-compliance with the requirements of this Article, then:

(1) a purchaser of any of such property from such transferee who pays no value or who takes with notice of such non-compliance takes subject to such defect, but

(2) a purchaser for value in good faith and without such notice takes free of such defect.

Limitation of
actions and
levies.

SEC. 6-111. *Limitation of Actions and Levies.* No action under this Article shall be brought nor levy made more than six months after the date on which the transferee took possession of the goods unless the

transfer has been concealed. If the transfer has been concealed, actions may be brought or levies made within six months after its discovery.

Article 7

Warehouse Receipts, Bills of Lading and Other Documents of Title

Part 1

GENERAL

SEC. 7-101. *Short Title.* This Article shall be known and may be cited as Uniform Commercial Code—Documents of Title. Documents of title. Short title.

SEC. 7-102. *Definitions and Index of Definitions.* Definitions and index of definitions.
(1) In this Article, unless the context otherwise requires:

- (a) "Bailee" means the person who by a warehouse receipt, bill of lading or other document of title acknowledges possession of goods and contracts to deliver them.
- (b) "Consignee" means the person named in a bill to whom or to whose order the bill promises delivery.
- (c) "Consignor" means the person named in a bill as the person from whom the goods have been received for shipment.
- (d) "Delivery order" means a written order to deliver goods directed to a warehouseman, carrier or other person who in the ordinary course of business issues warehouse receipts or bills of lading.
- (e) "Document" means document of title as defined in the general definitions in Article 1 (Section 1-201).
- (f) "Goods" means all things which are treated as movable for the purposes of a contract of storage or transportation.

Uniform commercial code—Documents of title. Definitions and index of definitions.

(g) "Issuer" means a bailee who issues a document except that in relation to an unaccepted delivery order it means the person who orders the possessor of goods to deliver. Issuer includes any person for whom an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, notwithstanding that the issuer received no goods or that the goods were misdescribed or that in any other respect the agent or employee violated his instructions.

(h) "Warehouseman" is a person engaged in the business of storing goods for hire.

(2) Other definitions applying to this Article or to specified Parts thereof, and the sections in which they appear are:

"Duly negotiate"Section 7-501.

"Person entitled under the document"Section 7-403(4).

(3) Definitions in other Articles applying to this Article and the sections in which they appear are:

"Contract for sale". . . .Section 2-106.

"Overseas".Section 2-323.

"Receipt" of goods. . . .Section 2-103.

(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Relation of article to treaty, statute, tariff, classification or regulation.

SEC. 7-103. *Relation of Article to Treaty, Statute, Tariff, Classification or Regulation.* To the extent that any treaty or statute of the United States, regulatory statute of this State or tariff, classification or regulation filed or issued pursuant thereto is applicable, the provisions of this Article are subject thereto.

Negotiable and non-negotiable warehouse receipt, bill of lading, or other document of title.

SEC. 7-104. *Negotiable and Non-negotiable Warehouse Receipt, Bill of Lading or Other Document of Title.* (1) A warehouse receipt, bill of lading or other document of title is negotiable

- (a) if by its terms the goods are to be delivered to bearer or to the order of a named person; or
- (b) where recognized in overseas trade, if it runs to a named person or assigns.

(2) Any other document is non-negotiable. A bill of lading in which it is stated that the goods are consigned to a named person is not made negotiable by a provision that the goods are to be delivered only against a written order signed by the same or another named person.

SEC. 7-105. *Construction Against Negative Implication.* The omission from either Part 2 or Part 3 of this Article of a provision corresponding to a provision made in the other Part does not imply that a corresponding rule of law is not applicable.

Construction against negative implication.

Part 2

WAREHOUSE RECEIPTS: SPECIAL PROVISIONS

SEC. 7-201. *Who May Issue a Warehouse Receipt; Storage Under Government Bond.* (1) A warehouse receipt may be issued by any warehouseman.

Warehouse receipts. Who may issue a warehouse receipt—Storage under government bond.

(2) Where goods including distilled spirits and agricultural commodities are stored under a statute requiring a bond against withdrawal or a license for the issuance of receipts in the nature of warehouse receipts, a receipt issued for the goods has like effect as a warehouse receipt even though issued by a person who is the owner of the goods and is not a warehouseman.

SEC. 7-202. *Form of Warehouse Receipt; Essential Terms; Optional Terms.* (1) A warehouse receipt need not be in any particular form.

Form of warehouse receipt—Essential terms—Optional terms.

(2) Unless a warehouse receipt embodies within its written or printed terms each of the following, the warehouseman is liable for damages caused by the omission to a person injured thereby:

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Form of—
Essential terms
—Optional
terms.

- (a) the location of the warehouse where the goods are stored;
- (b) the date of issue of the receipt;
- (c) the consecutive number of the receipt;
- (d) a statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order;
- (e) the rate of storage and handling charges, except that where goods are stored under a field warehousing arrangement a statement of that fact is sufficient on a non-negotiable receipt;
- (f) a description of the goods or of the packages containing them;
- (g) the signature of the warehouseman, which may be made by his authorized agent;
- (h) if the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; and
- (i) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien or security interest (Section 7-209). If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

(3) A warehouseman may insert in his receipt any other terms which are not contrary to the provisions of this Act and do not impair his obligation of delivery (Section 7-403) or his duty of care (Section 7-204). Any contrary provisions shall be ineffective.

SEC. 7-203. *Liability for Non-receipt or Misdescription.* A party to or purchaser for value in good faith of a document of title other than a bill of lading relying in either case upon the description therein of the goods may recover from the issuer damages caused by the non-receipt or misdescription of the goods, except to the extent that the document conspicuously indicates that the issuer does not know whether any part or all of the goods in fact were received or conform to the description, as where the description is in terms of marks or labels or kind, quantity or condition, or the receipt or description is qualified by "contents, condition and quality unknown", "said to contain" or the like, if such indication be true, or the party or purchaser otherwise has notice.

Liability for non-receipt or misdescription.

SEC. 7-204. *Duty of Care; Contractual Limitation of Warehouseman's Liability.* (1) A warehouseman is liable for damages for loss of or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful man would exercise under like circumstances but unless otherwise agreed he is not liable for damages which could not have been avoided by the exercise of such care.

Duty of care—Contractual limitation of warehouseman's liability.

(2) Damages may be limited by a term in the warehouse receipt or storage agreement limiting the amount of liability in case of loss or damage, and setting forth a specific liability per article or item, or value per unit of weight, beyond which the warehouseman shall not be liable; provided, however, that such liability may on written request of the bailor at the time of signing such storage agreement or within a reasonable time after receipt of the warehouse receipt be increased on part or all of the goods thereunder, in which event increased rates may be charged based on such increased valuation, but that no such increase shall be permitted contrary to a lawful limitation of liability contained in the

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Contractual limitation of warehouseman's liability.

warehouseman's tariff, if any. No such limitation is effective with respect to the warehouseman's liability for conversion to his own use.

(3) Reasonable provisions as to the time and manner of presenting claims and instituting actions based on the bailment may be included in the warehouse receipt or tariff.

(4) This section does not impair or repeal the duties of care or liabilities or penalties for breach thereof as provided in chapters 22.09, 22.32, 81.92, and 81.94 RCW.

Title under warehouse receipt defeated in certain cases.

SEC. 7-205. *Title Under Warehouse Receipt Defeated in Certain Cases.* A buyer in the ordinary course of business of fungible goods sold and delivered by a warehouseman who is also in the business of buying and selling such goods takes free of any claim under a warehouse receipt even though it has been duly negotiated.

Termination of storage at warehouseman's option.

SEC. 7-206. *Termination of Storage at Warehouseman's Option.* (1) A warehouseman may on notifying the person on whose account the goods are held and any other person known to claim an interest in the goods require payment of any charges and removal of the goods from the warehouse at the termination of the period of storage fixed by the document, or, if no period is fixed, within a stated period not less than thirty days after the notification. If the goods are not removed before the date specified in the notification, the warehouseman may sell them in accordance with the provisions of the section on enforcement of a warehouseman's lien (Section 7-210).

(2) If a warehouseman in good faith believes that the goods are about to deteriorate or decline in value to less than the amount of his lien within the time prescribed in subsection (1) for notification, advertisement and sale, the warehouseman may specify in the notification any reasonable shorter time for re-

removal of the goods and in case the goods are not removed, may sell them at public sale held not less than one week after a single advertisement or posting.

(3) If as a result of a quality or condition of the goods of which the warehouseman had no notice at the time of deposit the goods are a hazard to other property or to the warehouse or to persons, the warehouseman may sell the goods at public or private sale without advertisement on reasonable notification to all persons known to claim an interest in the goods. If the warehouseman after a reasonable effort is unable to sell the goods he may dispose of them in any lawful manner and shall incur no liability by reason of such disposition.

(4) The warehouseman must deliver the goods to any person entitled to them under this Article upon due demand made at any time prior to sale or other disposition under this section.

(5) The warehouseman may satisfy his lien from the proceeds of any sale or disposition under this section but must hold the balance for delivery on the demand of any person to whom he would have been bound to deliver the goods.

SEC. 7-207. *Goods Must Be Kept Separate; Fungible Goods.* (1) Unless the warehouse receipt otherwise provides, a warehouseman must keep separate the goods covered by each receipt so as to permit at all times identification and delivery of those goods except that different lots of fungible goods may be commingled.

Goods must be kept separate—Fungible goods.

(2) Fungible goods so commingled are owned in common by the persons entitled thereto and the warehouseman is severally liable to each owner for that owner's share. Where because of overissue a mass of fungible goods is insufficient to meet all the receipts which the warehouseman has issued against

it, the persons entitled include all holders to whom overissued receipts have been duly negotiated.

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mercial code—
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title. Ware-
house receipts.
Altered
receipts.

SEC. 7-208. *Altered Warehouse Receipts.* Where a blank in a negotiable warehouse receipt has been filled in without authority, a purchaser for value and without notice of the want of authority may treat the insertion as authorized. Any other unauthorized alteration leaves any receipt enforceable against the issuer according to its original tenor.

Lien of ware-
houseman.

SEC. 7-209. *Lien of Warehouseman.* (1) A warehouseman has a lien against the bailor on the goods covered by a warehouse receipt or on the proceeds thereof in his possession for charges for storage or transportation (including demurrage and terminal charges), insurance, labor, or charges present or future in relation to the goods, and for expenses necessary for preservation of the goods or reasonably incurred in their sale pursuant to law. If the person on whose account the goods are held is liable for like charges or expenses in relation to other goods whenever deposited and it is stated in the receipt that a lien is claimed for charges and expenses in relation to other goods, the warehouseman also has a lien against him for such charges and expenses whether or not the other goods have been delivered by the warehouseman. But against a person to whom a negotiable warehouse receipt is duly negotiated a warehouseman's lien is limited to charges in an amount or at a rate specified on the receipt or if no charges are so specified then to a reasonable charge for storage of the goods covered by the receipt subsequent to the date of the receipt.

(2) The warehouseman may also reserve a security interest against the bailor for a maximum amount specified on the receipt for charges other than those specified in subsection (1), such as for money advanced and interest. Such a security in-

terest is governed by the Article on Secured Transactions (Article 9).

(3) A warehouseman's lien for charges and expenses under subsection (1) or a security interest under subsection (2) is also effective against any person who so entrusted the bailor with possession of the goods that a pledge of them by him to a good faith purchaser for value would have been valid but is not effective against a person as to whom the document confers no right in the goods covered by it under Section 7-503.

(4) A warehouseman loses his lien on any goods which he voluntarily delivers or which he unjustifiably refuses to deliver.

SEC. 7-210. *Enforcement of Warehouseman's Lien.*

(1) Except as provided in subsection (2), a warehouseman's lien may be enforced by public or private sale of the goods in bloc or in parcels, at any time or place and on any terms which are commercially reasonable, after notifying all persons known to claim an interest in the goods. Such notification must include a statement of the amount due, the nature of the proposed sale and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the warehouseman is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the warehouseman either sells the goods in the usual manner in any recognized market therefor, or if he sells at the price current in such market at the time of his sale, or if he has otherwise sold in conformity with commercially reasonable practices among dealers in the type of goods sold, he has sold in a commercially reasonable manner. A sale of more goods than apparently necessary to be offered to insure satisfaction of the obligation is not

Enforcement
of warehouse-
man's lien.

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commercially reasonable except in cases covered by the preceding sentence.

(2) A warehouseman's lien on goods other than goods stored by a merchant in the course of his business may be enforced only as follows:

- (a) All persons known to claim an interest in the goods must be notified.
- (b) The notification must be delivered in person or sent by registered or certified letter to the last known address of any person to be notified.
- (c) The notification must include an itemized statement of the claim, a description of the goods subject to the lien, a demand for payment within a specified time not less than ten days after receipt of the notification, and a conspicuous statement that unless the claim is paid within that time the goods will be advertised for sale and sold by auction at a specified time and place.
- (d) The sale must conform to the terms of the notification.
- (e) The sale must be held at the nearest suitable place to that where the goods are held or stored.
- (f) After the expiration of the time given in the notification, an advertisement of the sale must be published once a week for two weeks consecutively in a newspaper of general circulation where the sale is to be held. The advertisement must include a description of the goods, the name of the person on whose account they are being held, and the time and place of the sale. The sale must take place at least fifteen days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least ten days

before the sale in not less than six conspicuous places in the neighborhood of the proposed sale.

(3) Before any sale pursuant to this section any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section. In that event the goods must not be sold, but must be retained by the warehouseman subject to the terms of the receipt and this Article.

(4) The warehouseman may buy at any public sale pursuant to this section.

(5) A purchaser in good faith of goods sold to enforce a warehouseman's lien takes the goods free of any rights of persons against whom the lien was valid, despite noncompliance by the warehouseman with the requirements of this section.

(6) The warehouseman may satisfy his lien from the proceeds of any sale pursuant to this section but must hold the balance, if any, for delivery on demand to any person to whom he would have been bound to deliver the goods.

(7) The rights provided by this section shall be in addition to all other rights allowed by law to a creditor against his debtor.

(8) Where a lien is on goods stored by a merchant in the course of his business the lien may be enforced in accordance with either subsection (1) or (2).

(9) The warehouseman is liable for damages caused by failure to comply with the requirements for sale under this section and in case of willful violation is liable for conversion.

Part 3

BILLS OF LADING: SPECIAL PROVISIONS

SEC. 7-301. *Liability for Non-receipt or Misdescription; "Said to Contain"; "Shipper's Load and*

Bills of lading. Liability for non-receipt, etc.

Uniform commercial code—
 Documents of title. Bills of lading. Liability for non-receipt or misdescription—
 —“Said to contain”—
 “Shippers load and count”—
 Improper handling.

Count’; Improper Handling. (1) A consignee of a non-negotiable bill who has given value in good faith or a holder to whom a negotiable bill has been duly negotiated relying in either case upon the description therein of the goods, or upon the date therein shown, may recover from the issuer damages caused by the misdating of the bill or the non-receipt or misdescription of the goods, except to the extent that the document indicates that the issuer does not know whether any part or all of the goods in fact were received or conform to the description, as where the description is in terms of marks or labels or kind, quantity, or condition or the receipt or description is qualified by “contents or condition of contents of packages unknown”, “said to contain”, “shipper’s weight, load and count” or the like, if such indication be true.

(2) When goods are loaded by an issuer who is a common carrier, the issuer must count the packages of goods if package freight and ascertain the kind and quantity if bulk freight. In such cases “shipper’s weight, load and count” or other words indicating that the description was made by the shipper are ineffective except as to freight concealed by packages.

(3) When bulk freight is loaded by a shipper who makes available to the issuer adequate facilities for weighing such freight, an issuer who is a common carrier must ascertain the kind and quantity within a reasonable time after receiving the written request of the shipper to do so. In such cases “shipper’s weight” or other words of like purport are ineffective.

(4) The issuer may by inserting in the bill the words “shipper’s weight, load and count” or other words of like purport indicate that the goods were loaded by the shipper; and if such statement be true the issuer shall not be liable for damages caused

by the improper loading. But their omission does not imply liability for such damages.

(5) The shipper shall be deemed to have guaranteed to the issuer the accuracy at the time of shipment of the description, marks, labels, number, kind, quantity, condition and weight, as furnished by him; and the shipper shall indemnify the issuer against damage caused by inaccuracies in such particulars. The right of the issuer to such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.

SEC. 7-302. *Through Bills of Lading and Similar Documents.* (1) The issuer of a through bill of lading or other document embodying an undertaking to be performed in part by persons acting as its agents or by connecting carriers is liable to anyone entitled to recover on the document for any breach by such other persons or by a connecting carrier of its obligation under the document but to the extent that the bill covers an undertaking to be performed overseas or in territory not contiguous to the continental United States or an undertaking including matters other than transportation this liability may be varied by agreement of the parties.

Through bills
of lading and
similar
documents.

(2) Where goods covered by a through bill of lading or other document embodying an undertaking to be performed in part by persons other than the issuer are received by any such person, he is subject with respect to his own performance while the goods are in his possession to the obligation of the issuer. His obligation is discharged by delivery of the goods to another such person pursuant to the document, and does not include liability for breach by any other such persons or by the issuer.

(3) The issuer of such through bill of lading or other document shall be entitled to recover from the connecting carrier or such other person in pos-

session of the goods when the breach of the obligation under the document occurred, the amount it may be required to pay to anyone entitled to recover on the document therefor, as may be evidenced by any receipt, judgment, or transcript thereof, and the amount of any expense reasonably incurred by it in defending any action brought by anyone entitled to recover on the document therefor.

Uniform commercial code—
Documents of title, Bills of lading, Diversion—Reconsignment—Charge of instructions.

SEC. 7-303. *Diversion; Reconsignment; Change of Instructions.* (1) Unless the bill of lading otherwise provides, the carrier may deliver the goods to a person or destination other than that stated in the bill or may otherwise dispose of the goods on instructions from

- (a) the holder of a negotiable bill; or
- (b) the consignor on a non-negotiable bill notwithstanding contrary instructions from the consignee; or
- (c) the consignee on a non-negotiable bill in the absence of contrary instructions from the consignor, if the goods have arrived at the billed destination or if the consignee is in possession of the bill; or
- (d) the consignee on a non-negotiable bill if he is entitled as against the consignor to dispose of them.

(2) Unless such instructions are noted on a negotiable bill of lading, a person to whom the bill is duly negotiated can hold the bailee according to the original terms.

Bills of lading in a set.

SEC. 7-304. *Bills of Lading In a Set.* (1) Except where customary in overseas transportation, a bill of lading must not be issued in a set of parts. The issuer is liable for damages caused by violation of this subsection.

(2) Where a bill of lading is lawfully drawn in a set of parts, each of which is numbered and expressed to be valid only if the goods have not been

delivered against any other part, the whole of the parts constitute one bill.

(3) Where a bill of lading is lawfully issued in a set of parts and different parts are negotiated to different persons, the title of the holder to whom the first due negotiation is made prevails as to both the document and the goods even though any later holder may have received the goods from the carrier in good faith and discharged the carrier's obligation by surrender of his part.

(4) Any person who negotiates or transfers a single part of a bill of lading drawn in a set is liable to holders of that part as if it were the whole set.

(5) The bailee is obliged to deliver in accordance with Part 4 of this Article against the first presented part of a bill of lading lawfully drawn in a set. Such delivery discharges the bailee's obligation on the whole bill.

SEC. 7-305. *Destination Bills.* (1) Instead of issuing a bill of lading to the consignor at the place of shipment a carrier may at the request of the consignor procure the bill to be issued at destination or at any other place designated in the request. Destination bills.

(2) Upon request of anyone entitled as against the carrier to control the goods while in transit and on surrender of any outstanding bill of lading or other receipt covering such goods, the issuer may procure a substitute bill to be issued at any place designated in the request.

SEC. 7-306. *Altered Bills of Lading.* An unauthorized alteration or filling in of a blank in a bill of lading leaves the bill enforceable according to its original tenor. Altered bills of lading.

SEC. 7-307. *Lien of Carrier.* (1) A carrier has a lien on the goods covered by a bill of lading for charges subsequent to the date of its receipt of the goods for storage or transportation (including demur- Lien of carrier.

Uniform commercial code—
Documents of title. Bills of lading. Lien of carrier.

rage and terminal charges) and for expenses necessary for preservation of the goods incident to their transportation or reasonably incurred in their sale pursuant to law. But against a purchaser for value of a negotiable bill of lading a carrier's lien is limited to charges stated in the bill or the applicable tariffs, or if no charges are stated then to a reasonable charge.

(2) A lien for charges and expenses under subsection (1) on goods which the carrier was required by law to receive for transportation is effective against the consignor or any person entitled to the goods unless the carrier had notice that the consignor lacked authority to subject the goods to such charges and expenses. Any other lien under subsection (1) is effective against the consignor and any person who permitted the bailor to have control or possession of the goods unless the carrier had notice that the bailor lacked such authority.

(3) A carrier loses his lien on any goods which he voluntarily delivers or which he unjustifiably refuses to deliver.

Enforcement of carrier's lien.

SEC. 7-308. *Enforcement of Carrier's Lien.* (1) A carrier's lien may be enforced by public or private sale of the goods, in bloc or in parcels, at any time or place and on any terms which are commercially reasonable, after notifying all persons known to claim an interest in the goods. Such notification must include a statement of the amount due, the nature of the proposed sale and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the carrier is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the carrier either sells the goods in the usual manner in any recognized market therefor or if he sells at the price current in such market at the time

of his sale or if he has otherwise sold in conformity with commercially reasonable practices among dealers in the type of goods sold he has sold in a commercially reasonable manner. A sale of more goods than apparently necessary to be offered to ensure satisfaction of the obligation is not commercially reasonable except in cases covered by the preceding sentence.

(2) Before any sale pursuant to this section any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section. In that event the goods must not be sold, but must be retained by the carrier subject to the terms of the bill and this Article.

(3) The carrier may buy at any public sale pursuant to this section.

(4) A purchaser in good faith of goods sold to enforce a carrier's lien takes the goods free of any rights of persons against whom the lien was valid, despite noncompliance by the carrier with the requirements of this section.

(5) The carrier may satisfy his lien from the proceeds of any sale pursuant to this section but must hold the balance, if any, for delivery on demand to any person to whom he would have been bound to deliver the goods.

(6) The rights provided by this section shall be in addition to all other rights allowed by law to a creditor against his debtor.

(7) A carrier's lien may be enforced in accordance with either subsection (1) or the procedure set forth in subsection (2) of Section 7-210.

(8) The carrier is liable for damages caused by failure to comply with the requirements for sale under this section and in case of willful violation is liable for conversion.

Uniform commercial code—
Documents of title. Bills of lading. Duty of care—
Contractual limitation on carrier's liability.

SEC. 7-309. *Duty of Care; Contractual Limitation of Carrier's Liability.* Save as otherwise provided in RCW 81.29.010 and 81.29.020

(1) A carrier who issues a bill of lading whether negotiable or non-negotiable must exercise the degree of care in relation to the goods which a reasonably careful man would exercise under like circumstances.

(2) Damages may be limited by a provision that the carrier's liability shall not exceed a value stated in the document if the carrier's rates are dependent upon value and the consignor by the carrier's tariff is afforded an opportunity to declare a higher value or a value as lawfully provided in the tariff, or where no tariff is filed he is otherwise advised of such opportunity; but no such limitation is effective with respect to the carrier's liability for conversion to its own use.

(3) Reasonable provisions as to the time and manner of presenting claims and instituting actions based on the shipment may be included in a bill of lading or tariff.

Part 4

WAREHOUSE RECEIPTS AND BILLS OF LADING:
GENERAL OBLIGATIONS

Warehouse receipts and bills of lading. Irregularities in issue of receipt or bill or conduct of issuer.

SEC. 7-401. *Irregularities in Issue of Receipt or Bill or Conduct of Issuer.* The obligations imposed by this Article on an issuer apply to a document of title regardless of the fact that

- (a) the document may not comply with the requirements of this Article or of any other law or regulation regarding its issue, form or content; or
- (b) the issuer may have violated laws regulating the conduct of his business; or

- (c) the goods covered by the document were owned by the bailee at the time the document was issued; or
- (d) the person issuing the document does not come within the definition of warehouseman if it purports to be a warehouse receipt.

SEC. 7-402. *Duplicate Receipt or Bill; Overissue.* Neither a duplicate nor any other document of title purporting to cover goods already represented by an outstanding document of the same issuer confers any right in the goods, except as provided in the case of bills in a set, overissue of documents for fungible goods and substitutes for lost, stolen or destroyed documents. But the issuer is liable for damages caused by his overissue or failure to identify a duplicate document as such by conspicuous notation on its face.

Duplicate receipt or bill
—Overissue.

SEC. 7-403. *Obligation of Warehouseman or Carrier to Deliver; Excuse.* (1) The bailee must deliver the goods to a person entitled under the document who complies with subsections (2) and (3), unless and to the extent that the bailee establishes any of the following:

Obligation of warehouseman or carrier to deliver—
Excuse.

- (a) delivery of the goods to a person whose receipt was rightful as against the claimant;
- (b) damage to or delay, loss or destruction of the goods for which the bailee is not liable;
- (c) previous sale or other disposition of the goods in lawful enforcement of a lien or on warehouseman's lawful termination of storage;
- (d) the exercise by a seller of his right to stop delivery pursuant to the provisions of the Article on Sales (Section 2-705);
- (e) a diversion, reconsignment or other disposition pursuant to the provisions of this Article (Section 7-303) or tariff regulating such right;

Uniform commercial code—Documents of title. Warehouse receipts and bills of lading. Obligation of warehouseman or carrier to deliver—Excuse.

- (f) release, satisfaction or any other fact affording a personal defense against the claimant;
- (g) any other lawful excuse.

(2) A person claiming goods covered by a document of title must satisfy the bailee's lien where the bailee so requests or where the bailee is prohibited by law from delivering the goods until the charges are paid.

(3) Unless the person claiming is one against whom the document confers no right under Sec. 7-503 (1), he must surrender for cancellation or notation of partial deliveries any outstanding negotiable document covering the goods, and the bailee must cancel the document or conspicuously note the partial delivery thereon or be liable to any person to whom the document is duly negotiated.

(4) "Person entitled under the document" means holder in the case of a negotiable document, or the person to whom delivery is to be made by the terms of or pursuant to written instructions under a non-negotiable document.

No liability for good faith delivery pursuant to receipt or bill.

SEC. 7-404. *No Liability for Good Faith Delivery Pursuant to Receipt or Bill.* A bailee who in good faith including observance of reasonable commercial standards has received goods and delivered or otherwise disposed of them according to the terms of the document of title or pursuant to this Article is not liable therefor. This rule applies even though the person from whom he received the goods had no authority to procure the document or to dispose of the goods and even though the person to whom he delivered the goods had no authority to receive them.

Part 5

WAREHOUSE RECEIPTS AND BILLS OF LADING:
NEGOTIATION AND TRANSFER

SEC. 7-501. *Form of Negotiation and Requirements of "Due Negotiation"*. (1) A negotiable document of title running to the order of a named person is negotiated by his indorsement and delivery. After his indorsement in blank or to bearer any person can negotiate it by delivery alone.

Form of negotiation and requirements of "due negotiation".

(2) (a) A negotiable document of title is also negotiated by delivery alone when by its original terms it runs to bearer;

(b) when a document running to the order of a named person is delivered to him the effect is the same as if the document had been negotiated.

(3) Negotiation of a negotiable document of title after it has been indorsed to a specified person requires indorsement by the special indorsee as well as delivery.

(4) A negotiable document of title is "duly negotiated" when it is negotiated in the manner stated in this section to a holder who purchases it in good faith without notice of any defense against or claim to it on the part of any person and for value, unless it is established that the negotiation is not in the regular course of business or financing or involves receiving the document in settlement or payment of a money obligation.

(5) Indorsement of a non-negotiable document neither makes it negotiable nor adds to the transferee's rights.

(6) The naming in a negotiable bill of a person to be notified of the arrival of the goods does not limit the negotiability of the bill nor constitute notice to a purchaser thereof of any interest of such person in the goods.

Uniform commercial code—
Documents of title. Warehouse receipts and bills of lading. Rights acquired by due negotiation.

SEC. 7-502. *Rights Acquired by Due Negotiation.*

(1) Subject to the following section and to the provisions of Section 7-205 on fungible goods, a holder to whom a negotiable document of title has been duly negotiated acquires thereby:

- (a) title to the document;
- (b) title to the goods;
- (c) all rights accruing under the law of agency or estoppel, including rights to goods delivered to the bailee after the document was issued; and
- (d) the direct obligation of the issuer to hold or deliver the goods according to the terms of the document free of any defense or claim by him except those arising under the terms of the document or under this Article. In the case of a delivery order the bailee's obligation accrues only upon acceptance and the obligation acquired by the holder is that the issuer and any indorser will procure the acceptance of the bailee.

(2) Subject to the following section, title and rights so acquired are not defeated by any stoppage of the goods represented by the document or by surrender of such goods by the bailee, and are not impaired even though the negotiation or any prior negotiation constituted a breach of duty or even though any person has been deprived of possession of the document by misrepresentation, fraud, accident, mistake, duress, loss, theft or conversion, or even though a previous sale or other transfer of the goods or document has been made to a third person.

Documents of title to goods defeated in certain cases.

SEC. 7-503. *Document of Title to Goods Defeated in Certain Cases.* (1) A document of title confers no right in goods against a person who before issuance of the document had a legal interest or a perfected security interest in them and who neither

- (a) delivered or entrusted them or any document of title covering them to the bailor or his nominee with actual or apparent authority to ship, store or sell or with power to obtain delivery under this Article (Section 7-403) or with power of disposition under this Act (Sections 2-403 and 9-307) or other statute or rule of law; nor
 - (b) acquiesced in the procurement by the bailor or his nominee of any document of title.
- (2) Title to goods based upon an unaccepted delivery order is subject to the rights of anyone to whom a negotiable warehouse receipt or bill of lading covering the goods has been duly negotiated. Such a title may be defeated under the next section to the same extent as the rights of the issuer or a transferee from the issuer.
- (3) Title to goods based upon a bill of lading issued to a freight forwarder is subject to the rights of anyone to whom a bill issued by the freight forwarder is duly negotiated; but delivery by the carrier in accordance with Part 4 of this Article pursuant to its own bill of lading discharges the carrier's obligation to deliver.

SEC. 7-504. *Rights Acquired in the Absence of Due Negotiation; Effect of Diversion; Seller's Stoppage of Delivery.* (1) A transferee of a document, whether negotiable or non-negotiable, to whom the document has been delivered but not duly negotiated, acquires the title and rights which his transferor had or had actual authority to convey.

Rights acquired in the absence of due negotiation—Effect of diversion—Seller's stoppage of delivery.

(2) In the case of a non-negotiable document, until but not after the bailee receives notification of the transfer, the rights of the transferee may be defeated

- (a) by those creditors of the transferor who could treat the sale as void under Section 2-402; or

Uniform commercial code—Documents of title. Warehouse receipts and bills of lading. Rights acquired in the absence of due negotiation—Effect of diversion—Seller's stoppage of delivery.

- (b) by a buyer from the transferor in ordinary course of business if the bailee has delivered the goods to the buyer or received notification of his rights; or
- (c) as against the bailee by good faith dealings of the bailee with the transferor.

(3) A diversion or other change of shipping instructions by the consignor in a non-negotiable bill of lading which causes the bailee not to deliver to the consignee defeats the consignee's title to the goods if they have been delivered to a buyer in ordinary course of business and in any event defeats the consignee's rights against the bailee.

(4) Delivery pursuant to a non-negotiable document may be stopped by a seller under Section 2-705, and subject to the requirement of due notification there provided. A bailee honoring the seller's instructions is entitled to be indemnified by the seller against any resulting loss or expense.

Indorser not a guarantor for other parties.

SEC. 7-505. *Indorser Not a Guarantor for Other Parties.* The indorsement of a document of title issued by a bailee does not make the indorser liable for any default by the bailee or by previous indorsers.

Delivery without indorsement—Right to compel indorsement.

SEC. 7-506. *Delivery Without Indorsement: Right to Compel Indorsement.* The transferee of a negotiable document of title has a specifically enforceable right to have his transferor supply any necessary indorsement but the transfer becomes a negotiation only as of the time the indorsement is supplied.

Warranties on negotiation or transfer of receipt or bill.

SEC. 7-507. *Warranties on Negotiation or Transfer of Receipt or Bill.* Where a person negotiates or transfers a document of title for value otherwise than as a mere intermediary under the next following section, then unless otherwise agreed he war-

rants to his immediate purchaser only in addition to any warranty made in selling the goods

- (a) that the document is genuine; and
- (b) that he has no knowledge of any fact which would impair its validity or worth; and
- (c) that his negotiation or transfer is rightful and fully effective with respect to the title to the document and the goods it represents.

SEC. 7-508. *Warranties of Collecting Bank as to Documents.* A collecting bank or other intermediary known to be entrusted with documents on behalf of another or with collection of a draft or other claim against delivery of documents warrants by such delivery of the documents only its own good faith and authority. This rule applies even though the intermediary has purchased or made advances against the claim or draft to be collected.

Warranties of collecting bank as to documents.

SEC. 7-509. *Receipt or Bill: When Adequate Compliance With Commercial Contract.* The question whether a document is adequate to fulfill the obligations of a contract for sale or the conditions of a credit is governed by the Articles on Sales (Article 2) and on Letters of Credit (Article 5).

Receipt or bill — When adequate compliance with commercial contract.

Part 6

WAREHOUSE RECEIPTS AND BILLS OF LADING: MISCELLANEOUS PROVISIONS

SEC. 7-601. *Lost and Missing Documents.* (1) If a document has been lost, stolen or destroyed, a court may order delivery of the goods or issuance of a substitute document and the bailee may without liability to any person comply with such order. If the document was negotiable the claimant must post security approved by the court to indemnify any person who may suffer loss as a result of non-surrender of the document. If the document was not negotiable, such security may be required at the

Lost and missing documents.

Uniform commercial code—Documents of title. Warehouse receipts and bills of lading. Lost and missing documents.

discretion of the court. The court may also in its discretion order payment of the bailee's reasonable costs and counsel fees.

(2) A bailee who without court order delivers goods to a person claiming under a missing negotiable document is liable to any person injured thereby, and if the delivery is not in good faith becomes liable for conversion. Delivery in good faith is not conversion if made in accordance with a filed classification or tariff or, where no classification or tariff is filed, if the claimant posts security with the bailee in an amount at least double the value of the goods at the time of posting to indemnify any person injured by the delivery who files a notice of claim within one year after the delivery.

Attachment of goods covered by a negotiable document.

SEC. 7-602. *Attachment of Goods Covered by a Negotiable Document.* Except where the document was originally issued upon delivery of the goods by a person who had no power to dispose of them, no lien attaches by virtue of any judicial process to goods in the possession of a bailee for which a negotiable document of title is outstanding unless the document be first surrendered to the bailee or its negotiation enjoined, and the bailee shall not be compelled to deliver the goods pursuant to process until the document is surrendered to him or impounded by the court. One who purchases the document for value without notice of the process or injunction takes free of the lien imposed by judicial process.

Conflicting claims—Interpleader.

SEC. 7-603. *Conflicting Claims; Interpleader.* If more than one person claims title or possession of the goods, the bailee is excused from delivery until he has had a reasonable time to ascertain the validity of the adverse claims or to bring an action to compel all claimants to interplead and may compel such interpleader, either in defending an action for non-delivery of the goods, or by original action, whichever is appropriate.

Article 8
Investment Securities

Part 1

SHORT TITLE AND GENERAL MATTERS

SEC. 8-101. *Short Title.* This Article shall be known and may be cited as Uniform Commercial Code—Investment Securities. Investment securities.
Short title.

SEC. 8-102. *Definitions and Index of Definitions.* Definitions and index of definitions.
(1) In this Article unless the context otherwise requires

- (a) A “security” is an instrument which
 - (i) is issued in bearer or registered form; and
 - (ii) is of a type commonly dealt in upon securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment; and
 - (iii) is either one of a class or series or by its terms is divisible into a class or series of instruments; and
 - (iv) evidences a share, participation or other interest in property or in an enterprise or evidences an obligation of the issuer.
- (b) A writing which is a security is governed by this Article and not by Uniform Commercial Code—Commercial Paper even though it also meets the requirements of that Article. This Article does not apply to money.
- (c) A security is in “registered form” when it specifies a person entitled to the security or to the rights it evidences and when its transfer may be registered upon books maintained for that purpose by or on behalf of an issuer or the security so states.
- (d) A security is in “bearer form” when it runs to bearer according to its terms and not by reason of any indorsement.

Uniform commercial code—
Investment securities.
Definitions and index of definitions.

(2) A “subsequent purchaser” is a person who takes other than by original issue.

(3) A “clearing corporation” is a corporation all of the capital stock of which is held by or for a national securities exchange or association registered under a statute of the United States such as the Securities Exchange Act of 1934.

(4) A “custodian bank” is any bank or trust company which is supervised and examined by state or federal authority having supervision over banks and which is acting as custodian for a clearing corporation.

(5) Other definitions applying to this Article or to specified Parts thereof and the sections in which they appear are:

“Adverse claim”.Section 8-301.

“Bona fide purchaser”.Section 8-302.

“Broker”.Section 8-303.

“Guarantee of the signature”.Section 8-402.

“Intermediary Bank”..Section 4-105.

“Issuer”.Section 8-201.

“Overissue”.Section 8-104.

(6) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Issuer's lien.

SEC. 8-103. *Issuer's Lien.* A lien upon a security in favor of an issuer thereof is valid against a purchaser only if the right of the issuer to such lien is noted conspicuously on the security.

Effect of overissue—
“Overissue”.

SEC. 8-104. *Effect of Overissue; “Overissue.”* (1) The provisions of this Article which validate a security or compel its issue or reissue do not apply to the extent that validation, issue or reissue would result in overissue; but

(a) if an identical security which does not constitute an overissue is reasonably available

for purchase, the person entitled to issue or validation may compel the issuer to purchase and deliver such a security to him against surrender of the security, if any, which he holds; or

- (b) if a security is not so available for purchase, the person entitled to issue or validation may recover from the issuer the price he or the last purchaser for value paid for it with interest from the date of his demand.
- (2) "Overissue" means the issue of securities in excess of the amount which the issuer has corporate power to issue.

SEC. 8-105. *Securities Negotiable; Presumptions.*

(1) Securities governed by this Article are negotiable instruments.

Securities
negotiable—
Presumptions.

- (2) In any action on a security
 - (a) unless specifically denied in the pleadings, each signature on the security or in a necessary indorsement is admitted;
 - (b) when the effectiveness of a signature is put in issue the burden of establishing it is on the party claiming under the signature but the signature is presumed to be genuine or authorized;
 - (c) when signatures are admitted or established production of the instrument entitles a holder to recover on it unless the defendant establishes a defense or a defect going to the validity of the security; and
 - (d) after it is shown that a defense or defect exists the plaintiff has the burden of establishing that he or some person under whom he claims is a person against whom the defense or defect is ineffective (Section 8-202).

SEC. 8-106. *Applicability.* The validity of a security and the rights and duties of the issuer with respect to registration of transfer are governed by the

Applicability.

law (including the conflict of laws rules) of the jurisdiction of organization of the issuer.

Uniform commercial code—
Investment securities.
Securities deliverable—Action for price.

SEC. 8-107. *Securities Deliverable; Action for Price.* (1) Unless otherwise agreed and subject to any applicable law or regulation respecting short sales, a person obligated to deliver securities may deliver any security of the specified issue in bearer form or registered in the name of the transferee or indorsed to him or in blank.

(2) When the buyer fails to pay the price as it comes due under a contract of sale the seller may recover the price

- (a) of securities accepted by the buyer; and
- (b) of other securities if efforts at their resale would be unduly burdensome or if there is no readily available market for their resale.

Part 2

ISSUE—ISSUER

“Issuer”.

SEC. 8-201. *“Issuer.”* (1) With respect to obligations on or defenses to a security “issuer” includes a person who

- (a) places or authorizes the placing of his name on a security (otherwise than as authenticating trustee, registrar, transfer agent or the like) to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty to perform an obligation evidenced by the security; or
- (b) directly or indirectly creates fractional interests in his rights or property which fractional interests are evidenced by securities; or
- (c) becomes responsible for or in place of any other person described as an issuer in this section.

(2) With respect to obligations on or defenses to a security a guarantor is an issuer to the extent of his guaranty whether or not his obligation is noted on the security.

(3) With respect to registration of transfer (Part 4 of this Article) "issuer" means a person on whose behalf transfer books are maintained.

SEC. 8-202. *Issuer's Responsibility and Defenses; Notice of Defect or Defense.* (1) Even against a purchaser for value and without notice, the terms of a security include those stated on the security and those made part of the security by reference to another instrument, indenture or document or to a constitution, statute, ordinance, rule, regulation, order or the like to the extent that the terms so referred to do not conflict with the stated terms. Such a reference does not of itself charge a purchaser for value with notice of a defect going to the validity of the security even though the security expressly states that a person accepting it admits such notice.

Issuer's responsibility and defenses—
Notice of defect or defense.

- (2) (a) A security other than one issued by a government or governmental agency or unit even though issued with a defect going to its validity is valid in the hands of a purchaser for value and without notice of the particular defect unless the defect involves a violation of constitutional provisions in which case the security is valid in the hands of a subsequent purchaser for value and without notice of the defect.
- (b) The rule of subparagraph (a) applies to an issuer which is a government or governmental agency or unit only if either there has been substantial compliance with the legal requirements governing the issue or the issuer has received a substantial consideration for the issue as a whole or for the

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particular security and a stated purpose of the issue is one for which the issuer has power to borrow money or issue the security.

(3) Except as otherwise provided in the case of certain unauthorized signatures on issue (Section 8-205), lack of genuineness of a security is a complete defense even against a purchaser for value and without notice.

(4) All other defenses of the issuer including nondelivery and conditional delivery of the security are ineffective against a purchaser for value who has taken without notice of the particular defense.

(5) Nothing in this section shall be construed to affect the right of a party to a “when, as and if issued” or a “when distributed” contract to cancel the contract in the event of a material change in the character of the security which is the subject of the contract or in the plan or arrangement pursuant to which such security is to be issued or distributed.

Staleness as notice of defects or defenses.

SEC. 8-203. *Staleness As Notice of Defects or Defenses.* (1) After an act or event which creates a right to immediate performance of the principal obligation evidenced by the security or which sets a date on or after which the security is to be presented or surrendered for redemption or exchange, a purchaser is charged with notice of any defect in its issue or defense of the issuer

- (a) if the act or event is one requiring the payment of money or the delivery of securities or both on presentation or surrender of the security and such funds or securities are available on the date set for payment or exchange and he takes the security more than one year after that date; and
- (b) if the act or event is not covered by paragraph (a) and he takes the security more than two years after the date set for sur-

render or presentation or the date on which such performance became due.

(2) A call which has been revoked is not within subsection (1).

SEC. 8-204. *Effect of Issuer's Restrictions on Transfer.* Unless noted conspicuously on the security a restriction on transfer imposed by the issuer even though otherwise lawful is ineffective except against a person with actual knowledge of it.

Effect of issuer's restrictions on transfer.

SEC. 8-205. *Effect of Unauthorized Signature on Issue.* An unauthorized signature placed on a security prior to or in the course of issue is ineffective except that the signature is effective in favor of a purchaser for value and without notice of the lack of authority if the signing has been done by

Effect of unauthorized signature on issue.

- (a) an authenticating trustee, registrar, transfer agent or other person entrusted by the issuer with the signing of the security or of similar securities or their immediate preparation for signing; or
- (b) an employee of the issuer or of any of the foregoing entrusted with responsible handling of the security.

SEC. 8-206. *Completion or Alteration of Instrument.* (1) Where a security contains the signatures necessary to its issue or transfer but is incomplete in any other respect

Completion or alteration of instrument.

- (a) any person may complete it by filling in the blanks as authorized; and
- (b) even though the blanks are incorrectly filled in, the security as completed is enforceable by a purchaser who took it for value and without notice of such incorrectness.

(2) A complete security which has been improperly altered even though fraudulently remains enforceable but only according to its original terms.

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SEC. 8-207. *Rights of Issuer with Respect to Registered Owners.* (1) Prior to due presentment for registration of transfer of a security in registered form the issuer or indenture trustee may treat the registered owner as the person exclusively entitled to vote, to receive notifications and otherwise to exercise all the rights and powers of an owner.

(2) Nothing in this Article shall be construed to affect the liability of the registered owner of a security for calls, assessments or the like.

Effect of signature of authenticating trustee, registrar or transfer agent.

SEC. 8-208. *Effect of Signature of Authenticating Trustee, Registrar or Transfer Agent.* (1) A person placing his signature upon a security as authenticating trustee, registrar, transfer agent or the like warrants to a purchaser for value without notice of the particular defect that

- (a) the security is genuine; and
- (b) his own participation in the issue of the security is within his capacity and within the scope of the authorization received by him from the issuer; and
- (c) he has reasonable grounds to believe that the security is in the form and within the amount the issuer is authorized to issue.

(2) Unless otherwise agreed, a person by so placing his signature does not assume responsibility for the validity of the security in other respects.

Part 3

PURCHASE

Purchase. Rights acquired by purchaser—“Adverse claim”—Title acquired by bona fide purchaser.

SEC. 8-301. *Rights Acquired by Purchaser; “Adverse Claim”; Title Acquired by Bona Fide Purchaser.* (1) Upon delivery of a security the purchaser acquires the rights in the security which his transferor had or had actual authority to convey except that a purchaser who has himself been a party to any fraud or illegality affecting the security or who

as a prior holder had notice of an adverse claim cannot improve his position by taking from a later bona fide purchaser. "Adverse claim" includes a claim that a transfer was or would be wrongful or that a particular adverse person is the owner of or has an interest in the security.

(2) A bona fide purchaser in addition to acquiring the rights of a purchaser also acquires the security free of any adverse claim.

(3) A purchaser of a limited interest acquires rights only to the extent of the interest purchased.

SEC. 8-302. "*Bona Fide Purchaser.*" A "bona fide purchaser" is a purchaser for value in good faith and without notice of any adverse claim who takes delivery of a security in bearer form or of one in registered form issued to him or indorsed to him or in blank. "Bona fide purchaser".

SEC. 8-303. "*Broker.*" "Broker" means a person engaged for all or part of his time in the business of buying and selling securities, who in the transaction concerned acts for, or buys a security from or sells a security to a customer. Nothing in this Article determines the capacity in which a person acts for purposes of any other statute or rule to which such person is subject. "Broker".

SEC. 8-304. "*Notice to Purchaser of Adverse Claims.*" Notice to purchaser of adverse claims.

(1) A purchaser (including a broker for the seller or buyer but excluding an intermediary bank) of a security is charged with notice of adverse claims if

- (a) the security whether in bearer or registered form has been indorsed "for collection" or "for surrender" or for some other purpose not involving transfer; or
- (b) the security is in bearer form and has on it an unambiguous statement that it is the property of a person other than the trans-

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feror. The mere writing of a name on a security is not such a statement.

(2) The fact that the purchaser (including a broker for the seller or buyer) has notice that the security is held for a third person or is registered in the name of or indorsed by a fiduciary does not create a duty of inquiry into the rightfulness of the transfer or constitute notice of adverse claims. If, however, the purchaser (excluding an intermediary bank) has knowledge that the proceeds are being used or that the transaction is for the individual benefit of the fiduciary or otherwise in breach of duty, the purchaser is charged with notice of adverse claims.

Staleness as
notice of ad-
verse claims.

SEC. 8-305. *Staleness as Notice of Adverse Claims.* An act or event which creates a right to immediate performance of the principal obligation evidenced by the security or which sets a date on or after which the security is to be presented or surrendered for redemption or exchange does not of itself constitute any notice of adverse claims except in the case of a purchase

- (a) after one year from any date set for such presentment or surrender for redemption or exchange; or
- (b) after six months from any date set for payment of money against presentation or surrender of the security if funds are available for payment on that date.

Warranties on
presentment
and transfer.

SEC. 8-306. *Warranties on Presentment and Transfer.* (1) A person who presents a security for registration of transfer or for payment or exchange warrants to the issuer that he is entitled to the registration, payment or exchange. But a purchaser for value without notice of adverse claims who receives a new, reissued or reregistered security on registration of transfer warrants only that he has no knowl-

edge of any unauthorized signature (Section 8-311) in a necessary indorsement.

(2) A person by transferring a security to a purchaser for value warrants only that

- (a) his transfer is effective and rightful; and
- (b) the security is genuine and has not been materially altered; and
- (c) he knows no fact which might impair the validity of the security.

(3) Where a security is delivered by an intermediary known to be entrusted with delivery of the security on behalf of another or with collection of a draft or other claim against such delivery, the intermediary by such delivery warrants only his own good faith and authority even though he has purchased or made advances against the claim to be collected against the delivery.

(4) A pledgee or other holder for security who redelivers the security received, or after payment and on order of the debtor delivers that security to a third person makes only the warranties of an intermediary under subsection (3).

(5) A broker gives to his customer and to the issuer and a purchaser the warranties provided in this section and has the rights and privileges of a purchaser under this section. The warranties of and in favor of the broker acting as an agent are in addition to applicable warranties given by and in favor of his customer.

SEC. 8-307. *Effect of Delivery Without Indorsement; Right to Compel Indorsement.* Where a security in registered form has been delivered to a purchaser without a necessary indorsement he may become a bona fide purchaser only as of the time the indorsement is supplied, but against the transferor the transfer is complete upon delivery and the purchaser has a specifically enforceable right to have any necessary indorsement supplied.

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assignment.

SEC. 8-308. *Indorsement, How Made; Special Indorsement; Indorser Not a Guarantor; Partial Assignment.* (1) An indorsement of a security in registered form is made when an appropriate person signs on it or on a separate document an assignment or transfer of the security or a power to assign or transfer it or when the signature of such person is written without more upon the back of the security.

(2) An indorsement may be in blank or special. An indorsement in blank includes an indorsement to bearer. A special indorsement specifies the person to whom the security is to be transferred, or who has power to transfer it. A holder may convert a blank indorsement into a special indorsement.

(3) "An appropriate person" in subsection (1) means

- (a) the person specified by the security or by special indorsement to be entitled to the security; or
- (b) where the person so specified is described as a fiduciary but is no longer serving in the described capacity,—either that person or his successor; or
- (c) where the security or indorsement so specifies more than one person as fiduciaries and one or more are no longer serving in the described capacity,—the remaining fiduciary or fiduciaries, whether or not a successor has been appointed or qualified; or
- (d) where the person so specified is an individual and is without capacity to act by virtue of death, incompetence, infancy or otherwise,—his executor, administrator, guardian or like fiduciary; or
- (e) where the security or indorsement so specifies more than one person as tenants by the entirety or with right of survivorship and

by reason of death all cannot sign,—the survivor or survivors; or

- (f) a person having power to sign under applicable law or controlling instrument; or
- (g) to the extent that any of the foregoing persons may act through an agent,—his authorized agent.

(4) Unless otherwise agreed the indorser by his indorsement assumes no obligation that the security will be honored by the issuer.

(5) An indorsement purporting to be only of part of a security representing units intended by the issuer to be separately transferable is effective to the extent of the indorsement.

(6) Whether the person signing is appropriate is determined as of the date of signing and an indorsement by such a person does not become unauthorized for the purposes of this Article by virtue of any subsequent change of circumstances.

(7) Failure of a fiduciary to comply with a controlling instrument or with the law of the state having jurisdiction of the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer, does not render his indorsement unauthorized for the purposes of this Article.

SEC. 8-309. *Effect of Indorsement Without Delivery.* An indorsement of a security whether special or in blank does not constitute a transfer until delivery of the security on which it appears or if the indorsement is on a separate document until delivery of both the document and the security.

Effect of indorsement without delivery.

SEC. 8-310. *Indorsement of Security in Bearer Form.* An indorsement of a security in bearer form may give notice of adverse claims (Section 8-304) but does not otherwise affect any right to registration the holder may possess.

Indorsement of security in bearer form.

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indorsement.

SEC. 8-311. *Effect of Unauthorized Indorsement.*
Unless the owner has ratified an unauthorized in-
dorsement or is otherwise precluded from asserting
its ineffectiveness

- (a) he may assert its ineffectiveness against the issuer or any purchaser other than a purchaser for value and without notice of adverse claims who has in good faith received a new, reissued or re-registered security on registration of transfer; and
- (b) an issuer who registers the transfer of a security upon the unauthorized indorsement is subject to liability for improper registration (Section 8-404).

Effect of
guaranteeing
signature or
indorsement.

SEC. 8-312. *Effect of Guaranteeing Signature or Indorsement.* (1) Any person guaranteeing a signature of an indorser of a security warrants that at the time of signing

- (a) the signature was genuine; and
- (b) the signer was an appropriate person to indorse (Section 8-308); and
- (c) the signer had legal capacity to sign.

But the guarantor does not otherwise warrant the rightfulness of the particular transfer.

(2) Any person may guarantee an indorsement of a security and by so doing warrants not only the signature (subsection 1) but also the rightfulness of the particular transfer in all respects. But no issuer may require a guarantee of indorsement as a condition to registration of transfer.

(3) The foregoing warranties are made to any person taking or dealing with the security in reliance on the guarantee and the guarantor is liable to such person for any loss resulting from breach of the warranties.

When delivery
to the pur-
chaser occurs
—Purchaser's
broker as
holder.

SEC. 8-313. *When Delivery to the Purchaser Occurs; Purchaser's Broker as Holder.* (1) Delivery to a purchaser occurs when

- (a) he or a person designated by him acquires possession of a security; or
- (b) his broker acquires possession of a security specially indorsed to or issued in the name of the purchaser; or
- (c) his broker sends him confirmation of the purchase and also by book entry or otherwise identifies a specific security in the broker's possession as belonging to the purchaser; or
- (d) with respect to an identified security to be delivered while still in the possession of a third person when that person acknowledges that he holds for the purchaser; or
- (e) appropriate entries on the books of a clearing corporation are made under Section 8-320.

(2) The purchaser is the owner of a security held for him by his broker, but is not the holder except as specified in subparagraphs (b), (c) and (e) of subsection (1). Where a security is part of a fungible bulk the purchaser is the owner of a proportionate property interest in the fungible bulk.

(3) Notice of an adverse claim received by the broker or by the purchaser after the broker takes delivery as a holder for value is not effective either as to the broker or as to the purchaser. However, as between the broker and the purchaser the purchaser may demand delivery of an equivalent security as to which no notice of an adverse claim has been received.

SEC. 8-314. *Duty to Deliver, When Completed.*

(1) Unless otherwise agreed where a sale of a security is made on an exchange or otherwise through brokers

- (a) the selling customer fulfills his duty to deliver when he places such a security in the possession of the selling broker or of a person designated by the broker or if requested

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causes an acknowledgement to be made to the selling broker that it is held for him; and

- (b) the selling broker including a correspondent broker acting for a selling customer fulfills his duty to deliver by placing the security or a like security in the possession of the buying broker or a person designated by him or by effecting clearance of the sale in accordance with the rules of the exchange on which the transaction took place.

(2) Except as otherwise provided in this section and unless otherwise agreed, a transferor's duty to deliver a security under a contract of purchase is not fulfilled until he places the security in form to be negotiated by the purchaser in the possession of the purchaser or of a person designated by him or at the purchaser's request causes an acknowledgment to be made to the purchaser that it is held for him. Unless made on an exchange a sale to a broker purchasing for his own account is within this subsection and not within subsection (1).

Action against
purchaser
based upon
wrongful
transfer.

SEC. 8-315. *Action Against Purchaser Based Upon Wrongful Transfer.* (1) Any person against whom the transfer of a security is wrongful for any reason, including his incapacity, may against anyone except a bona fide purchaser reclaim possession of the security or obtain possession of any new security evidencing all or part of the same rights or have damages.

(2) If the transfer is wrongful because of an unauthorized indorsement, the owner may also reclaim or obtain possession of the security or new security even from a bona fide purchaser if the ineffectiveness of the purported indorsement can be asserted against him under the provisions of this Article on unauthorized indorsements (Section 8-311).

(3) The right to obtain or reclaim possession of a security may be specifically enforced and its transfer enjoined and the security impounded pending the litigation.

SEC. 8-316. *Purchaser's Right to Requisites for Registration of Transfer on Books.* Unless otherwise agreed the transferor must on due demand supply his purchaser with any proof of his authority to transfer or with any other requisite which may be necessary to obtain registration of the transfer of the security but if the transfer is not for value a transferor need not do so unless the purchaser furnishes the necessary expenses. Failure to comply with a demand made within a reasonable time gives the purchaser the right to reject or rescind the transfer.

Purchaser's right to requisites for registration of transfer on books.

SEC. 8-317. *Attachment or Levy Upon Security.*

(1) No attachment or levy upon a security or any share or other interest evidenced thereby which is outstanding shall be valid until the security is actually seized by the officer making the attachment or levy but a security which has been surrendered to the issuer may be attached or levied upon at the source.

Attachment or levy upon security.

(2) A creditor whose debtor is the owner of a security shall be entitled to such aid from courts of appropriate jurisdiction, by injunction or otherwise, in reaching such security or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

SEC. 8-318. *No Conversion by Good Faith Delivery.* An agent or bailee who in good faith (including observance of reasonable commercial standards if he is in the business of buying, selling or otherwise dealing with securities) has received securities and sold, pledged or delivered them according to the

No conversion by good faith delivery.

instructions of his principal is not liable for conversion or for participation in breach of fiduciary duty although the principal had no right to dispose of them.

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SEC. 8-319. *Statute of Frauds.* A contract for the sale of securities is not enforceable by way of action or defense unless

- (a) there is some writing signed by the party against whom enforcement is sought or by his authorized agent or broker sufficient to indicate that a contract has been made for sale of a stated quantity of described securities at a defined or stated price; or
- (b) delivery of the security has been accepted or payment has been made but the contract is enforceable under this provision only to the extent of such delivery or payment; or
- (c) within a reasonable time a writing in confirmation of the sale or purchase and sufficient against the sender under paragraph (a) has been received by the party against whom enforcement is sought and he has failed to send written objection to its contents within ten days after its receipt; or
- (d) the party against whom enforcement is sought admits in his pleading, testimony or otherwise in court that a contract was made for sale of a stated quantity of described securities at a defined or stated price.

Transfer or pledge within a central depository system.

SEC. 8-320. *Transfer or Pledge Within a Central Depository System.* (1) If a security

- (a) is in the custody of a clearing corporation or of a custodian bank or a nominee of either subject to the instructions of the clearing corporation; and
- (b) is in bearer form or indorsed in blank by an appropriate person or registered in the name

of the clearing corporation or custodian bank or a nominee of either; and

- (c) is shown on the account of a transferor or pledgor on the books of the clearing corporation;

then, in addition to other methods, a transfer or pledge of the security or any interest therein may be effected by the making of appropriate entries on the books of the clearing corporation reducing the account of the transferor or pledgor and increasing the account of the transferee or pledgee by the amount of the obligation or the number of shares or rights transferred or pledged.

(2) Under this section entries may be with respect to like securities or interests therein as a part of a fungible bulk and may refer merely to a quantity of a particular security without reference to the name of the registered owner, certificate or bond number or the like and, in appropriate cases, may be on a net basis taking into account other transfers or pledges of the same security.

(3) A transfer or pledge under this section has the effect of a delivery of a security in bearer form or duly indorsed in blank (Section 8-301) representing the amount of the obligation or the number of shares or rights transferred or pledged. If a pledge or the creation of a security interest is intended, the making of entries has the effect of a taking of delivery by the pledgee or a secured party (Sections 9-304 and 9-305). A transferee or pledgee under this section is a holder.

(4) A transfer or pledge under this section does not constitute a registration of transfer under Part 4 of this Article.

(5) That entries made on the books of the clearing corporation as provided in subsection (1) are not appropriate does not affect the validity or effect of

the entries nor the liabilities or obligations of the clearing corporation to any person adversely affected thereby.

Part 4

REGISTRATION

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Duty of issuer
to register
transfer.

SEC. 8-401. *Duty of Issuer to Register Transfer.*

(1) Where a security in registered form is presented to the issuer with a request to register transfer, the issuer is under a duty to register the transfer as requested if

- (a) the security is indorsed by the appropriate person or persons (Section 8-308); and
- (b) reasonable assurance is given that those indorsements are genuine and effective (Section 8-402); and
- (c) the issuer has no duty to inquire into adverse claims or has discharged any such duty (Section 8-403); and
- (d) any applicable law relating to the collection of taxes has been complied with; and
- (e) the transfer is in fact rightful or is to a bona fide purchaser.

(2) Where an issuer is under a duty to register a transfer of a security the issuer is also liable to the person presenting it for registration or his principal for loss resulting from any unreasonable delay in registration or from failure or refusal to register the transfer.

Assurance that
indorsements
are effective.

SEC. 8-402. *Assurance That Indorsements Are Effective.* (1) The issuer may require the following assurance that each necessary indorsement (Section 8-308) is genuine and effective

- (a) in all cases, a guarantee of the signature (subsection (1) of Section 8-312) of the person indorsing; and

- (b) where the indorsement is by an agent, appropriate assurance of authority to sign;
- (c) where the indorsement is by a fiduciary, appropriate evidence of appointment or incumbency;
- (d) where there is more than one fiduciary, reasonable assurance that all who are required to sign have done so;
- (e) where the indorsement is by a person not covered by any of the foregoing, assurance appropriate to the case corresponding as nearly as may be to the foregoing.

(2) A "guarantee of the signature" in subsection (1) means a guarantee signed by or on behalf of a person reasonably believed by the issuer to be responsible. The issuer may adopt standards with respect to responsibility provided such standards are not manifestly unreasonable.

(3) "Appropriate evidence of appointment or incumbency" in subsection (1) means

- (a) in the case of a fiduciary appointed or qualified by a court, a certificate issued by or under the direction or supervision of that court or an officer thereof and dated within sixty days before the date of presentation for transfer; or
- (b) in any other case, a copy of a document showing the appointment or a certificate issued by or on behalf of a person reasonably believed by the issuer to be responsible or, in the absence of such a document or certificate, other evidence reasonably deemed by the issuer to be appropriate. The issuer may adopt standards with respect to such evidence provided such standards are not manifestly unreasonable. The issuer is not charged with notice of the contents of any document obtained pursuant to this paragraph (b) ex-

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cept to the extent that the contents relate directly to the appointment or incumbency.

(4) The issuer may elect to require reasonable assurance beyond that specified in this section but if it does so and for a purpose other than that specified in subsection (3) (b) both requires and obtains a copy of a will, trust, indenture, articles of co-partnership, by-laws or other controlling instrument it is charged with notice of all matters contained therein affecting the transfer.

Limited duty of inquiry.

SEC. 8-403. *Limited Duty of Inquiry.* (1) An issuer to whom a security is presented for registration is under a duty to inquire into adverse claims if

- (a) a written notification of an adverse claim is received at a time and in a manner which affords the issuer a reasonable opportunity to act on it prior to the issuance of a new, re-issued or re-registered security and the notification identifies the claimant, the registered owner and the issue of which the security is a part and provides an address for communications directed to the claimant; or
- (b) the issuer is charged with notice of an adverse claim from a controlling instrument which it has elected to require under subsection (4) of Section 8-402.

(2) The issuer may discharge any duty of inquiry by any reasonable means, including notifying an adverse claimant by registered or certified mail at the address furnished by him or if there be no such address at his residence or regular place of business that the security has been presented for registration of transfer by a named person, and that the transfer will be registered unless within thirty days from the date of mailing the notification, either

- (a) an appropriate restraining order, injunction or other process issues from a court of competent jurisdiction; or

- (b) an indemnity bond sufficient in the issuer's judgment to protect the issuer and any transfer agent, registrar or other agent of the issuer involved, from any loss which it or they may suffer by complying with the adverse claim is filed with the issuer.

(3) Unless an issuer is charged with notice of an adverse claim from a controlling instrument which it has elected to require under subsection (4) of Section 8-402 or receives notification of an adverse claim under subsection (1) of this section, where a security presented for registration is indorsed by the appropriate person or persons the issuer is under no duty to inquire into adverse claims. In particular

- (a) an issuer registering a security in the name of a person who is a fiduciary or who is described as a fiduciary is not bound to inquire into the existence, extent, or correct description of the fiduciary relationship and thereafter the issuer may assume without inquiry that the newly registered owner continues to be the fiduciary until the issuer receives written notice that the fiduciary is no longer acting as such with respect to the particular security;
- (b) an issuer registering transfer on an indorsement by a fiduciary is not bound to inquire whether the transfer is made in compliance with a controlling instrument or with the law of the state having jurisdiction of the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer; and
- (c) the issuer is not charged with notice of the contents of any court record or file or other recorded or unrecorded document even though the document is in its possession and even though the transfer is made on the

indorsement of a fiduciary to the fiduciary himself or to his nominee.

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tion.

SEC. 8-404. *Liability and Non-liability for Registration.* (1) Except as otherwise provided in any law relating to the collection of taxes, the issuer is not liable to the owner or any other person suffering loss as a result of the registration of a transfer of a security if

- (a) there were on or with the security the necessary indorsements (Section 8-308); and
- (b) the issuer had no duty to inquire into adverse claims or has discharged any such duty (Section 8-403).

(2) Where an issuer has registered a transfer of a security to a person not entitled to it the issuer on demand must deliver a like security to the true owner unless

- (a) the registration was pursuant to subsection (1); or
- (b) the owner is precluded from asserting any claim for registering the transfer under subsection (1) of the following section; or
- (c) such delivery would result in overissue, in which case the issuer's liability is governed by Section 8-104.

Lost, destroyed
and stolen
securities.

SEC. 8-405. *Lost, Destroyed and Stolen Securities.*

(1) Where a security has been lost, apparently destroyed or wrongfully taken and the owner fails to notify the issuer of that fact within a reasonable time after he has notice of it and the issuer registers a transfer of the security before receiving such a notification, the owner is precluded from asserting against the issuer any claim for registering the transfer under the preceding section or any claim to a new security under this section.

(2) Where the owner of a security claims that the security has been lost, destroyed or wrongfully

taken, the issuer must issue a new security in place of the original security if the owner

- (a) so requests before the issuer has notice that the security has been acquired by a bona fide purchaser; and
- (b) files with the issuer a sufficient indemnity bond; and
- (c) satisfies any other reasonable requirements imposed by the issuer.

(3) If, after the issue of the new security, a bona fide purchaser of the original security presents it for registration of transfer, the issuer must register the transfer unless registration would result in over-issue, in which event the issuer's liability is governed by Section 8-104. In addition to any rights on the indemnity bond, the issuer may recover the new security from the person to whom it was issued or any person taking under him except a bona fide purchaser.

SEC. 8-406. *Duty of Authenticating Trustee, Transfer Agent or Registrar.* (1) Where a person acts as authenticating trustee, transfer agent, registrar, or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities

Duty of authenticating trustee, transfer agent or registrar.

- (a) he is under a duty to the issuer to exercise good faith and due diligence in performing his functions; and
- (b) he has with regard to the particular functions he performs the same obligation to the holder or owner of the security and has the same rights and privileges as the issuer has in regard to those functions.

(2) Notice to an authenticating trustee, transfer agent, registrar or other such agent is notice to the issuer with respect to the functions performed by the agent.

Article 9

Secured Transactions; Sales of Accounts,
Contract Rights and Chattel Paper

Part 1

SHORT TITLE, APPLICABILITY AND DEFINITIONS

Uniform com-
mercial code—
Secured
transactions.

SEC. 9-101. *Short Title.* This Article shall be known and may be cited as Uniform Commercial Code—Secured Transactions.

Policy and
scope of
article.

SEC. 9-102. *Policy and Scope of Article.* (1) Except as otherwise provided in Section 9-103 on multiple state transactions and in Section 9-104 on excluded transactions, this Article applies so far as concerns any personal property and fixtures within the jurisdiction of this State

- (a) to any transaction (regardless of its form) which is intended to create a security interest in personal property or fixtures including goods, documents, instruments, general intangibles, chattel paper, accounts or contract rights; and also
- (b) to any sale of accounts, contract rights or chattel paper.

(2) This Article applies to security interests created by contract including pledge, assignment, chattel mortgage, chattel trust, trust deed, factor's lien, equipment trust, conditional sale, trust receipt, other lien or title retention contract and lease or consignment intended as security. This Articles does not apply to statutory liens except as provided in Section 9-310.

(3) The application of this Article to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this Article does not apply.

SEC. 9-103. *Accounts, Contract Rights, General Intangibles and Equipment Relating to Another Jurisdiction; and Incoming Goods Already Subject to a Security Interest.* (1) If the office where the assignor of accounts or contract rights keeps his records concerning them is in this state, the validity and perfection of a security interest therein and the possibility and effect of proper filing is governed by this Article; otherwise by the law (including the conflict of laws rules) of the jurisdiction where such office is located.

Accounts, contract rights, general intangibles and equipment relating to another jurisdiction—Incoming goods already subject to a security interest.

(2) If the chief place of business of a debtor is in this state, this Article governs the validity and perfection of a security interest and the possibility and effect of proper filing with regard to general intangibles or with regard to goods of a type which are normally used in more than one jurisdiction (such as automotive equipment, rolling stock, airplanes, road building equipment, commercial harvesting equipment, construction machinery and the like) if such goods are classified as equipment or classified as inventory by reason of their being leased by the debtor to others. Otherwise, the law (including the conflict of laws rules) of the jurisdiction where such chief place of business is located shall govern. If the chief place of business is located in a jurisdiction which does not provide for perfection of the security interest by filing or recording in that jurisdiction, then the security interest may be perfected by filing in this state. For the purpose of determining the validity and perfection of a security interest in an airplane, the chief place of business of a debtor who is a foreign air carrier under the Federal Aviation Act of 1958, as amended, is the designated office of the agent upon whom service of process may be made on behalf of the debtor.

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curity interest.

(3) If personal property other than that governed by subsections (1) and (2) is already subject to a security interest when it is brought into this state, the validity of the security interest in this state is to be determined by the law (including the conflict of laws rules) of the jurisdiction where the property was when the security interest attached. However, if the parties to the transaction understood at the time that the security interest attached that the property would be kept in this state and it was brought into this state within 30 days after the security interest attached for purposes other than transportation through this state, then the validity of the security interest in this state is to be determined by the law of this state. If the security interest was already perfected under the law of the jurisdiction where the property was when the security interest attached and before being brought into this state, the security interest continues perfected in this state for four months and also thereafter if within the four month period it is perfected in this state. The security interest may also be perfected in this state after the expiration of the four month period; in such case perfection dates from the time of perfection in this state. If the security interest was not perfected under the law of the jurisdiction where the property was when the security interest attached and before being brought into this state, it may be perfected in this state; in such case perfection dates from the time of perfection in this state.

(4) Notwithstanding subsections (2) and (3), if personal property is covered by a certificate of title issued under a statute of this state or any other jurisdiction which requires indication on a certificate of title of any security interest in the property as a condition of perfection, then the perfection is gov-

erned by the law of the jurisdiction which issued the certificate.

(5) Notwithstanding subsection (1) and Section 9-302, if the office where the assignor of accounts or contract rights keeps his records concerning them is not located in a jurisdiction which is a part of the United States, its territories or possessions, and the accounts or contract rights are within the jurisdiction of this state or the transaction which creates the security interest otherwise bears an appropriate relation to this state, this Article governs the validity and perfection of the security interest and the security interest may only be perfected by notification to the account debtor.

SEC. 9-104. *Transactions Excluded from Article.* This Article does not apply

Transactions excluded from article.

- (a) to a security interest subject to any statute of the United States such as the Ship Mortgage Act, 1920, to the extent that such statute governs the rights of parties to the 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 except as provided in Section 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 an equipment trust covering railway rolling stock or to a security interest on railroad equipment or rolling stock perfected under the provisions of RCW 81.36.140, 81.36.150 and 81.36.160; or
- (f) to a sale of accounts, contract rights or chattel paper as part of a sale of the business out of which they arose, or an assignment of accounts, contract rights or chattel paper

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article.

which is for the purpose of collection only, or a transfer of a contract right to an assignee who is also to do the performance under the contract; or

- (g) to a transfer of an interest or claim in or under any policy of insurance; or
- (h) to a right represented by a judgment; or
- (i) to any right of set-off; or
- (j) except to the extent that provision is made for fixtures in Section 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 of the following: any claim arising out of tort; any deposit, savings, passbook or like account maintained with a bank, savings and loan association, credit union or like organization.

Definitions and
index of
definitions.

SEC. 9-105. *Definitions and Index of Definitions.*

(1) In this Article unless the context otherwise requires:

- (a) "Account debtor" means the person who is obligated on an account, chattel paper, contract right or general intangible;
- (b) "Chattel paper" means a writing or writings which evidence both a monetary obligation and a security interest in or a lease of specific goods. When a transaction is evidenced both by such a security agreement or a lease and by an instrument or a series of instruments, the group of writings taken together constitutes chattel paper;
- (c) "Collateral" means the property subject to a security interest, and includes accounts, contract rights and chattel paper which have been sold;
- (d) "Debtor" means the person who owes payment or other performance of the obligation

secured, whether or not he owns or has rights in the collateral, and includes the seller of accounts, contract rights or chattel paper. Where the debtor and the owner of the collateral are not the same person, the term "debtor" means the owner of the collateral in any provision of the Article dealing with the collateral, the obligor in any provision dealing with the obligation, and may include both where the context so requires;

- (e) "Document" means document of title as defined in the general definitions of Article 1 (Section 1-201);
- (f) "Goods" includes all things which are movable at the time the security interest attaches or which are fixtures (Section 9-313), but does not include money, documents, instruments, accounts, chattel paper, general intangibles, contract rights and other things in action. "Goods" also include the unborn young of animals and growing crops;
- (g) "Instrument" means a negotiable instrument (defined in Section 3-104), or a security (defined in Section 8-102) or any other writing which evidences a right to the payment of money and is not itself a security agreement or lease and is of a type which is in ordinary course of business transferred by delivery with any necessary indorsement or assignment;
- (h) "Security agreement" means an agreement which creates or provides for a security interest;
- (i) "Secured party" means a lender, seller or other person in whose favor there is a security interest, including a person to whom accounts, contract rights or chattel paper have been sold. When the holders of obligations

Uniform commercial code—Secured transactions. Definitions and index of definitions.

issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party.

(2) Other definitions applying to this Article and the sections in which they appear are:

- “Account”.Section 9-106.
- “Consumer goods”....Section 9-109 (1).
- “Contract right”.Section 9-106.
- “Equipment”.Section 9-109 (2).
- “Farm products”....Section 9-109 (3).
- “General intangibles”.Section 9-106.
- “Inventory”.Section 9-109 (4).
- “Lien creditor”.Section 9-301 (3).
- “Proceeds”.Section 9-306 (1).
- “Purchase money security interest”.Section 9-107.

(3) The following definitions in other Articles apply to this Article:

- “Check”.Section 3-104.
- “Contract for sale”....Section 2-106.
- “Holder in due course”.Section 3-302.
- “Note”.Section 3-104.
- “Sale”.Section 2-106.

(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Definitions—“Account”—“Contract right”—“General intangibles”.

SEC. 9-106. *Definitions: “Account”; “Contract Right”; “General Intangibles”.* “Account” means any right to payment for goods sold or leased or for services rendered which is not evidenced by an instrument or chattel paper. “Contract right” means any right to payment under a contract not yet earned by performance and not evidenced by an instrument or chattel paper. “General intangibles” means any personal property (including things in

action) other than goods, accounts, contract rights, chattel paper, documents and instruments.

SEC. 9-107. *Definitions: "Purchase Money Security Interest"*. A security interest is a "purchase money security interest" to the extent that it is

Definitions—
"Purchase money security interest".

- (a) taken or retained by the seller of the collateral to secure all or part of its price; or
- (b) taken by a person who by making advances or incurring an obligation gives value to enable the debtor to acquire rights in or the use of collateral if such value is in fact so used.

SEC. 9-108. *When After-Acquired Collateral Not Security for Antecedent Debt*. Where a secured party makes an advance, incurs an obligation, releases a perfected security interest, or otherwise gives new value which is to be secured in whole or in part by after-acquired property his security interest in the after-acquired collateral shall be deemed to be taken for new value and not as security for an antecedent debt if the debtor acquires his rights in such collateral either in the ordinary course of his business or under a contract of purchase made pursuant to the security agreement within a reasonable time after new value is given.

When after-acquired collateral not security for antecedent debt.

SEC. 9-109. *Classification of Goods; "Consumer Goods"; "Equipment"; "Farm Products"; "Inventory"*. Goods are

Classification of goods—
"Consumer goods"—
"Equipment"—
"Farm products"—
"Inventory".

(1) "consumer goods" if they are used or bought for use primarily for personal, family or household purposes;

(2) "equipment" if they are used or bought for use primarily in business (including farming or a profession) or by a debtor who is a non-profit organization or a governmental subdivision or agency or if the goods are not included in the definitions of inventory, farm products or consumer goods;

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of goods—
“Farm
products”—
“Inventory”.

(3) “farm products” if they are crops or livestock or supplies used or produced in farming operations or if they are products of crops or livestock in their unmanufactured states (such as ginned cotton, wool-clip, maple syrup, milk and eggs), and if they are in the possession of a debtor engaged in raising, fattening, grazing or other farming operations. If goods are farm products they are neither equipment nor inventory;

(4) “inventory” if they are held by a person who holds them for sale or lease or to be furnished under contracts of service or if he has so furnished them, or if they are raw materials, work in process or materials used or consumed in a business. Inventory of a person is not to be classified as his equipment.

Sufficiency of
description.

SEC. 9-110. *Sufficiency of Description.* For the purposes of this Article any description of personal property or real estate is sufficient whether or not it is specific if it reasonably identifies what is described.

Applicability
of bulk
transfer laws.

SEC. 9-111. *Applicability of Bulk Transfer Laws.* The creation of a security interest is not a bulk transfer under Article 6 (see Section 6-103).

Where col-
lateral is not
owned by
debtor.

SEC. 9-112. *Where Collateral Is Not Owned by Debtor.* Unless otherwise agreed, when a secured party knows that collateral is owned by a person who is not the debtor, the owner of the collateral is entitled to receive from the secured party any surplus under Section 9-502(2) or under Section 9-504(1), and is not liable for the debt or for any deficiency after resale, and he has the same right as the debtor

- (a) to receive statements under Section 9-208;
- (b) to receive notice of and to object to a secured party's proposal to retain the collateral in satisfaction of the indebtedness under Section 9-505;

- (c) to redeem the collateral under Section 9-506;
- (d) to obtain injunctive or other relief under Section 9-507(1); and
- (e) to recover losses caused to him under Section 9-208(2).

SEC. 9-113. *Security Interests Arising Under Article on Sales.* A security interest arising solely under the Article on Sales (Article 2) is subject to the provisions of this Article except that to the extent that and so long as the debtor does not have or does not lawfully obtain possession of the goods

Security interests arising under article on sales.

- (a) no security agreement is necessary to make the security interest enforceable; and
- (b) no filing is required to perfect the security interest; and
- (c) the rights of the secured party on default by the debtor are governed by the Article on Sales (Article 2).

Part 2

VALIDITY OF SECURITY AGREEMENT AND RIGHTS OF PARTIES THERETO

SEC. 9-201. *General Validity of Security Agreement.* Except as otherwise provided by this Act a security agreement is effective according to its terms between the parties, against purchasers of the collateral and against creditors. Nothing in this Article validates any charge or practice illegal under any statute or regulation thereunder governing usury, small loans, retail installment sales, or the like, or extends the application of any such statute or regulation to any transaction not otherwise subject thereto.

General validity of security agreement.

SEC. 9-202. *Title to Collateral Immaterial.* Each provision of this Article with regard to rights, obligations and remedies applies whether title to collateral is in the secured party or in the debtor.

Title to collateral immaterial.

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SEC. 9-203. *Enforceability of Security Interest; Proceeds, Formal Requisites.* (1) Subject to the provisions of Section 4-208 on the security interest of a collecting bank and Section 9-113 on a security interest arising under the Article on Sales, a security interest is not enforceable against the debtor or third parties unless

- (a) the collateral is in the possession of the secured party; or
- (b) the debtor has signed a security agreement which contains a description of the collateral and in addition, when the security interest covers crops or oil, gas or minerals to be extracted or timber to be cut, a description of the land concerned. In describing collateral, the word "proceeds" is sufficient without further description to cover proceeds of any character.

(2) A transaction, although subject to this Article, is also subject to chapters 31.04, 31.08, 31.12, 31.16, 31.20, and 31.24 RCW, and in the case of conflict between the provisions of this Article and any such statute, the provisions of such statute control. Failure to comply with any applicable statute has only the effect which is specified therein.

When security
interest
attaches—
After-acquired
property—
Future
advances.

SEC. 9-204. *When Security Interest Attaches; After-Acquired Property; Future Advances.* (1) A security interest cannot attach until there is agreement (subsection (3) of Section 1-201) that it attach and value is given and the debtor has rights in the collateral. It attaches as soon as all of the events in the preceding sentence have taken place unless explicit agreement postpones the time of attaching.

(2) For the purposes of this section the debtor has no rights

- (a) in crops until they are planted or otherwise become growing crops, in the young of live-stock until they are conceived;

- (b) in fish until caught, in oil, gas or minerals until they are extracted, in timber until it is cut;
 - (c) in a contract right until the contract has been made;
 - (d) in an account until it comes into existence.
- (3) Except as provided in subsection (4) a security agreement may provide that collateral, whenever acquired, shall secure all obligations covered by the security agreement.

(4) No security interest attaches under an after-acquired property clause

- (a) to crops which become such more than one year after the security agreement is executed except that a security interest in crops which is given in conjunction with a lease or a land purchase or improvement transaction evidenced by a contract, mortgage or deed of trust may if so agreed attach to crops to be grown on the land concerned during the period of such real estate transaction;
- (b) to consumer goods other than accessions (Section 9-314) when given as additional security unless the debtor acquires rights in them within ten days after the secured party gives value.

(5) Obligations covered by a security agreement may include future advances or other value whether or not the advances or value are given pursuant to commitment.

SEC. 9-205. *Use or Disposition of Collateral Without Accounting Permissible.* A security interest is not invalid or fraudulent against creditors by reason of liberty in the debtor to use, commingle or dispose of all or part of the collateral (including returned or repossessed goods) or to collect or compromise accounts, contract rights or chattel paper, or to accept the return of goods or make repossessions, or

Use or disposition of collateral without accounting permissible.

to use, commingle or dispose of proceeds, or by reason of the failure of the secured party to require the debtor to account for proceeds or replace collateral. This section does not relax the requirements of possession where perfection of a security interest depends upon possession of the collateral by the secured party or by a bailee.

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SEC. 9-206. *Agreement Not to Assert Defenses Against Assignee; Modification of Sales Warranties Where Security Agreement Exists.* (1) Subject to any statute or decision which establishes a different rule for buyers or lessees of consumer goods, an agreement by a buyer or lessee that he will not assert against an assignee any claim or defense which he may have against the seller or lessor is enforceable by an assignee who takes his assignment for value, in good faith and without notice of a claim or defense, except as to defenses of a type which may be asserted against a holder in due course of a negotiable instrument under the Article on Commercial Paper (Article 3): *PROVIDED, That nothing in this act may be construed as depriving a buyer, as against an assignee, of asserting the defenses of fraud or material misrepresentation by the seller.*

(2) When a seller retains a purchase money security interest in goods the Article on Sales (Article 2) governs the sale and any disclaimer, limitation or modification of the seller's warranties.

Rights and duties when collateral is in secured party's possession.

SEC. 9-207. *Rights and Duties When Collateral Is in Secured Party's Possession.* (1) A secured party must use reasonable care in the custody and preservation of collateral in his possession. In the case of an instrument or chattel paper reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

(2) Unless otherwise agreed, when collateral is in the secured party's possession

- (a) reasonable expenses (including the cost of any insurance and payment of taxes or other charges) incurred in the custody, preservation, use or operation of the collateral are chargeable to the debtor and are secured by the collateral;
 - (b) the risk of accidental loss or damage is on the debtor to the extent of any deficiency in any effective insurance coverage;
 - (c) the secured party may hold as additional security any increase or profits (except money) received from the collateral, but money so received, unless remitted to the debtor, shall be applied in reduction of the secured obligation;
 - (d) the secured party must keep the collateral identifiable but fungible collateral may be commingled;
 - (e) the secured party may repledge the collateral upon terms which do not impair the debtor's right to redeem it.
- (3) A secured party is liable for any loss caused by his failure to meet any obligation imposed by the preceding subsections but does not lose his security interest.
- (4) A secured party may use or operate the collateral (a) for the purpose of preserving the collateral or its value or (b) pursuant to the order of a court of appropriate jurisdiction or, (c) except in the case of consumer goods, in the manner and to the extent provided in the security agreement.

SEC. 9-208. *Request for Statement of Account or List of Collateral.* (1) A debtor may sign a statement indicating what he believes to be the aggregate amount of unpaid indebtedness as of a specified date and may send it to the secured party with a request that the statement be approved or corrected and returned to the debtor, or any other person whom

Request for statement of account or list of collateral.

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he designates in writing to the secured party. When the security agreement or any other record kept by the secured party identifies the collateral a debtor may similarly request the secured party to approve or correct a list of the collateral.

(2) The secured party must comply with such a request within two weeks after receipt by sending a written correction or approval. If the secured party claims a security interest in all of a particular type of collateral owned by the debtor he may indicate that fact in his reply and need not approve or correct an itemized list of such collateral. If the secured party without reasonable excuse fails to comply he is liable for any loss caused to the debtor or such other person as the debtor has designated as the recipient of such information thereby; and if the debtor has properly included in his request a good faith statement of the obligation or a list of the collateral or both the secured party may claim a security interest only as shown in the statement against persons misled by his failure to comply. If he no longer has an interest in the obligation or collateral at the time the request is received he must disclose the name and address of any successor in interest known to him and he is liable for any loss caused to the debtor or designated recipient of the information as a result of failure to disclose. A successor in interest is not subject to this section until a request is received by him.

(3) A debtor is entitled to such a statement once every six months without charge. The secured party may require payment of a charge not exceeding \$10 for each additional statement furnished.

Part 3

RIGHTS OF THIRD PARTIES; PERFECTED AND
UNPERFECTED SECURITY INTERESTS;
RULES OF PRIORITY

SEC. 9-301. *Persons Who Take Priority Over Unperfected Security Interests; "Lien Creditor"*. (1) Except as otherwise provided in subsection (2), an unperfected security interest is subordinate to the rights of

- (a) persons entitled to priority under Section 9-312;
- (b) a person who becomes a lien creditor without knowledge of the security interest and before it is perfected;
- (c) in the case of goods, instruments, documents, and chattel paper, a person who is not a secured party and who is a transferee in bulk or other buyer not in ordinary course of business to the extent that he gives value and receives delivery of the collateral without knowledge of the security interest and before it is perfected;
- (d) in the case of accounts, contract rights, and general intangibles, a person who is not a secured party and who is a transferee to the extent that he gives value without knowledge of the security interest and before it is perfected.

(2) If the secured party files with respect to a purchase money security interest before or within ten days after the collateral comes into possession of the debtor, he takes priority over the rights of a transferee in bulk or of a lien creditor which arise between the time the security interest attaches and the time of filing.

(3) A "lien creditor" means a creditor who has acquired a lien on the property involved by attachment, levy or the like and includes an assignee for

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benefit of creditors from the time of assignment, and a trustee in bankruptcy from the date of the filing of the petition or a receiver in equity from the time of appointment. Unless all the creditors represented had knowledge of the security interest such a representative of creditors is a lien creditor without knowledge even though he personally has knowledge of the security interest.

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SEC. 9-302. *When Filing is Required to Perfect Security Interest; Security Interests to Which Filing Provisions of This Article Do Not Apply.* (1) A financing statement must be filed to perfect all security interests except the following:

- (a) a security interest in collateral in possession of the secured party under Section 9-305;
- (b) a security interest temporarily perfected in instruments or documents without delivery under Section 9-304 or in proceeds for a 10 day period under Section 9-306;
- (c) a purchase money security interest in farm equipment having a purchase price not in excess of \$2500; but filing is required for a fixture under Section 9-313 or for a motor vehicle required to be licensed;
- (d) a purchase money security interest in consumer goods; but filing is required for a fixture under Section 9-313 or for a motor vehicle required to be licensed;
- (e) an assignment of accounts or contract rights which does not alone or in conjunction with other assignments to the same assignee transfer a significant part of the outstanding accounts or contract rights of the assignor;
- (f) a security interest of a collecting bank (Section 4-208) or arising under the Article on Sales (see Section 9-113) or covered in subsection (3) of this section.

(2) If a secured party assigns a perfected security interest, no filing under this Article is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(3) The filing provisions of this Article do not apply to a security interest in property subject to a statute

- (a) of the United States which provides for a national registration or filing of all security interests in such property; or
- (b) of this state which provides for central filing of, or which requires indication on a certificate of title of, such security interests in such property.

(4) A security interest in property covered by a statute described in subsection (3) can be perfected only by registration or filing under that statute or by indication of the security interest on a certificate of title or a duplicate thereof by a public official.

SEC. 9-303. *When Security Interest is Perfected; Continuity of Perfection.* (1) A security interest is perfected when it has attached and when all of the applicable steps required for perfection have been taken. Such steps are specified in Sections 9-302, 9-304, 9-305 and 9-306. If such steps are taken before the security interest attaches, it is perfected at the time when it attaches.

When security interest is perfected—Continuity of perfection.

(2) If a security interest is originally perfected in any way permitted under this Article and is subsequently perfected in some other way under this Article, without an intermediate period when it was unperfected, the security interest shall be deemed to be perfected continuously for the purposes of this Article.

SEC. 9-304. *Perfection of Security Interest in Instruments, Documents, and Goods Covered by Documents; Perfection by Permissive Filing; Temporary*

Perfection of security interest in instruments, etc.

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Perfection Without Filing or Transfer of Possession.

(1) A security interest in chattel paper or negotiable documents may be perfected by filing. A security interest in instruments (other than instruments which constitute part of chattel paper) can be perfected only by the secured party's taking possession, except as provided in subsections (4) and (5).

(2) During the period that goods are in the possession of the issuer of a negotiable document therefor, a security interest in the goods is perfected by perfecting a security interest in the document, and any security interest in the goods otherwise perfected during such period is subject thereto.

(3) A security interest in goods in the possession of a bailee other than one who has issued a negotiable document therefor is perfected by issuance of a document in the name of the secured party or by the bailee's receipt of notification of the secured party's interest or by filing as to the goods.

(4) A security interest in instruments or negotiable documents is perfected without filing or the taking of possession for a period of 21 days from the time it attaches to the extent that it arises for new value given under a written security agreement.

(5) A security interest remains perfected for a period of 21 days without filing where a secured party having a perfected security interest in an instrument, a negotiable document or goods in possession of a bailee other than one who has issued a negotiable document therefor

- (a) makes available to the debtor the goods or documents representing the goods for the purpose of ultimate sale or exchange or for the purpose of loading, unloading, storing, shipping, transshipping, manufacturing, processing or otherwise dealing with them in a manner preliminary to their sale or exchange; or

(b) delivers the instrument to the debtor for the purpose of ultimate sale or exchange or of presentation, collection, renewal or registration of transfer.

(6) After the 21 day period in subsections (4) and (5) perfection depends upon compliance with applicable provisions of this Article.

SEC. 9-305. *When Possession by Secured Party Perfects Security Interest Without Filing.* A security interest in letters of credit and advices of credit (subsection (2) (a) of Section 5-116), goods, instruments, negotiable documents or chattel paper may be perfected by the secured party's taking possession of the collateral. If such collateral other than goods covered by a negotiable document is held by a bailee, the secured party is deemed to have possession from the time the bailee receives notification of the secured party's interest. A security interest is perfected by possession from the time possession is taken without relation back and continues only so long as possession is retained, unless otherwise specified in this Article. The security interest may be otherwise perfected as provided in this Article before or after the period of possession by the secured party.

When possession by secured party perfects security interest without filing.

SEC. 9-306. *"Proceeds"; Secured Party's Rights on Disposition of Collateral.* (1) "Proceeds" includes whatever is received when collateral or proceeds is sold, exchanged, collected or otherwise disposed of. The term also includes the account arising when the right to payment is earned under a contract right. Money, checks and the like are "cash proceeds". All other proceeds are "non-cash proceeds".

"Proceeds"—Secured party's rights on disposition of collateral.

(2) Except where this Article otherwise provides, a security interest continues in collateral notwithstanding sale, exchange or other disposition thereof by the debtor unless his action was authorized by the secured party in the security agreement

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or otherwise, and also continues in any identifiable proceeds including collections received by the debtor.

(3) The security interest in proceeds is a continuously perfected security interest if the interest in the original collateral was perfected but it ceases to be a perfected security interest and becomes unperfected ten days after receipt of the proceeds by the debtor unless

- (a) a filed financing statement covering the original collateral also covers proceeds; or
- (b) the security interest in the proceeds is perfected before the expiration of the ten day period.

(4) In the event of insolvency proceedings instituted by or against a debtor, a secured party with a perfected security interest in proceeds has a perfected security interest

- (a) in identifiable non-cash proceeds;
- (b) in identifiable cash proceeds in the form of money which is not commingled with other money or deposited in a bank account prior to the insolvency proceedings;
- (c) in identifiable cash proceeds in the form of checks and the like which are not deposited in a bank account prior to the insolvency proceedings; and
- (d) in all cash and bank accounts of the debtor, if other cash proceeds have been commingled or deposited in a bank account, but the perfected security interest under this paragraph (d) is
 - (i) subject to any right of set-off; and
 - (ii) limited to an amount not greater than the amount of any cash proceeds received by the debtor within ten days before the institution of the insolvency proceedings and commingled or deposited in a bank account prior to the insolvency proceedings less the amount

of cash proceeds received by the debtor and paid over to the secured party during the ten day period.

(5) If a sale of goods results in an account or chattel paper which is transferred by the seller to a secured party, and if the goods are returned to or are repossessed by the seller or the secured party, the following rules determine priorities:

- (a) If the goods were collateral at the time of sale for an indebtedness of the seller which is still unpaid, the original security interest attaches again to the goods and continues as a perfected security interest if it was perfected at the time when the goods were sold. If the security interest was originally perfected by a filing which is still effective, nothing further is required to continue the perfected status; in any other case, the secured party must take possession of the returned or repossessed goods or must file.
- (b) An unpaid transferee of the chattel paper has a security interest in the goods against the transferor. Such security interest is prior to a security interest asserted under paragraph (a) to the extent that the transferee of the chattel paper was entitled to priority under Section 9-308.
- (c) An unpaid transferee of the account has a security interest in the goods against the transferor. Such security interest is subordinate to a security interest asserted under paragraph (a).
- (d) A security interest of an unpaid transferee asserted under paragraph (b) or (c) must be perfected for protection against creditors of the transferor and purchasers of the returned or repossessed goods.

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SEC. 9-307. *Protection of Buyers of Goods.* (1) A buyer in ordinary course of business (subsection (9) of Section 1-201) other than a person buying farm products from a person engaged in farming operations takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

(2) In the case of consumer goods and in the case of farm equipment having an original purchase price not in excess of \$2500 (other than fixtures, see Section 9-313), a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes or his own farming operations unless prior to the purchase the secured party has filed a financing statement covering such goods.

Purchase of chattel paper and non-negotiable instruments.

SEC. 9-308. *Purchase of Chattel Paper and Non-negotiable Instruments.* A purchaser of chattel paper or a non-negotiable instrument who gives new value and takes possession of it in the ordinary course of his business and without knowledge that the specific paper or instrument is subject to a security interest has priority over a security interest which is perfected under Section 9-304 (permissive filing and temporary perfection). A purchaser of chattel paper who gives new value and takes possession of it in the ordinary course of his business has priority over a security interest in chattel paper which is claimed merely as proceeds of inventory subject to a security interest (Section 9-306), even though he knows that the specific paper is subject to the security interest.

Protection of purchasers of instruments and documents.

SEC. 9-309. *Protection of Purchasers of Instruments and Documents.* Nothing in this Article limits the rights of a holder in due course of a negotiable instrument (Section 3-302) or a holder to whom a negotiable document of title has been duly negotiated

(Section 7-501) or a bona fide purchaser of a security (Section 8-301) and such holders or purchasers take priority over an earlier security interest even though perfected. Filing under this Article does not constitute notice of the security interest to such holders or purchasers.

SEC. 9-310. *Priority of Certain Liens Arising by Operation of Law.* 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.

Priority of certain liens arising by operation of law.

SEC. 9-311. *Alienability of Debtor's Rights: Judicial Process.* The debtor's rights in collateral may be voluntarily or involuntarily transferred (by way of sale, creation of a security interest, attachment, levy, garnishment or other judicial process) notwithstanding a provision in the security agreement prohibiting any transfer or making the transfer constitute a default.

Alienability of debtor's rights—Judicial process.

SEC. 9-312. *Priorities Among Conflicting Security Interests in the Same Collateral.* (1) The rules of priority stated in the following sections shall govern where applicable: Section 4-208 with respect to the security interest of collecting banks in items being collected, accompanying documents and proceeds; Section 9-301 on certain priorities; Section 9-304 on goods covered by documents; Section 9-306 on proceeds and repossessions; Section 9-307 on buyers of goods; Section 9-308 on possessory against non-possessory interests in chattel paper or non-negotiable instruments; Section 9-309 on security interests in negotiable instruments, documents or securities; Section 9-310 on priorities between perfected security

Priorities among conflicting security interest in the same collateral.

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interests and liens by operation of law; Section 9-313 on security interests in fixtures as against interests in real estate; Section 9-314 on security interests in accessions as against interest in goods; Section 9-315 on conflicting security interests where goods lose their identity or become part of a product; and Section 9-316 on contractual subordination.

(2) A perfected security interest in crops for new value given to enable the debtor to produce the crops during the production season and given not more than three months before the crops become growing crops by planting or otherwise takes priority over an earlier perfected security interest to the extent that such earlier interest secures obligations due more than six months before the crops become growing crops by planting or otherwise, even though the person giving new value had knowledge of the earlier security interest.

(3) A purchase money security interest in inventory collateral has priority over a conflicting security interest in the same collateral if

- (a) the purchase money security interest is perfected at the time the debtor receives possession of the collateral; and
- (b) any secured party whose security interest is known to the holder of the purchase money security interest or who, prior to the date of the filing made by the holder of the purchase money security interest, had filed a financing statement covering the same items or type of inventory, has received notification of the purchase money security interest before the debtor receives possession of the collateral covered by the purchase money security interest; and
- (c) such notification states that the person giving the notice has or expects to acquire a purchase money security interest in inven-

tory of the debtor, describing such inventory by item or type.

(4) A purchase money security interest in collateral other than inventory has priority over a conflicting security interest in the same collateral if the purchase money security interest is perfected at the time the debtor receives possession of the collateral or within ten days thereafter.

(5) In all cases not governed by other rules stated in this section (including cases of purchase money security interests which do not qualify for the special priorities set forth in subsections (3) and (4) of this section), priority between conflicting security interests in the same collateral shall be determined as follows:

- (a) in the order of filing if both are perfected by filing, regardless of which security interest attached first under Section 9-204 (1) and whether it attached before or after filing;
- (b) in the order of perfection unless both are perfected by filing, regardless of which security interest attached first under Section 9-204 (1) and, in the case of a filed security interest, whether it attached before or after filing; and
- (c) in the order of attachment under Section 9-204 (1) so long as neither is perfected.

(6) For the purpose of the priority rules of the immediately preceding subsection, a continuously perfected security interest shall be treated at all times as if perfected by filing if it was originally so perfected and it shall be treated at all times as if perfected otherwise than by filing if it was originally perfected otherwise than by filing.

SEC. 9-313. *Priority of Security Interests in Fixtures.* (1) The rules of this section do not apply to goods incorporated into a structure in the manner of lumber, bricks, tile, cement, glass, metal work and

Priority of security interests in fixtures.

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the like and no security interest in them exists under this Article unless the structure remains personal property under applicable law. The law of this state other than this Act determines whether and when other goods become fixtures. This Act does not prevent creation of an encumbrance upon fixtures or real estate pursuant to the law applicable to real estate.

(2) A security interest which attaches to goods before they become fixtures takes priority as to the goods over the claims of all persons who have an interest in the real estate except as stated in subsection (4).

(3) A security interest which attaches to goods after they become fixtures is valid against all persons subsequently acquiring interests in the real estate except as stated in subsection (4) but is invalid against any person with an interest in the real estate at the time the security interest attaches to the goods who has not in writing consented to the security interest or disclaimed an interest in the goods as fixtures.

(4) The security interests described in subsections (2) and (3) do not take priority over

- (a) a subsequent purchaser for value of any interest in the real estate; or
- (b) a creditor with a lien on the real estate subsequently obtained by judicial proceedings; or
- (c) a creditor with a prior encumbrance of record on the real estate to the extent that he makes subsequent advances

if the subsequent purchase is made, the lien by judicial proceedings is obtained, or the subsequent advance under the prior encumbrance is made or contracted for without knowledge of the security interest and before it is perfected. A purchaser of the real estate at a foreclosure sale other than an

encumbrancer purchasing at his own foreclosure sale is a subsequent purchaser within this section.

(5) When under subsections (2) or (3) and (4) a secured party has priority over the claims of all persons who have interests in the real estate, he may, on default, subject to the provisions of Part 5, remove his collateral from the real estate but he must reimburse any encumbrancer or owner of the real estate who is not the debtor and who has not otherwise agreed for the cost of repair of any physical injury, but not for any diminution in value of the real estate caused by the absence of the goods removed or by any necessity for replacing them. A person entitled to reimbursement may refuse permission to remove until the secured party gives adequate security for the performance of this obligation.

SEC. 9-314. *Accessions.* (1) A security interest in goods which attaches before they are installed in or affixed to other goods takes priority as to the goods installed or affixed (called in this section "accessions") over the claims of all persons to the whole except as stated in subsection (3) and subject to Section 9-315(1). Accessions.

(2) A security interest which attaches to goods after they become part of a whole is valid against all persons subsequently acquiring interests in the whole except as stated in subsection (3) but is invalid against any person with an interest in the whole at the time the security interest attaches to the goods who has not in writing consented to the security interest or disclaimed an interest in the goods as part of the whole.

(3) The security interests described in subsections (1) and (2) do not take priority over

- (a) a subsequent purchaser for value of any interest in the whole; or
- (b) a creditor with a lien on the whole subsequently obtained by judicial proceedings; or

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Accessions.

- (c) a creditor with a prior perfected security interest in the whole to the extent that he makes subsequent advances

if the subsequent purchase is made, the lien by judicial proceedings obtained or the subsequent advance under the prior perfected security interest is made or contracted for without knowledge of the security interest and before it is perfected. A purchaser of the whole at a foreclosure sale other than the holder of a perfected security interest purchasing at his own foreclosure sale is a subsequent purchaser within this section.

(4) When under subsections (1) or (2) and (3) a secured party has an interest in accessions which has priority over the claims of all persons who have interests in the whole, he may on default subject to the provisions of Part 5 remove his collateral from the whole but he must reimburse any encumbrancer or owner of the whole who is not the debtor and who has not otherwise agreed for the cost of repair of any physical injury but not for any diminution in value of the whole caused by the absence of the goods removed or by any necessity for replacing them. A person entitled to reimbursement may refuse permission to remove until the secured party gives adequate security for the performance of this obligation.

Priority when goods are commingled or processed.

SEC. 9-315. *Priority When Goods Are Commingled or Processed.* (1) If a security interest in goods was perfected and subsequently the goods or a part thereof have become part of a product or mass, the security interest continues in the product or mass if

- (a) the goods are so manufactured, processed, assembled or commingled that their identity is lost in the product or mass; or
- (b) a financing statement covering the original goods also covers the product into which the

goods have been manufactured, processed or assembled.

In a case to which paragraph (b) applies, no separate security interest in that part of the original goods which has been manufactured, processed or assembled into the product may be claimed under Section 9-314.

(2) When under subsection (1) more than one security interest attaches to the product or mass, they rank equally according to the ratio that the cost of the goods to which each interest originally attached bears to the cost of the total product or mass.

SEC. 9-316. *Priority Subject to Subordination.* Nothing in this Article prevents subordination by agreement by any person entitled to priority.

Priority
subject to
subordination.

SEC. 9-317. *Secured Party Not Obligated on Contract of Debtor.* The mere existence of a security interest or authority given to the debtor to dispose of or use collateral does not impose contract or tort liability upon the secured party for the debtor's acts or omissions.

Secured party
not obligated
on contract
of debtor.

SEC. 9-318. *Defenses Against Assignee; Modification of Contract After Notification of Assignment; Term Prohibiting Assignment Ineffective; Identification and Proof of Assignment.* (1) Unless an account debtor has made an enforceable agreement not to assert defenses or claims arising out of a sale as provided in Section 9-206 the rights of an assignee are subject to

Defenses
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assignee—
Modification
of contract
after notifi-
cation of
assignment—
Term prohib-
iting assign-
ment ineffec-
tive—
Identification
and proof of
assignment.

- (a) all the terms of the contract between the account debtor and assignor and any defense or claim arising therefrom; and
- (b) any other defense or claim of the account debtor against the assignor which accrues before the account debtor receives notification of the assignment.

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hibiting
assignment
ineffective.

(2) So far as the right to payment under an assigned contract right has not already become an account, and notwithstanding notification of the assignment, any modification of or substitution for the contract made in good faith and in accordance with reasonable commercial standards is effective against an assignee unless the account debtor has otherwise agreed but the assignee acquires corresponding rights under the modified or substituted contract. The assignment may provide that such modification or substitution is a breach by the assignor.

(3) The account debtor is authorized to pay the assignor until the account debtor receives notification that the account has been assigned and that payment is to be made to the assignee. A notification which does not reasonably identify the rights assigned is ineffective. If requested by the account debtor, the assignee must seasonably furnish reasonable proof that the assignment has been made and unless he does so the account debtor may pay the assignor.

(4) A term in any contract between an account debtor and an assignor which prohibits assignment of an account or contract right to which they are parties is ineffective.

Part 4

FILING

Filing. Place
of filing—
Erroneous
filing—
Removal of
collateral.

SEC. 9-401. *Place of Filing; Erroneous Filing; Removal of Collateral.* (1) The proper place to file in order to perfect a security interest is as follows:

- (a) when the collateral is equipment used in farming operations, or farm products, or accounts, contract rights or general intangibles arising from or relating to the sale of farm products by a farmer, or consumer goods, then in the office of the auditor in the county

of the debtor's residence or if the debtor is not a resident of this state then in the office of the auditor in the county where the goods are kept, and in addition when the collateral is crops in the office of the auditor in the county where the land on which the crops are growing or to be grown is located;

- (b) when the collateral is goods which at the time the security interest attaches are or are to become fixtures, then in the office where a mortgage on the real estate concerned would be filed or recorded;
- (c) in all other cases, in the office of the Secretary of State.

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this Article and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though the debtor's residence or place of business or the location of the collateral or its use, whichever controlled the original filing, is thereafter changed.

(4) If collateral is brought into this state from another jurisdiction, the rules stated in Section 9-103 determine whether filing is necessary in this state.

SEC. 9-402. *Formal Requisites of Financing Statement; Amendments.* (1) A financing statement is sufficient if it is signed by the debtor and the secured party, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor (*if an individual*), *address of his chief place of business (if any)*, *address of chief place of business*

Formal
requisites
of financing
statement—
Amendments.

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Amendments.

of the debtor (if an organization), bears a date, and contains a statement indicating the types, or describing the items, of collateral, specifies the terms of repayment and the maximum amount of the indebtedness to be secured at any one time. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown or goods which are or are to become fixtures, the statement must also contain a description of the real estate concerned. A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by both parties.

(2) A financing statement which otherwise complies with subsection (1) is sufficient although it is signed only by the secured party when it is filed to perfect a security interest in

- (a) collateral already subject to a security interest in another jurisdiction when it is brought into this state. Such a financing statement must state that the collateral was brought into this state under such circumstances.
- (b) proceeds under Section 9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral.

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor.....
 Mailing address of debtor.....
 Name of secured party.....
 Mailing address of secured party.....
 Address of debtor's residence (if an individual) and
 Address of his chief place of business (if any)
 Address of chief place of business of debtor

- (if an organization).....
- 1. This financing statement covers the following types (or items) of property:
(Description of collateral).....
- 2. (If collateral is crops or timber) The above described crops or timber are growing or are to be grown on or are standing on:
(Description of real property).....
- 3. (If proceeds or products of collateral are claimed)
Proceeds—Products of the collateral are also covered
- 4. The maximum amount of the indebtedness to be secured at any one time is.....
dollars (\$.....)
- 5. The terms of repayment.....
Date
- Signature of debtor.....
- Signature of secured party.....
- (If the transaction consists of the sale of accounts, contract rights or chattel paper, the term “seller” or “assignor” may be substituted for “debtor” and the term “buyer” or “assignee” may be substituted for “secured party”)

(4) The term “financing statement” as used in this Article means the original financing statement and any amendments but if any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment.

(5) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

SEC. 9-403. *What Constitutes Filing; Duration of Filing; Effect of Lapsed Filing; Duties of Filing Officer.* (1) Presentation for filing of a financing state-

What constitutes filing, etc.

Uniform commercial code—Secured transactions. Filing. What constitutes filing—Duration of filing—Effect of lapsed filing—Duties of filing officer.

ment and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this Article.

(2) A filed financing statement which states a maturity date of the obligation secured of five years or less is effective until such maturity date and thereafter for a period of sixty days. Any other filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of such sixty day period after a stated maturity date or on the expiration of such five year period, as the case may be, unless a continuation statement is filed prior to the lapse. Upon such lapse the security interest becomes unperfected. A filed financing statement which states that the obligation secured is payable on demand is effective for five years from the date of filing.

(3) A continuation statement may be filed by the secured party (i) within six months before and sixty days after a stated maturity date of five years or less, and (ii) otherwise within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it.

(4) A filing officer shall mark each statement with a consecutive file number and with the date and hour of filing and shall hold the statement for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) The uniform fee for filing, indexing and furnishing filing data for an original or a continuation statement shall be \$2.00.

SEC. 9-404. *Termination Statement.* (1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must on written demand by the debtor send the debtor a statement that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must include or be accompanied by the assignment or a statement by the secured party of record that he has assigned the security interest to the signer of the termination statement. The uniform fee for filing and indexing such an assignment or statement thereof shall be \$1.00. If the affected secured party fails to send such a termination statement within ten days after proper demand therefor he shall be liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by such failure.

Termination
statement.

(2) On presentation to the filing officer of such a termination statement he must note it in the index. The filing officer shall remove from the files, mark "terminated" and send or deliver to the secured party the financing statement and any continuation statement, statement of assignment or statement of release pertaining thereto.

(3) The uniform fee for filing and indexing a termination statement including sending or delivering the financing statement shall be \$1.00 which fee shall be paid at the time of filing the financing statement and no charge shall be made when the termination statement is filed.

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actions. Filing.
Assignment of
security inter-
est—Duties of
filing officer—
Fees.

SEC. 9-405. *Assignment of Security Interest; Duties of Filing Officer; Fees.* (1) A financing statement may disclose an assignment of a security interest in the collateral described in the statement by indication in the statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. Either the original secured party or the assignee may sign this statement as the secured party. On presentation to the filing officer of such a financing statement, the filing officer shall mark, hold, and index the same as provided in Section 9-403(4), and shall note the assignment on the index of the financing statement. The uniform fee for filing, indexing, and furnishing filing data for a financing statement so indicating an assignment shall be \$3.00.

(2) A secured party may assign of record all or a part of his rights under a financing statement by the filing of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall note the assignment on the index of the financing statement. The uniform fee for filing, indexing and furnishing filing data

about such a separate statement of assignment shall be \$1.00.

(3) After the disclosure or filing of an assignment under this section, the assignee is the secured party of record.

SEC. 9-406. *Release of Collateral; Duties of Filing Officer; Fees.* A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. Upon presentation of such a statement to the filing officer he shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing of the financing statement. The uniform fee for filing and noting such a statement of release shall be \$1.00.

Release of collateral—
Duties of filing officer—Fees.

SEC. 9-407. *Information From Filing Officer.* (1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

Information from filing officer.

(2) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be \$2.00 plus \$1.00 for each financing statement and for each statement of assignment reported therein. Upon request the filing offi-

cer shall furnish a copy of any filed financing statement or statement of assignment for a uniform fee of \$2.00 for the first page and \$1.00 for each additional page.

Part 5

DEFAULT

Uniform commercial code —Secured transactions. Default. Procedure when security agreement covers both real and personal property.

SEC. 9-501. *Default; Procedure When Security Agreement Covers Both Real and Personal Property.*

(1) When a debtor is in default under a security agreement, a secured party has the rights and remedies provided in this Part and except as limited by subsection (3) those provided in the security agreement. He may reduce his claim to judgment, foreclose or otherwise enforce the security interest by any available judicial procedure. If the collateral is documents the secured party may proceed either as to the documents or as to the goods covered thereby. A secured party in possession has the rights, remedies and duties provided in Section 9-207. The rights and remedies referred to in this subsection are cumulative.

Notwithstanding any other provision of this Code, in the case of a purchase money security interest in consumer goods taken or retained by the seller of such collateral to secure all or part of its price, the debtor shall not be liable for any deficiency after the secured party has disposed of such collateral under Section 9-504 or has retained such collateral in satisfaction of the debt under subsection (2) of Section 9-505.

(2) After default, the debtor has the rights and remedies provided in this Part, those provided in the security agreement and those provided in Section 9-207.

(3) To the extent that they give rights to the debtor and impose duties on the secured party, the

rules stated in the subsections referred to below may not be waived or varied except as provided with respect to compulsory disposition of collateral (subsection (1) of Section 9-505) and with respect to redemption of collateral (Section 9-506) but the parties may by agreement determine the standards by which the fulfillment of these rights and duties is to be measured if such standards are not manifestly unreasonable:

- (a) subsection (2) of Section 9-502 and subsection (2) of Section 9-504 insofar as they require accounting for surplus proceeds of collateral;
- (b) subsection (3) of Section 9-504 and subsection (1) of Section 9-505 which deal with disposition of collateral;
- (c) subsection (2) of Section 9-505 which deals with acceptance of collateral as discharge of obligation;
- (d) Section 9-506 which deals with redemption of collateral; and
- (e) subsection (1) of Section 9-507 which deals with the secured party's liability for failure to comply with this Part.

(4) If the security agreement covers both real and personal property, the secured party may proceed under this Part as to the personal property or he may proceed as to both the real and the personal property in accordance with his rights and remedies in respect of the real property in which case the provisions of this Part do not apply.

(5) When a secured party has reduced his claim to judgment the lien of any levy which may be made upon his collateral by virtue of any execution based upon the judgment shall relate back to the date of the perfection of the security interest in such collateral. A judicial sale, pursuant to such execution, is a foreclosure of the security interest by judicial

procedure within the meaning of this section, and the secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this Article.

Uniform commercial code
—Secured transactions.
Default. Collection rights of secured party.

SEC. 9-502. *Collection Rights of Secured Party.*

(1) When so agreed and in any event on default the secured party is entitled to notify an account debtor or the obligor on an instrument to make payment to him whether or not the assignor was theretofore making collections on the collateral, and also to take control of any proceeds to which he is entitled under Section 9-306.

(2) A secured party who by agreement is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor and who undertakes to collect from the account debtors or obligors must proceed in a commercially reasonable manner and may deduct his reasonable expenses of realization from the collections. If the security agreement secures an indebtedness, the secured party must account to the debtor for any surplus, and unless otherwise agreed, the debtor is liable for any deficiency. But, if the underlying transaction was a sale of accounts, contract rights, or chattel paper, the debtor is entitled to any surplus or is liable for any deficiency only if the security agreement so provides.

Secured party's right to take possession after default.

SEC. 9-503. *Secured Party's Right to Take Possession After Default.* Unless otherwise agreed a secured party has on default the right to take possession of the collateral. In taking possession a secured party may proceed without judicial process if this can be done without breach of the peace or may proceed by action. If the security agreement so provides the secured party may require the debtor to assemble the collateral and make it available to the secured party at a place to be designated by the secured party which is reasonably convenient to

both parties. Without removal a secured party may render equipment unusable, and may dispose of collateral on the debtor's premises under Section 9-504.

SEC. 9-504. *Secured Party's Right to Dispose of Collateral After Default; Effect of Disposition.* (1) A secured party after default may sell, lease or otherwise dispose of any or all of the collateral in its then condition or following any commercially reasonable preparation or processing. Any sale of goods is subject to the Article on Sales (Article 2). The proceeds of disposition shall be applied in the order following to

Secured party's right to dispose of collateral after default—Effect of disposition.

- (a) the reasonable expenses of retaking, holding, preparing for sale, selling and the like and, to the extent provided for in the agreement and not prohibited by law, the reasonable attorneys' fees and legal expenses incurred by the secured party;
- (b) the satisfaction of indebtedness secured by the security interest under which the disposition is made;
- (c) the satisfaction of indebtedness secured by any subordinate security interest in the collateral if written notification of demand therefor is received before distribution of the proceeds is completed. If requested by the secured party, the holder of a subordinate security interest must seasonably furnish reasonable proof of his interest, and unless he does so, the secured party need not comply with his demand.

(2) If the security interest secures an indebtedness, the secured party must account to the debtor for any surplus, and, unless otherwise agreed, the debtor is liable for any deficiency. But if the underlying transaction was a sale of accounts, contract rights, or chattel paper, the debtor is entitled to any

Uniform commercial code—Secured transactions. Default. Secured party's right to dispose of collateral after default—Effect of disposition.

surplus or is liable for any deficiency only if the security agreement so provides.

(3) Disposition of the collateral may be by public or private proceedings and may be made by way of one or more contracts. Sale or other disposition may be as a unit or in parcels and at any time and place and on any terms but every aspect of the disposition including the method, manner, time, place and terms must be commercially reasonable. Unless collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market, reasonable notification of the time and place of any public sale or reasonable notification of the time after which any private sale or other intended disposition is to be made shall be sent by the secured party to the debtor, and except in the case of consumer goods to any other person who has a security interest in the collateral and who has duly filed a financing statement indexed in the name of the debtor in this state or who is known by the secured party to have a security interest in the collateral. The secured party may buy at any public sale and if the collateral is of a type customarily sold in a recognized market or is of a type which is the subject of widely distributed standard price quotations he may buy at private sale.

(4) When collateral is disposed of by a secured party after default, the disposition transfers to a purchaser for value all of the debtor's rights therein, discharges the security interest under which it is made and any security interest or lien subordinate thereto. The purchaser takes free of all such rights and interests even though the secured party fails to comply with the requirements of this Part or of any judicial proceedings

- (a) in the case of a public sale, if the purchaser has no knowledge of any defects in the sale and if he does not buy in collusion with the

secured party, other bidders or the person conducting the sale; or

(b) in any other case, if the purchaser acts in good faith.

(5) A person who is liable to a secured party under a guaranty, indorsement, repurchase agreement or the like and who receives a transfer of collateral from the secured party or is subrogated to his rights has thereafter the rights and duties of the secured party. Such a transfer of collateral is not a sale or disposition of the collateral under this Article.

SEC. 9-505. *Compulsory Disposition of Collateral; Acceptance of the Collateral as Discharge of Obligation.* (1) If the debtor has paid sixty percent of the cash price in the case of a purchase money security interest in consumer goods or sixty percent of the loan in the case of another security interest in consumer goods, and has not signed after default a statement renouncing or modifying his rights under this Part a secured party who has taken possession of collateral must dispose of it under Section 9-504 and if he fails to do so within ninety days after he takes possession the debtor at his option may recover in conversion or under Section 9-507(1) on secured party's liability.

Compulsory disposition of collateral—Acceptance of the collateral as discharge of obligation.

(2) In any other case involving consumer goods or any other collateral a secured party in possession may, after default, propose to retain the collateral in satisfaction of the obligation. Written notice of such proposal shall be sent to the debtor and except in the case of consumer goods to any other secured party who has a security interest in the collateral and who has duly filed a financing statement indexed in the name of the debtor in this state or is known by the secured party in possession to have a security interest in it. If the debtor or other person entitled to receive notification objects in writing within

thirty days from the receipt of the notification or if any other secured party objects in writing within thirty days after the secured party obtains possession the secured party must dispose of the collateral under Section 9-504. In the absence of such written objection the secured party may retain the collateral in satisfaction of the debtor's obligation.

Uniform commercial code—
Secured transactions.
Default.
Debtor's right to redeem collateral.

SEC. 9-506. *Debtor's Right to Redeem Collateral.* At any time before the secured party has disposed of collateral or entered into a contract for its disposition under Section 9-504 or before the obligation has been discharged under Section 9-505(2) the debtor or any other secured party may unless otherwise agreed in writing after default redeem the collateral by tendering fulfillment of all obligations secured by the collateral as well as the expenses reasonably incurred by the secured party in retaking, holding and preparing the collateral for disposition, in arranging for the sale, and to the extent provided in the agreement and not prohibited by law, his reasonable attorneys' fees and legal expenses.

Secured party's liability for failure to comply with this part.

SEC. 9-507. *Secured Party's Liability for Failure to Comply With This Part.* (1) If it is established that the secured party is not proceeding in accordance with the provisions of this Part disposition may be ordered or restrained on appropriate terms and conditions. If the disposition has occurred the debtor or any person entitled to notification or whose security interest has been made known to the secured party prior to the disposition has a right to recover from the secured party any loss caused by a failure to comply with the provisions of this Part. If the collateral is consumer goods, the debtor has a right to recover in any event an amount not less than the credit service charge plus ten percent of the principal amount of the debt or the time price differential plus ten percent of the cash price.

(2) The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the secured party is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the secured party either sells the collateral in the usual manner in any recognized market therefor or if he sells at the price current in such market at the time of his sale or if he has otherwise sold in conformity with reasonable commercial practices among dealers in the type of property sold he has sold in a commercially reasonable manner. The principles stated in the two preceding sentences with respect to sales also apply as may be appropriate to other types of disposition. A disposition which has been approved in any judicial proceeding or by any bona fide creditors' committee or representative of creditors shall conclusively be deemed to be commercially reasonable, but this sentence does not indicate that any such approval must be obtained in any case nor does it indicate that any disposition not so approved is not commercially reasonable.

Article 10

Effective Date and Repealer

SEC. 10-101. *Effective Date.* This Act shall become effective at midnight on June 30, 1967. It applies to transactions entered into and events occurring after that date. Effective date.

SEC. 10-102. *Specific Repealer; Provision for Transition.* (1) The following acts and all other acts and part of acts inconsistent herewith are hereby repealed: Specific repealer—
Provision for transition.

- (a) (i) RCW 22.04.010 through 22.04.610;
- (ii) RCW 23.80.010 through 23.80.250;
- (iii) RCW 30.16.020, 30.16.030, 30.16.040 and 30.16.050;

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Specific repealer—
Provision for transition.

- (iv) RCW 30.40.030, 30.40.040 and 30.40-.050;
 - (v) RCW 30.52.010 through 30.52.160;
 - (vi) RCW 61.04.010 through 61.04.090;
 - (vii) RCW 61.08.010 through 61.08.120;
 - (viii) RCW 61.12.160;
 - (ix) RCW 61.16.040, 61.16.050 and 61.16-.070;
 - (x) RCW 61.20.010 through 61.20.190;
 - (xi) RCW 62.01.001 through 62.01.196 and 62.98.010 through 62.98.050;
 - (xii) RCW 63.04.010 through 63.04.780;
 - (xiii) RCW 63.08.010 through 63.08.060;
 - (xiv) RCW 63.12.010 through 63.12.030;
 - (xv) RCW 63.16.010 through 63.16.900;
 - (xvi) RCW 65.08.010, 65.08.020 and 65.08-.040; and
 - (xvii) RCW 81.32.010 through 81.32.561: *Provided*, That such repeal shall not affect the validity of sections 81.29-.010 through 81.29.050, chapter 14, Laws of 1961 (RCW 81.29.010 through 81.29.050).
- (b) (i) Chapter 99, Laws of 1913;
 - (ii) Chapter 100, Laws of 1939;
 - (iii) Section 4, chapter 106, Laws of 1959 and sections 30.16.020, 30.16.030, 30-.16.040 and 30.16.050, chapter 33, Laws of 1955;
 - (iv) Sections 30.40.030, 30.40.040 and 30-.40.050, chapter 33, Laws of 1955;
 - (v) Section 3, chapter 194, Laws of 1963 and sections 30.52.010 through 30-.52.160, chapter 33, Laws of 1955;
 - (vi) Section 11, chapter 263, Laws of 1959, section 3, chapter 214, Laws of 1953, sections 1, 2 and 3, chapter 284, Laws of 1943, section 1, chapter 76, Laws of

- 1943, section 1, chapter 121, Laws of 1939, section 1, chapter 156, Laws of 1929, sections 1, 2, 3, 4, 5, 6 and 7, chapter 98, Laws of 1899, sections 1986, 1987 and 1988, Code of 1881, section 1, page 104, Laws of 1879, section 1, page 286, Laws of 1877 and section 1, page 43, Laws of 1875;
- (vii) Sections 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997 and 1998, Code of 1881, sections 4, 5, 6, 7, 8, 9, 10, 11 and 12, pages 105 and 106, Laws of 1879 and sections 18, 19, 20, 22, 23, 24 and 28, page 47, Laws of 1875;
- (viii) Sections 618 and 619, Code of 1881 and section 572, page 147, Laws of 1869;
- (ix) Section 12, chapter 263, Laws of 1959, section 4, chapter 214, Laws of 1953, section 4, chapter 284, Laws of 1943, sections 1 and 2, chapter 133, Laws of 1937 and sections 8, 9 and 11, chapter 98, Laws of 1899;
- (x) Sections 1 and 2, chapter 249, Laws of 1957 and chapter 71, Laws of 1943;
- (xi) Sections 62.01.001 through 62.01.196 and 62.98.010 through 62.98.050, chapter 35, Laws of 1955;
- (xii) Chapter 142, Laws of 1925 extraordinary session;
- (xiii) Sections 1, 2, 3 and 4, chapter 247, Laws of 1953, section 1, chapter 98, Laws of 1943, sections 1, 2, 3 and 4, chapter 122, Laws of 1939 and sections 1, 2, 3 and 4, chapter 135, Laws of 1925 extraordinary session;
- (xiv) Section 22, chapter 236, Laws of 1963, section 1, chapter 159, Laws of 1961,

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Specific repealer—
Provision for transition.

sections 1 and 2, chapter 196, Laws of 1937, sections 1 and 2, chapter 129, Laws of 1933, section 1, chapter 120, Laws of 1925 extraordinary session, section 1, chapter 95, Laws of 1915, sections 1 and 2, chapter 6, Laws of 1903 and sections 1 and 2, chapter 106, Laws of 1893;

- (xv) Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, chapter 8, Laws of 1947;
- (xvi) Sections 1 and 2, chapter 72, Laws of 1899, section 2327, Code of 1881, section 4, page 413, Laws of 1863 and section 4, page 404, Laws of 1854; and
- (xvii) Chapter 159, Laws of 1915 and sections 81.32.011 through 81.32.561, chapter 14, Laws of 1961.

(2) Transactions validly entered into before the effective date specified in Section 10-101 and the rights, duties and interests flowing from them remain valid thereafter and may be terminated, completed, consummated or enforced as required or permitted by any statute or other law amended or repealed by this Act as though such repeal or amendment had not occurred.

General repealer.

SEC. 10-103. *General Repealer.* Except as provided in the following section, all acts and parts of acts inconsistent with this Act are hereby repealed.

Laws not repealed.

SEC. 10-104. *Laws Not Repealed.* (1) The Article on Documents of Title (Article 7) does not repeal or modify any laws prescribing the form or contents of documents of title or the services or facilities to be afforded by bailees, or otherwise regulating bailees' businesses in respects not specifically dealt with herein; but the fact that such laws are violated does not affect the status of a document of title which otherwise complies with the definition of a document of title (Section 1-201).

(2) This Act does not repeal chapter 150, Laws of 1961 (chapter 21.17 RCW), cited as the Uniform Act for the Simplification of Fiduciary Security Transfers, and if in any respect there is any inconsistency between that Act and the Article of this Act on investment securities (Article 8) the provisions of the former Act shall control.

Passed the Senate March 29, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 8, 1965, with the exception of section 2-616(3); a certain item in section 9-206(1); and certain items in section 9-402(1) and section 9-402(3).

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

Veto message.

"Passage of the Uniform Commercial Code represents a major accomplishment by the legislature—one in which each of you may take great pride. Its passage will improve the state's commercial climate, and thereby benefit all our citizens.

"No legislation of the scope and complexity of the Uniform Commercial Code can be prepared without creating problem areas. The legislature has wisely chosen to set the effective date for the Code following the 1967 legislative session. This will give many groups an opportunity to review it carefully during the next two years, and to suggest solutions for those problems which exist. By separate letter I am urging the Washington State Bar Association to continue its study of those sections about which questions have been raised during this session. I urge legislators to participate in this review.

"I have chosen to bring to the attention of those who will continue to study this bill three portions which I believe to be unsatisfactory.

"SPECIALLY BUILT PRODUCTS

"My first point of concern is Section 2-616 which allows purchasers to terminate contracts for the manufacture and sale of specially built products in the event of an excusable delay (caused by an act of God). Subsection (3) denies commercial concerns the right to negotiate and agree to an allocation of the risks occasioned by such excusable delays.

"Under Section 2-616, as now written, if a manufacturer incurs substantial costs in connection with the development and production of products for a particular customer, and then is delayed in making delivery by fire or other calamity beyond its control, the purchaser could terminate the contract without liability. I believe it is unreasonable to deny the manufacturer and the purchaser the right to bargain at arms' length for an allocation of the risks which would be occasioned by such an event.

"It also should be observed that the termination of contracts under Section 2-616 occurs automatically in the event the purchaser fails to take any action within thirty days after learning of the delay. A purchaser unwittingly may allow the termination of his contract, placing him in the position of having to negotiate with the seller for new terms of purchase; at a time when he no longer has any bargaining power.

Uniform commercial code.
Veto message.

"In an effort to protect both buyer and seller, the State of Wisconsin has deleted this provision from its Code. I have elected to veto subsection (3) of Section 2-616, which will eliminate the provision that the type of contract involved in this section cannot be modified by mutual agreement.

"ASSERTION OF DEFENSES

"Section 9-206 deals with agreements not to assert defenses against assignees. By amendment, the following proviso was added: 'PROVIDED, That nothing in this act may be construed as depriving a buyer, as against an assignee, of asserting the defenses of fraud or material misrepresentation by the seller.'

"I believe this amendment was intended to protect the consumer, which is a commendable objective. However, existing statutes protect consumers against agreements which waive the right to assert all defenses against assignees, including the defenses of fraud and material misrepresentation. RCW 63.14.150 provides:

" 'No provision of a retail installment contract or retail charge agreement shall be valid by which the buyer agrees not to assert against the seller or against an assignee a claim or defense arising out of the sale.'

"This statute applies to all retail sales of goods and services purchased primarily for personal, family or household use. Section 9-206 of the Code expressly preserves this statute, thus making the amendment unnecessary to protect the consumer.

"Because the proviso applies to the entire Code, not just to this section, it might create unintended results with regard to negotiable instruments. The basic concept of negotiable instruments is that they must pass freely from one person to another, in much the same manner as currency. To subject an innocent holder of a negotiable instrument to unique restrictions would disrupt normal commercial transactions in the State of Washington, and result in a distinct hardship to all parties.

"Therefore, I have vetoed the proviso at the end of Section 9-206(1).

"FINANCING STATEMENTS

"Section 9-402 (1) of the Code sets forth the minimum formal requirements of a financing statement, which is the instrument by which public notice of a security interest is given. One of the basic purposes of the Code is to adopt the principle that filing a simple and dependable 'notice' that a lien is outstanding is preferable to filing the security instrument itself. Washington has previously adopted 'notice filing' for certain security transactions. The notice is designed to direct a subsequent creditor or buyer to the source of the current and complete information regarding the prior lien. The Code extends this to all security transactions.

"However, the legislature has amended Section 9-402(1) to require that unnecessary information be inserted in the notice. Imposing these additional requirements enhances the opportunity for technical error, thus voiding a bona fide transaction without providing any greater notice or protection to the public. The opportunity for error by out-of-state companies is especially increased. In this regard, I note that Section 9-208 has been amended to permit a debtor to require a secured party to send information regarding the status of his indebtedness and the collateral secured thereby to any person whom the debtor might designate. Thus, a prospective subsequent creditor easily can obtain reliable information concerning the prior security transaction. Therefore, I have vetoed the items in Section 9-402 (1) added by amendment to the original bill.

"Section 9-402 (3) sets forth the form of a financing statement. To conform to the amendment discussed above, the legislature made pro-

vision for the addition of information in the financing statement required by subsection (1). Therefore, I have vetoed certain items appearing on lines 10 through 13 inclusive and lines 23 through 26 inclusive of subsection (3).

"Apparently the Senate Judiciary Committee preparing its amendment to Section 9-402 (3) followed the California statute, because it inadvertently deleted the portion of the subsection which provides for the description of fixtures. It is not within my power to insert this portion of the Code which has been inadvertently omitted, but the 1967 legislature may wish to correct this omission.

"The words 'or timber' appear in two places in Section 9-402 (3). The California statute specifically deals with timber. Since the amendment discussed above followed California's section, these words were inadvertently included, when no reference to 'timber' is contained in Section 9-402 (1). In order to correct the ambiguity existing between subsections (1) and (3), I have vetoed these words where they appear in Section 9-402 (3).

"CONCLUSION

"With the exception of Section 2-616 (3), a certain item in Section 9-206 (1), and certain items in Sections 9-402 (1) and 9-402 (3), which I have vetoed, the remainder of Senate Bill No. 122 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 158.

[Senate Bill No. 40.]

PUBLIC SCHOOL PLANT FACILITIES—FINANCING.

AN ACT relating to the public schools and the support thereof; authorizing the issuance and sale of state general obligation bonds to provide for needed public school plant facilities; providing ways and means to pay said bonds; making appropriations; and providing for submission of this act to a vote of the people.

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

School plant facilities financing. Bonds authorized—Form, sale, maturity, etc.

SECTION 1. For the purpose of furnishing funds for state assistance in providing public school plant facilities, there shall be issued and sold, at any time prior to April 1, 1970, general obligation bonds of the state of Washington in the sum of sixteen million five hundred thousand dollars to be paid and discharged not more than twenty years after the date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds, and the sale, issuance, and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such

bonds shall be payable at such places as the state finance committee may provide.

SEC. 2. The proceeds from the sale of the bonds authorized herein shall be deposited in the public school building construction account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of this act, and for payment of the expense incurred in the printing, issuance and sale of such bonds.

Bond sale proceeds, disposition and use.

SEC. 3. The public school building bond redemption fund of 1965 is hereby created in the state treasury which fund shall be exclusively devoted to the retirement of the bonds and interest authorized by this act. The state finance committee shall, on or before June thirtieth of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by this act. On July 1st of each year the state treasurer shall deposit such amount in the public school building bond redemption fund of 1965 from moneys transmitted to the state treasurer by the tax commission and certified by the tax commission to be sales tax collections and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

Bond redemption fund. Created—Tax moneys deposited in—Use.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

SEC. 4. The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by

Bond redemption method not exclusive.

this act and this act shall not be deemed to provide an exclusive method for such payment.

School plant facilities financing. Bonds as negotiable instruments, legal investments of public funds.

SEC. 5. The bonds herein authorized shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county and municipal deposits.

Appropriated funds, allotting of.

SEC. 6. For the purpose of carrying out the provisions of this act funds appropriated to the state board of education from the public school building construction account of the general fund shall be allotted by the state board of education in accordance with the provisions of sections 7 through 15, chapter 3, Laws of 1961, extraordinary session: *Provided*, That no allotment shall be made to a school district for the purpose aforesaid until such district has provided funds for school building construction purposes through the issuance of bonds or through the authorization of excess tax levies or both in an amount equivalent to ten percent of its taxable valuation or such amount as may be required by the state board of education. The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

Appropriations.

SEC. 7. The following sums, or so much thereof as may be necessary, are hereby appropriated from the public school building construction account of the general fund, from the proceeds of the bonds herein authorized, to carry out the purposes of this act: To the state finance committee, sixteen thousand five hundred dollars; to the state board of education, sixteen million four hundred eighty-three thousand five hundred dollars.

SEC. 8. In accordance with the provisions of section 6, the state board of education is authorized to allocate the sum of \$27,753,500 (being (1) \$16,483,500 from the public school building construction account including \$7,403,500 for new community colleges authorized by the 1965 legislature, and (2) \$11,270,000 from the common school construction fund): *Provided*, That such allocations shall not be binding upon the state in the event that either this act or Senate Joint Resolution No. 22, 1965 extraordinary session, is rejected by the people: *Provided further*, That expenditures against such allocations shall not exceed the amounts appropriated in this act and in chapter 153, Laws of 1965, extraordinary session (ESSB 42) during the 1965-1967 fiscal biennium, or the amounts then currently appropriated for these purposes by future legislatures.

Allocations--
Conditional.

SEC. 9. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1966, in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

Referendum.

Passed the Senate May 6, 1965.

Passed the House May 6, 1965.

Approved by the Governor May 12, 1965.

CHAPTER 159.

[House Bill No. 137.]

COMMUNITY COLLEGES.

AN ACT relating to community colleges; amending section 1, chapter 198, Laws of 1961 and RCW 28.84.170; amending section 11, chapter 198, Laws of 1961, as amended by section 9, chapter 2, Laws of 1963 first extraordinary session, and RCW 28.84.260.

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

RCW 28.84.260 amended.

SECTION 1. Section 11, chapter 198, Laws of 1961, as amended by section 9, chapter 2, Laws of 1963 first extraordinary session, and RCW 28.84.260 are each amended to read as follows:

Community colleges. Named—Limitation as to commencement of operation.

The following named institutions are hereby recognized as community colleges within the meaning of this chapter: (1) Centralia Community College, (2) Clark Community College, (3) Columbia Basin Community College, (4) Everett Community College, (5) Grays Harbor Community College, (6) Lower Columbia Community College, (7) Olympic Community College, (8) Skagit Valley Community College, (9) Wenatchee Valley Community College, (10) Yakima Valley Community College, (11) Peninsula Community College, (12) Highline Community College, (13) Big Bend Community College, (14) Green River Community College, (15) Shoreline Community College, (16) Spokane Community College, (17) Tacoma Community College, (18) Seattle Community College, (19) Bellevue Community College, (20) Edmonds Community College, (21) Clover Park Community College, and (22) Walla Walla Community College: *Provided*, That Edmonds Community College, Clover Park Community College, and Walla Walla Community College shall not commence operations prior to September 1, 1967.

RCW 28.84.170 amended.

SEC. 2. Section 1, chapter 198, Laws of 1961 and RCW 28.84.170 are each amended to read as follows:

A community college shall be an institution established with the approval of the state board of education and maintained and operated by a school district, offering two years post high school curricula of general education and vocational-technical education. The community college program shall offer curricula designed

Community college defined—Program.

(1) as preparatory to admission to an institution of higher learning with advanced standing;

(2) as vocational-technical pursuits; and

(3) as an extension of vocational-technical pursuits.

In addition thereto community college program may offer curricula designed for

(a) adult education; and

(b) a continuing course of activities designed for community service and to fulfill the cultural needs of the community: *Provided*, That a community college shall not be required to offer a program of vocational-technical training when such program as approved by the state board of vocational education is already operating in the district.

SEC. 3. From any amounts which may be appropriated for the operation of community colleges in the general appropriations act of the state, the state board of education may allocate not more than one hundred fifty thousand dollars to the Seattle, Bellevue, Edmonds, Clover Park, and Walla Walla school districts to be used by them for the purpose of performing the necessary preliminary planning and organization essential to the commencement of operations of the community colleges in said districts: *Provided*, That the allocation to any one of the foregoing districts shall not exceed fifty thousand dollars.

Allocation authorized for preliminary planning, organization, essential to commence operation.

Passed the House May 4, 1965.

Passed the Senate May 3, 1965.

Approved by the Governor May 12, 1965.

CHAPTER 160.

[House Bill No. 231.]

WATER RIGHTS—FEES—APPROPRIATION.

AN ACT relating to the use of water in the state of Washington and the right to the use thereof; providing fees to be collected by the supervisor of water resources; amending section 44, chapter 117, Laws of 1917 as last amended by section 5, chapter 57, Laws of 1951, and RCW 90.03.470; and making an appropriation.

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

RCW 90.03.470
amended.

SECTION 1. Section 44, chapter 117, Laws of 1917 as last amended by section 5, chapter 57, Laws of 1951, and RCW 90.03.470 are each amended to read as follows:

Water rights.
Schedule of
fees.

The following fees shall be collected by the supervisor in advance:

(1) For the examination of an application for permit to appropriate water or on application to change point of diversion, withdrawal, purpose or place of use, a minimum of ten dollars, to be paid with the application. For each second foot between one and five hundred second feet, two dollars per second foot; for each second foot between five hundred and two thousand second feet, fifty cents per second foot; and for each second foot in excess thereof, twenty cents per second foot. For each acre foot of storage up to and including one hundred thousand acre feet, one cent per acre foot, and for each acre foot in excess thereof, one-fifth cent per acre foot. The ten dollar fee payable with the application shall be a credit to that amount whenever the fee for direct diversion or storage totals more than ten dollars under the above schedule and in such case the further fee due shall be the total computed amount less ten dollars.

Within five days from receipt of an application the supervisor shall notify the applicant by registered mail of any additional fees due under the above schedule and any additional fees shall be paid to and received by the supervisor within thirty days from the date of filing the application, or the application shall be rejected.

(2) For filing and recording a permit to appropriate water for irrigation purposes, forty cents per acre for each acre to be irrigated up to and including one hundred acres, and twenty cents per acre for each acre in excess of one hundred acres up to and including one thousand acres, and ten cents for each acre in excess of one thousand acres; and also twenty cents for each theoretical horsepower up to and including one thousand horsepower, and four cents for each theoretical horsepower in excess of one thousand horsepower, but in no instance shall the minimum fee for filing and recording a permit to appropriate water be less than five dollars. For all other beneficial purposes the fee shall be twice the amount of the examination fee except that for individual household and domestic use, which may include water for irrigation of a family garden, the fee shall be five dollars.

(3) For filing and recording any other water right instrument, four dollars for the first hundred words and forty cents for each additional hundred words or fraction thereof.

(4) For making a copy of any document recorded or filed in his office, forty cents for each hundred words or fraction thereof, but when the amount exceeds twenty dollars, only the actual cost in excess of that amount shall be charged.

(5) For certifying to copies, documents, records or maps, two dollars for each certification.

(6) For blueprint copies of a map or drawing, or, for such other work of a similar nature as may be required of his office, at actual cost of the work.

Water rights.
Schedule of
fees.

(7) For granting each extension of time for beginning construction work under a permit to appropriate water, an amount equal to one-half of the filing and recording fee, except that the minimum fee shall be not less than five dollars for each year that an extension is granted, and for granting an extension of time for completion of construction work or for completing application of water to a beneficial use, five dollars for each year that an extension is granted.

(8) For the inspection of any hydraulic works to insure safety to life and property, the actual cost of the inspection, including the expense incident thereto.

(9) For the examination of plans and specifications as to safety of controlling works for storage of ten acre feet or more of water, a minimum fee of ten dollars, or the actual cost.

(10) For recording an assignment either of a permit to appropriate water or of an application for such a permit, a fee of five dollars.

(11) For preparing and issuing all water right certificates, five dollars.

(12) For filing and recording a protest against granting any application, two dollars.

Appropriation.

SEC. 2. In order to finance the planned water resources study, and the preparation of recommendations and proposed legislation concerning all aspects of the state's water resources, to be undertaken by the interim committee for water resources, created by House Concurrent Resolution No. 33 of the 1965 extraordinary session, there is appropriated from the general fund to the legislature for the use of the interim committee for water resources the sum of twenty-five thousand dollars or as much thereof as may be necessary. Such appropriation shall be in addition to any other appropriation made for this purpose.

Passed the House May 7, 1965.

Passed the Senate May 7, 1965.

Approved by the Governor May 12, 1965.

CHAPTER 161.

[Senate Bill No. 489.]

HIGHER EDUCATION ADVISORY COUNCIL.

AN ACT creating a temporary advisory council on public higher education and setting forth its powers and duties; making an appropriation; providing an expiration date; and declaring an emergency.

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

SECTION 1. As used in this act unless the context indicates otherwise, the following words and phrases shall have the following meaning:

Temporary advisory council on public higher education. Definitions.

(1) "Council" means the temporary advisory council on public higher education; and

(2) "Institutions of public higher education" means the state universities, state colleges and public community colleges, including vocational, technical, and other programs beyond high school.

SEC. 2. There is hereby created the temporary advisory council on public higher education which shall meet, act, and conduct its business at any place within the state of Washington.

Council created.

SEC. 3. The council shall have the following membership:

Council membership.

(1) The presidents of each of the state universities and each of the state colleges;

(2) The presidents of two of the public community colleges of the state who shall be appointed by the governor;

Temporary advisory council on public higher education. Membership.

(3) Five senators to be selected by the president of the senate, not more than three from the same political party, and five representatives to be appointed by the speaker of the house, not more than three from the same political party; and

(4) Seven members to be appointed by the governor, one from each United States congressional district in the state, no more than four of whom shall be members of the same political party.

Member per diem, travel and subsistence expense.

SEC. 4. The members of the council shall receive no compensation but shall receive per diem in an amount not to exceed twenty-five dollars per day while attending to the business of the council, and their necessary travel and subsistence expenses. Payment of per diem and expenses shall be made upon vouchers approved by persons designated by the council.

Chairman—Executive secretary—Staff.

SEC. 5. The council shall, by majority vote, select from among the members a chairman, who shall be a legislator, and shall, by majority vote, appoint and fix salary for a full time executive secretary, who shall not be a member of the council, but who shall serve as secretary to the council. The executive secretary shall employ such staff as the council shall deem appropriate. The council is authorized to retain professional consultants as deemed necessary to further the purposes set forth herein.

Subcommittees—Rules of procedure—Hearings—Cooperation of other public agencies.

SEC. 6. The council shall, by majority vote, select appropriate subcommittees, and prescribe rules of procedure for itself and its subcommittees which are not inconsistent with this act. Both the council and any subcommittees shall be authorized to conduct hearings throughout the state and shall have power to require data from all public institutions and agencies concerned with education in the state of Washington and from such other public agencies as may provide information helpful to the council

in carrying out its functions. In furthering the purposes of this act, the council shall have authority to select and consult with interested citizen groups, but such groups shall not receive expenses.

SEC. 7. The council, after consultation with the respective institutions of public higher education and the central budget agency shall make recommendations for the establishment of a uniform and standardized system of reporting statistical and financial information for institutions of public higher education. The council shall have power to require the institutions of public higher education to submit data on costs, selection and retention of students, enrollments, plant capacities, and other matters pertinent to effective planning and coordination.

Council recommendations on uniform reporting of statistical and financial information.

SEC. 8. The council is hereby directed to study the problems and needs of public higher education in the state of Washington, and shall have the following functions, advisory to the governing boards of the institutions of public higher education, to appropriate state officials, and to the legislature:

Council functions, generally.

(1) To review the functions, facilities, and programs of the institutions of public higher education so that there will be efficient use of resources and avoidance of unnecessary duplication;

(2) To submit to the governor and to the legislature, not less than sixty days prior to the 1967 regular session of the legislature, a report which describes problems and needs of public higher education and contains recommendations as to necessary or desirable changes, if any, in the functions and programs of the institutions of public higher education;

(3) To develop plans for the orderly growth of public higher education and to make specific recommendations on the need for and location of new facilities and programs, including therein a recommendation as to a new institution of public higher education within the state. If the finding by at least

Temporary advisory council on public higher education. Functions, generally.

three-fourths of the members of the council is that an institution of public higher education should be immediately initiated, the council is authorized by a vote of at least two-thirds of the members of the council, who are not legislators, to locate a specific site for a new four-year state college and so inform the governor before October, 1966.

Cooperation with representatives of private institutions of higher learning.

SEC. 9. The council from time to time shall consult with the representatives of private institutions of higher education in the state regarding any recommendations they may develop under section 8 subsection (3) above.

Receipt of additional funds, grants, authorized.

SEC. 10. The council may add to the funds made available by the legislature for the administration of this act any federal funds which may be available to the state of Washington for research in higher education under the terms of an act or acts of congress or any private grants or gifts, provided such federal or private funds may be allocated and expended in accordance with the authority, powers, and procedures given or authorized to the council in this act.

Appropriation.

SEC. 11. There is hereby appropriated out of the general fund to the temporary advisory council on public higher education for the biennium ending June 30, 1967 to carry out the purposes of this act the sum of one hundred thousand dollars, or so much thereof as may be necessary.

Termination of act.

SEC. 12. This act shall be of no further effect upon the convening of the fortieth regular session of the legislature and the committee herein created shall be deemed abolished at such time.

Severability.

SEC. 13. If any provision of this act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the

provision to other persons or circumstances is not affected.

SEC. 14. This act is necessary for the immediate Emergency. 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, 1965.

Passed the House April 28, 1965.

Approved by the Governor May 12, 1965.

CHAPTER 162.

[Senate Bill No. 544.]

SCHOOLS—APPORTIONMENT OF STATE FUNDS— DATES PRESCRIBED.

AN ACT relating to education and the support of the common schools; amending section 3, chapter 276, Laws of 1959 and RCW 28.48.010; amending section 9, chapter 141, Laws of 1945 and RCW 28.48.030; and declaring an effective date.

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

SECTION 1. Section 3, chapter 276, Laws of 1959 and RCW 28.48.010 are each amended to read as follows: RCW 28.48.010 amended.

On or before the last business day of September, 1965 and each month thereafter, the superintendent of public instruction shall apportion from the current state school fund and/or the state general fund to the several counties of the state the proportional share of the total annual amount due and apportionable to such counties for the school districts thereof as follows: In January, ten percent, in February, ten percent, in June, three and one-half percent and in each of the other months respectively eight and one-half percent. The annual amount due and apportionable shall be the amount apportionable for Apportionment of state funds to schools. By state superintendent—Emergency advance of funds.

Apportionment of state funds to schools. By state superintendent—Emergency advance of funds.

all apportionment credits estimated to accrue to the schools during a year beginning September first and continuing through August thirty-first. Appropriations made for school districts for the biennium beginning July 1, 1965, and ending June 30, 1967, shall be apportioned to cover the two school years beginning September 1, 1965, and ending August 31, 1967. The apportionment from the state general fund for each month shall be an amount which together with the revenues of the current state school fund will equal the amount due and apportionable to the several counties during such month: *Provided*, That any school district may, through its county superintendent, petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed five percent of the total amount to become due and apportionable during the school district's fiscal year. The superintendent of public instruction shall determine if the emergency warrants such advance, and if the funds are available therefor, and if he determines in the affirmative he may approve such advance and at the same time add such an amount to the apportionment for the county in which the district is located.

RCW 28.48.030 amended.

SEC. 2. Section 9, chapter 141, Laws of 1945 and RCW 28.48.030 are each amended to read as follows:

Distribution by county superintendent.

Upon receiving the certificate of apportionment from the superintendent of public instruction the county superintendent of schools shall promptly apportion to the school districts of his county the amounts then due and apportionable to such districts as certified by the superintendent of public instruction. The county superintendent of schools shall apportion to the school districts of his county during each of the twelve months of the year the amount then available for apportionment to such districts from the county current school fund.

SEC. 3. This act shall take effect on September 1, 1965. Effective date.

Passed the Senate May 5, 1965.

Passed the House May 5, 1965.

Approved by the Governor May 12, 1965.

CHAPTER 163.

[Senate Bill No. 557.]

INTERSTATE AND DEFENSE HIGHWAYS—BOND ISSUE—APPROPRIATION.

AN ACT relating to public highways and making an appropriation.

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

SECTION 1. The orderly and undelayed completion of Washington's portion of the national system of interstate and defense highways is vital to the safety of highway users and to the economic development of the state. The legislature declares it to be a public purpose and a highway purpose to provide adequate reserve funds to meet unanticipated costs and to assure the timely and scheduled completion of the interstate highways of this state.

Interstate and defense highways, bond issue for. Declaration of purpose.

SEC. 2. In order to provide reserve funds to assure undelayed progress in the scheduled construction of Washington's portion of the national system of interstate and defense highways and to meet any extraordinary, unanticipated construction costs of any interstate highway projects, pending receipt of federal-aid apportionments in accordance with the federal-aid highway act of 1956, as amended, and the resulting availability of federal-aid funds, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of twenty-five million dollars or such amount thereof and at such

Bonds—Authorized—Amount—Committee to supervise issuance, sale and retirement.

Interstate and defense highways, bond issue for. Committee to supervise issuance, sale and retirement.

times as may be determined to be necessary by the state highway commission. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the Washington state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary for the orderly scheduled construction of the interstate highway system.

Bonds—Terms and conditions—Signatures—Registration—As negotiable instruments.

SEC. 3. Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

Bonds—Denominations—Sale—As legal investment for state funds.

SEC. 4. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If the bonds are sold to any purchaser other than the

state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of this act shall be legal investment for any of the funds of the state, except the permanent school fund.

SEC. 5. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of Washington's portion of the national system of interstate and defense highways, and for payment of the expense incurred in the drafting, printing, issuance, and sale of any such bonds.

Disposition of proceeds from sale of bonds.

SEC. 6. Bonds issued under the provisions of this act shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in this act from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of this act, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of this act.

Bonds not state obligation—Payable from excise tax proceeds—Pledge to impose tax.

SEC. 7. Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and

Funds to repay bonds to be from portion allocated for state highway purposes—Exception.

until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Interstate and defense highways, bond issue for. Federal funds may be pledged as additional security.

SEC. 8. As additional security for payment of the principal amount of any or all of the bonds to be issued hereunder, the state finance committee, with the consent of the state highway commission, may pledge all or any portion of the federal aid funds received or from time to time to be received by the state from the United States under the provisions of the federal-aid highway act of 1956, as amended, for the construction of Washington's portion of the national system of interstate and defense highways.

Payments of bonds and interest, procedure.

SEC. 9. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of section 7 of this act, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which, together with federal funds which may be pledged as provided in section 8 of this act, shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state fi-

nance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

SEC. 10. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels and the federal funds which may be pledged as provided in section 8 of this act, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

Use of funds in excess of that needed for bond retirement and interest.

SEC. 11. There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1967, the sum of twenty-five million dollars, or so much thereof as may be necessary to carry out the provisions of this act.

Appropriation.

Passed the Senate April 13, 1965.

Passed the House May 7, 1965.

Approved by the Governor May 12, 1965.

CHAPTER 164.

[Senate Bill No. 558.]

INTERSTATE COMPACT COMMISSION.

AN Act relating to the interstate compact commission; and amending section 43.57.020, chapter 8, Laws of 1965 and RCW 43.57.020.

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

RCW 43.57.020 amended.

SECTION 1. Section 43.57.020, chapter 8, Laws of 1965 and RCW 43.57.020 are each amended to read as follows:

Interstate compact commission. Powers and duties—Per diem and expenses—Term of office.

The commission representing the state on said joint commission shall have full authority to consider and carry on negotiations for such agreement or compact, to attend meetings of the joint commission convening in or out of the state, to employ clerical, legal and engineering assistance and generally to perform such duties as shall be required of the members thereof in carrying out the purpose and intent of this chapter; the term of office of said commissioners shall be from June 11, 1953, until an agreement or compact binding on the state of Washington under the provisions of RCW 43.57.030 has been entered into: *Provided, however,* That when a member of the commission is a member of the house of representatives, his term on the commission shall expire when he ceases to be a member of the house, and when a member of the commission is a member of the senate, his term on the commission shall expire when he ceases to be a member of the senate. Any vacancies occurring in the membership of said commission shall be filled by the appointive power shown in RCW 43.57.010. Members of the commission representing the state who are not in the regular employ of the state shall receive a per

diem of fifteen dollars for the time actually spent on the work of the commission, and reimbursement for subsistence and traveling expenses incurred while away from their respective places of abode. Members of the commission who are in the regular employ of the state shall receive no per diem, but shall receive reimbursement for subsistence and traveling expenses incurred while away from their respective places of abode, in lieu of other provisions made by law for reimbursement of their expenses as such state employees. Payment of all expenses incurred by the interstate compact commission, including the per diem and expenses of its members, shall be made on vouchers approved by its chairman.

Passed the Senate May 5, 1965.

Passed the House May 5, 1965.

Approved by the Governor May 12, 1965.

CHAPTER 165.

[Senate Bill No. 564.]

INDUSTRIAL INSURANCE—BENEFITS—PAYMENTS— APPEAL BOARD—COMMITTEE ON APPEALS.

AN ACT relating to industrial insurance; revising the schedule of benefits; providing for the payment of certain awards and benefits; pertaining to the board of industrial insurance appeals and prescribing procedures in relation thereto; creating a committee on industrial insurance appeals and prescribing powers, duties, and procedures in relation thereto; amending section 51.32.040, chapter 23, Laws of 1961, and RCW 51.32.040; amending section 51.32.080, chapter 23, Laws of 1961, as amended by section 3, chapter 274, Laws of 1961, and RCW 51.32.080; amending section 51.52-.010, chapter 23, Laws of 1961, as amended by section 8, chapter 307, Laws of 1961, and RCW 51.52.010; amending section 51.52.106, chapter 23, Laws of 1961, as amended by section 7, chapter 148, Laws of 1963, and RCW 51.52.106; making an appropriation; and declaring an emergency and an effective date.

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

RCW 51.32.080 amended.

SECTION 1. Section 51.32.080, chapter 23, Laws of 1961 as amended by section 3, chapter 274, Laws of 1961 and RCW 51.32.080 are each amended to read as follows:

Industrial insurance. Compensation. Permanent partial disability—Specified—Unspecified—Injury after permanent partial disability.

(1) For the permanent partial disabilities here specifically described, the injured workman shall receive compensation as follows:

LOSS BY AMPUTATION

Of leg above the knee joint with short thigh stump (3" or less below tuberosity of ischium)	\$15,000.00
Of leg at or above knee joint with functional stump	13,500.00
Of leg below knee joint	12,000.00
Of leg at ankle (Syme)	10,500.00
Of foot at mid-metatarsals	5,250.00
Of great toe with resection of metatarsal bone	3,150.00
Of great toe at metatarsophalangeal joint.	1,890.00
Of great toe at interphalangeal joint....	1,000.00
Of lesser toe (2nd to 5th) with resection of metatarsal bone	1,150.00
Of lesser toe at metatarsophalangeal joint	560.00
Of lesser toe at proximal interphalangeal joint	415.00
Of lesser toe at distal interphalangeal joint	105.00
Of arm at or above the deltoid insertion or by disarticulation at the shoulder..	15,000.00
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon..	14,250.00
Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including midmetacarpal amputation of the hand	13,500.00
Of all fingers except the thumb at metacarpophalangeal joints	8,100.00

Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone	5,400.00
Of thumb at interphalangeal joint.....	2,700.00
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone	3,375.00
Of index finger at proximal interphalangeal joint	2,700.00
Of index finger at distal interphalangeal joint	1,485.00
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone	2,700.00
Of middle finger at proximal interphalangeal joint	2,160.00
Of middle finger at distal interphalangeal joint	1,215.00
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone	1,350.00
Of ring finger at proximal interphalangeal joint	1,080.00
Of ring finger at distal interphalangeal joint	675.00
Of little finger at metacarpophalangeal joint or with resection of metacarpal bone	675.00
Of little finger at proximal interphalangeal joint	540.00
Of little finger at distal interphalangeal joint	270.00

MISCELLANEOUS

Loss of one eye by enucleation	6,000.00
Loss of central visual acuity in one eye...	5,000.00
Complete loss of hearing in both ears....	12,000.00
Complete loss of hearing in one ear.....	2,000.00

Industrial
insurance.
Compensation.
Permanent
partial dis-
ability—
Specified—
Unspecified—
Injury after
permanent
partial
disability.

(2) Compensation for amputation of a member or part thereof at a site other than those above specified, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation for any other permanent partial disability not involving amputation shall be in an amount equal to eighty-five percent of the proportion which the extent of such other disability, called unspecified disability, shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability, but not in any case to exceed the sum of twelve thousand seven hundred and fifty dollars: *Provided*, That the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of twelve thousand seven hundred and fifty dollars: *Provided further*, That in case permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured workman if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured workman and his monthly compensation payments shall be reduced accordingly.

(3) Should a workman receive an injury to a member or part of his body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such workman, his compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and

the degree or extent of the aggravation or increase of disability thereof.

(4) When the compensation provided for in subsections (1) and (2) exceeds one thousand dollars, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured workman in full, except that the first monthly payment shall be in the amount of one thousand dollars and interest shall be paid at the rate of five percent on the unpaid balance of such compensation commencing with the second monthly payment: *Provided*, That interest so paid shall not be charged to the cost experience of any employer but shall be borne wholly by the applicable class account: *Provided further*, That upon application of the injured workman the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured workman to the department and shall rest in the discretion of the department depending upon the merits of each individual application: *Provided further*, That upon death of a workman all unpaid installments accrued, less interest, shall be paid in a lump sum amount to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title.

SEC. 2. Section 51.32.040, chapter 23, Laws of 1961, and RCW 51.32.040 are each amended to read as follows:

RCW 51.32.040
amended.

No money paid or payable under this title out of the accident fund or out of the medical aid fund shall, prior to the issuance and delivery of the war-

Exemption of
awards—Pay-
ment of
awards after
death, etc.

Industrial insurance. Compensation. Exemption of awards—Payment of awards after death—Suspension of awards during confinement under conviction and sentence.

rant therefor, be capable of being assigned, charged, or ever be taken in execution or attached or garnished, nor shall the same pass, or be paid, to any other person by operation of law, or by any form of voluntary assignment, or power of attorney. Any such assignment or charge shall be void: *Provided*, That if any workman suffers a permanent partial injury, and dies from some other cause than the accident which produced such injury before he shall have received payment of his award for such permanent partial injury, or if any workman suffers any other injury and dies from some other cause than the accident which produced such injury before he shall have received payment of any monthly installment covering any period of time prior to his death, the amount of such permanent partial award, or of such monthly payment or both, shall be paid to his widow, if he leaves a widow, or to his child or children if he leaves a child or children and does not leave a widow: *Provided further*, That, if any workman suffers an injury and dies therefrom before he shall have received payment of any monthly installment covering time loss for any period of time prior to his death, the amount of such monthly payment shall be paid to his widow, if he leaves a widow, or to his child or children, if he leaves a child or children and does not leave a widow: *Provided further*, That if the injured workman resided in the United States as long as three years prior to the date of the injury, such payment shall not be made to any widow or child who was at the time of the injury a non-resident of the United States: *Provided further*, That any workman receiving benefits under this act who is subsequently confined in, or who subsequently becomes eligible therefor while confined in any institution under conviction and sentence shall have all payments of such compensation canceled by the department dur-

ing the period of confinement but after discharge from the institution payment of benefits thereafter due shall be paid if such workman would, but for the provisions of this proviso, otherwise be entitled thereto: *Provided further*, That if such incarcerated workman has during such confinement period, any beneficiaries, they shall be paid directly the monthly benefits which would have been paid to him for himself and his beneficiaries had he not been so confined. Any lump sum benefits to which the workman would otherwise be entitled but for the provisions of this proviso shall be paid on a monthly basis to his beneficiaries.

SEC. 3. Section 51.52.010, chapter 23, Laws of 1961, as amended by section 8, chapter 307, Laws of 1961, and RCW 51.52.010 are each amended to read as follows:

RCW 51.52.010
amended.

There shall be a "board of industrial insurance appeals," hereinafter called the "board," consisting of three members appointed by the governor as hereinafter provided. One shall be a representative of the public and a lawyer, appointed from a mutually agreed to list of not less than three active members of the Washington state bar association, submitted to the governor by the two organizations defined below, and such member shall be the chairman of said board. The second member shall be a representative of the majority of workmen engaged in extrahazardous employment and selected from a list of not less than three names submitted to the governor by an organization, state-wide in scope, which through its affiliates embraces a cross section and a majority of the organized labor of the state. The third member shall be a representative of employers engaged in extrahazardous industry, and appointed from a list of at least three names submitted to the governor by a recognized state-wide organization of employers, representing a majority

Board of
industrial
insurance
appeals.
Members—
Terms—
Salaries—
Headquarters
—Pro-tem
members.

Industrial insurance. Board of industrial insurance appeals. Members—Terms—Salaries—Headquarters—Pro-tem members.

of employers who are substantial contributors to the industrial insurance and accident fund. The initial terms of office of the members of the board shall be for six, four, and two years respectively. Thereafter all terms shall be for a period of six years. Each member of the board shall be eligible for reappointment and shall hold office until his successor is appointed and qualified. In the event of a vacancy the governor is authorized to appoint a successor to fill the unexpired term of his predecessor. All appointments to the board shall be made in conformity with the foregoing plan. Whenever the workload of the board and its orderly and expeditious disposition shall necessitate, the governor may appoint two additional pro-tem members in addition to the regular members. Such appointments shall be for a definite period of time, and shall be made from lists submitted respectively by labor and industry as in the case of regular members. One pro-tem member shall be a representative of labor and one shall be a representative of industry. Members shall devote their entire time to the duties of the board and shall receive for their services a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 which shall be in addition to reasonable travel allowance. Headquarters for the board shall be located in Olympia. The board shall adopt a seal which shall be judicially recognized.

RCW 51.52.106 amended.

SEC. 4. Section 51.52.106, chapter 23, Laws of 1961, as amended by section 7, chapter 148, Laws of 1963, and RCW 51.52.106 are each amended to read as follows:

Decision and order on appeal.

After the filing of a statement or statements of exceptions as provided for in RCW 51.52.104 the record before the board shall be considered by a panel of least two of the members of the board, on which not more than one industry and one labor member serve. The chairman may be a member of

any panel. The decision and order of any such panel shall be the decision and order of the board. Every final decision and order rendered by the board shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the board's order based thereon. A copy of the decision and order, including the findings and conclusions, shall be mailed to each party to the appeal and to his attorney of record.

SEC. 5. There is hereby created a committee on industrial insurance appeals. As used in this act unless the context indicates otherwise the term "committee" shall mean the committee on industrial insurance appeals.

Committee on
industrial
insurance
appeals.
Created.

SEC. 6. The committee shall have the following membership:

Committee
membership.

(1) Two senators to be appointed by the president of the senate, not more than one from the same political party, and two representatives to be appointed by the speaker of the house, not more than one from the same political party;

(2) Three members to represent labor, to be appointed by the governor from lists submitted by major state-wide labor organizations;

(3) Three members to represent industry to be appointed by the governor from lists submitted by organizations of employers engaged in extrahazardous industries;

(4) Two members who shall be active members of the Washington State Bar Association and who have had experience in handling appeals in industrial insurance cases, one of whom shall be selected by the members of the committee representing labor and one of whom shall be selected by the members of the committee representing industry; and

(5) A judge of the superior court to be selected by the members of the committee designated in paragraphs (1) through (4) above.

Industrial insurance. Committee on industrial insurance appeals. Chairman—Rules of procedure—Legislative council as staff.

SEC. 7. The committee, by majority vote, shall select from among the members a chairman and such other officers as the committee shall deem appropriate. The committee, by majority vote, may prescribe rules of procedure for itself and take such other action as it shall deem appropriate to accomplish its purposes. The legislative members of the committee shall serve as liaison members to the legislative council. The staff of the legislative council shall serve as the staff of the committee and shall provide such clerical, research and other assistance as the committee shall deem appropriate to accomplish its purposes.

Committee expenses—Payment.

SEC. 8. The members of the committee shall receive no compensation but shall be reimbursed for their expenses while attending meetings of the committee in the same manner as legislators engaged in interim committee business as in 44.04.120 RCW. Payment of expenses shall be made by vouchers approved in the same manner as other expenses of the legislative council.

Committee duties.

SEC. 9. The committee shall review the handling of appeals in industrial insurance cases from the entry of the first appealable order to the entry of a final order of the board of industrial insurance appeals or a judgment of the superior court, and shall study and review methods of improving and expediting the processing of industrial insurance cases. The department of labor and industries, the board of industrial insurance appeals and the superior courts of the state shall cooperate with the committee and supply such information to the committee as it may require to accomplish its purposes. The committee shall submit to the governor and to the legislative council prior to November 1, 1966 a report which shall contain specific recommendations as to necessary or desirable changes, if any, in the laws and procedures applicable to industrial insurance

appeals. The report also shall include any proposed legislation necessary to implement the recommendations of the committee.

SEC. 10. There is hereby appropriated out of the medical aid fund to the legislative council for the biennium ending June 30, 1967 to carry out the purposes of sections 5, 6, 7, 8 and 9 of this act the sum of twenty thousand dollars, or so much thereof as may be necessary. Appropriation.

SEC. 11. The committee herein created shall be deemed abolished upon the convening of the fortieth regular session of the legislature and sections 5, 6, 7, 8 and 9 of this act shall be of no further effect at such time. Termination
of committee.

SEC. 12. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect July 1, 1965. Emergency.

Passed the Senate May 6, 1965.

Passed the House April 23, 1965.

Approved by the Governor May 12, 1965.

CHAPTER 166.

[House Bill No. 387.]

INDUSTRIAL INSURANCE—PENSIONS—
MEDICAL AID.

AN ACT relating to industrial insurance; and amending section 51.32.070, chapter 23, Laws of 1961 as amended by section 1, chapter 108, Laws of 1961, and RCW 51.32.070; section 51.36.010 and 51.36.020, chapter 23, Laws of 1961 and RCW 51.36.010 and 51.36.020; declaring an emergency and providing an effective date of this act.

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

RCW 51.32.070
amended.

SECTION 1. Section 51.32.070, chapter 23, Laws of 1961 as amended by section 1, chapter 108, Laws of 1961, and RCW 51.32.070 are each amended to read as follows:

Industrial
insurance.
Compensation.
Additional
payments for
prior pen-
sioners.

Notwithstanding any other provision of law, every widow or invalid widower receiving a pension under this title shall, after July 1, 1965, be paid one hundred twenty-five dollars per month, and every permanently totally disabled workman receiving a pension under this title shall, after such date, be paid one hundred sixty-five dollars per month, and one hundred dollars per month additional in cases requiring the services of an attendant, if unmarried at the time his injury occurred; one hundred ninety dollars per month, and one hundred dollars per month additional in cases requiring the services of an attendant, if he or she has a wife or invalid husband; and one hundred fifty-five dollars per month, in addition to any amount now or hereafter allowed in cases requiring the services of an attendant, if the husband is not an invalid and the husband and wife are living together as such.

No part of such additional payments shall be payable from the accident fund or be charged against any class under the industrial insurance law.

The director shall pay monthly to every such widow, invalid widower, and totally disabled workman from the funds appropriated by the legislature such an amount as will, when added to the pensions they are presently receiving, exclusive of amounts received for children or dependents or attendants, equal the amounts hereinabove specified.

In cases where money has been or shall be advanced to any such person from the pension reserve, the additional amount to be paid to him or her under this section shall be reduced by the amount of monthly pension which was or is predicated upon such advanced portion of the pension reserve.

The legislature shall make biennial appropriations to carry out the purposes of this section.

SEC. 2. Section 51.36.010, chapter 23, Laws of 1961 and RCW 51.36.010 are each amended to read as follows:

RCW 51.36.010
amended.

Upon the occurrence of any injury to a workman entitled to compensation under the provisions of this title, he shall receive, in addition to such compensation and out of the medical aid fund, proper and necessary medical and surgical services at the hands of a physician of his own choice, if conveniently located, and proper and necessary hospital care and services during the period of his disability from such injury, but the same shall be limited in point of duration as follows:

Medical aid.
Extent and
duration.

In the case of permanent partial disability, not to extend beyond the date when compensation shall be awarded him, except when the workman returned to work before permanent partial disability award is made, in such case not to extend beyond the time when monthly allowances to him out of the accident fund shall cease; in case of temporary disability not to extend beyond the time when monthly allowances to him out of the accident fund shall cease: *Provided*, That after any injured work-

Industrial
insurance.
Medical aid.
Extent and
duration.

man has returned to his work his medical and surgical treatment may be continued if, and so long as, such continuation is deemed necessary by the supervisor of industrial insurance to be necessary to his more complete recovery; in case of a permanent total disability not to extend beyond the date on which a lump sum settlement is made with him or he is placed upon the permanent pension roll: *Provided, however,* That the supervisor of industrial insurance, solely in his discretion, may authorize continued medical and surgical treatment for conditions previously accepted by the department when such medical and surgical treatment is deemed necessary by the supervisor of industrial insurance to protect such workman's life. In order to authorize such continued treatment the written order of the supervisor of industrial insurance issued in advance of the continuation shall be necessary.

RCW 51.36.020
amended.

SEC. 3. Section 51.36.020, chapter 23, Laws of 1961 and RCW 51.36.020 are each amended to read as follows:

Transportation
to place of
treatment—
Artificial sub-
stitutes and
mechanical
aids.

When the injury to any workman is so serious as to require his being taken from the place of injury to a place of treatment, his employer shall, at the expense of the medical aid fund, furnish transportation to the nearest place of proper treatment.

Every workman whose injury results in the loss of one or more limbs or eyes shall be provided with proper artificial substitutes to be purchased by the department at the expense of the accident fund. Every workman, who suffers an injury to an eye producing an error of refraction, shall be once provided, at the expense of the accident fund, proper and properly equipped lenses to correct such error of refraction and his disability rating shall be based upon the loss of sight before correction. Every workman, whose accident results in damage to or de-

struction of an artificial limb, eye or tooth, shall have same repaired or replaced at the expense of the accident fund. Every workman whose eyeglasses or lenses are damaged, destroyed, or lost as a result of an industrial accident shall have the same restored or replaced at the expense of the accident fund. The accident fund shall be liable only for the cost of restoring damaged eyeglasses to their condition at the time of the accident. All mechanical appliances necessary in the treatment of an injured workman, such as braces, belts, casts and crutches, may be provided at the expense of the medical aid fund and all mechanical appliances required as permanent equipment after treatment has been completed shall continue to be provided or replaced without regard to the date of injury or date treatment was completed, notwithstanding any other provision of law, at the expense of the accident fund. A workman, whose injury is of such short duration as to bring him within the provisions of subsection (4) of RCW 51.32.090 shall nevertheless receive during the omitted period medical, surgical and hospital care and service and transportation under the provisions of this chapter.

SEC. 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 July 15, 1965. Emergency.

Passed the House May 3, 1965.

Passed the Senate April 28, 1965.

Approved by the Governor May 12, 1965.

CHAPTER 167.

[House Bill No. 586.]

HIGHWAYS BUILDINGS AND FACILITIES—BOND
ISSUE—APPROPRIATION.

AN ACT relating to the Washington state highway commission and the department of highways; providing for the acquisition of land and the construction of state capitol buildings and facilities; authorizing the highway commission to construct and finance the same by the issuance of bonds; making an appropriation; and declaring an emergency.

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

Highway buildings and facilities on capitol site, bonds for. Building, bond issue for authorized.

SECTION 1. The Washington state highway commission is authorized in accordance with the provisions of this act and RCW 79.24.500 through 79.24.600 to provide for the acquisition of land and the construction of buildings, laboratories and facilities on the east capitol site for the use of the Washington state highway commission and the department of highways and to finance payment thereof by bonds payable out of special funds from the proceeds of state excise taxes on motor vehicle fuels, or by gifts, bequests or grants or by such additional funds as the legislature may provide. Before start of construction the plans shall be submitted to the state capitol committee for approval and to the joint committee on highways for its advice.

Bonds—Amount—Committee to supervise issuance, sale and retirement of bonds.

SEC. 2. In order to finance the immediate acquisition and construction of the buildings and facilities referred to in section 1 of this act there shall be issued and sold limited obligation bonds of the state of Washington in the sum of four million dollars, or such amount thereof and at such times as determined to be necessary by the state highway commission. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the Washington state highway com-

mission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary for the orderly progress of said project.

SEC. 3. Each of such bonds shall be made payable at any time not exceeding thirty years from the date of its issuance with such reserved rights of prior redemption, bearing such interest, and such terms and conditions as the state finance committee may prescribe, to be specified therein.

Bonds—Terms and conditions.

SEC. 4. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bond shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

Bonds—Signatures—Registration—As negotiable instruments.

SEC. 5. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the

Bonds—Denominations—Sale of—As legal investment for state funds.

provisions of this act shall be legal investment for any of the funds of the state, except the permanent school fund.

Highway buildings and facilities on capitol site, bonds for. Disposition of money received from sale of bonds.

SEC. 6. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the acquisition of the land and construction of the buildings and facilities referred to in section 1 of this act, and for payment of the expenses incurred in the drafting, printing, issuance and sale of any such bonds.

Bonds—Not state obligations—Payable from excise tax proceeds—Pledge to impose tax.

SEC. 7. Bonds issued under the provisions of this act shall distinctly state that they are not a general obligation of the state but are payable in the manner provided in this act from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of this act and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of this act.

Funds to repay bonds to be from portion allocated for state highway purposes—Exception.

SEC. 8. Any funds required to repay such bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

SEC. 9. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments under the provisions of this act when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

Payment of
bonds and
interest,
procedure.

SEC. 10. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels payable into the highway bond retirement fund shall prove more than is required for the payment of interest on bonds when due or current retirement of bonds, or in the event there is appropriated from time to time additional amounts to be placed in the said bond retirement fund, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

Use of funds
in excess of
that needed
for bond
retirement
and interest.

Highway buildings and facilities on capitol site. bonds for. Appropriation.

SEC. 11. There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1967, the sum of four million dollars, or so much thereof as may be necessary to carry out the provisions of this act, but no money shall be available under this appropriation from said fund unless a like amount of bonds provided for herein are sold and the money derived therefrom deposited to the credit of such fund.

Emergency.

SEC. 12. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 3, 1965.

Passed the Senate April 28, 1965.

Approved by the Governor May 12, 1965.

CHAPTER 168.

[House Bill No. 190.]

REAL PROPERTY TAXES—EXEMPTIONS.

AN ACT relating to revenue and taxation; adding a new section to chapter 84.36 RCW; providing penalties; and making an effective date.

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

Real property taxes—Exemption of certain retired persons on fixed income. Purpose.

SECTION 1. Due to the tremendous rise in living costs during the past decade, including increased property taxes, the failure of federal old age and survivors insurance and similar types of pension systems to adequately reflect in their pension payments these costs, and because savings once deemed adequate for retirement living are now grossly inadequate, it is therefore deemed necessary that the legislature now grant people retired on fixed incomes some relief from real property taxes. This

relief must be granted to insure that thousands of persons now retired on fixed incomes can remain in possession of their homes, thus not becoming a burden on state or local government.

SEC. 2. There is added to chapter 84.36 RCW a New section. new section to read as follows:

The following persons, as heads of households, shall be exempt from the first fifty dollars of real property taxes due and payable in any one year, provided they come within the following provisions: Exemption—
Amount—
Persons
exempt.

(1) A male head of a household shall be sixty-five years of age or older prior to February 15th of the year in which the real property is assessed and the taxes levied thereon;

(2) A female head of a household shall be sixty-two years of age or older prior to February 15th of the year in which the real property is assessed and the taxes levied thereon;

(3) The person claiming exemption shall have owned, either in fee or by contract purchase, the real property for which the exemption is claimed for at least five years or have been a resident of the state of Washington for at least ten years if not qualified under the five year ownership limitation;

(4) A claim for exemption can only be made for a single family dwelling;

(5) Said single family dwelling as provided in subsection (4) above cannot be permanently occupied by anyone who is not solely dependent upon the head of the household for his support;

(6) The head of the household and spouse shall be retired from all gainful employment for at least one year prior to application for such exemption and shall not be actively engaged in any type of business;

(7) The combined income of the head of the household and his spouse, from all sources whatsoever, shall not be in excess of three thousand dollars (\$3,000) for the calendar year immediately preceding

Real property
taxes—Ex-
emption of
certain retired
persons on
fixed income.
Exemption—
Amount—
Persons
exempt.

the year in which the real property is assessed and the taxes levied thereon.

(8) All claims for exemption shall be made and signed either before a notary public or the county assessor or his deputy in the county where the real property is located. Any person signing a false claim shall be subject to either civil or criminal perjury;

(9) Claims for exemption shall be made annually and solely upon forms as prescribed by the Washington State Association of County Assessors.

Head of a household, as used in this section, may be any of the following: A married person, a single person, a widow or widower, a divorce or divorcee, provided they are the sole support of the household.

Effective date.

SEC. 3. This act shall become effective upon the approval of the voters of the state of an amendment to Article 7, section 1 of the Constitution of the state of Washington so as to authorize this form of exemption.

Passed the House May 5, 1965.

Passed the Senate May 5, 1965.

Approved by the Governor May 13, 1965.

CHAPTER 169.

[Engrossed Substitute Senate Bill No. 374.]

BUDGET AND APPROPRIATIONS.

AN ACT adopting the budget; making appropriations for the operation of state agencies for the fiscal biennium beginning July 1, 1965, and ending June 30, 1967; and declaring an emergency.

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

SECTION 1. That a budget is hereby adopted and subject to the provisions hereinafter set forth the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the agencies and officers of the state and for other specified purposes for the fiscal biennium beginning July 1, 1965, and ending June 30, 1967, out of the several funds of the state hereinafter named.

Budget and appropriations.

STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$ 646,650
General Fund Appropriation for public utility district excise tax distribution	\$ 5,889,600
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution	\$ 296,010
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$ 8,811,000
Motor Vehicle Excise Fund Appropriation for motor vehicle excise tax distribution.....	\$ 11,239,465
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$ 78,725,034
Liquor Board Revolving Fund Appropriation for liquor profits distribution	\$ 22,375,000

STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for forest reserve fund distribution	\$ 10,211,140
General Fund Appropriation for federal flood control funds distribution	\$ 12,000
General Fund Appropriation for federal grazing fees distribution	\$ 9,400

STATE TREASURER—BOND RETIREMENT AND INTEREST

Highway Bond Retirement Fund Appropriation	\$ 18,666,866
Public School Building Bond Redemption Fund of 1949 Appropriation	\$ 5,102,300
Public Schools Building Bond Redemption Fund of 1955 Appropriation	\$ 4,488,500
Public Schools Building Bond Redemption Fund of 1957 Appropriation	\$ 9,212,800
Public School Building Bond Redemption Fund of 1959 Appropriation	\$ 4,728,776
Public School Building Bond Redemption Fund of 1961 Appropriation	\$ 6,981,548
Public School Building Bond Redemption Fund of 1963 Appropriation	\$ 3,465,684
University of Washington Bond Redemption Fund Appropriation	\$ 2,552,233
Washington State University Bond Retirement Fund Appropriation	\$ 1,220,918
Central Washington State College Bond Retirement Fund Appropriation	\$ 215,748
Eastern Washington State College Bond Retirement Fund Appropriation	\$ 196,680
Western Washington State College Bond Retirement Fund Appropriation	\$ 301,890
Institutional Building Bond Redemption Fund of 1949 Appropriation	\$ 2,551,140
Institutional Building Bond Redemption Fund of 1957 Appropriation	\$ 3,353,680
State Building Construction Bond Redemption Fund Appropriation	\$ 7,564,435
Juvenile Correctional Institution Building Bond Redemption Fund Appropriation	\$ 615,160
General Administration Bond Retirement Fund Appropriation	\$ 679,987
War Veterans' Compensation Bond Retirement Fund Appropriation	\$ 8,945,138

World Fair Bond Redemption Fund Appropria- tion	\$ 1,720,375
Outdoor Recreational Bond Redemption Fund Appropriation	\$ 210,000

PERMANENT STATUTE LAW COMMITTEE

General Fund Appropriation: <i>Provided</i> , That legislators are to be furnished upon request with a copy of the administrative code.....	\$ 244,975
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SUPREME COURT

General Fund Appropriation: <i>Provided</i> , That \$80,000 shall be used only for appeal costs for indigents pursuant to Chapter 133, Laws of 1965	\$ 1,126,058
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COURT ADMINISTRATOR

General Fund Appropriation	\$ 85,000
General Fund Appropriation for Superior Court Judges	\$ 1,185,700
General Fund Appropriation Judges' Retirement Fund Contributions	\$ 172,300
Additional Judges' Retirement Fund Contri- butions in accordance with RCW 2.12.070..	\$ 175,826

JUDICIAL COUNCIL

General Fund Appropriation	\$ 13,500
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LAW LIBRARY

General Fund Appropriation	\$ 225,957
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OFFICE OF THE GOVERNOR

General Fund Appropriation Executive Operations	\$ 306,906
Investigation and Emergency Purposes—to be distributed on vouchers approved by the Governor	\$ 16,000
Extradition Expenses (Including prior claims)	\$ 60,000
Mansion Maintenance	\$ 32,000

SPECIAL APPROPRIATIONS TO THE GOVERNOR

General Fund Appropriation Governor's Emergency, to be allocated for the carrying on of the critically necessary work of any agency: <i>Provided</i> , That \$275,000 may be allotted for surveys and installa- tions to the Governor: <i>Provided</i> , That not to exceed \$350,000 may be allocated for payments of tort claims in accordance with RCW 4.92.160 and 4.92.170: <i>Provided</i> , That	
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not to exceed \$300,000 may be allocated by the Governor for mental hospitals or to carry out the purposes of Chapter 11, Laws of 1965, Chapter 75, Laws of 1965, or for other community services for mental retardation or mental illness authorized by law

\$ 2,400,000

Council of State Governments.....

\$ 22,000

For salary adjustments including classified and exempt positions and employee benefits, to be allotted to the agencies, including agencies headed by elected officials.....

\$ 7,500,000

LIEUTENANT GOVERNOR

General Fund Appropriation

\$ 44,158

SECRETARY OF STATE

General Fund Appropriation: *Provided*, That \$86,944 shall be available only for the maintenance of the permanent registration records: *Provided further*, That \$8,500 shall be available only for preparation, printing and distribution of legislative district maps.....

\$ 586,674

STATE TREASURER

General Fund Appropriation

\$ 495,993

STATE AUDITOR

General Fund Appropriation

State Auditor

\$ 884,976

Payment for supplies and services furnished in previous biennium

\$ 100,000

Criminal cost bills

\$ 17,500

Motor Vehicle Fund Appropriation.....

\$ 75,812

ATTORNEY GENERAL

General Fund Appropriation.....

\$ 1,058,150

CENTRAL BUDGET AGENCY

General Fund Appropriation.....

\$ 942,271

General Fund Appropriation to carry out the provisions of RCW 79.44 relating to assessments against state-owned lands: *Provided*, That any expenditure from this appropriation on behalf of an agency which is financed by other than General Fund moneys shall be repaid to the General Fund from any balances in the fund or funds which finance such agency and no appropriation shall be necessary to effect such repayment

\$ 100,000

General Fund Appropriation to carry out the provisions of RCW 41.40.370 relating to employers' contributions to state employees' retirement	\$	2,000
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CAPITOL COMMITTEE

General Fund—Capitol Building Construction Account Appropriation	\$	10,000
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CENSUS BOARD

General Fund Appropriation	\$	52,500
Motor Vehicle Excise Fund Appropriation	\$	44,500

BOARD AGAINST DISCRIMINATION

General Fund Appropriation	\$	152,812
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STATE EMPLOYEES' RETIREMENT SYSTEM

Retirement System Expense Fund Appropriation	\$	755,432
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PUBLIC PENSION COMMISSION

General Fund Appropriation	\$	26,400
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FINANCE COMMITTEE

General Fund—Investment Reserve Account Appropriation	\$	74,209
Motor Vehicle Fund Appropriation.....	\$	42,800
General Fund—Public School Building Construction Account Appropriation	\$	44,000

TAX COMMISSION

General Fund Appropriation: <i>Provided</i> , That funds received as reimbursements pursuant to chapter 84.41 RCW are hereby appropriated to the Tax Commission in excess of this amount, and such funds as are contracted to be paid into the General Fund prior to June 30, 1967, may be allotted in advance of receipts	\$	7,159,455
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UNIFORM LAW COMMISSION

General Fund Appropriation.....	\$	5,473
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DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation	\$	3,876,176
General Fund—State Capitol Vehicle Parking Account Appropriation	\$	69,788

DEPARTMENT OF INSTITUTIONS—HEADQUARTERS

General Fund Appropriation	\$ 2,703,267
General Fund—Transfer to Probation Service Account	\$ 35,000
General Fund—Probation Service Account Appropriation for grants to counties for juvenile probation services	\$ 35,000
General Fund Appropriation to carry out the provisions of RCW 72.33.800 through 72.33-.820	\$ 140,000

INSURANCE COMMISSIONER

General Fund Appropriation.....	\$ 1,249,756
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ACCOUNTANCY BOARD

General Fund Appropriation.....	\$ 85,811
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AERONAUTICS COMMISSION

General Fund Appropriation.....	\$ 113,500
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ATHLETIC COMMISSION

General Fund Appropriation.....	\$ 19,642
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CEMETERY BOARD

General Fund—Cemetery Account Appropriation	\$ 11,900
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BOARD OF INDUSTRIAL INSURANCE APPEALS

Accident Fund Appropriation.....	\$ 649,688
Medical Aid Fund Appropriation.....	\$ 649,688

LIQUOR CONTROL BOARD

Liquor Board Revolving Fund Appropriation..	\$ 15,327,729
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PHARMACY BOARD

General Fund Appropriation.....	\$ 200,634
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PUGET SOUND PILOTAGE COMMISSION

General Fund—Puget Sound Pilotage Account Appropriation	\$ 6,878
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POLLUTION CONTROL COMMISSION

General Fund Appropriation.....	\$ 599,776
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UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation.	\$ 3,157,098
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BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund Appropriation	\$ 20,350
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DEPARTMENT OF CIVIL DEFENSE

General Fund Appropriation.....	\$ 1,128,584
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DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation.....	\$ 11,862,853
General Fund—Electrical License Account Appropriation	\$ 1,009,484
Accident Fund Appropriation.....	\$ 2,137,092
Medical Aid Fund Appropriation.....	\$ 5,961,315

MILITARY DEPARTMENT

General Fund Appropriation.....	\$ 1,810,292
Armory Fund Appropriation.....	\$ 530,808

LAW ENFORCEMENT OFFICERS' TRAINING
COMMISSION

General Fund—Law Enforcement Officers' Training Fund Appropriation.....	\$ 50,000
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DEPARTMENT OF MOTOR VEHICLES

Motor Vehicle Fund Appropriation.....	\$ 4,945,115
Highway Safety Fund Appropriation.....	\$ 3,690,298
Motor Vehicle Operators Revolving Fund Appropriation	\$ 778,551
General Fund—Commercial Automobile Driver Training Schools Account Appropriation.....	\$ 3,124
General Fund—Park and Parkways Account Appropriation	\$ 50,000
General Fund Appropriation.....	\$ 871,646
General Fund Appropriation for the Medical Disciplinary Board	\$ 21,330
General Fund—Optometry Account Appropriation	\$ 13,163
General Fund—Opticians' Account Appropriation	\$ 7,276
General Fund—Real Estate Commission Account Appropriation	\$ 621,570
General Fund—Architects' License Account Appropriation	\$ 51,923
General Fund—Professional Engineers' Account Appropriation	\$ 90,210
General Fund—Sanitarians' Licensing Account Appropriation	\$ 6,099
General Fund—Board of Psychological Exam- iners Appropriation	\$ 4,700

STATE PATROL

General Fund Appropriation.....	\$ 48,388
Highway Safety Fund Appropriation.....	\$ 1,076,882
Motor Vehicle Fund—State Patrol Highway Account Appropriation	\$ 15,196,445

BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation.....	\$ 1,914,520
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DEPARTMENT OF INSTITUTIONS—ADULT
CORRECTIONAL INSTITUTIONS

General Fund Appropriation.....	\$ 16,670,610
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DEPARTMENT OF INSTITUTIONS—JUVENILE
REHABILITATION INSTITUTIONS

General Fund Appropriation.....	\$ 13,025,685
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DEPARTMENT OF INSTITUTIONS—JUVENILE
PAROLE SERVICE

General Fund Appropriation.....	\$ 1,026,598
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DEPARTMENT OF INSTITUTIONS—JUVENILE
DELINQUENCY PREVENTION AND CONTROL

General Fund Appropriation.....	\$ 757,381
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VETERANS' REHABILITATION COUNCIL

General Fund Appropriation.....	\$ 500,303
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DEPARTMENT OF INSTITUTIONS—VETERANS' HOMES

General Fund Appropriation.....	\$ 3,047,139
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DEPARTMENT OF PUBLIC ASSISTANCE

General Fund Appropriation for surplus food and food stamp program administration.....	\$ 2,045,237
General Fund Appropriation to be used exclu- sively to reduce so far as feasible in 1965- 1966 and to eliminate entirely in 1966-67 the ratable reduction in the Aid to Dependent Children, General Assistance and Disability Assistance programs	\$ 7,485,994

General Fund Appropriation: *Provided*, That \$37,931,074 shall be available exclusively for administration including salaries, wages and operations: *Provided*, That should Congress approve a new medical care program which would either require additional administrative costs or which would indicate a financial benefit to the State to increase administrative costs, the Budget Director, upon request of

the Director of the Department and with the approval of the Governor, may transfer funds, the maximum herein notwithstanding, between assistance programs and administration: *Provided*, That no more than \$58,-950 shall be available for use in providing temporary foster home care or receiving home care for children between the ages of 6 and 18 who are neglected and dependent and who are detained by the Juvenile Court prior to an adjudication by the court that the child is a dependent child: *Provided*, That not more than \$58,650 shall be expended to provide any foster home care authorized under the provisions of the Juvenile Court Act. . . .

\$252,253,272

The Department of Public Assistance is hereby directed to administer the programs for which funds are herein appropriated in such a manner as to strictly comply with the existing statutes relating to public assistance, to adjust assistance payment if necessary, and to effect all economies possible in the administration of such programs during the 1965-1967 biennium in order that expenditures for said biennium shall not exceed the funds herein appropriated: *Provided*, That payments to applicants or recipients from this appropriation shall not be increased due to increased costs of living unless funds are available: *Provided*, That the Department shall not pay increased rates for supplies or services unless it has been clearly determined that adequate funds are available to provide for the increased rates during the remainder of the biennium: *Provided*, That no payments of general assistance shall be made from this appropriation unless the applicant or recipient for general assistance has resided in the State of Washington for three out of the last four years immediately preceding the date of application: *Provided*, That the Director may make payments of emergency general assistance to an applicant or recipient notwithstanding the residence provision above for a period of not to exceed ninety days if a denial of assistance would cause undue hardship: *Provided*, That the amount paid from this appropriation to or on behalf of a recipient in a nursing home or a hospital for clothing and personal incidentals shall not

exceed fifty percent of the amount which would be paid to such recipient if he were living in his own home: *Provided*, That where a dependent child lives with his mother and a stepfather or an adult male person assuming the role of a spouse to the mother although not legally married to her, the amount of the grant shall be computed after consideration is given to the income and resources of the stepfather or such adult male person and the State Department of Public Assistance shall determine if the stepfather or such adult male person is able to support the child either wholly or in part; said determination shall be based upon a standard which takes into account the stepfather's or such adult male person's income, resources, and expenses under regulations set forth by the Department of Public Assistance; a natural father is not relieved of any legal obligation to support his children by the liability for their support imposed upon their stepfather or adult male person by this proviso: *Provided*, That county hospitals and infirmaries shall be required to report all their revenue and expenditures as required by the Department of Public Assistance: *Provided*, That county hospitals and infirmaries shall not transfer funds between major classes of expenditures without consulting with the Director of the Department of Public Assistance: *Provided*, That a commission composed of representatives of the King County Commissioners, King County Hospital, Department of Public Assistance, University of Washington Medical School, City of Seattle and the Central Budget Agency is hereby created to study the problem of financing the various programs carried on at King County Hospital; the representative of the Central Budget Agency shall serve as chairman; such commission shall make its findings and recommendations to the Governor by September 1, 1966: *Provided*, That if the cost of administration is no greater, the state shall act as carrier for the insurance provisions of any federal health benefits program: *Provided*, That if any part of this act shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation

of federal funds to the State, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules and regulations under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the State.

General Fund Appropriation for medical services and supplies not in excess of the unexpended balance of the 1963-1965 appropriation or allotment for this purpose..... \$ 100,000

DEPARTMENT OF INSTITUTIONS—SCHOOL
FOR THE BLIND

General Fund Appropriation..... \$ 1,027,852

DEPARTMENT OF INSTITUTIONS—SCHOOL
FOR THE DEAF

General Fund Appropriation..... \$ 2,070,879

WESTERN INTERSTATE COMMISSION FOR
HIGHER EDUCATION

General Fund Appropriation..... \$ 30,000

SUPERINTENDENT OF PUBLIC INSTRUCTION
(Including Board of Education)

General Fund Appropriations

Office of the Superintendent of Public Instruction and Board of Education..... \$ 2,222,001

To carry out the provisions of Public Law 85-864 (National Defense Education Act of 1958) \$ 5,116,748

Education of Indian Children..... \$ 183,000

Assistance to Blind Students (RCW 28.76.130) \$ 54,400

Grants to Teachers of the Handicapped.... \$ 200,000

School lunch and school milk programs.... \$ 6,410,000

Allocation to County Superintendents of Schools: *Provided*, That any county wherein the office of county superintendent has been abolished pursuant to RCW 28.19.180 shall receive an allotment from this appropriation commensurate with the amount said county would have received had the office of county superintendent not been abolished \$ 1,100,000

Elementary and Secondary Education Act of 1965 \$ 26,389,510

Distribution to counties for school districts:

Provided, That from the several amounts specified, \$42,308,216 of the General Fund appropriation shall be reserved and shall be available only for reappropriation and disbursement in July and August, 1967: handicapped children, \$23,413,197: *Provided*, That \$100,000 of the foregoing amount will be appropriated to the State Office of Public Instruction for administration and research in conducting the program of education for the handicapped; vocational-technical schools, \$12,067,400; for adult education classes approved by the Board of Education, \$2,847,300; programs in state institutions, \$2,899,560; all other, \$445,679,639, which shall be distributed in accordance with Chapter 154, Laws of 1965 Extraordinary Session, (E.S.B. 522) as amended: *Provided*, That the weighting schedule to be used in computing the apportionment of funds for each district for 1965-1967 shall be based on the following factors:

1. Each full time student enrolled... 1.0
2. Each student, grades 7-12, an added3
3. Each full time student enrolled in an approved vocational class in grades 7 through 12, added..... 1.0
4. Each identified culturally disadvantaged child receiving an approved program, an added..... .1
5. A factor, established by the Superintendent of Public Instruction, designed to reimburse each district for costs resulting from staff education and experience greater than the minimums in the average salary schedule in use by Washington school districts
6. For school districts enrolling fewer than 225 students in grades 9-12 and for non-high districts which are judged remote and necessary by the State Board of Education and which enroll fewer than 100 students, a weighting factor equivalent to the 1964-1965 average apportionment for such districts: *Provided*, That no school dis-

strict shall be allocated less than the amount as provided in the proviso of subsection 7 of section 1, of chapter 171, Laws of 1965 Extraordinary Session (E.S.B. 565):

Provided, That not to exceed \$50,000 annually may be allocated to the Pacific Science Center: *Provided*, That of this amount Forty Nine Million Two Hundred Thousand dollars is the estimated cost of improvements in salaries at an average level of five percent in 1965-1966 and six percent additional in 1966-1967 for certificated school personnel and of five percent in 1965-1966 and five percent additional in 1966-1967 for non-certificated school personnel: *Provided further*, That it is the intent of the legislature that subject to availability of funds for all district functions, school districts shall improve salaries by said percentages and the Superintendent of Public Instruction is directed to report to the 1967 Legislature on the average salary increase granted by each district under this provision.

General Fund Appropriation.....	\$476,907,096
Current School Fund Appropriation.....	\$ 10,000,000
General Fund Appropriation—Civil Defense Education	\$ 90,800
General Fund—Driver Education Account Appropriation	\$ 2,418,278
General Fund Appropriation, for distribution to Community Colleges in accordance with Chapter 2, Laws of 1963, Extraordinary Session; <i>Provided</i> , That up to \$1,100,000 shall be available only for allocation to Community Colleges authorized by the 1965 legislature; <i>Provided further</i> , That not more than \$150,000, or as much thereof as necessary, may be used in carrying out the responsibilities assigned to the Superintendent of Public Instruction in Chapter 98, Laws of 1965, Extraordinary Session; <i>Provided further</i> , That if funds are not otherwise provided by the 1965 legislature for the study of needs for additional community colleges, the Superintendent of Public Instruction may use monies from this appropriation to assist the State Board of Education and local school districts in	

LAWS, EXTRAORDINARY SESSION, 1965.

planning additional community colleges and to prepare recommendations for the 1967 legislature	\$ 29,441,819
STATE BOARD FOR VOCATIONAL EDUCATION	
General Fund Appropriation.....	\$ 13,877,378
TEACHERS' RETIREMENT SYSTEM	
Teachers' Retirement Fund Appropriation....	\$ 468,947
General Fund Appropriation	
Contribution to Teachers' Retirement Fund..	\$ 37,745,373
UNIVERSITY OF WASHINGTON	
General Fund Appropriation: <i>Provided</i> , That \$20,000 shall be made available to carry out the provisions of Chapter 178, Laws of 1963, relating to infant autopsy to be performed by the medical school.....	\$ 85,594,690
Motor Vehicle Excise Fund Appropriation....	\$ 252,000
Accident Fund Appropriation.....	\$ 250,000
Medical Aid Fund Appropriation.....	\$ 250,000
WASHINGTON STATE UNIVERSITY	
General Fund Appropriation.....	\$ 45,142,769
EASTERN WASHINGTON STATE COLLEGE	
General Fund Appropriation.....	\$ 7,918,375
CENTRAL WASHINGTON STATE COLLEGE	
General Fund Appropriation.....	\$ 9,759,227
WESTERN WASHINGTON STATE COLLEGE	
General Fund Appropriation.....	\$ 11,249,874
HIGHER EDUCATION FACILITIES COMMISSION	
General Fund Appropriation: <i>Provided</i> , That not to exceed \$50,000 shall be from state sources	\$ 75,000
STATE LIBRARY	
General Fund Appropriation: <i>Provided</i> , That not to exceed \$18,000 may be spent for the establishment of a historical film collection center	\$ 2,809,233
ARTS COMMISSION	
General Fund Appropriation.....	\$ 15,000
WASHINGTON STATE HISTORICAL SOCIETY	
General Fund Appropriation.....	\$ 132,702

EASTERN WASHINGTON STATE HISTORICAL SOCIETY
 General Fund Appropriation..... \$ 95,601

STATE CAPITOL HISTORICAL ASSOCIATION
 General Fund Appropriation..... \$ 74,634

DEPARTMENT OF HEALTH

General Fund Appropriation: *Provided*, That \$250,000 shall be transferred by the liquor control board from its receipts into the general fund prior to July 1, 1966; *Provided further*, That not to exceed \$4,674,904 may be expended for tuberculosis hospitalization and control; *Provided further*, That not more than \$210,000 shall be used to pay for services in connection with the maintenance and operation of Artificial Kidney Centers upon the basis of appropriate contracts and vouchers for services \$ 12,840,368

General Fund Appropriation to carry out the purposes of Chapter 143, Laws of 1965 Extraordinary Session (E.H.B. 695), relating to alcoholism \$ 325,500

DEPARTMENT OF INSTITUTIONS—MENTAL HOSPITALS
 AND MENTAL HEALTH RESEARCH INSTITUTE

General Fund Appropriation: *Provided*, That not to exceed \$435,012 may be expended by the mental health research institute..... \$ 29,980,454

DEPARTMENT OF INSTITUTIONS—SCHOOLS FOR THE
 MENTALLY RETARDED

General Fund Appropriation including \$25,000 for equipment for new unit at Fircrest..... \$ 21,833,309

PARKS AND RECREATION COMMISSION

General Fund—Parks and Parkways Account
 Appropriation \$ 4,930,266

Motor Vehicle Fund Appropriation for maintenance of vehicular roads, highways and bridges within state parks..... \$ 150,000

INTERAGENCY COMMITTEE FOR OUTDOOR
 RECREATION

General Fund Appropriation: *Provided*, That expenditures from this appropriation shall be repaid to the General Fund from the Outdoor Recreation Account at the end of the 1965-1967 biennium: *Provided*, That this appropriation may be expended for the cost of selling bonds authorized by Referendum 11..... \$ 79,740

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DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation..... \$ 4,323,576

DEPARTMENT OF CONSERVATION

General Fund Appropriation: *Provided*, That \$100,000 of this sum be available only for the purposes of a water studies program.... \$ 2,069,932

General Fund—Reclamation Revolving Account Appropriation \$ 342,270

General Fund—Weather Modification Board Revolving Account Appropriation..... \$ 1,224

Stream Gauging Fund Appropriation..... \$ 80,000

CANAL COMMISSION

General Fund Appropriation..... \$ 60,000

COLUMBIA RIVER COMPACT COMMISSION

General Fund Appropriation..... \$ 3,000

DEPARTMENT OF FISHERIES

General Fund Appropriation..... \$ 7,288,421

General Fund—Lewis River Hatchery Account Appropriation \$ 28,220

DEPARTMENT OF GAME

Game Fund Appropriation: *Provided*, That not more than \$40,000 shall be expended for payment of game animal damages and expense.. \$ 10,321,091

DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation: *Provided*, That from any funds available therefor, the department may construct, operate, and maintain outdoor primitive recreation facilities on lands under its jurisdiction when deemed necessary by the department to achieve maximum development of such lands and resources consistent with the purposes for which the lands are held in compliance with the statewide open space and outdoor recreation plan, and may acquire and develop public access to lands under the jurisdiction of the department and suitable for public outdoor recreation, and may for these purposes receive and expend funds from federal and state outdoor recreation funding measures \$ 6,736,037

General Fund Appropriation to Forest Insect and Disease Fund..... \$ 100,000

General Fund—Contingency Forest Fire Suppression Account Appropriation.....	\$ 469,700
General Fund—Forest Development Account Appropriation	\$ 310,017
General Fund—Harbor Improvement Account Appropriation to carry out the provisions of Chapter 139, Laws of 1963, relating to change of harbor lines.....	\$ 20,000
General Fund—Resource Management Cost Account Appropriation	\$ 5,946,729

DEPARTMENT OF AGRICULTURE

General Fund Appropriation: <i>Provided</i> , That \$20,000 shall be made available for starling control	\$ 2,563,620
General Fund—Commercial Feed Account Appropriation	\$ 88,945
General Fund—Commission Merchants' Account Appropriation	\$ 160,072
General Fund—Egg Inspection Account Appropriation	\$ 210,623
General Fund—Feed and Fertilizer Account Appropriation	\$ 9,046
General Fund—Fertilizer, Agricultural Mineral and Lime Account Appropriation.....	\$ 143,790
General Fund—Nursery Inspection Account Appropriation	\$ 174,231
General Fund—Seed Inspection Account Appropriation	\$ 224,462
Grain and Hay Inspection Fund Appropriation	\$ 2,368,971

EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation.....	\$ 79,883
Unemployment Compensation Administration Fund	\$ 19,872,615
Administrative Contingency Fund.....	\$ 100,000

SEC. 2. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of the several funds indicated, for the period from the effective date of this act to June 30, 1967, except as otherwise provided.

DEPARTMENT OF GENERAL ADMINISTRATION

General Fund—Capitol Building Construction Account Appropriation to construct parking facilities and repair earthquake damage.....	\$ 2,000,000.00
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VEHICLE EQUIPMENT SAFETY COMMISSION

Motor Vehicle Fund—State Patrol Highway
Account Appropriation \$ 2,644.00

STATE PATROL

Motor Vehicle Fund—State Patrol Highway
Account Appropriation for the acquisition
and erection of a prefabricated structure for
the training academy..... \$ 3,000.00

STATE LEGISLATURE

General Fund Appropriation
Senate Expenses and salaries of members... \$ 279,420.00
House of Representatives Expenses and sal-
aries of members..... \$ 518,230.00
Legislative Council \$ 188,290.00
Legislative Budget Committee..... \$ 170,155.00

General Fund Appropriation for
legislative interim committees duly consti-
tuted by the Legislature: *Provided*, That ex-
penditures for each committee shall not
exceed the amounts designated herein as fol-
lows: Joint Committee on Education, \$40,000;
Interim Committee on Insurance, \$35,000;
Interim Committee for Water Resources,
\$25,000; Interim Fisheries Committee, \$5,000;
Interim Committee on Game and Game Fish,
\$5,000; Joint Interim Committee on Facilities
and Operations, \$25,000; Joint Committee on
Governmental Cooperation, \$30,000 \$ 165,000.00

Motor Vehicle Fund Appropriation for Joint
Committee on Highways \$ 60,000.00

COUNTY ROAD ADMINISTRATIVE BOARD

Motor Vehicle Fund Appropriation to carry
out the provisions of Chapter 120, Laws of
1965, First Extraordinary Session \$ 75,000.00

WASHINGTON STATE UNIVERSITY

General Fund Appropriation to replace the
beef cattle production testing barn destroyed
by fire on December 21, 1964..... \$ 65,000.00

DEPARTMENT OF INSTITUTIONS

To carry out the purposes of Chapter 11, Laws
of 1965, relating to the acquisition, remodel-
ing, and operation of Harrison Memorial
Hospital.

General Fund—State Building Construction Account Appropriation	\$	56,370.00
General Fund—CEP & RI Account Appropria- tion	\$	233,767.00

BELATED CLAIMS

To reimburse General Fund for Expenditures from Appropriation for Belated Claims, to be disbursed on vouchers approved by the State Auditor:

GENERAL FUND—Commercial Feed Account Appropriation	\$	9.09
GENERAL FUND—Commission Merchants Ac- count Appropriation	\$	4.00
GENERAL FUND—Contingency Forest Fire Sup- pression Account Appropriation	\$	209.60
GENERAL FUND—Egg Inspection Account Ap- propriation	\$	52.18
GENERAL FUND—Fertilizer, Agricultural Min- eral and Lime Account Appropriation.....	\$	18.16
GENERAL FUND—Nursery Inspection Account Appropriation	\$	64.96
GENERAL FUND—Parks and Parkways Ac- count Appropriation	\$	15,176.39
GENERAL FUND—Real Estate Commission Ac- count Appropriation	\$	7.60
GENERAL FUND—Seed Account Appropriation	\$	83.15
GENERAL FUND—State Building Construction Account Appropriation	\$	116.25
GAME FUND Appropriation	\$	2,787.34
GRAIN AND HAY INSPECTION FUND Appropria- tion	\$	906.55
HIGHWAY SAFETY FUND Appropriation	\$	365.55
MOTOR VEHICLE FUND Appropriation	\$	19,467.39
MOTOR VEHICLE FUND—State Patrol Highway Account Appropriation	\$	9,385.59
PUBLIC SERVICE REVOLVING FUND Appropria- tion	\$	42.72
CLARKE-McNARY FUND Appropriation.....	\$	222.00
STATE FOREST NURSERY FUND Appropriation..	\$	111.04
GENERAL ADMINISTRATION CONSTRUCTION FUND Appropriation	\$	63.00
MEDICAL AID FUND Appropriation.....	\$	468.32

JUDGMENTS

General Fund Appropriation for judgments, to be disbursed on vouchers approved by the State Auditor, as follows:

NICHOLAS MAFFEO	
For costs in King County Cause No. 36166..	\$ 220.00
STEFAN F. THOMASSON	
Judgment against the State of Washington, King County (remit 34752-340263)	\$ 404.54
WALTHER, WARNER, & KEEFE, Attorneys for Thelma Ann Swenson, Defendant	
Judgment for cost in King County Superior Court, Cause No. 35526.....	\$ 251.90

Accident Fund Appropriation for judgments, to be disbursed on vouchers approved by the State Auditor, as follows:

ROBERT H. BOND	
Judgment against the State of Washington and costs in Thurston County Cause No. 31899	\$ 20,735.24

General Fund—Park and Parkways Account Appropriation for judgments, to be disbursed on vouchers approved by the State Auditor, as follows:

RIDGE CONSTRUCTION COMPANY	
Judgment against the State of Washington, Thurston County Cause No. 34504.....	\$ 3,462.00

LOCAL IMPROVEMENT ASSESSMENTS

General Fund Appropriation for the City of Seattle, Local Improvement District No. 6275: *Provided*, That this amount shall not be disbursed until the State Auditor ascertains that an equal amount has been paid to the City of Seattle by the University of Washington from revenue derived from athletic and parking activities.....

\$ 55,324.37

REFUNDS

General Fund Appropriation for refunds, to be disbursed on vouchers approved by the State Auditor, as follows:

SKAGIT BAY FISH COMPANY	
Refund of penalty imposed on delinquent tax and refund of catch tax for fish caught by Indians on reservation.....	\$ 1,312.07
JOHN H. CURRY	
Refund for reef net license.....	\$ 42.50

DONALD B. ANDERSON	
Duplicate retail fish dealer license.....	\$ 5.00
RANDALL G. HANSON, a minor	
Refund of fishing license fee.....	\$ 10.00
WARREN E. HANSON	
Refund of duplicate license fee.....	\$ 10.00
ANTHONY PICINICH	
Refund of gill net license fee.....	\$ 25.00
JOHN D. DANIELSON	
Refund of duplicate fishing license fee (1963)	\$ 10.00
GORDON W. EASTERLY	
Refund of duplicate fishing license fee (1964)	\$ 10.00
MRS. ELMER PETERSON	
Refund of vessel delivery permit (1964)...	\$ 20.00
Sundry Claims for refund of Commercial Clam Digging Licenses:	
HARRY W. ALLEN.....	\$ 5.00
ANN LUKIN	\$ 5.00
ELIZABETH R. ANDERSON	\$ 5.00
HENRY J. ANDERSON	\$ 5.00
ROY GUSTAFSON	\$ 5.00
LEONARD STRAWN	\$ 5.00
ROSE STRAWN	\$ 5.00
FORREST SNELL	\$ 5.00
HARRIET SNELL	\$ 5.00
DARWIN PATTERSON	\$ 5.00
L. A. LYTLE	\$ 5.00
JOHN MATTOCKS	\$ 5.00
BERT ACHEY	\$ 5.00
JOHN ADAMS	\$ 5.00
CHARLIE R. ARCHER	\$ 5.00
E. W. ARMSTRONG	\$ 5.00
BILL ATWOOD	\$ 5.00
GEORGE V. BALL	\$ 5.00
JOHN H. BALL	\$ 5.00
MABLE BALL	\$ 5.00
MORRIS E. BINFORD	\$ 5.00
JOSEPH M. BJORND AHL	\$ 5.00
MARY BJORNSGARD	\$ 5.00
JAMES BOWMAN	\$ 5.00
JACK BRITT	\$ 5.00
NORMAN BROWN	\$ 5.00
BOB BRUMLY	\$ 5.00
RAY BRUNDAGE	\$ 5.00
DONALD D. CAPPS	\$ 5.00
CARL CHILSON	\$ 5.00

GENE COLES	\$	5.00
ALFRED L. CONNELL	\$	5.00
RONALD G. COURSER	\$	5.00
PEGGY CRISS	\$	5.00
MIKE CRUM	\$	5.00
D. L. COVINGTON	\$	5.00
E. E. CULVER	\$	5.00
R. O. DAVIS	\$	5.00
VELMA DIPKA	\$	5.00
MARY DUDNEY	\$	5.00
HARRY E. DUFF	\$	5.00
C. A. DUFFY	\$	5.00
M. C. EATON	\$	5.00
WILLIAM EDWARDS	\$	5.00
TAIMY ELLEDGE	\$	5.00
JAMES R. HEATH	\$	5.00
A. J. ESTES	\$	5.00
ROBERT R. FARNES	\$	5.00
ROLAND FLEMING	\$	5.00
JACK FLETCHER	\$	5.00
MARIE FLETCHER	\$	5.00
LESLIE FRENCH	\$	5.00
RICHARD FROST	\$	5.00
WILLABELLE FOX	\$	5.00
DWAYNE GATEWOOD	\$	5.00
S. C. GILLIES	\$	5.00
JIM GRAGG	\$	5.00
JAMES A. GRIGGS	\$	5.00
VERNA I. GRUBER	\$	5.00
RALPH GUNTER	\$	5.00
BETTIE HALL	\$	5.00
F. A. HANWAY	\$	5.00
ALFRED HENSALA	\$	5.00
V. L. HOCHHAUS	\$	5.00
HARVEY HOLLINGER	\$	5.00
C. S. HOPPER	\$	5.00
ELVA J. HORN	\$	5.00
HARRY HORN	\$	5.00
HENRY J. HORN	\$	5.00
DAVID E. JOHNSON	\$	5.00
GABRIEL F. KEITH	\$	5.00
C. R. KELLNER	\$	5.00
ROBERT B. KERLIK, SR.	\$	5.00
ART KIRSCH	\$	5.00
WILLIAM KIRSCH	\$	5.00
C. M. KOPLIN	\$	5.00
PEARL KOSKI	\$	5.00
LARRY KOSOFF	\$	5.00
BETTY M. KUEHN	\$	5.00
KENNETH KUEHN	\$	5.00

LAWS, EXTRAORDINARY SESSION, 1965.

[Ch. 169.]

TED KUPREWICZ	\$	5.00
JOYCE KUZMAK	\$	5.00
DONALD D. LANMAN	\$	5.00
EARL E. LARSON	\$	5.00
JANIS LEMIEUX	\$	5.00
EDNA B. LUKIN	\$	5.00
VERN McDONALD	\$	5.00
BEATRICE MCGUIRE	\$	5.00
WILLIAM MCGUIRE	\$	5.00
RAY MCKAY	\$	5.00
CHARLES MANUEL	\$	5.00
NETTIE MANUEL	\$	5.00
OSCAR MATCOCKS	\$	5.00
CHARLES F. MAURER	\$	5.00
PERL E. MAURER	\$	5.00
FLOYD MAXWELL	\$	5.00
GEORGIA MELLINGER	\$	5.00
OLIVER MELLINGER	\$	5.00
STELLA U. MERRILL	\$	5.00
DOYLE MILLER	\$	5.00
RAY F. MOORE	\$	5.00
TED MOUNCER	\$	5.00
MAE MOUNCER	\$	5.00
JAMES L. MOYER	\$	5.00
BEN MULLER	\$	5.00
ELMER C. NELSON	\$	5.00
LEROY NICHOLSON	\$	5.00
JOHN NIEMI	\$	5.00
OSMO NIEMI	\$	5.00
CLARENCE OLSON	\$	5.00
HAROLD ONTQUIST	\$	5.00
CLAIRMONT R. OPP	\$	5.00
EBEN P. PARKER, JR.	\$	5.00
E. C. PAROTT	\$	5.00
CONNIE PETERSON	\$	5.00
STANLEY PETERSON	\$	5.00
HAROLD E. PHELPS	\$	5.00
JOHN B. PIERCE	\$	5.00
DOROTHY PRENTICE	\$	5.00
HAROLD M. QUARNBERG	\$	5.00
RAMON RAMIEREZ	\$	5.00
FLOYD H. REITH, JR.	\$	5.00
LAURA M. REITH	\$	5.00
LARRY RILEY	\$	5.00
A. ROBERTSON	\$	5.00
MARY M. SALAKIE	\$	5.00
JACOB SCHALL	\$	5.00
C. A. SELLS	\$	5.00
KENNETH L. SIMONSEN	\$	5.00
ROBERT D. SMITH	\$	5.00

ART SPANGLER	\$	5.00
LEO THEIN	\$	5.00
ARNOLD J. THOMAS	\$	5.00
JULIA THOMAS	\$	5.00
HARRY TUTTLE	\$	5.00
MARY ULMER	\$	5.00
JAMES VAN ROOY	\$	5.00
JERALD WALTHER	\$	5.00
JACK WARWICK	\$	5.00
JESSIE WARWICK	\$	5.00
FRANK WELCH	\$	5.00
CARL SUMNER WHITNEY	\$	5.00
JACK R. WILCOX	\$	5.00
VERN WILSON	\$	5.00
WILLIAM A. WILSON	\$	5.00
WOODROW W. WILSON	\$	5.00
LOLA YRELL	\$	5.00
RUBEN YRELL	\$	5.00
INDEPENDENT DELIVERY, INC.		
For refund of corporation license fees....	\$	210.00
WINNIE R. BOWERS		
For refund of pharmacy license fee: <i>Pro-</i> <i>vided</i> , That this amount shall be paid from the General Fund Appropriation to the State Board of Pharmacy for the 1965-1967 Biennium	\$	20.00
EDWARD ANTONELLI		
For refund of B & O Tax paid under "Wholesaling-Otherwise"	\$	843.15
SUNDRY CLAIMS		
General Fund Appropriation for relief of vari- ous individuals, firms and corporations for sundry reasons to be disbursed on vouchers approved by the State Auditor as follows:		
SAMUEL GOLDENBERG in full settlement for services rendered to welfare patient at Centralia General Hospital	\$	60.00
ERIC K. MAINO in full settlement for loss of personal property at American Lake.....	\$	154.91
WILLIAM H. and DARLENE JOHNSON in full settlement for personal property stolen by Washington State Penitentiary escapees...	\$	178.06
G. D. GALBREATH in full settlement for loss of personal property while a patient at Northern State Hospital	\$	16.75
EDGAR C. WOOD in full settlement for loss of personal property from fire caused by in- mate at Rainier State School.....	\$	2,250.00

KING COUNTY HOSPITAL for services rendered to mentally ill	\$	8,184.89
YAKIMA VALLEY MEMORIAL HOSPITAL for services rendered to mentally ill	\$	1,401.50
ST. JOHNS HOSPITAL for services rendered to mentally ill	\$	74.15
DON R. BERRYSMITH in full settlement for damages to vehicle by inmate of Luther Burbank School	\$	49.02
JOE MARTIN in full settlement for damages to personal property caused by disturbed patient at Western State Hospital	\$	11.95
SOUND MATTRESS & FELT COMPANY in full settlement for damage to personal property caused by patient of Western State Hospital	\$	93.66
ANITA WYATT in full settlement for loss of personal property caused by patient at Western State Hospital	\$	5.15
JOHN P. BALCH in full settlement for damages to automobile by patient at Western State Hospital	\$	21.38
CONSOLIDATED SUPPLY COMPANY in full settlement for expense incurred in returning and exchanging merchandise	\$	19.14
PUGET SOUND CONSTRUCTION COMPANY in full settlement on contract to repair Olympia Armory	\$	2,138.40
TOM MAXWELL in full settlement of damages to fishing net by Department of Fisheries..	\$	50.00
LINCOLN RIES, M. D. and JAMES HOVIS, ATTORNEY AT LAW in full settlement of services rendered to patients under regulations of the State Department of Public Assistance, 1963 and 1964	\$	2,432.50
EBBA RAPP in full settlement for painting and framing of official portrait of governor to be displayed permanently in Board Room Gallery in the Executive Office upon delivery	\$	1,000.00
BYRON HORTON, PRESIDENT, MEATS, INC. in full settlement of assessments paid on land purchased from the state	\$	873.74
FOR REIMBURSEMENT OF PERSONAL PROPERTY Destroyed by fire in Washington State University's Motor Pool as follows:		
ELMER TONN	\$	99.08

HAROLD MONEYHAN	\$	131.85
DEB ACUFF	\$	469.56
E. E. HAWKINS	\$	110.97
HARVEY G. COLE	\$	991.22
ALFRED CORDEAU	\$	21.04
ROBERT D. ELLSWORTH	\$	66.16
WALLACE R. MCPHERSON	\$	159.59
Motor Vehicle Fund Appropriation for relief of various individuals, firms, corporations and the Oregon State Tax Commission for sundry reasons to be disbursed on vouchers approved by the State Auditor as follows:		
NORTHERN PACIFIC RAILWAY COMPANY in full settlement of damages to truck February 4, 1963		
	\$	500.00
ALTON V. PHILLIPS, for full settlement due on contract No. 5887, dated July 8, 1958.....	\$	63,389.38
WILLIAM H. STOCK in full settlement of damages to automobile	\$	23.69
WILLIAM SCULLY in full settlement for damage to personal property by Highway Department equipment	\$	9.00
OREGON STATE TAX COMMISSION in full settlement of withholding taxes for employees at the Vancouver-Portland Interstate Bridge for the years 1960-63	\$	13,727.55
Motor Vehicle Fund—State Patrol Highway Account Appropriation for relief of FRED A. CINA, et al., in full settlement for personal injuries sustained on June 16, 1962, to be disbursed on voucher approved by the State Auditor		
	\$	6,669.26
Motor Vehicle Excise Fund Appropriation for refunds to be disbursed on vouchers approved by the State Auditor, as follows:		
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, transfer of funds to the Public Service Revolving Fund for reimbursement for costs incurred in collecting excise tax in accordance with chapter 152, Laws of 1945	\$	3,512.85

CRIMINAL COSTS

General Fund Appropriation reimbursing counties for various cost bills in felony cases:		
TREASURER, King County	\$	7,954.50
TREASURER, Pierce County	\$	351.70

TRANSFERS

World Fair Fund Appropriation to transfer the unexpended fund balance to the World Fair Bond Redemption Fund	\$ 243,460.15
General Fund—Institutional Building Construction Account Appropriation to transfer the unexpended fund balance as of July 31, 1965, to the Institutional Building Bond Redemption Fund	\$ 200,000.00

SEC. 3. The word "agency" used herein shall mean and include every state government office, officer, each institution, whether educational, correctional, or other, and every department, division, board and commission, except as otherwise provided in this act.

"Agency", "agencies headed by elective officials". defined.

The phrase "agencies headed by elective officials" used herein shall mean those executive offices or departments of the state which are directly supervised, administered, or controlled by the governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, or insurance commissioner, but it shall not include those boards, commissions, or committees on which one or more of the above named elected officials serve.

SEC. 4. In order to carry out the provisions of these appropriations and the state budget, the budget director, with the approval of the governor, may:

Budget director powers enumerated.

(1) Allot all or any portion of the funds herein appropriated, or included in the state budget, to the various agencies by such periods as he shall determine and may place any funds not so allotted in reserve available for subsequent allotment: *Provided*, That the budget director shall not alter allotment requests filed with him, nor shall he place in reserve any funds, for the following: Agencies headed by elective officials; University of Washington; Washington State University; Central Washing-

Budget and
appropriations.
Budget
director
powers
enumerated.

ton State College; Eastern Washington State College; Western Washington State College; Washington State Apple Advertising Commission; Washington State Fruit Commission; Washington Dairy Products Commission or any agricultural commodity commission created under the provisions of chapter 15.66 RCW; the legislative branch of state government including the legislative council, the legislative budget committee, the statute law committee, and any legislative interim committee; or the judicial branch of state government: *Provided, however,* That the aggregate of allotments for any agency shall not exceed the total of applicable appropriations and local funds available to the agency concerned. It shall be unlawful for any officer or employee to incur obligations in excess of approved allotments or to incur a deficiency and any obligation so made shall be deemed invalid. Nothing in this section or in chapter 328, Laws of 1959 shall prevent revision of any allotment when necessary to prevent the making of expenditures under appropriations in this act in excess of available revenues.

(2) Issue rules and regulations to establish uniform standards and business practices throughout the state service, including regulation of travel by officers and employees and the conditions under which per diem shall be paid, so as to improve efficiency and conserve funds.

(3) Prescribe procedures and forms to carry out the above.

(4) Allot funds from appropriations in this act in advance of July 1, 1965, for the sole purpose of authorizing agencies to order goods, supplies or services for delivery after July 1, 1965: *Provided,* That no expenditures may be made from the appropriations contained in section 1 until after July 1, 1965.

SEC. 5. Except as otherwise provided in this act, any receipts from federal or other sources or from gifts or grants in excess of those estimated in the budget may be received and allotted by the governor but in the event that receipts shall be less than those estimated in the budget from any source the appropriation shall be limited to the amount actually received and allotments made as provided in section 4. Whenever possible, the receipt of federal or other funds which are not anticipated by the governor's budget or the legislature shall be used to support regular programs instead of using appropriated funds.

Receipts from federal or other sources, disposition.

SEC. 6. Agencies are authorized to make refunds of erroneous or excessive payments and in the case of other refunds, which may be provided by law, without express appropriation therefor.

Refunds authorized.

SEC. 7. Whenever allocations are made from the governor's emergency appropriation to an agency which is financed by other than general fund moneys, the budget director may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance such agency. No appropriations shall be necessary to effect such repayment.

Repayment of allocations from governor's emergency appropriation, when.

SEC. 8. In addition to the amounts appropriated in this act for revenue for distribution and bond retirement and interest, 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.

Additional appropriations as required or available.

SEC. 9. Amounts received by an agency as reimbursements pursuant to RCW 43.09.210 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended

Reimbursements as returned loans — Expenditure, procedure.

Budget and appropriations. Reimbursements as returned loans — Expenditure, procedure.

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 budget director which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum inter-agency 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.

Emergency.

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 immediately.

Passed the Senate May 6, 1965.

Passed the House May 5, 1965.

Approved by the Governor May 15, 1965.

CHAPTER 170.

[Substitute Senate Bill No. 438.]

HIGHWAYS.

AN ACT relating to highways and the operation of vehicles thereon; describing powers, duties and organization of the Washington state highway commission, the Washington toll bridge authority, the director and the department of motor vehicles, the Washington state safety council and the joint committee on highways; establishing and designating certain highways and alternate routes; relating to transportation toll facilities and the financing thereof; providing for surveys and studies of proposed highway additions; prescribing fees, size, weight, load, permits, license plate and equipment restrictions for certain motor vehicles; relating to the licensing of drivers and driving instructors; and amending section 9, chapter 77, Laws of 1963 and RCW 18.27.090; amending section 46.08.120 and 46.20.100, chapter 12, Laws of 1961 and RCW 46.08.120 and 46.20.100; amending section 46.37.340, chapter 12, Laws of 1961 as amended by section 21, chapter 154, Laws of 1963 and RCW 46.37.340; amending section 46.44.037, chapter 12, Laws of 1961 as amended by section 53, chapter 3, Laws of 1963 extraordinary session and RCW 46.44.037; amending section 46.44.092, chapter 12, Laws of 1961 as amended by section 54, chapter 3, Laws of 1963 extraordinary session and RCW 46.44.092; amending section 46.44.095, chapter 12, Laws of 1961 as amended by section 15, chapter 7, Laws of 1961 extraordinary session and RCW 46.44.095; amending section 46.82.140, chapter 12, Laws of 1961 and RCW 46.82.140; amending section 47.01.040, chapter 13, Laws of 1961 and RCW 47.01.040; amending section 47.01.160, chapter 13, Laws of 1961 and RCW 47.01.160; amending section 3, chapter 173, Laws of 1963 and RCW 47.05.030; amending section 47.16.010, chapter 13, Laws of 1961 as last amended by section 21, chapter 3, Laws of 1963 extraordinary session and RCW 47.16.010; amending section 47.16.030, chapter 13, Laws of 1961, and RCW 47.16.030; amending section 47.16.080, chapter 13, Laws of 1961 as amended by section 2, chapter 21, Laws of 1961 extraordinary session and RCW 47.16.080; amending section 47.16.120, chapter 13, Laws of 1961 as amended by section 2, chapter 3, Laws of 1963 extraordinary session and RCW 47.16.120; amending section 47.16.190, chapter 13, Laws of 1961 as amended by section 7, chapter 21, Laws of 1961 extraordinary session and RCW 47.16.190; amending section 47.20.010, chapter 13, Laws of 1961 as amended by section 5, chapter 3, Laws of 1963 extraordinary session and RCW 47.20.010; amending

section 47.20.180, chapter 13, Laws of 1961 and RCW 47.20.180; amending section 47.20.320, chapter 13, Laws of 1961 and RCW 47.20.320; amending section 41, chapter 21, Laws of 1961 extraordinary session and RCW 47.20.351; amending section 47.20.440, chapter 13, Laws of 1961 as amended by section 14, chapter 3, Laws of 1963 extraordinary session and RCW 47.20.440; amending section 4, chapter 278, Laws of 1961 and RCW 47.56.023; amending section 10, chapter 278, Laws of 1961 and RCW 47.56.034; amending section 47.56.245, chapter 13, Laws of 1961 and RCW 47.56.245; amending section 47.56.282, chapter 13, Laws of 1961 and RCW 47.56.282; amending section 47.60.140, chapter 13, Laws of 1961 and RCW 47.60.140; amending section 81.53.260, chapter 14, Laws of 1961 and RCW 81.53.260; amending section 81.80.060, chapter 14, Laws of 1961 and RCW 81.80.060; amending section 17, chapter 121, Laws of 1965 extraordinary session (Senate Bill No. 334); adding new sections to chapters 12 and 13, Laws of 1961 and to chapters 19.28 RCW, 46.16 RCW, 46.20 RCW, 47.04 RCW and 47.56 RCW; repealing sections 11 and 12, chapter 278, Laws of 1961 and RCW 47.56.036 and 47.56.038; amending section 35, chapter 3, Laws of 1963 extraordinary session (uncodified); making appropriations; providing effective dates; and declaring an emergency.

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

RCW 47.20.010
amended.

SECTION 1. Section 47.20.010, chapter 13, Laws of 1961 as amended by section 5, chapter 3, Laws of 1963 extraordinary session and RCW 47.20.010 are each amended to read as follows:

Secondary state highways as branches of primary state highway No. 1 are established as follows:

Highways.
Secondary
highways.
Branches,
state highway
No. 1—High-
ways 1A, 1B.

Secondary state highway No. 1A; beginning at a junction with the Mt. Baker branch of primary state highway No. 1 in the vicinity of Lawrence, thence in a northerly direction to the international boundary at Sumas; also beginning at a junction with secondary state highway No. 1A in the vicinity of Nooksack, thence southwesterly by way of Everson to a junction with secondary state highway No. 1B in the vicinity of Wiser Lake; also beginning at a junction with the Mt. Baker branch of primary state highway No. 1 in the vicinity of Deming, thence in

a southerly direction by way of Sedro Woolley, Arlington and Snohomish to a junction with primary state highway No. 15 north of Woodinville;

Secondary state highway No. 1B; beginning at Bellingham on primary state highway No. 1, thence in a northerly direction to the international boundary in the vicinity east of Delta; also beginning at a junction with secondary state highway No. 1B approximately 2.7 miles south of the international boundary, thence easterly by way of Van Buren to a junction with secondary state highway No. 1A.

SEC. 2. Section 47.20.320, chapter 13, Laws of 1961 and RCW 47.20.320 are each amended to read as follows:

RCW 47.20.320 amended.

Secondary state highways as branches of primary state highway No. 7 are established as follows:

Branches, state highway No. 7—Highway 7C.

Secondary state highway No. 7C; beginning in the vicinity of the east end of the Vantage bridge on primary state highway No. 7, thence in a southerly direction parallel to the east bank of the Columbia river for a distance of approximately two and one-half miles, thence southeasterly in the vicinity of Othello, thence easterly to a junction with primary state highway No. 11, thence easterly to a junction with secondary state highway No. 11B in the vicinity of Washtucna; also, beginning at a junction with secondary state highway No. 7C south of the Columbia river bridge at Vantage, thence southerly and easterly by way of Beverly and Arrowsmith to a junction with secondary state highway No. 11A north of its crossing of the Columbia river.

SEC. 3. Section 41, chapter 21, Laws of 1961 extraordinary session and RCW 47.20.351 are each amended to read as follows:

RCW 47.20.351 amended.

Secondary state highway No. 8E shall be established as a branch of primary state highway No. 8 as follows:

Highway 8E.

Highways.
Secondary
highways.
Highway 8E.

Secondary state highway No. 8E; beginning at a junction with primary state highway No. 8 in the vicinity of Lyle, thence northeasterly by way of Klickitat to a junction with primary state highway No. 8 in the vicinity of Goldendale.

RCW 47.20.440
amended.

SEC. 4. Section 47.20.440, chapter 13, Laws of 1961 as amended by section 14, chapter 3, Laws of 1963 extraordinary session and RCW 47.20.440 are each amended to read as follows:

Branches,
state highway
No. 12—High-
ways 12A, 12B.

Secondary state highways as branches of primary state highway No. 12 are hereby established according to designation and description as follows:

Secondary state highway No. 12A; beginning at a junction with primary state highway No. 12 at Seaview, thence in a northerly direction by the most feasible route by way of Long Beach to Ocean Park;

Secondary state highway No. 12B; beginning at Point Ellice on primary state highway No. 12, thence in an easterly and northerly direction to a junction with primary state highway No. 12 in the vicinity north of Naselle.

RCW 47.16.010
amended.

SEC. 5. Section 47.16.010, chapter 13, Laws of 1961 as last amended by section 21, chapter 3, Laws of 1963 extraordinary session and RCW 47.16.010 are each amended to read as follows:

Primary high-
ways. No. 1
Pacific high-
way.

A primary state highway to be known as primary state highway No. 1, or the Pacific highway, is established as follows: Beginning at the international boundary line in the vicinity of Blaine, in Whatcom county, thence in a southerly direction by way of Bellingham, thence to the east of Lake Samish, thence in a southerly direction by way of Mt. Vernon, Everett, Seattle, Tacoma, Olympia, Centralia, Chehalis, Kelso, and Vancouver to the Washington-Oregon boundary line on the interstate bridge over the Columbia river; also beginning at Bellingham on primary state highway No. 1, thence in an easterly direction to a point in the vicinity of Austin

Pass in Whatcom county; also beginning at Bellingham on primary state highway No. 1, thence in a southerly direction by way of Blanchard to a junction with primary state highway No. 1, in the vicinity of Mt. Vernon; also beginning at Mt. Vernon on primary state highway No. 1, thence in a westerly direction to Anacortes; also beginning at a junction of primary state highway No. 1 south of Marysville to Marysville; also beginning at a junction with primary state highway No. 1 in the vicinity of Marysville, thence easterly to a junction with secondary state highway No. 1A: *Provided*, That until such time as the branch of primary state highway No. 1 from Marysville to a junction with secondary state highway No. 1A is actually constructed on the location adopted by the state highway commission, no existing city streets or county roads shall be maintained or improved by the state highway commission as a temporary route of said primary state highway No. 1; also beginning on primary state highway No. 1 in the vicinity south of Seattle, thence in a north-easterly direction to Renton, thence northerly east of Lake Washington to primary state highway No. 1 north of Seattle; and also until the federal aid interstate route No. 1 through Seattle is open to through traffic, beginning on primary state highway No. 1 in the vicinity south of Seattle, thence in a northwesterly direction west of the Duwamish river to Seattle, also beginning at Seattle on primary state highway No. 1, thence via the Evergreen Point bridge to a junction with primary state highway No. 2 in the vicinity of Redmond; also beginning on primary state highway No. 1 in the vicinity of Salmon Creek, north of Vancouver, thence in a south-easterly direction to the Washington-Oregon boundary line in the vicinity east of Vancouver.

Sec. 6. There is appropriated from the motor vehicle fund to the Washington state highway com- Appropriation.

Highways.
Primary high-
ways. Appro-
priation.

mission the sum of two hundred fifty-three thousand dollars, or so much thereof as may be necessary for the cost of preliminary engineering, including location surveys and preparation of plans for extending the present Evergreen Point bridge highway route of PSH No. 1 easterly from its junction with primary state highway No. 1 (FAI 405) to a junction with primary state highway No. 2 (SR 522) vicinity of Redmond.

RCW 47.16.030
amended.

SEC. 7. Section 47.16.030, chapter 13, Laws of 1961 and RCW 47.16.030 are each amended to read as follows:

No. 3 Inland
Empire
highway.

A primary state highway to be known as primary state highway No. 3, or the Inland Empire highway, is hereby established according to description as follows: Beginning at a junction with primary state highway No. 2 in the vicinity east of Cle Elum, thence southeasterly by the most feasible route by way of Ellensburg, Yakima, Pasco and Wallula to Walla Walla, thence in a northerly direction by the most feasible route by way of Dayton, Dodge, Colfax, Rosalia, Spokane and Colville to the international boundary line in the vicinity of Laurier; with a spur from a point on primary state highway No. 3 as herein described in the vicinity of Union Gap, southeasterly to a suitable crossing of the Columbia river to connect with interstate highway No. 80-N in Oregon; also beginning at a junction with primary state highway No. 3, as herein described, in the vicinity of Dodge, thence in an easterly direction by the most feasible route by way of Pomeroy and Clarkston to the Washington-Idaho boundary line; also beginning at Clarkston on primary state highway No. 3, as herein described, thence in a southerly direction by the most feasible route by way of Asotin to the Washington-Oregon boundary line, also beginning at Wallula on primary state highway No. 3, as herein described, thence in a southwesterly

direction to the Washington-Oregon boundary line; also beginning at Walla Walla on primary state highway No. 3, as herein described, thence in a southerly direction to the Washington-Oregon boundary line; also beginning at a junction with primary state highway No. 3, as herein described, in the vicinity south of Rosalia, thence in a southerly direction by the most feasible route by way of Pullman to a point of junction southeast of Uniontown, thence in an easterly direction by two most feasible routes to two points on the Washington-Idaho boundary line; also beginning at Colfax on primary state highway No. 3, as herein described, thence in a southeasterly direction by the most feasible route to Pullman on primary state highway No. 3, as herein described, thence in an easterly direction by the most feasible route to a point on the Washington-Idaho boundary line, also beginning at Palouse on primary state highway No. 3, as herein described, thence in a northeasterly direction by the most feasible route to a point on the Washington-Idaho boundary line.

SEC. 8. Section 47.16.080, chapter 13, Laws of 1961 as amended by section 2, chapter 21, Laws of 1961 extraordinary session and RCW 47.16.080 are each amended to read as follows:

RCW 47.16.080
amended.

A primary state highway to be known as primary state highway No. 8, or the Evergreen highway, is established as follows: Beginning at Vancouver on primary state highway No. 1, thence in an easterly direction by way of Stevenson to Goldendale, thence in a northeasterly direction by way of Satus Pass to junction with primary state highway No. 3, southeast of Yakima; also beginning at a junction with primary state highway No. 8, in the vicinity of Maryhill, thence in a southerly direction to connect with the approach to the Biggs Rapids toll bridge across the Columbia river; also, beginning in the vicinity of Maryhill, running thence easterly along

No. 8 Evergreen
highway.

Highways.
Primary high-
ways. No. 8
Evergreen
highway.

the north bank of the Columbia river to a point in the vicinity of Plymouth, thence in a northeasterly direction to a junction with primary state highway No. 3, in the vicinity of Kennewick; also, beginning at a junction with primary state highway No. 8 in the vicinity of Paterson, thence in a northerly direction to a junction with secondary state highway No. 3A in the vicinity of Prosser.

RCW 47.16.120
amended.

SEC. 9. Section 47.16.120, chapter 13, Laws of 1961 as amended by section 2, chapter 3, Laws of 1963 extraordinary session and RCW 47.16.120 are each amended to read as follows:

No. 12 Ocean
Beach
highway.

A primary state highway to be known as primary state highway No. 12, or the Ocean Beach highway, is hereby established according to description as follows: Beginning at Chehalis on primary state highway No. 1, thence in a westerly direction by the most feasible route by way of Raymond to South Bend, thence southerly by the most feasible route to the vicinity of a location known as Johnson's Landing, thence southeasterly by the most feasible route by way of Kelso to primary state highway No. 1; also beginning at a junction with primary state highway No. 12, as herein described, in the vicinity of a location known as Johnson's Landing, thence southwesterly by the most feasible route to Ilwaco, thence southeasterly by the most feasible route to the Oregon boundary on the interstate bridge at Point Ellice; also from a junction with primary state highway No. 12, as herein described, in the vicinity northeast of Ilwaco, thence southerly by the most feasible route to a junction with primary state highway No. 12, as herein described, at a point east of Ilwaco; also beginning at Longview on primary state highway No. 12, as herein described, thence in a southeasterly direction by the most feasible route to a junction with primary state highway No. 1, south of Kelso; also from a junction with pri-

mary state highway No. 12, in Kelso, northeasterly to a junction with primary state highway No. 1; also beginning at a junction with primary state highway No. 12, as herein described, at a point where it intersects with Oregon Way in the city of Longview, thence in a southerly direction by the most feasible route to the Oregon boundary on the interstate bridge at Longview.

SEC. 10. There is added to chapter 13, Laws of 1961 and to chapter 47.56 RCW a new section to read as follows: New section.

Upon the retirement of all Longview toll bridge revenue bonds, the Longview bridge shall become toll free. The Washington state highway commission shall thereafter maintain the approaches and that portion of said bridge lying within the state of Washington as a part of the state highway system. Longview toll bridge, toll free, when—
As part of state highway system.

SEC. 11. There is added to chapter 13, Laws of 1961 and to chapter 47.56 RCW a new section to read as follows: New section.

The Washington state highway commission is directed to confer with the proper agencies of the state of Oregon to arrange for the maintenance of that part of the Longview bridge lying within the boundaries of Oregon by the state of Oregon or one of its political subdivisions. In the event that neither the state of Oregon nor any of its political subdivisions will maintain that part of the Longview bridge lying within Oregon, then, upon the retirement of the Longview toll bridge revenue bonds, the Washington state highway commission is authorized to maintain all of the bridge using regular highway maintenance funds in order to protect the life and usefulness of the entire bridge. Longview toll bridge, portion in Oregon—
Maintenance when toll free.

SEC. 12. Section 47.16.190, chapter 13, Laws of 1961 as amended by section 7, chapter 21, Laws of RCW 47.16.190 amended.

1961 extraordinary session and RCW 47.16.190 are each amended to read as follows:

Highways. Primary highways. No. 21 Kitsap Peninsula highway.

A primary state highway to be known as primary state highway No. 21, or the Kitsap Peninsula highway, is hereby established according to description as follows: Beginning at a junction with primary state highway No. 9 near the mouth of the Skokomish river, thence in a northeasterly direction along the southeast shore of Hood Canal to the vicinity of Belfair, thence northeasterly by the most feasible route to Bremerton, thence northerly and easterly by the most feasible route in the vicinity of Poulsbo to Port Gamble, thence southerly and easterly to Kingston; also beginning on primary state highway No. 21 at Bremerton easterly to the ferry terminal in Bremerton; also beginning at Keyport, thence in a westerly direction by the most feasible route to a junction with primary state highway No. 21, as herein described.

Highway additions, studies for—Projects enumerated.

SEC. 13. The joint committee on highways, jointly with the Washington state highway commission, shall consider the following highway additions by undertaking a comprehensive study with reconnaissance surveys as may be necessary, including location, reconstruction costs and roadway design to accomplish an evaluation with respect to their being a part of the modern integrated state highway system. Unless otherwise specified, all studies shall be completed by June 1, 1966:

(1) A highway beginning at a point on primary state highway No. 1, west of Mountlake Terrace, thence southerly to a point on secondary state highway No. 2B at the King-Snohomish county line.

(2) A new section of primary state highway No. 3 in Asotin county beginning at the north end at the Grande Ronde river bridge on primary state highway No. 3, thence northeasterly to the vicinity of Rogersburg. The study shall include the feasibility

of ultimately relocating primary state highway No. 3 through Rogersburg northerly to Asotin.

(3) An extension of primary state highway No. 3 to form a loop beginning at a point on existing primary state highway No. 3 west of Walla Walla, thence easterly and southerly by way of College Place to a point on primary state highway No. 3 south of College Place.

(4) An extension of secondary state highway No. 1S beginning at an intersection of old primary state highway No. 1 and secondary state highway No. 1S near the north city limits of Woodland, thence in a northwesterly direction along the route of old primary state highway No. 1 to the Burke Road Interchange (Log Dump Road Interchange) on existing primary state highway No. 1 (U.S. No. 99).

(5) A new section of secondary state highway No. 5-C from its junction with primary state highway No. 2 northerly, by the most feasible route, to a junction with primary state highway No. 1 which is the approved route of federal-aid interstate and defense highway No. 405 at the North Renton interchange.

(6) A new secondary state highway branch to primary state highway No. 3 beginning at a junction with primary state highway No. 3 southeast of Chewelah, thence in a westerly direction to a junction with secondary state highway No. 3J in the vicinity south of Valley.

(7) An extension of secondary state highway No. 5N, southerly from Eatonville to a junction with primary state highway No. 5 in the vicinity of Elbe.

SEC. 14. There is hereby appropriated from the Appropriation.
motor vehicle fund to King county the sum of seven hundred thousand dollars. No money shall be available under this appropriation, unless King county shall by resolution of the board of county commissioners assign to the motor vehicle fund all of its

Highways.
Appropriation.

right, title and interest in the initial deposit of seven hundred thousand dollars in the King county contribution account in the Second Lake Washington toll bridge reserve fund, which deposit was made pursuant to the terms of an agreement executed by King county and the Washington toll bridge authority dated November 9, 1959 and the provisions of Resolution No. 341 of the Washington toll bridge authority adopted November 9, 1959. Nothing in this section shall be construed to relieve the county of its obligation to maintain the King county contribution account at the level required by the agreement of November 9, 1959 nor shall anything in this section be construed to relieve the Washington toll bridge authority of its obligation to repay the county for any such additional contribution.

Highway from
Western Wash-
ington State
College to
freeway
connection.

SEC. 15. The Washington state highway commission is hereby authorized and directed to locate, construct, and pave a suitable highway on the most feasible route beginning at the intersection of Hill Street and Twenty-first Street at the South entrance to the Western Washington State College campus and extending southerly and easterly around Sehome Hill to a connection with the Bellingham freeway (interstate route 5) at its intersection with Byron Avenue.

—Commis-
sion to acquire
property—
City to main-
tain completed
highway.

SEC. 16. The Washington state highway commission is authorized and directed to acquire by purchase, gift, condemnation, or otherwise, any and all private real estate rights and interests necessary to carry out the purpose of section 15 of this act. No action shall be taken by the commission under this act until the city of Bellingham shall adopt an ordinance providing that upon completion, the city will maintain such highway. The state highway commission may agree with the city of Bellingham to convey to the city the right of way which the city shall be required to maintain.

SEC. 17. There is hereby appropriated from the motor vehicle fund the sum of two hundred fifty-five thousand dollars or so much thereof as may be necessary to be expended by the state highway commission to carry out the provisions of sections 15 and 16 of this act.

—Appropriation.

SEC. 18. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1967, and for obligations incurred and not yet paid, the sum of two hundred fifty-five thousand dollars, the same being the unexpended balance of the appropriation contained in section 17 of this act, to carry out the provisions of sections 15 and 16 of this act.

—Reappropriation.

SEC. 19. There is appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1967, the sum of two hundred forty thousand dollars or so much thereof as may be necessary for the construction of an approach road to the Central Washington State College campus on the most feasible route beginning at the intersection of North A Street and the Chicago, Milwaukee, St. Paul and Pacific Railroad in Ellensburg; thence northeasterly to Fourteenth Avenue; thence easterly on Fourteenth Avenue; thence southerly to the intersection of primary state highway No. 7. No construction authorized by this section shall be commenced by the state highway commission until the city of Ellensburg shall adopt an ordinance providing that upon completion, the city will maintain the approach road. The state highway commission may agree with the city of Ellensburg to convey to the city the right of way which the city of Ellensburg shall be required to maintain.

Central Washington State College campus, approach road to. Appropriation for.

Highways.
Central Wash-
ington State
College cam-
pus, approach
road to. Re-
appropriation
for.

SEC. 20. There is reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1967, and for obligations incurred and not yet paid, the sum of five thousand dollars, the same being the unexpended balance of the appropriation contained in section 19, chapter 3, Laws of 1963, extraordinary session, for location and acquisition of right of way for the road described in section 19 of this act: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the central budget agency as of June 30, 1965.

Eastern Wash-
ington State
College, high-
way from to
PSH No. 11.
Authorized.

SEC. 21. The Washington state highway commission is hereby authorized and directed to locate, construct, and pave a suitable highway on the most feasible route beginning in the vicinity of the field house of Eastern Washington State College and extending in a northeasterly direction to a connection with primary state highway No. 11 in the vicinity of the Northern Pacific Railway crossing.

—Commis-
sion to acquire
property—City
and county to
maintain
completed
highway.

SEC. 22. The Washington state highway commission is authorized and directed to acquire by purchase, gift, condemnation, or otherwise, any and all private real estate rights and interests necessary to carry out the purpose of section 21 of this act. No action shall be taken by the commission under this act until the city of Cheney shall adopt an ordinance providing that upon completion, the city will maintain that part of the highway within its boundaries, and the county of Spokane shall adopt a similar ordinance with relation to that part of the highway lying in unincorporated area. The commission may agree with the county to convey to the county the right of way which the county shall be required to maintain and the commission may agree with the city of Cheney to convey to the city

the right of way which the city of Cheney shall be required to maintain.

SEC. 23. There is hereby appropriated from the motor vehicle fund the sum of two hundred sixty thousand dollars or so much thereof as may be necessary to be expended by the state highway commission to carry out the provisions of sections 21 and 22 of this act. —Appropriation for.

SEC. 24. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1967, and for obligations incurred and not yet paid, the sum of two hundred sixty thousand dollars, the same being the unexpended balance of the appropriation contained in section 23 of this act, to carry out the provisions of sections 21 and 22 of this act. —Reappropriation for.

SEC. 25. There is appropriated from the motor vehicle fund to the state highway commission the sum of one million five hundred seven thousand dollars or so much thereof as may be necessary to complete the construction of the four lanes on West Marginal Way from First Avenue South in Seattle to primary state highway No. 1. Appropriation.

SEC. 26. There is appropriated from the motor vehicle fund to the Washington state highway commission the sum of thirty thousand dollars or so much thereof as may be necessary to complete the design of an additional bridge crossing the Duwamish river at First Avenue South in Seattle. Appropriation.

SEC. 27. The state highway commission is authorized and directed to expend for maintenance of the Puget Island-Westport ferry a sum not to exceed four hundred dollars per month through June 30, 1967 for operation of said ferry as a temporary alternate route: *Provided*, That not more than fifty Appropriation.

Highways.
Appropriation.

percent of the total monthly cost of operation and amortization costs of said ferry shall be paid by the highway commission and the balance of such cost shall be borne by Wahkiakum county. The monthly payments provided for herein shall be disbursed by warrant to Wahkiakum board of county commissioners and approved by the state highway commission.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1967 the sum of nine thousand six hundred dollars, or so much thereof as may be necessary to carry out the provisions of this section.

RCW 47.20.180
amended.

SEC. 28. Section 47.20.180, chapter 13, Laws of 1961 and RCW 47.20.180 are each amended to read as follows:

Secondary
highways.
Highway 3D.

Secondary state highways as branches of primary state highway No. 3 are established as follows:

Secondary state highway No. 3D; beginning at a junction with primary state highway No. 3 in the vicinity of Burbank, thence in a northeasterly direction by the most feasible route to a point in the vicinity of Eureka, thence in an easterly direction by the most feasible route to a junction with secondary state highway No. 3E in the vicinity of Prescott, that portion of secondary state highway No. 3D lying between the junction with primary state highway No. 3 and the county road to Ice Harbor Dam to be known as "Ice Harbor Drive".

RCW 47.01.160
amended.

SEC. 29. Section 47.01.160, chapter 13, Laws of 1961 and RCW 47.01.160 are each amended to read as follows:

Highway com-
mission.
Specific
powers
enumerated.

The state highway commission shall have the power and it shall be its duty:

(1) To conduct, control and supervise the state department of highways, and to designate and establish such department of highway district or

branch offices as may be necessary and convenient, and, subject to the provisions of chapter 41.06 RCW, to appoint and employ and to determine the powers and duties together with the salaries and other expenses of such engineering, clerical, mechanical, and any and all other assistants as may be necessary or convenient in the exercise of the powers and in the discharge of its duties as the state highway commission.

(2) To keep at the office of the commission in the highway building at the state capitol a record of all proceedings and orders pertaining to the matters under its direction and copies of all maps, plans and specifications prepared by it, and to prepare and submit to the governor thirty days before each regular session of the legislature of the state of Washington a report of work constructed or under construction and to make recommendations as to needed state highways and improvements of the state highway system, together with estimated cost thereof.

(3) To acquire property as authorized by law and to construct and maintain thereon any buildings or structures necessary and convenient for the exercise of the powers and the discharge of the duties of the commission and to construct and maintain any buildings or structures and appurtenances and facilities necessary or convenient to the health and safety and for the accommodation of persons traveling upon the state highways.

(4) To employ such qualified engineers who shall be registered professional engineers under the laws of the state of Washington, assistants and such other services and to provide such superintendents of construction, repair or maintenance work on any state highways as may be necessary to accomplish the completion thereof, and the expense so incurred together with the cost of any right of way necessary

Highways.
Highway
commission.
Specific
powers
enumerated.

therefor, or land incidental thereto, shall be charged against the funds appropriated for the construction, repair or maintenance of state highways.

(5) To exercise all the powers and perform all the duties necessary, convenient, or incidental to the laying out, locating, relocating, surveying, constructing, altering, repairing, improving, and maintaining of any state highway, and of any bridges, culverts and embankments necessary or important therefor or for the protection or preservation thereof, and channel changes therefor and to examine and allow or disallow bills for any work done or materials furnished and to certify all claims allowed to the state auditor.

(6) To publish biennially and before the end of each even numbered year a report of the commission with such cumulative information as may be deemed important and such recommendations as may be deemed desirable for the future operation of the commission.

(7) To collect and compile and to publish, if it is deemed advisable, statistics relative to public highways throughout the state; to collect such information in regard thereto as is deemed expedient; to investigate and determine upon various methods of highway construction adaptable to different sections of the state; to investigate and determine the best methods of construction and maintenance of highways, roads and bridges; to gather and compile such other information relating thereto as shall be deemed appropriate, and to employ highway funds for the purpose of constructing test roads within the state of Washington and conducting investigations and research thereof in the state of Washington or elsewhere; to conduct on any highways, roads, or streets of this state, physical, traffic or other nature of inventory or survey considered of value in determining highway, road or street uses and needs.

(8) To exercise all powers and to perform all duties by any law granted to or imposed upon the state highway board, the state highway commission, the state highway committee, the director of public works by and through the division of highways, the supervisor of highways, and the state highway engineer.

(9) To exercise all other powers and perform all other duties now or hereafter provided by law.

SEC. 30. Section 10, chapter 278, Laws of 1961 and RCW 47.56.034 are each amended to read as follows:

RCW 47.56.034 amended.

There shall be in the state highway commission a division of toll facilities. The division of toll facilities shall perform all functions vested by law in the state highway commission relating to the acquisition, operation, design, construction, improvement, maintenance and repair of all toll bridges and other toll facilities, including the Washington state ferries.

—Division of toll facilities—
—Function.

SEC. 31. Section 47.01.040, chapter 13, Laws of 1961 and RCW 47.01.040 are each amended to read as follows:

RCW 47.01.040 amended.

Each member of the state highway commission shall receive forty dollars per diem for each day actually spent in the performance of his duties and his actual necessary traveling and other expenses in going to, attending and returning from meetings of the commission, and his actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested of him by a majority vote of the commission, but in no event shall a commissioner be paid per diem in any one year in excess of one hundred twenty days, except the chairman of the commission who may be paid per diem for not more than one hundred fifty days.

—Members—
—Compensation and expenses.

SEC. 32. Section 4, chapter 278, Laws of 1961 and RCW 47.56.023 are each amended to read as follows:

RCW 47.56.023 amended.

Highways.
Washington
toll bridge
authority.
Per diem and
expenses for
members.

The appointive members and the highway commission members of the Washington toll bridge authority shall receive forty dollars per diem for each day actually spent in performance of his duties, but in no event shall such a member's per diem payment exceed three thousand dollars in any one year; nor shall a highway commission member's total per diem pay for serving on the highway commission and on the authority exceed the maximum per diem payments specified in RCW 47.01.040 in any one year. Each member of the authority shall receive his actual necessary traveling and other expenses in going to, attending, and returning from meetings of the authority, and his actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested of him by a majority vote of the authority.

RCW 47.05.030
amended.

SEC. 33. Section 3, chapter 173, Laws of 1963 and RCW 47.05.030 are each amended to read as follows:

Priority
programming.
Long range
plan for
improvements
—Objectives.

The state highway commission shall adopt a long range plan for highway improvements, specifying highway planning objectives to be accomplished by 1975, within the framework of revenue estimates for such period. The plan shall be based upon the construction needs for state highways as contained in the current needs study report of the Washington state highway commission. The long range objectives for the period ending in 1975 shall be as follows:

- (1) One hundred percent completion of the presently established national system of interstate and defense highways;
- (2) One hundred percent completion of the construction needs of those highways classified as a part of the principal state highway system;
- (3) Declining percentages of completion of construction needs of those highways classified re-

spectively as the major state highway system, the collector state highway system and the other state highway system.

SEC. 34. There is added to chapter 13, Laws of 1961 and to chapter 47.04 RCW a new section to read as follows:

Unless otherwise provided, whenever by statute a new highway or extension is added to either the primary or secondary state highway system, no existing city street or county road shall be maintained or improved by the state highway commission as a temporary route of such new highway or extension pending the construction of the new highway or extension on the location adopted by the state highway commission.

New section.

New primary or secondary highways, existing city or county roads not to be maintained as temporary route.

SEC. 35. There is added to chapter 19.28 RCW a new section to read as follows:

The provisions of this chapter shall not apply within the rights of way of state highways, provided the Washington state highway commission maintains and enforces an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required by this chapter.

New section.

Electrical installation standards not to apply on state highway rights of way.

SEC. 36. Section 81.53.260, chapter 14, Laws of 1961 and RCW 81.53.260 are each amended to read as follows:

Whenever the director of highways or the governing body of any city, town or county shall deem that the public safety requires signals or other warning devices, other than sawbuck signs, at any crossing of a railroad at common grade by any state or county highway, road, street, alley, avenue, boulevard, parkway or other public place actually open and in use or to be opened and used for travel by the public, he or it shall file with the utilities and transportation commission a petition in writing, al-

RCW 81.53.260 amended.

Railroad crossing signal, warning devices, as requirement for public safety. Petition, motion—Hearing—Order, etc.

Highways.
 Railroad cross-
 ing signal,
 warning de-
 vices, as re-
 quirement for
 public safety.
 Petition, mo-
 tion—Hearing
 —Order—
 Costs—Records
 not evidence
 for actions—
 Appeal.

leging that the public safety requires the installation of specified signals or other warning devices at such crossing or specified changes in the method and manner of existing crossing warning devices. Upon receiving such petition, the commission shall set the matter for hearing, giving at least ten days' notice to the railroad company or companies and the county or municipality affected thereby, or the director of highways in the case of a state highway, of the time and place of such hearing. At the time and place fixed in the notice, all persons and parties interested shall be entitled to be heard and introduce evidence, which shall be reduced to writing and filed by the commission. If the commission shall find from the evidence that public safety does not require the installation of the signal, other warning device or change in the existing warning device specified in the petition, it shall make findings to that effect and enter an order denying said petition in toto. If the commission shall find from the evidence that public safety requires the installation of such signals or other warning devices at such crossing or such change in the existing warning devices at said crossing, it shall make findings to that effect and enter an order directing the installation of such signals or other warning devices or directing that such changes shall be made in existing warning devices. The commission shall also at said hearing receive evidence as to the benefits to be derived by the railroad and the public, respectively, and shall on the basis of such benefits apportion the entire cost, including installation of such signals or other warning devices, other than sawbuck signs, between the railroad, municipality or county affected, or if the highway is a state road or parkway, between the railroad and the state: *Provided*, That the commission shall in no case apportion more than fifty percent of the cost of such installation or change in

existing warning devices to the public body involved unless the public body admits and makes a formal finding that benefit to the public exceeds fifty percent of the total cost and agrees to a greater apportionment measured by such benefit, nor shall the commission require the public body involved to pay its share of the cost so apportioned sooner than one year from the date of the order: *Provided further*, That no railroad shall be required to install any such signal or other warning device until the public body involved has either paid or executed its promise to pay to the railroad its portion of the estimated cost thereof. Nothing herein shall be deemed to foreclose the right of the interested parties to enter into an agreement providing for the installation of signals or other warning devices at any such crossing or for the apportionment of the cost thereof.

The investigation herein authorized may be instituted by the commission on its own motion, and the proceedings, hearing and determination thereon shall be the same as herein provided for the hearing and determination of any petition authorized by this section.

No part of the record, or a copy thereof, of the investigation herein provided for and no finding, conclusion or order made pursuant thereto shall be used as evidence in any trial, civil or criminal, arising out of an accident at or in the vicinity of any crossing prior to installation of signals or other warning devices pursuant to an order of the commission as a result of any such investigation.

Any order entered by the utilities and transportation commission under this section shall be subject to review, supersedeas and appeal as provided in RCW 81.04.170 through RCW 81.04.190.

Nothing in this section shall be deemed to relieve any railroad from liability on account of failure to

provide adequate protective devices at any such crossing.

“Public body” as used in this section shall mean city, town, county or state.

RCW 46.44.037 amended.

SEC. 37. Section 46.44.037, chapter 12, Laws of 1961 as amended by section 53, chapter 3, Laws of 1963 extraordinary session and RCW 46.44.037 are each amended to read as follows:

Motor vehicles, size weight and load. Combination of units—Lawful operations—Special permits.

Notwithstanding the provisions of RCW 46.44.036 and subject to such rules and regulations governing their operation as may be adopted by the state highway commission operation of the following combination shall be lawful:

(1) A combination consisting of a truck tractor, a semitrailer, and a full trailer. In this connection a converter gear used to convert a semitrailer into a full trailer shall be considered to be a part of the full trailer and not a separate vehicle. A converter gear being pulled without load and not used to convert a semitrailer into a full trailer may be substituted in lieu of a full trailer or a semitrailer in any lawful combination.

(2) A combination consisting of three trucks or truck tractors used in driveaway service where two of the vehicles are towed by the third in double saddlemount position.

A combination consisting of a truck tractor, a semitrailer, and a full trailer when licensed for a total gross weight of seventy-two thousand pounds may be entitled to either an annual or temporary special permit authorizing the combination to carry not more than four thousand pounds of gross weight in excess of the maximum allowed in RCW 46.44.044 upon the payment of the fees set forth in RCW 46.44-.095 and on such highways and subject to such terms and conditions as the state highway commission shall prescribe pursuant to the provisions of RCW 46.44-.095: *Provided*, That any state patrol officer who

shall find any person operating a vehicle in violation of the conditions of a special permit issued under this section may confiscate such permit and forward it to the state highway commission which may return it to the permittee or revoke, cancel, or suspend it.

SEC. 38. Section 46.44.095, chapter 12, Laws of 1961, as amended by section 15, chapter 7, Laws of 1961 extraordinary session and RCW 46.44.095 are each amended to read as follows:

RCW 46.44.095
amended.

When fully licensed to the maximum gross weight permitted under RCW 46.44.040, a three-axle truck operated as a solo unit and not in combination shall be eligible to carry gross weight in excess of that permitted for such a vehicle in RCW 46.44.040 upon the payment to the state highway commission of a fee of sixty dollars for each two thousand pounds of excess weight: *Provided*, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042 or the wheelbase requirements specified in RCW 46.44.044.

—Special
permits for
oversize or
overweight
vehicles—
Additional
gross load—
Fee.

When fully licensed to the maximum gross weight permitted under RCW 46.44.040 and when operated in combination with another vehicle, a three or more axle truck-tractor, a three or more axle truck and a three or more axle dromedary truck-tractor may be eligible under a special permit to be issued by the highway commission to carry additional gross loads beyond the limit specified for such vehicles in RCW 46.44.040 upon the payment of a fee of sixty dollars per two thousand pounds in excess weight but not to exceed one hundred and twenty dollars for the total excess weight: *Provided*, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042: *And provided further*, That the gross weight of a three or more axle truck operated in combination with a two or three-axle

Motor vehicles,
size, weight
and load.
Special
permits for
oversize or
overweight
vehicles—
Additional
gross load—
Fee.

trailer shall not exceed seventy-six thousand pounds, and the gross weight for a three or more axle truck-tractor operated in combination with a semitrailer shall not exceed seventy-three thousand two hundred eighty pounds.

The special permits provided for in this section shall be issued under such rules and regulations and upon such terms and conditions as may be prescribed by the state highway commission. Such special permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the state highway commission to be capable of withstanding such increased gross load without undue injury to the highway.

The fee for such additional gross weight shall be payable for a twelve month period beginning and ending on April 1st of each calendar year. The additional gross weight provided for herein can be purchased at any time and if purchased on or after July 1st of any year, the fee shall be seventy-five percent of the full annual fee and if purchased on or after October 1st the fee shall be fifty percent of the full annual fee and if purchased on or after January 1st the fee shall be twenty-five percent of the full annual fee.

The state highway commission shall issue such special permits on a temporary basis for periods not less than five days nor more than ten days at a fee of one dollar per day.

The fees levied in RCW 46.44.094 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state or any city or town within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.84 the fees provided for in RCW 46.44.037 and 46.44.095 shall be computed

by the state highway commission by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.84 to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The state highway commission shall prorate the fees provided in RCW 46.44.037 and 46.44.095 only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of licenses. Listings furnished shall also include the percentage of mileage operated in Washington, which shall be the same percentage as determined by the department of licenses for purposes of prorating license fees.

SEC. 39. Section 46.44.092, chapter 12, Laws of 1961 as amended by section 54, chapter 3, Laws of 1963 extraordinary session, and RCW 46.44.092 are each amended to read as follows:

RCW 46.44.092
amended.

No special permit shall be issued for movement on any two lane state highway outside the limits of any city or town where the overall width of load exceeds fourteen feet, or on any multiple lane state highway where the overall width of load exceeds thirty-two feet; except that on multiple lane state highways where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes, no special permit shall be issued for width in excess of twenty feet: *Provided*, That (1) these width limitations may be exceeded on state highways where the latest available traffic figures show that the highway or section of highway carries less than one hundred vehicles per day: *Provided further*, That in the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and de-

—Overall
width limit—
Exceptions to
limits—
Application for
permits.

Motor vehicles,
size, weight
and load.
Overall width
limit—Excep-
tions to limits
—Application
for permits.

fense highways may be exceeded under the following conditions: (a) Uninterrupted vehicular traffic shall be maintained in one direction at all times; (b) maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five mile limit: *Provided*, That when in the opinion of the highway commission a hardship would result, this limitation may be exceeded upon approval of the commission; (c) prior to issuing a permit a qualified highway department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made; (2) permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highway which have been designed and constructed for width in excess of such limitations; (3) these limitations may be rescinded when certification is made by military officials or by officials of public or private power facilities, when in the opinion of the highway commission, the movement or action is a necessary emergency movement or action: *Provided further*, That the structures and highway surfaces on the routes involved are determined to be capable of sustaining widths in excess of such limitation; (4) these limitations shall not apply to farmers moving farm machinery between farms during daylight hours if the movement does not pass along and upon any primary or secondary state highway for a distance greater than thirty-five miles, if properly patrolled and flagged; (5) these limitations shall not

apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed forty thousand pounds and the overall width of load does not exceed sixteen feet: *Provided*, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the highway commission or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

SEC. 40. Section 81.80.060, chapter 14, Laws of 1961 and RCW 81.80.060 are each amended to read as follows:

RCW 81.80.060
amended.

Every person who engages for compensation to perform a combination of services which includes transportation of property of others upon the public highways shall be subject to the jurisdiction of the commission as to such transportation and shall not engage upon the same without first having obtained a common carrier or contract carrier permit to do so. Every person engaging in such a combination of services shall advise the commission what portion of the consideration is intended to cover the transportation service and if the agreement covering the combination of services is in writing, the rate and charge for such transportation shall be set forth therein. The rates or charges for the transportation services included in such combination of services shall be subject to control and regulation by the commission in the same manner that the rates of

Motor freight
carriers.
Combination
of services—
Certain per-
sons exempted
under.

common and contract carriers are now controlled and regulated. Any person engaged in extracting, processing and hauling materials exclusively for the maintenance, construction or improvement of a public highway shall not be deemed to be performing a combination of services.

Motor vehicles.
Director of
motor vehicles
as successor to
powers and
duties of
director of
licenses.

SEC. 41. The director of motor vehicles is the successor in interest to the director of licenses and is vested with all powers, duties and functions formerly vested in the director of licenses pursuant to Title 18 RCW, Title 21 RCW and chapter 43.24 RCW.

—Director
may delegate
authority.

SEC. 42. The director of motor vehicles may delegate to the administrative head of the division of professional licensing of the department of motor vehicles authority to promulgate rules and regulations relating to the licensing of persons engaged in businesses and professions and to the administration of laws pertaining to the regulation of securities. The director may delegate the authority to issue and sign licenses, certificates, permits and renewals thereof pertaining to those activities transferred to the professional licensing division of the department of motor vehicles pursuant to section 5, chapter 156, Laws of 1965.

RCW 46.20.100
amended.

SEC. 43. Section 46.20.100, chapter 12, Laws of 1961 and RCW 46.20.100 are each amended to read as follows:

Driver's
licenses.
Application
of minor—
Cosignature
required.

The department of motor vehicles shall not consider the application of any minor under the age of eighteen years for a driver's license unless the application is also signed by the father of the applicant, if the father is living and has custody of the applicant, otherwise by the mother or guardian having the custody of such minor, or in the event a minor under the age of eighteen has no father, mother, or guardian, then a driver's license shall

not be issued to the minor unless his application is also signed by his employer.

SEC. 44. The department of motor vehicles is authorized to accept checks and money orders for payment of drivers' licenses, certificates of ownership and registration, motor vehicle excise taxes, gross weight fees and other fees and taxes collected by the department, in accordance with regulations adopted by the director. The director's regulations shall duly provide for the public's convenience consistent with sound business practice and shall encourage the annual renewal of vehicle registrations by mail to the department, authorizing checks and money orders for payment. Such regulations shall contain provisions for cancellation of any registrations, licenses or permits paid for by checks or money orders which are not duly paid and for the necessary accounting procedures in such cases.

Motor vehicles.
Fees for operation of, rules and regulations for collection.

SEC. 45. Section 46.08.120, chapter 12, Laws of 1961 and RCW 46.08.120 are each amended to read as follows:

RCW 46.08.120 amended.

The director, in his discretion, may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration or other documents, records or supporting papers on file in his office which have been micro-filmed or photographed.

Destruction of records by director.

SEC. 46. Section 17, chapter 121, Laws of 1965, extraordinary session (S. B. 334) is amended to read as follows:

1965 ex.s. c 121 § 17 amended.

Every driver's license shall expire on the second anniversary of the licensee's birthdate following the issuance of such license. Every such license shall be renewable on or before its expiration upon application prescribed by the department and the payment of a fee of four dollars.

Driver's licenses.
Expiration of
—Renewal—
Fee.

New section.

SEC. 47. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Motor vehicles. Police may stop vehicle if license shows registered to unlicensed driver.

Any police officer who has received notice of the suspension or revocation of a driver's license from the department of motor vehicles, may, during the reported period of such suspension or revocation, stop any motor vehicle identified by its vehicle license number as being registered to the person whose driver's license has been suspended or revoked. The driver of such vehicle shall display his driver's license upon request of the police officer.

RCW 46.82.140 amended.

SEC. 48. Section 46.82.140, chapter 12, Laws of 1961 and RCW 46.82.140 are each amended to read as follows:

Driver's training schools. Instructor's certificate—Examining committee—Director to arrange examination.

Examinations for a driving instructor's certificate shall be prepared and conducted by a driving instructor's examination committee to be composed of a representative from the Washington state department of education, a representative of the department of motor vehicles and a representative of the commercial driving schools. Members shall be appointed by the governor for a one year term and shall receive compensation not to exceed twenty-five dollars for each day spent on official business and necessary expenses: *Provided*, That any member who is receiving a salary from the state of Washington shall not receive compensation for such services but shall receive any travel and other expenses incurred in such service. The director shall arrange for the examination of each applicant for an instructor's certificate and furnish the necessary clerical help to the examining committee.

RCW 46.37.340 amended.

SEC. 49. Section 46.37.340, chapter 12, Laws of 1961 as amended by section 21, chapter 154, Laws of 1963 and RCW 46.37.340 are each amended to read as follows:

Every motor vehicle, trailer, semitrailer and pole trailer, and any combination of such vehicle operating upon a highway within this state shall be equipped with brakes in compliance with the requirements of this chapter.

Motor vehicle
lighting and
equipment.
Braking
equipment
required.

(1) Service brakes—adequacy. Every such vehicle and combination of vehicles, except special mobile equipment as defined in RCW 46.04.552, shall be equipped with service brakes complying with the performance requirements of RCW 46.37.351 and adequate to control the movement of and to stop and hold such vehicle under all conditions of loading, and on any grade incident to its operation.

(2) Parking brakes—adequacy. Every such vehicle and combination of vehicles, except motorcycles and motor-driven cycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service

Motor vehicle lighting and equipment. Braking equipment required.

brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(3) Brakes on all wheels. Every vehicle shall be equipped with brakes acting on all wheels except:

(a) Trailers, semitrailers, or pole trailers of a gross weight not exceeding three thousand pounds, provided that:

(i) The total weight on and including the wheels of the trailer or trailers shall not exceed forty percent of the gross weight of the towing vehicle when connected to the trailer or trailers, and

(ii) The combination of vehicles, consisting of the towing vehicle and its total towed load, is capable of complying with the performance requirements of RCW 46.37.351.

(b) Trailers, semitrailers, or pole trailers manufactured and assembled prior to July 1, 1965 shall not be required to be equipped with brakes when the total weight on and including the wheels of the trailer or trailers does not exceed two thousand pounds.

(c) Any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of RCW 46.37.351.

(d) Trucks and truck-tractors having three or more axles need not have brakes on the front wheels, except that when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes. However, such trucks and truck-tractors must be capable of complying with the performance requirements of RCW 46.37.351.

(e) Special mobile equipment as defined in RCW 46.04.552.

(f) The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, or the front wheel

of a motor-driven cycle need not be equipped with brakes, provided that such motorcycle or motor-driven cycle is capable of complying with the performance requirements of RCW 46.37.351.

(4) Automatic trailer brake application upon breakaway. Every trailer, semitrailer, and pole trailer equipped with air or vacuum actuated brakes and every trailer, semitrailer, and pole trailer with a gross weight in excess of three thousand pounds, manufactured or assembled after January 1, 1964, shall be equipped with brakes acting on all wheels and of such character as to be applied automatically and promptly, and remain applied for at least fifteen minutes, upon breakaway from the towing vehicle.

(5) Tractor brakes protected. Every motor vehicle manufactured or assembled after January 1, 1964, and used to tow a trailer, semitrailer or pole trailer equipped with brakes, shall be equipped with means for providing that in case of breakaway of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

(6) Trailer air reservoirs safeguarded. Air brake systems installed on trailers manufactured or assembled after January 1, 1964, shall be so designed that the supply reservoir used to provide air for the brakes shall be safeguarded against backflow of air from the reservoir through the supply line.

(7) Two means of emergency brake operation.

(a) Air brakes. After January 1, 1964, every towing vehicle, when used to tow another vehicle equipped with air controlled brakes, in other than driveaway or towaway operations, shall be equipped with two means for emergency application of the trailer brakes. One of these means shall apply the brakes automatically in the event of a reduction of the towing vehicle air supply to a fixed pressure which shall be not lower than twenty pounds per square inch nor higher than forty-five pounds per

Motor vehicle
lighting and
equipment.
Braking
equipment
required.

square inch. The other means shall be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means. The automatic and the manual means required by this section may be, but are not required to be, separate.

(b) Vacuum brakes. After January 1, 1964, every towing vehicle used to tow other vehicles equipped with vacuum brakes, in operations other than drive-away or towaway operations, shall have, in addition to the single control device required by subsection (8) of this section, a second control device which can be used to operate the brakes on towed vehicles in emergencies. The second control shall be independent of brake air, hydraulic and other pressure, and independent of other controls, unless the braking system be so arranged that failure of the pressure upon which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking.

(8) Single control to operate all brakes. After January 1, 1964, every motor vehicle, trailer, semi-trailer and pole trailer, and every combination of such vehicles, except motorcycles and motor-driven cycles, equipped with brakes shall have the braking system so arranged that one control device can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. This regulation does not apply to driveaway or towaway operations unless the brakes on the individual vehicles are designed to be operated by a single control in the towing vehicle.

(9) Reservoir capacity and check valve.

(a) Air brakes. Every bus, truck or truck-tractor with air operated brakes shall be equipped with at least one reservoir sufficient to insure that, when fully charged to the maximum pressure as regulated by the air compressor governor cut-out setting, a full service brake application may be made without lowering such reservoir pressure by more than twenty percent. Each reservoir shall be provided with means for readily draining accumulated oil or water.

(b) Vacuum brakes. After January 1, 1964, every truck with three or more axles equipped with vacuum assist type brakes and every truck-tractor and truck used for towing a vehicle equipped with vacuum brakes shall be equipped with a reserve capacity or a vacuum reservoir sufficient to insure that, with the reserve capacity or reservoir fully charged and with the engine stopped, a full service brake application may be made without depleting the vacuum supply by more than forty percent.

(c) Reservoir safeguarded. All motor vehicles, trailers, semitrailers and pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, shall have such reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the leak or failure.

(10) Warning devices.

(a) Air brakes. Every bus, truck or truck-tractor using compressed air for the operation of its own brakes or the brakes on any towed vehicle, shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time the air reservoir pressure of the vehicle is below fifty percent of the air compressor governor cut-out pressure. In addition, each

Motor vehicle
lighting and
equipment.
Braking
equipment
required.

such vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

(b) Vacuum brakes. After January 1, 1964, every truck-tractor and truck used for towing a vehicle equipped with vacuum operated brakes and every truck with three or more axles using vacuum in the operation of its brakes, except those in driveaway or towaway operations, shall be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than eight inches of mercury.

(c) Combination of warning devices. When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle, the warning devices may be, but are not required to be, combined into a single device which will serve both purposes. A gauge or gauges indicating pressure or vacuum shall not be deemed to be an adequate means of satisfying this requirement.

RCW 18.27.090
amended.

SEC. 50. Section 9, chapter 77, Laws of 1963 and RCW 18.27.090 are each amended to read as follows:

Contractors,
registration of
—Exemptions.

This chapter shall not apply to:

(1) An authorized representative of the United States government, the state of Washington, or any incorporated city, town, county, township, irrigation district, reclamation district or other municipal or political corporation or subdivision of this state;

(2) Officers of a court when they are acting within the scope of their office;

(3) Public utilities operating under the regulations of the public service commission in construction, maintenance or development work incidental to their own business;

(4) Any construction, repair or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning or other operation of any petroleum or gas well or any surface or underground mine or mineral deposit when performed by an owner or lessee;

(5) The sale or installation of any finished products, materials or articles of merchandise which are not actually fabricated into and do not become a permanent fixed part of a structure;

(6) Any construction, alteration, improvement or repair of personal property;

(7) Any construction, alteration, improvement, or repair carried on within the limits and boundaries of any site or reservation under the legal jurisdiction of the federal government;

(8) Any person who only furnished materials, supplies or equipment without fabricating them into, or consuming them in the performance of, the work of the contractor;

(9) Any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor and materials and all other items is less than one hundred dollars, such work or operations being considered as of a casual, minor, or inconsequential nature. The exemption prescribed in this subsection does not apply in any instance wherein the work or construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made into contracts of amounts less than one hundred dollars for the purpose of evasion of this chapter or otherwise. The exemption prescribed in this subsection does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that he is a contractor, or that he is qualified to engage in the business of contractor;

Contractors,
registration of
—Exemptions.

(10) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts; or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising; or to clearing or other work upon land in rural districts for fire prevention purposes; except when any of the above work is performed by a registered contractor;

(11) An owner who contracts for a project with a registered contractor;

(12) Any person working on his own property, whether occupied by him or not, and any person working on his residence, whether owned by him or not;

(13) Owners of commercial properties who use their own employees to do maintenance, repair and alteration work in or upon their own properties;

(14) A licensed architect or civil or professional engineer acting solely in his professional capacity, an electrician licensed under the laws of the state of Washington, or a plumber licensed under the laws of the state of Washington or licensed by a political subdivision of the state of Washington while operating within the boundaries of such political subdivision. The exemption provided in this subsection is applicable only when the licensee is operating within the scope of his license;

(15) Any person who engages in the activities herein regulated as an employee of a registered contractor with wages as his sole compensation or as an employee with wages as his sole compensation;

(16) Contractors on highway projects who have been prequalified as required by chapter 13 of the Laws of 1961, RCW 47.28.070, with the highway department to perform highway construction, reconstruction or maintenance work.

SEC. 51. There is added to chapter 3, Laws of 1963, extraordinary session, a new section to read as follows:

The joint committee on highways is authorized and directed to study, analyze, report on and make recommendations to the 1967 Legislature prior to its convening concerning:

Highways.
Joint committee on highways—
Studies by authorized.

(1) The development of a comprehensive policy relating to freeways and expressways, including the desirability of constructing a state-wide system of urban and rural freeways to meet future transportation needs, methods of financing such a system of freeways, the related role of the state, cities and counties in constructing urban and rural freeways and expressways, standards of construction, the financing of adequate connecting approach roads and streets and methods to protect interchanges from undue traffic congestion.

(2) A continuation of the cost allocation study commenced in the 1963-1965 biennium including a consideration of weight limits and highway design. This study shall take into account the impact of federal highway taxes.

(3) The most desirable method of licensing commercial drivers including a review of special commercial driver licensing practices used in other states; an examination of policy relating to the suspension and revocation of licenses of commercial drivers, possible restrictions on the disclosure of traffic violations of commercial drivers, and occupational licensing of commercial drivers.

(4) Highway planning and construction practices of the department of highways, including planning, engineering, and hearing procedures, competitive bidding practices, penalty provisions for construction delays by contractors, policy relating to the prequalification of contractors; and the inspection of work performed by contractors.

Highways.
Joint commit-
tee on
highways—
Studies by
authorized.

(5) Legal procedures for the disposition of abandoned vehicles.

(6) Methods of financing the comprehensive long range plan for cross sound transportation to be prepared by state highway commission pursuant to section 23, chapter 3, Laws of 1963, extraordinary session.

(7) Traffic safety including an evaluation of traffic signs and signals erected and maintained by the state, the cities and the counties.

(8) Methods of improving the reporting of accidents and traffic convictions.

(9) Criteria and policy for the use of bond financing of city streets, county roads and state highways.

(10) Reciprocity in the licensing and taxation of motor vehicles including the feasibility of placing license and weight fees on motor vehicle power units only.

(11) Highway and transportation needs between Washington and Alaska and to this end the committee may formulate recommendations concerning the same to federal agencies and the Congress of the United States.

(12) The development of policy for the state of Washington regarding the most desirable federal-aid highway program after 1972 when the interstate system of highways is completed, including the possibility of adding more miles of interstate highways within the state of Washington.

(13) The feasibility of reestablishing a program of vehicle safety inspection.

(14) An examination of methods of improving intergovernmental cooperation in road and street administration.

(15) A continuing study of the system of priority programing for state highways with special consideration of the legislature's role in developing highway construction priorities.

(16) An analysis of existing methods now used for spreading assessments over local improvement districts (for roads and bridges only) with recommendations for making LID financing a more practicable procedure for financing the improvement of highway facilities.

(17) An examination of fuel tax collection costs and handling losses as a basis for a refund allowance to motor vehicle fuel retailers.

(18) The future role of mass transit in the urban areas and its relation to highway planning and construction.

SEC. 52. (1) The joint committee on highways is authorized and directed to conduct a study with the cooperation of the department of highways, the department of motor vehicles, the Washington state patrol and the Washington utilities and transportation commission to devise procedures by which persons wishing to qualify a commercial vehicle for operation on our state highways may make application on a single form to the department of motor vehicles with such additional copies as may be required for distribution to the several agencies responsible for taxing and regulating commercial vehicles. Under such procedures the vehicle operator upon meeting all regulatory requirements and paying all required fees will be issued a single document certifying to the scope and duration of the qualification of the vehicle therein identified.

—Commercial vehicles operating on state highways, single application for, study on.

(2) The study shall include methods of reducing the evidence of qualification and identification required to be displayed on the outside of the vehicle to the minimum consistent with sound law enforcement.

(3) The study shall include a consideration of all means of promoting the standardization of vehicle qualification requirements between this and other states.

Highways.
Joint com-
mittee on
highways—
Commercial
vehicles oper-
ating on state
highways,
single appli-
cation for,
study on by
committee.

(4) To facilitate the study and accurately determine the administrative and enforcement problems connected with the use of a single application form and a single qualification form, the joint committee on highways and the departments named in subsection (1) are authorized and directed to implement the procedures described in subsection (1) and (2) for the qualification and identification of not more than three of the larger interstate commercial fleets, for the license year 1966. For the purposes of this pilot program and with respect to the vehicle fleets selected, each of the departments of state government is authorized and directed to adjust the qualification and permit period to a calendar year, adjusting fees accordingly and giving such credits or assessing such additional fees as may be necessary.

RCW 47.56.245
amended.

SEC. 53. Section 47.56.245, chapter 13, Laws of 1961 and RCW 47.56.245 are each amended to read as follows:

Toll facilities.
Toll charges
retained until
costs paid.

The authority shall retain toll charges on all existing and future facilities until all costs of investigation, financing, acquisition of property, and construction advanced from the motor vehicle fund, and obligations incurred under RCW 47.56.250 and chapter 16, Laws of 1945 have been fully paid. With respect to every facility completed after March 19, 1953, costs of maintenance, management and operation shall be paid periodically out of the revenues of the facility in which such costs were incurred.

Second Lake
Washington
bridge, motor
vehicle fund
moneys may
be used to
meet deficits
incidental to.

SEC. 54. To the extent that revenues from the imposition of tolls and franchise fees for use of the second Lake Washington bridge authorized and constructed under the provisions of RCW 47.56.281 are insufficient to meet costs of maintenance and operation and required payments of principal, interest, and other charges incidental to the issuance, sale, and retirement of the bonds issued pursuant to the provisions of RCW 47.56.282 or on any subsequent refund-

ing bond issues, the Washington state highway commission shall use moneys in the motor vehicle fund to pay such deficits.

SEC. 55. Any funds required to pay such deficits shall be from the proceeds of state excise taxes on motor vehicle fuels and shall be taken from that portion of the motor vehicle fund which is or may be appropriated for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet such deficits.

—Portion of fund allottable.

The proceeds of such excise taxes are hereby pledged to the payment of any such deficits in the costs of maintenance and operation of the bridge and in the payment of principal and interest which may arise on account of the bonds issued under the provisions of RCW 47.56.282, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, such deficits.

SEC. 56. Section 47.56.282, chapter 13, Laws of 1961 and RCW 47.56.282 are each amended to read as follows:

RCW 47.56.282 amended.

The authority is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all costs of construction of an additional Lake Washington bridge and approaches and all costs of construction or any alterations to the existing Lake Washington bridge or its approaches as a result of the construction of the additional bridge, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, all expenses of issuance and sale of such bonds, and to pay interest on said bonds during con-

Additional Lake Washington bridge. Revenue bonds —Toll charges.

Highways.
Additional
Lake Wash-
ington bridge.
Revenue bonds
—Toll charges.

struction and for six months after tolls are first imposed.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest from the tolls and revenues derived from the operation of said toll facility as hereinbefore constituted and from any other moneys or funds available therefor. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll facility and from any interest which may be earned from the deposit or investment of any such revenues, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon.

Another Lake
Washington
bridge author-
ized—Site.

SEC. 57. Notwithstanding the provisions of RCW 47.56.220, the Washington state highway commission is authorized to design and construct an additional bridge across Lake Washington at a site in the vicinity of the first Lake Washington bridge.

RCW 47.60.140
amended.

SEC. 58. Section 47.60.140, chapter 13, Laws of 1961 and RCW 47.60.140 are each amended to read as follows:

The authority is empowered to operate such ferry system, including all operations, whether intrastate or international, upon any route or routes, and toll bridges as a revenue producing and self-liquidating undertaking. The highway commission shall have full charge of the construction, rehabilitation, rebuilding, enlarging, improving, operation and maintenance of the ferry system, including toll bridges, approaches and roadways incidental thereto that may be authorized by the authority, including the collection of tolls and other charges for the services and facilities of the undertaking: *Provided*, That the authority shall have the exclusive right to enter into leases and contracts for use and occupancy by other parties of the concessions and space located on the ferries, wharves, docks, approaches and landings, but no such leases or contracts shall be entered into for more than five years, nor without public advertisement for bids as may be prescribed by the authority: *Provided further*, That the Colman Dock facilities may be leased for a period not to exceed ten years: *Provided further*, That the authority may accept and continue leases and contracts for a period of ten years without advertisement or bid, if such leases or contracts were in effect or entered into at the time of the purchase of the Puget Sound ferry system, and any leases or contracts so made are hereby validated.

Puget Sound Ferry and Bridge System—As self-liquidating undertaking—Powers of highway commission—Concessions.

SEC. 59. The state highway commission in cooperation with the joint committee on highways, is authorized and directed to conduct a study of the feasibility and cost of constructing a limited access highway by the most feasible route from primary state highway No. 9 in the vicinity of Shelton to primary state highway No. 14 in the vicinity of Purdy.

Highways. Limited access facility from Shelton to Purdy, study on.

SEC. 60. The state highway commission and the joint committee on highways are authorized and directed to undertake a survey and prepare a pro-

Federal aid for highway beautification, etc., utilizing.

gram for the utilization of federal-aid funds available under 23 U.S.C. sec. 319, or any other similar federal program, providing for highway landscaping, safety rest areas and acquisition of strips of land adjacent to our highways for the preservation of its natural beauty. The program shall be submitted to the 1967 Legislature prior to its convening.

Dune buggy, lease or use of without inspection unlawful— inspection fee.

SEC. 61. It shall be unlawful for any person to lease for hire or permit the use of any vehicle with soft tires commonly used upon the beach and referred to as a dune buggy unless such vehicle has been inspected by and approved by the state commission on equipment, which commission may charge a reasonable fee therefor to go into the state patrol highway account.

Highways. Acquisition of property for historic sites, etc., authorized.

SEC. 62. The state highway commission is authorized to acquire title to or any interests or rights in real property adjacent to state highways for the preservation of natural beauty, historic sites or viewpoints or for safety rest areas.

Area-wide urban mass transportation system, participation in authorized.

SEC. 63. The highway commission is empowered to join financially or otherwise with any public agency or any county, city, or town in the state of Washington or any other state, or with the federal government or any agency thereof, or with any or all thereof for the planning, development and establishment of area-wide urban mass transportation systems in conjunction with new or existing highway facilities.

1963 c 3 § 35 amended.

SEC. 64. Section 35, chapter 3, Laws of 1963 extraordinary session (uncodified), is amended to read as follows:

Joint committee on highways. Created— Membership— Vacancies.

The joint fact-finding committee on highways, streets and bridges originally created by chapter 111, Laws of 1947, is hereby recreated and renamed the joint committee on highways. The renaming of said committee shall not affect any powers vested in

it or duties imposed upon it by any other statute. All appropriations made to the committee under its former name shall continue to be available to said committee as renamed, the joint committee on highways. The committee shall consist of nine senators to be appointed by the president of the Senate and ten members of the House of Representatives to be appointed by the speaker thereof. A list of appointees shall be submitted before the close of each regular legislative session or extraordinary session following a regular session for confirmation of Senate members, by the Senate, and House members, by the House. Vacancies occurring shall be filled by the appointing authority.

SEC. 65. Membership authorized by this act on the joint committee on highways is hereby ratified, even though appointments are made prior to the effective date of this act.

—Appoint-
ments ratified.

SEC. 66. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1967, the sum of seventy-five thousand dollars, or so much thereof as may be necessary for preliminary engineering for a bridge at Rich Pass in Kitsap County.

Appropriation.

SEC. 67. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1967, the sum of fifty thousand dollars, or so much thereof as may be necessary, for the purpose of constructing a new bridge across Morse creek on primary state highway No. 9 east of Port Angeles.

Appropriation.

SEC. 68. The joint committee on highways shall make a study during the interim and report to the fortieth session of the legislature as to the advisability of utilizing the services of private consulting engineers or firms in its highway planning programs both to obviate the need of retaining professional personnel on its staff during periods of moderate

Joint com-
mittee on
highways—
Study on
utilizing
private firms
in planning
programs.

activity by the department or to supplement the work of professional personnel on its staff in periods of high activity within the department.

Highways.
Repeal.

SEC. 69. Sections 11 and 12, chapter 278, Laws of 1961 and RCW 47.56.036 and 47.56.038 are each hereby repealed.

Severability.

SEC. 70. 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.

Emergency.

SEC. 71. 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, 1965.

Passed the House May 6, 1965.

Approved by the Governor May 14, 1965, with the exception of certain items in section 33 which were vetoed.

Veto message.

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

"This is the so-called 'Highway Omnibus Bill of 1965'. Section 33 of the bill is an amendment to the 1963 Highway Priority Programming Act, which required the State Highway Commission to plan for one hundred percent completion by 1975 of this state's portion of the national system of interstate highways and those highways classified as 'principal highways'. Section 33 of Substitute Senate Bill No. 438 would extend the time for completing these highways for an additional six years, to 1981.

"I am reluctant to extend the time for completing this high priority highway system. The people need most of these highways now. To allow them to remain uncompleted for sixteen years would be poor highway planning. Limitations on available funds over the next ten years may require some adjustment in priorities established by the State Highway Commission. I request that the Highway Commission and the Joint Highway Interim Committee of the Legislature reappraise the schedule of priorities and classification of highways to see if revisions are necessary to be sure that the highways carrying the greatest traffic loads are completed by 1975, rather than to postpone final completion for six more years, so that less important highways can be constructed at the same time.

"Until such a reappraisal of priorities can be completed, I believe the Highway Commission and the Highway Department should exert every effort to meet the 1975 target date. For these reasons I have vetoed the items in Section 33 which amended '1975' to read '1981'. The remainder of the bill is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 171.

[Senate Bill No. 565.]

SCHOOLS—DISTRIBUTION AND APPORTIONMENT
OF STATE FUNDS.

AN ACT relating to education; amending section 2, chapter 154, Laws of 1965 first extraordinary session; amending section 1, chapter 11, Laws of 1951 first extraordinary session as amended by section 9, chapter 187, Laws of 1955, and RCW 28.45.040; amending section 13, chapter 154, (Senate Bill No. 522), Laws of 1965 (uncodified); repealing section 3, chapter 11, Laws of 1951 first extraordinary session, section 1, chapter 16, Laws of 1951 second extraordinary session, section 1, chapter 6, Laws of 1959 first extraordinary session and RCW 28.45.110; and declaring an emergency.

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

SECTION 1. Section 2, chapter 154, Laws of 1965 first extraordinary session (Senate Bill No. 522) is amended to read as follows:

1965 ex.s. c 154
§ 2 amended.

From those funds made available by the legislature for the current use of the common schools, the state superintendent of public instruction shall distribute annually as provided in RCW 28.48.010 to each school district of the state operating a program approved by the state board of education, an amount which, when combined with the following revenues, will constitute an equal guarantee in dollars for each weighted student enrolled, based upon one full school year of one hundred eighty days:

School districts, apportionment of state aid to. Based on specified revenues—Equal guarantee in dollars for each weighted student.

(1) Eighty-five percent of the amount of revenues which would be produced by the maximum levy permissible for any school district without a vote of the electors thereof during the school year 1965-1966 and during the portion of the school year 1966-1967 expiring December 31, 1966. For all school years and portions of school years thereafter, eighty-five percent of the amount of revenues which would be produced by a levy of fourteen mills on the assessed valuation of taxable property within the

School districts, apportionment of state aid to. Based on specified revenues—Equal guarantee in dollars for each weighted student.

school district adjusted to twenty-five percent of true and fair value thereof as determined by the state tax commission's indicated county ratio: *Provided*, That the funds otherwise distributable under this section to any school district for any year shall be reduced by the difference between the proceeds from the actual school district tax levy in the district and the amount the maximum levy permissible for the district without a vote of the electors thereof would produce irrespective of any delinquencies; and

(2) The receipts from the one percent tax on real estate transactions which may be imposed pursuant to chapter 28.45 RCW: *Provided*, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in the full amount authorized by chapter 28.45 RCW shall be reduced by five percent; and

(3) Net receipts from those funds received pursuant to Title 20, sections 236 through 244, United States Code, in the following specified percentages:

- School year 1965-66 40%
- School year 1966-67 55%
- School year 1967-68 70%
- School year 1968-69 and thereafter 85%

Net receipts are gross receipts of the district less the cost to the district of processing the records and claims required for the administration of Title 20, sections 236 through 244, United States Code; and

(4) Eighty-five percent of the maximum receipts collectible from the high school district fund pursuant to chapter 28.44 RCW; and

(5) Public utility district funds distributed to school districts pursuant to RCW 54.28.090, in the following specified percentages:

- School year 1965-66 40%
- School year 1966-67 55%

- School year 1967-68 70%
- School year 1968-69 and thereafter 85%

(6) Federal forest revenues distributed to school districts pursuant to RCW 36.33.110, in the following specified percentages:

- School year 1965-66 40%
- School year 1966-67 55%
- School year 1967-68 70%
- School year 1968-69 and thereafter 85%

(7) Eighty-five percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support: *Provided*, That the apportionment per weighted student under this section 1 to any district which complies with the requirement of this act for the school years 1965-66 and 1966-67 shall be an amount sufficient to guarantee ninety-five percent of the total revenue per weighted student, excluding special levies, which such district realized during the 1964-65 school year.

SEC. 2. Section 1, chapter 11, Laws of 1951 first extraordinary session as amended by section 9, chapter 187, Laws of 1955, and RCW 28.45.040 are each amended to read as follows:

RCW 28.45.040 amended.

Whenever the boards of directors of more than a majority of the school districts in any county shall adopt resolutions declaring that a need exists for additional funds for the support of the schools, such resolution to be adopted after a public hearing after reasonable notice in each of the respective districts, and shall file the same with the board of county commissioners prior to the first day of May of any year, it shall be the duty of the board of county commissioners to pay to each school district during the ensuing year a sum equal to seventeen cents per day for each weighted student enrolled, based upon a full school year of one hundred eighty days. The year during which the payments herein required

Real estate tax for schools. Additional funds for schools—Resolution—Payment—Tax on real estate sales in lieu.

Real estate tax for schools. Tax in lieu of additional funds.

are to be made shall be from the first day of May to the last day of April, inclusive: *Provided*, That in the event a county, for a period of twelve months prior to the first day of May of any year, levies a tax of not less than one percent on the sales of real estate in the county as permitted and provided for in this chapter and assigns the entire proceeds of one percent or so much as necessary to make the above payment to the county school fund for distribution to the various school districts, there shall be no further liability upon the county for this purpose.

1965 ex.s. c 154 § 13 amended.

SEC. 3. Section 13, chapter 154, (Senate Bill No. 522), Laws of 1965 (uncodified) is amended to read as follows:

Severability.

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.

Repeal.

SEC. 4. Section 3, chapter 11, Laws of 1951 first extraordinary session; section 1, chapter 16, Laws of 1951 second extraordinary session; section 1, chapter 6, Laws of 1959 first extraordinary session, and RCW 28.45.110 are each repealed.

Emergency-- Effective date.

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 July 1, 1965.

Passed the Senate May 6, 1965.

Passed the House May 6, 1965.

Approved by the Governor May 15, 1965.

CHAPTER 172.

[Substitute Senate Bill No. 41.]

BUILDINGS—HIGHER EDUCATION—STATE AGENCIES—
FINANCING.

AN ACT relating to state government and the support thereof; authorizing the issuance and sale of state general obligation bonds to provide for needful buildings for institutions of higher education, the department of institutions, *the department of fisheries*, the department of natural resources and other state agencies; providing ways and means to pay said bonds; making appropriations; and providing for submission of this act to a vote of the people.

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

SECTION 1. For the purpose of providing needed capital improvements for the institutions of higher education, the department of institutions, *the department of fisheries*, the department of natural resources and other state agencies, the state finance committee is hereby authorized to issue, at any time prior to January 1, 1970, general obligation bonds of the state of Washington in the sum of forty million five hundred seventy-five thousand dollars, or so much thereof as shall be required to finance the capital projects set forth in section 6 of this act, to be paid and discharged within twenty years of the date of issuance.

Public build-
ings, financing.
Bonds—
Authorized—
Amount—As
state obliga-
tions—Terms
and conditions.

The state finance committee is authorized to prescribe the form of such bonds, and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof: *Provided*, That none of the bonds herein authorized shall be sold for less than the par value thereof, nor shall they bear interest at a rate in excess of six percent per annum.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when

due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

Public build-
ings, financing.
Disposition of
bond proceeds
—Account
created.

SEC. 2. The proceeds from the sale of the bonds authorized herein, 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 building and higher education construction account hereby created in the state general fund.

Redemption
fund created
—Bonds, re-
tirement of
and payment
of interest on,
procedure.

SEC. 3. The state building and higher education bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by 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 bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in said state building and higher education bond redemption fund from moneys transmitted to the state treasurer by the tax commission and certified by the tax commission to be sales tax collections and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

SEC. 4. The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and this act shall not be deemed to provide an exclusive method for such payment.

—Not exclusive method.

SEC. 5. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

Bonds as legal investment for state funds.

SEC. 6. The following sums, or so much thereof as may be necessary, are appropriated from the state building and higher education construction account: *Provided*, That the legislature may reappropriate the unexpended balance from any project for other projects within the scope of section 1 of this act.

Projects, appropriations for.

For the Reformatory	
Renovation of utilities.....	\$ 342,000
Construct chapel	\$ 137,500
For the Women's Correction Center	
Construct and equip, or remodel and equip.....	\$2,166,333
For the Maple Lane School	
Construct and equip two residential units, demolish Spruce and Hawthorne cottages.....	\$ 350,000
For the Group Homes	
Construct and equip three group homes.....	\$ 276,600
For the Fifth Youth Forestry Camp	
Construct and equip.....	\$ 668,631
For the Western Hospital	
Renovate utilities	\$ 228,000
For the Rainier School	
Construct and equip laundry addition.....	\$ 273,013
For the Yakima Valley School	
Construct and equip three wings for two-hundred seventy additional beds; remodel and equip kitchen	\$1,978,033
For the Fircrest School	
Construct and equip activities building.....	\$ 483,500
For the University of Washington	
Construct and equip college of architecture building	\$1,960,000
Construct and equip physics-atmospheric science building	\$2,275,000
Construct and equip art wing.....	\$ 750,000
Renovate forestry building and construct pulp and paper teaching facility.....	\$2,290,000

Public build- ings, financing. Projects, appropriations for.	Construct and equip general classroom building..	\$2,600,000
	Construct graduate center facility.....	\$ 500,000
	For Washington State University	
	Construct Research and Laboratory building— Puyallup	\$1,334,782
	For Eastern Washington State College	
	New heating plant and extension of utilities....	\$1,500,000
	Construct and equip music building.....	\$1,375,000
	Construct and equip general classroom building..	\$ 890,000
	For Central Washington State College	
	Construct and equip fine and applied arts— language and literature facility.....	\$4,119,638
	Land acquisition	\$ 300,000
	For Western Washington State College	
	Construct and equip classroom—faculty offices addition	\$1,704,000
	Construct and equip addition to the library.....	\$1,167,000
	For the Washington State Historical Society	
	Construct new wing to museum building: <i>Pro- vided, That the sum appropriated herein or so much thereof as is necessary shall not be ex- pended unless such sum is matched in an equal amount from private contribution and other sources collected on or before January 1, 1969</i>	\$ 339,000
	<i>For the Department of Commerce & Economic Development</i>	
	Construct tourist information centers at Oroville, Port Angeles, and Clarkston.....	\$ 86,226
	<i>For the Department of Fisheries</i>	
	Construct Sol Duc production development station	\$ 190,000
Fidalgo Bay fish farm, marine park and small boat basin	\$ 100,000	
For the Department of Natural Resources		
Clearwater Honor Camp.....	\$ 500,000	
For the University of Washington		
Construct and equip health sciences expansion...	\$9,600,000	
For the Finance Committee.....	\$ 40,744	

Definitions.

SEC. 7. The words "capital improvement" or "capital project" used herein shall mean acquisition of sites, easements, rights of way or improvements thereon or appurtenances thereto, construction and initial equipment, reconstruction, demolition or major alteration of new or presently owned capital assets.

Referendum to people.

SEC. 8. This act shall be submitted to the people for their adoption and ratification, or rejection, at

the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1966, in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution as amended, and the laws adopted to facilitate the operation thereof.

Passed the Senate May 6, 1965.

Passed the House May 5, 1965.

Approved by the Governor May 15, 1965, with the exception of certain items in section 1 and section 6, and an item in the title of the bill, which were vetoed.

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

Veto message.

"The bill as approved is to be submitted to the people for their adoption and ratification or rejection at the next general election in accordance with section 8 of the bill. Certain items of the bill which I have not approved are to be submitted to the Senate at the next session of the Legislature.

"This bill provides needed capital improvements for the institutions of higher education, the department of institutions, certain reform facilities operated by the department of institutions in conjunction with the department of natural resources, the museum operated for the benefit of the state and the education of its people by the Washington State Historical Society, and in addition certain facilities for the department of fisheries and the department of commerce and economic development.

"Substitute Senate Bill No. 41 must be submitted to a vote of the people because of the provision of Article VIII, section 3 of the state Constitution. That section also provides that the indebtedness for which voter approval is sought 'shall be authorized by law for some single work or object'.

"After consultation with my own legal counsel, with the Office of the Attorney General and with attorneys who specialize in matters of law pertaining to bonds issued by governmental bodies, I have concluded that in its present form there is substantial doubt that Substitute Senate Bill No. 41 complies with the provisions of the state Constitution. There is no decision of the State Supreme Court which approves a bond issue as broad as that contained in Substitute Senate Bill No. 41. *State ex rel. Troy v. Martin*, 38 Wn. (2d) 501, held that a \$20 million dollar bond issue to provide needful charitable, educational and penal institutions constituted a single 'object' within the meaning of Article VIII, section 3, of the Constitution.

"Without the necessity of a test case, experienced bond attorneys approved a bond issue authorized by the 1957 Legislature for 'buildings at state operated institutions and state institutions of higher education'. Substantially all of the \$40,575,000 in bonds authorized by this bill are intended to be used for our charitable, educational and penal institutions and other institutions operated by the Department of Institutions, which I believe clearly constitutes a single object within the meaning of the Constitution. However, lesser amounts have been included in this bill to provide buildings for the Department of Commerce and Economic

Veto message. Development and facilities for the Department of Fisheries. Moreover, some of the facilities of the Department of Fisheries are not in the form of 'buildings' as specified in the title of Substitute Senate Bill No. 41.

"In order to avoid litigation over the constitutionality of this bill, which would delay the issuance of the bonds, and to avoid the risk that such litigation might result in the loss of the entire bond issue, I have vetoed the items in section 6 which would have provided funds for the construction of facilities for the Department of Commerce and Economic Development and the Department of Fisheries, and I have vetoed those portions of the title and of section 1 of the bill which refer to the Department of Fisheries. The total amount of the items vetoed is \$376,226. Since these bonds will not be issued until the 1967 Legislature is in session, these projects can be considered at that time and funds appropriated as the legislature may deem necessary.

"With the exception of the items which I have vetoed as set forth above, the remainder of the bill is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 173.

[Substitute House Bill No. 608.]

REVENUE AND TAXATION.

AN ACT relating to revenue and taxation; amending section 82.04.050, chapter 15, Laws of 1961 as last amended by section 1, chapter 7, Laws of 1963, and RCW 82.04.050; amending section 82.04.100, chapter 15, Laws of 1961, and RCW 82.04.100; amending section 82.04.120, chapter 15, Laws of 1961, and RCW 82.04.120; amending section 82.04.190, chapter 15, Laws of 1961, and RCW 82.04.190; amending section 82.04.240, chapter 15, Laws of 1961, and RCW 82.04.240; amending section 82.04.260, chapter 15, Laws of 1961, and RCW 82.04.260; amending section 82.04.330, chapter 15, Laws of 1961, and RCW 82.04.330; amending section 82.04.400, chapter 15, Laws of 1961 as amended by section 1, chapter 136, Laws of 1963, and RCW 82.04.400; amending section 82.04.425, chapter 15, Laws of 1961, and RCW 82.04.425; amending section 82.04.430, chapter 15, Laws of 1961 as amended by section 5, chapter 293, Laws of 1961, and RCW 82.04.430; amending section 82.04.440, chapter 15, Laws of 1961, and RCW 82.04.440; amending section 82.08.020, chapter 15, Laws of 1961 as amended by section 6, chapter 293, Laws of 1961, and RCW 82.08.020; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 28, Laws of 1963 extraordinary session, and RCW 82.08.030; amending section 82.08.050, chapter 15, Laws of 1961, and RCW 82.08.050; amending section 82.08.150, chapter 15, Laws of 1961, as last amended by section 1, chapter 42, Laws of 1965, and RCW 82.08.150; amending section 82.12.010, chapter 15, Laws of 1961 as

amended by section 15, chapter 293, Laws of 1961, and RCW 82.12.010; amending section 82.12.020, chapter 15, Laws of 1961 as amended by section 9, chapter 293, Laws of 1961, and RCW 82.12.020; amending section 82.12.030, chapter 15, Laws of 1961 and section 1, chapter 76, Laws of 1963, as last amended by section 4, chapter 28, Laws of 1963 extraordinary session, and RCW 82.12.030; amending section 82.16.010, chapter 15, Laws of 1961 as amended by section 12, chapter 293, Laws of 1961, and RCW 82.16.010; amending section 82.16.020, chapter 15, Laws of 1961, as amended by section 13, chapter 293, Laws of 1961, and RCW 82.16.020; amending section 82.16.050, chapter 15, Laws of 1961, and RCW 82.16.050; amending section 82.24.020, chapter 15, Laws of 1961 as amended by section 3, chapter 24, Laws of 1961 extraordinary session, and RCW 82.24.020; amending section 82.24.070, chapter 15, Laws of 1961 as amended by section 4, chapter 24, Laws of 1961 extraordinary session, and RCW 82.24.070; amending section 82.26.020, chapter 15, Laws of 1961, and RCW 82.26.020; amending section 82.32.060, chapter 15, Laws of 1961, as amended by section 1, chapter 22, Laws of 1963, and RCW 82.32.060; amending section 82.48.100, chapter 15, Laws of 1961, and RCW 82.48.100; amending section 82.50.030, chapter 15, Laws of 1961 as amended by section 7, chapter 199, Laws of 1963, and RCW 82.50.030; amending section 24, chapter 62, Laws of 1933 extraordinary session and RCW 66.24.290; adding new sections to chapter 15, Laws of 1961 and to chapter 82.04 RCW; adding a new section to chapter 15, Laws of 1961 and to chapter 84.36 RCW; prescribing penalties; and declaring an emergency and prescribing an effective date.

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

SECTION 1. Section 82.04.050, chapter 15, Laws of 1961, as last amended by section 1, chapter 7, Laws of 1963, and RCW 82.04.050 are each amended to read as follows:

“Sale at retail” or “retail sale” means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a)

RCW 82.04.050 amended.

Revenue and taxation. B & O tax. “Sale at retail”, “retail sale”.

Revenue and
taxation.
B & O tax.
"Sale at
retail",
"retail sale".

purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), or (c) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsection (2), and 82.04.290.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding 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; (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; (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 para-

Revenue and
taxation.
B & O tax.
"Sale at
retail".
"retail sale".

graph of this section shall be construed to modify this paragraph.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services, including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

The term shall also include the renting or leasing of tangible personal property to consumers.

The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any publicly owned street, place, road, highway, bridge, or trestle which is used or to be used primarily for foot or vehicular traffic, 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.

RCW 82.04.100
amended.

SEC. 2. Section 82.04.100, chapter 15, Laws of 1961 and RCW 82.04.100 are each amended to read as follows:

"Extractor".

"Extractor" 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, for sale or for commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells,

cuts or takes timber, Christmas trees or other natural products, or takes, cultivates, or raises fish, shellfish, or other sea or inland water foods or products. It does not include persons performing under contract the necessary labor or mechanical services for others.

SEC. 3. Section 82.04.120, chapter 15, Laws of 1961 and RCW 82.04.120 are each amended to read as follows:

RCW 82.04.120 amended.

“To manufacture” embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles, and the generation or production of electrical energy for resale or consumption outside the state.

“To manufacture”.

SEC. 4. Section 82.04.190, chapter 15, Laws of 1961 and RCW 82.04.190 are each amended to read as follows:

RCW 82.04.190 amended.

“Consumer” means the following:

“Consumer”.

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of his business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such

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property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale;

(2) Any person engaged in any business activity taxable under RCW 82.04.290;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any publicly owned street, place, road, highway, bridge or trestle which is used or to be used primarily for foot or vehicular traffic as defined in RCW 82.04.280, in respect, however, only to tangible personal property used or consumed in such business;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real or personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business, excluding only the United States, the state, and its political subdivisions in respect to labor and services rendered to their real property which is used or held for public road purposes. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer".

RCW 82.04.240
amended.

SEC. 5. Section 82.04.240, chapter 15, Laws of 1961 and RCW 82.04.240 are each amended to read as follows:

Tax on manu-
facturers".

Upon every person except persons taxable under subsections (2), (3), (4), or (5) of RCW 82.04.260 engaging within this state in business as a manufacturer; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of one-quarter of one percent.

The measure of the tax is the value of the products, including byproducts, so manufactured regard-

less of the place of sale or the fact that deliveries may be made to points outside the state.

SEC. 6. Section 82.04.260, chapter 15, Laws of 1961 and RCW 82.04.260 are each amended to read as follows:

RCW 82.04.260 amended.

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, corn, 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.

Tax on buyer and wholesale seller of grains
—Flour manufacturers—
Seafood products manufacturers
—Fruit and vegetable products manufacturers
—Aluminum products manufacturers
—Nonprofit research and development corporations.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of 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.

(4) 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.

(5) Upon every person engaging within this state in the business of manufacturing aluminum pig, ingot, billet, plate, sheet (flat or coiled), rod, bar, wire, cable or extrusions; as to such persons the

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aluminum
products
manufacturers
—Nonprofit
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amount of the tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of four-tenths of one percent.

(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.

RCW 82.04.330
amended.

SEC. 7. Section 82.04.330, chapter 15, Laws of 1961, and RCW 82.04.330 are each amended to read as follows:

Exemptions—
Agriculture.

This chapter shall not apply to any person in respect to the business of growing or producing for sale upon his own lands or upon land in which he has a present right of possession, any agricultural or horticultural produce or crop, including the raising for sale of any animal, bird, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products at wholesale by such grower, producer, or raiser thereof. This exemption shall not apply to any person selling such products at retail or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with his business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising Christmas trees or timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter.

RCW 82.04.400
amended.

SEC. 8. Section 82.04.400, chapter 15, Laws of 1961 as amended by section 1, chapter 136, Laws of

1963, and RCW 82.04.400 are each amended to read as follows:

This chapter shall not apply to national banks, state banks, trust companies, production credit associations organized under the Farm Credit Act of 1933, mutual savings banks, building and loan and savings and loan associations with respect to their banking, trust, or savings and loan business and to credit companies and corporations with respect to loans made for the purpose of financing the growing, harvesting, processing, storing, and marketing of horticulture and agriculture products but shall apply with respect to their engaging in any other business taxable hereunder, even though such other business is conducted primarily for the purpose of liquidating the assets thereof. This chapter shall also not apply to United States federal housing administration approved mortgagees with respect to their activities of the same type as those hereunder exempted for banks and savings and loan associations.

Exemptions—
Financial
institutions.

SEC. 9. Section 82.04.425, chapter 15, Laws of 1961 and RCW 82.04.425 are each amended to read as follows:

RCW 82.04.425
amended.

This chapter shall not apply to sales for resale by persons regularly engaged in the business of making sales of the type of property so sold to other persons similarly engaged in the business of selling such property where (1) the amount paid by the buyer does not exceed the amount paid by the seller to his vendor in the acquisition of the article and (2) the sale is made as an accommodation to the buyer to enable him to fill a bona fide existing order of a customer or is made within fourteen days to reimburse in kind a previous accommodation sale by the buyer to the seller; nor to sales by a wholly owned subsidiary of a person making sales at retail which are exempt under RCW 82.08.030(11) when the

Exemptions—
Accommo-
dation
sales.

parent corporation shall have paid the tax imposed under this chapter.

New section. SEC. 10. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows:

Revenue and taxation. B & O tax. Exemptions—Sand, gravel or rock used by city, county, cost of or charges for labor or services respecting.

This chapter shall not apply to:

(1) The cost of or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling of sand, gravel, and rock, when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or city and such sand, gravel, or rock is either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself; or

(2) The cost of or charges for such labor and services if any such sand, gravel, or rock is sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway.

The exemption provided for in this section shall not apply to the cost of or charges for such labor and services if the sand, gravel, or rock is used for other than public road purposes or is sold otherwise than as provided for in this section.

RCW 82.04.430 amended.

SEC. 11. Section 82.04.430, chapter 15, Laws of 1961 as amended by section 5, chapter 293, Laws of 1961 and RCW 82.04.430 are each amended to read as follows:

Deductions enumerated.

In computing tax there may be deducted from the measure of tax the following items:

(1) Amounts derived by persons, other than those engaging in banking, loan, security, or other financial businesses, from investments or the use of money as such;

(2) Amounts derived from bona fide initiation fees, dues, contributions, donations, tuition fees,

charges made for operation of privately operated kindergartens, and endowment funds. This paragraph shall not be construed to exempt any person, association, or society from tax liability upon selling tangible personal property or upon providing facilities or services for which a special charge is made to members or others. Dues which are for, or graduated upon, the amount of service rendered by the recipient thereof are not permitted as a deduction hereunder;

(3) The amount of cash discount actually taken by the purchaser. This deduction is not allowed in arriving at the taxable amount under the extractive or manufacturing classifications with respect to articles produced or manufactured, the reported values of which, for the purposes of this tax, have been computed according to the provisions of RCW 82.04.450;

(4) The amount of credit losses actually sustained by taxpayers whose regular books of account are kept upon an accrual basis;

(5) So much of the sale price of motor vehicle fuel as constitutes the amount of tax imposed by the state or the United States government upon the sale thereof;

(6) Amounts derived from business which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(7) Amounts derived by any person as compensation for the receiving, washing, sorting, and packing of fresh perishable horticultural products and the material and supplies used therein when performed for the person exempted in RCW 82.04.330, either as agent or as independent contractor;

(8) Amounts derived as compensation for services rendered or to be rendered to patients by a hospital, as defined in chapter 70.41, devoted to the care of human beings with respect to the prevention or

Revenue and taxation. B & O tax. Deductions enumerated.

treatment of disease, sickness, or suffering, when such hospital is operated by the United States or any of its instrumentalities, or by the state, or any of its political subdivisions;

(9) Amounts derived as compensation for services rendered to patients by a hospital, as defined in chapter 70.41, which is operated as a nonprofit corporation, nursing homes and homes for unwed mothers operated as religious or charitable organizations, but only if no part of the net earnings received by such an institution inures directly or indirectly, to any person other than the institution entitled to deduction hereunder. In no event shall any such deduction be allowed, unless the hospital building is entitled to exemption from taxation under the property tax laws of this state.

RCW 82.04.440 amended.

SEC. 12. Section 82.04.440, chapter 15, Laws of 1961 and RCW 82.04.440 are each amended to read as follows:

Persons taxable on multiple activities.

Every person engaged in activities which are within the purview of the provisions of two or more of sections RCW 82.04.230 to 82.04.290, inclusive, shall be taxable under each paragraph applicable to the activities engaged in: *Provided*, That persons taxable under RCW 82.04.250 or 82.04.270 shall not be taxable under RCW 82.04.230, 82.04.240 or subsection (2), (3), (4), or (5) of RCW 82.04.260 with respect to extracting or manufacturing of the products so sold, and that persons taxable under RCW 82.04.240 shall not be taxable under RCW 82.04.230 with respect to extracting the ingredients of the products so manufactured.

RCW 82.08.020 amended.

SEC. 13. Section 82.08.020, chapter 15, Laws of 1961 as amended by section 6, chapter 293, Laws of 1961, and RCW 82.08.020 are each amended to read as follows:

Retail sales tax. Imposed.

There is levied and there shall be collected a tax on each retail sale in this state equal to three and

one-third percent of the selling price: *Provided*, That from June 1, 1965 the tax imposed by this section shall be equal to four and two-tenths percent of the selling price. The tax imposed under this chapter shall apply to successive retail sales of the same property and to the retail sale of intoxicating liquor by the Washington state liquor stores.

SEC. 14. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 28, Laws of 1963 extraordinary session and RCW 82.08.030 are each amended to read as follows: RCW 82.08.030 amended.

The tax hereby levied shall not apply to the following sales: Exemptions.

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under chapters 82.04, 82.16 or 82.28: *Provided*, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36: *Provided*, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12;

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(6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) or (11) of RCW 82.16.010;

(7) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

(8) Sales to corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same;

(9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce: *Provided*, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by chapter 82.12;

(11) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or watercraft, and of motor vehicles or trailers used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce: *Provided*, That the purchaser must be the holder of a carrier permit issued by the Interstate Commerce Commission and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of licenses pursuant to the provisions of RCW 46.16.100;

(13) Sales of motor vehicles and trailers to non-residents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of licenses pursuant to the provisions of RCW 46.16.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws of the

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state of the purchaser's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state;

(14) Sales to nonresidents of this state for use outside of this state of tangible personal property which becomes a component part of any machinery or other article of personal property belonging to such nonresident, in the course of installing, repairing, cleaning, altering, or improving the same and also sales of or charges made for labor and services rendered in respect to any installing, repairing, cleaning, altering, or improving, of personal property of or for a nonresident, but this subsection (14) shall apply only when the seller agrees to, and does, deliver the property to the purchaser at a point outside this state, or delivers the property to a common or bona fide private carrier consigned to the purchaser at a point outside this state;

(15) Sales to nonresidents of this state for use outside of this state of watercraft requiring coast guard registration or registration by the state of principal use according to the Federal Boating Act of 1958, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) an appropriate exemption certificate supported by identification ascertaining residence as provided by the tax commission and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, one copy to be filed with the tax commission with the regular report and a duplicate to be retained by the dealer.

(16) Sales of poultry for use in the production for sale of poultry or poultry products.

(17) Sales to nonresidents of this state for use outside of this state of machinery and implements

for use in conducting a farming activity, when such machinery and implements will be transported immediately outside the state. As proof of exemption, an affidavit or certification in such form as the tax commission shall require shall be made for each such sale, to be retained as a business record of the seller.

(18) Sales for use in states, territories and possessions of the United States which are not contiguous to any other state, but only when, as a necessary incident to the contract of sale, the seller delivers the subject matter of the sale to the purchaser or his designated agent at the usual receiving terminal of the carrier selected to transport the goods, under such circumstances that it is reasonably certain that the goods will be transported directly to a destination in such noncontiguous states, territories and possessions.

(19) Sales to municipal corporations, the state, and all political subdivisions thereof of tangible personal property consumed and/or of labor and services rendered in respect to contracts for watershed protection and/or flood prevention. This exemption shall be limited to that portion of the selling price which is reimbursed by the United States government according to the provisions of the Watershed Protection and Flood Prevention Act, Public Laws 566, as amended;

(20) Sales of semen for use in the artificial insemination of livestock;

(21) Sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the tax commission a permit certifying (1) that he is a bona fide resident of a state or possession other than the state of Washington, or of a foreign country, and (2) that he does agree, when requested, to grant the tax commission access to such records

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and other forms of verification at his place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this subsection must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the permit number attributable to each nontaxable sale.

Permits shall be personal and nontransferable and shall be issued by the tax commission upon payment of a fee of one dollar. The commission may in its discretion designate independent agents for the issuance of permits, according to such standards and qualifications as the commission may prescribe. Such agents shall pay over and account to the commission for all permit fees collected, after deducting as a collection fee the sum of fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his own, or a counterfeit permit, with intent to violate the provisions of this subsection shall be guilty of a misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.

The exemption provided in this subsection shall be effective June 1, 1965, to July 1, 1967.

(22) Sales of form lumber to any person engaged in the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: *Provided*, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof.

(23) Sales of, cost of, or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling of sand, gravel and rock when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to sales of, cost of, or charges made for such labor and services, if the sand, gravel, or rock is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

SEC. 15. Section 82.08.050, chapter 15, Laws of 1961 and RCW 82.08.050 are each amended to read as follows:

RCW 82.08.050 amended.

The tax hereby imposed 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 in accordance with the schedule of collections adopted by the tax commission pursuant to the provisions of RCW 82.08.060. The tax required by this chapter, to be collected

Buyer to pay seller to collect tax—Penalties.

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by the seller, shall be deemed to be held in trust by the seller until paid to the commission, and any seller who appropriates or converts the tax collected to his own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter shall be guilty of a misdemeanor.

In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay it to the commission in the manner prescribed by this chapter, whether such failure is the result of his own acts or the result of acts or conditions beyond his control, he shall, nevertheless, be personally liable to the state for the amount of the tax.

The amount of tax, until paid by the buyer to the seller or to the commission, shall constitute a debt from the buyer to the seller and any seller who fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor. The tax required by this chapter 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 and from the seller to the commission it shall be presumed that the selling price quoted in any price list, sales document, contract or other agreement between the parties does not include the tax imposed by this chapter.

Where a buyer has failed to pay to the seller the tax imposed by this chapter and the seller has not paid the amount of the tax to the commission, the commission may, in its discretion, proceed directly against the buyer for collection of the tax, in which case a penalty of ten percent may be added to the

amount of the tax for failure of the buyer to pay the same to the seller, regardless of when the tax may be collected by the commission; and all of the provisions of chapter 82.32, including those relative to interest and penalties, shall apply in addition; and, for the sole purpose of applying the various provisions of chapter 82.32, the fifteenth day of the month following the tax period in which the purchase was made shall be considered as the due date of the tax.

SEC. 16. Section 82.08.150, chapter 15, Laws of 1961 as last amended by section 1, chapter 42, Laws of 1965 and RCW 82.08.150 are each amended to read as follows:

RCW 82.08.150
amended.

(1) There is levied and shall be collected from and after the first day of November, 1951, a tax upon each retail sale of spirits, wine, or strong beer in the original package at the rate of ten percent of the selling price, and the term "retail sale" as used herein shall include, in addition to the meaning ascribed thereto in chapter 82.04, any sale to a consumer or for resale by a retailer in such original package. The tax imposed in this section shall apply to all sales of spirits, wine, or strong beer by the Washington state liquor stores and agencies, including sales to licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales by the Washington state liquor control board stores and agencies of products subject to the tax imposed by this section.

Tax on certain
sales of in-
toxicating
liquor.

(2) There is levied and shall be collected from and after the first day of April, 1959, an additional tax upon each retail sale of spirits, wine, or strong beer in the original package at the rate of five percent of the selling price, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04. The additional tax imposed in this paragraph shall apply to the

Revenue and taxation. Retail sales tax. Tax on certain sales of intoxicating liquor.

sale of spirits, wine, or strong beer by the Washington state liquor stores and agencies, excluding sales to Class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales by the Washington state liquor control board stores and agencies of products subject to the tax imposed by this paragraph.

(3) There is levied and shall be collected from and after the first day of June, 1965, an additional tax upon each retail sale of spirits in the original package at the rate of two cents per fluid ounce or fraction thereof contained in such original package, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04: *PROVIDED, That this nine-tenths of a cent increase as provided for in this 1965 amendatory act shall not apply to manufacturers as defined under RCW 66.24.150.* The additional tax imposed in this paragraph shall apply to the sale of spirits by the Washington state liquor stores and agencies, including sales to Class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales subject to the tax imposed by this paragraph. On or before the twenty-fifth day of each month beginning with the month of July, 1961, the Washington state liquor control board shall remit to the state tax commission, to be deposited with the state treasurer, all moneys collected by it under this paragraph during the preceding month on sales made and subject to this paragraph. Upon receipt of such moneys the state treasurer shall deposit them in the state general fund and the provisions of RCW 82.08.160 and 82.08.170, and the provisions of chapter 43.66 relating to deposits, apportionment and distribution, shall have no application to the collections under this paragraph.

(4) The additional five percent tax enacted in subdivision (2) of this section shall not be levied

upon or applied to sales of wine which have been subjected to the tax imposed by RCW 66.24.220.

(5) As used in this section, the terms, "spirits," "wine," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04.

SEC. 17. Section 82.12.010, chapter 15, Laws of 1961 as amended by section 15, chapter 293, Laws of 1961, and RCW 82.12.010 are each amended to read as follows:

RCW 82.12.010
amended.

For the purposes of this chapter:

Use tax.
Definitions.

(1) "Value of the article used" shall mean the consideration, whether money, credit, rights, or other property, expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the article of tangible personal property, the use of which is taxable under this chapter. The term includes, in addition to the consideration paid or given or contracted to be paid or given, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules and regulations as the tax commission may prescribe.

In case the articles used are acquired by bailment, the value of the use of the articles so used shall be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules and regulations as the tax commission may prescribe;

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Definitions.

In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used shall be determined according to the value of the ingredients of such articles.

(2) "Use," "used," "using," or "put to use" shall have their ordinary meaning, and shall mean the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, or any other act preparatory to subsequent actual use or consumption within this state;

(3) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08;

(4) "Retailer" means every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this chapter;

(5) The meaning ascribed to words and phrases in chapters 82.04 and 82.08, 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 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.

RCW 82.12.020
amended.

SEC. 18. Section 82.12.020, chapter 15, Laws of 1961 as amended by section 9, chapter 293, Laws of 1961 and RCW 82.12.020 are each amended to read as follows:

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

Use tax
imposed.

SEC. 19. Section 82.12.030, chapter 15, Laws of 1961 and section 1, chapter 76, Laws of 1963, as last amended by section 4, chapter 28, Laws of 1963 extraordinary session, and RCW 82.12.030 are each amended to read as follows:

RCW 82.12.030
amended.

The provisions of this chapter shall not apply:

Exemptions.

(1) In respect to the use of any article of tangible personal property brought into the state by a nonresident thereof for his use or enjoyment while

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temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three months, and which is not required to be registered or licensed under the laws of this state; or in respect to the use of household goods, personal effects and private automobiles by a bona fide resident of this state, if such articles were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than thirty days prior to the time he entered this state;

(2) In respect to the use of any article of tangible personal property purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 or 82.12 and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment was prior to June 9, 1961;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily

in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer used in substantial part in the normal and ordinary course of the user's business for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of licenses pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state;

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States;

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36: *Provided*, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt, and the director of licenses shall

Revenue and taxation. Use tax. Exemptions.

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 tax commission;

(7) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82-16.010;

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise;

(9) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same;

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(11) In respect to the use of poultry in the production for sale of poultry or poultry products;

(12) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or

manufacturing plant which produced or manufactured the same;

(13) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to and used exclusively by a school in connection with its driver training program: *Provided*, That this exemption and the term "school" shall apply only to (a) the University of Washington, Washington State University and the state colleges or (b) any public, private or parochial school accredited by either the state board of education or by the University of Washington (the state accrediting station) or (c) any public vocational school meeting the standards, courses and requirements established and prescribed or approved by the state board for vocational education;

(14) In respect to the use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental and testing activities conducted by the user, provided the acquisition or use of such articles by the bailor was not subject to the taxes imposed by chapter 82.08 or chapter 82.12.

(15) In respect to the use by residents of this state of motor vehicles and trailers acquired and used while such persons are members of the armed services and are stationed outside this state pursuant to military orders, but this exemption shall not apply to members of the armed services called to active duty for training purposes for periods of less than six months and shall not apply to the use of motor vehicles or trailers acquired less than thirty days prior to the discharge or release from active duty of any person from the armed services.

(16) In respect to the use of semen in the artificial insemination of livestock;

(17) In respect to the use of form lumber by any person engaged in the constructing, repairing, deco-

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taxation. Use
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tions.

rating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: *Provided*, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof.

(18) In respect to the use of any sand, gravel, or rock to the extent of the cost of or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling such sand, gravel, or rock, when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to the use of such material to the extent of the cost of or charge made for such labor and services, if the material is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

RCW 82.16.010
amended.

SEC. 20. Section 82.16.010, chapter 15, Laws of 1961, as amended by section 12, chapter 293, Laws of 1961, and RCW 82.16.010 are each amended to read as follows:

Public utility
tax. Defini-
tions.

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 busi-

ness 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 operating or managing any telephone line or part of a telephone line and exchange or exchanges used in the conduct of the business of affording telephonic communication for hire. It includes cooperative or farmer line telephone companies or associations operating an exchange;

(7) "Telegraph business" means the business of affording telegraphic communication for hire;

(8) "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) "Motor transportation business" means the business (except urban transportation business) of

Revenue and
taxation.
Public utility
tax. Defini-
tions.

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.

(10) "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;

(11) "Public service business" means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) 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. 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;

(12) "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;

(13) "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;

(14) The meaning attributed, in chapter 82.04, 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.

SEC. 21. Section 82.16.020, chapter 15, Laws of 1961, as amended by section 13, chapter 293, Laws of 1961, and RCW 82.16.020 are each amended to read as follows:

RCW 82.16.020
amended.

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:

Public utility
tax imposed.

(1) Railroad, express, railroad car, water distribution, light and power, telephone and telegraph businesses: Three percent: *Provided*, That a common carrier railroad operating as a plant facility to the extent of eighty percent or more of its busi-

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taxation.
Public utility
tax. Imposed.

ness shall pay a tax of one-fourth of one percent on such eighty percent or more of its business and three percent on all other business;

(2) Gas distribution business: Two percent;

(3) Urban transportation business: One-half of one percent;

(4) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: One-half of one percent;

(5) Motor transportation and tugboat businesses and all public service businesses other than ones mentioned above: One and one-half percent.

RCW 82.16.050
amended.

SEC. 22. Section 82.16.050, chapter 15, Laws of 1961, and RCW 82.16.050 are each amended to read as follows:

Deductions in
computing tax.

In computing tax there may be deducted from the gross income the following items:

(1) Amounts derived by municipally owned or operated public service businesses, directly from taxes levied for the support or maintenance thereof: *Provided*, That this section shall not be construed to exempt service charges which are spread on the property tax rolls and collected as taxes;

(2) Amounts derived from the sale of commodities to persons in the same public service business as the seller, for resale as such within this state. This deduction is allowed only with respect to water distribution, light and power, gas distribution or other public service businesses which furnish water, electrical energy, gas or any other commodity in the performance of public service businesses;

(3) Amounts actually paid by a taxpayer to another person taxable under this chapter as the latter's portion of the consideration due for services furnished jointly by both, if the total amount has been credited to and appears in the gross income reported for tax by the former;

(4) The amount of cash discount actually taken by the purchaser or customer;

(5) The amount of credit losses actually sustained by taxpayers whose regular books of accounts are kept upon an accrual basis;

(6) Amounts derived from business which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(7) Amounts derived from the distribution of water through an irrigation system, for irrigation purposes;

(8) Amounts derived from the transportation of commodities from points of origin in this state to final destination outside this state, or from points of origin outside this state to final destination in this state, with respect to which the carrier grants to the shipper the privilege of stopping the shipment in transit at some point in this state for the purpose of storing, manufacturing, milling, or other processing, and thereafter forwards the same commodity, or its equivalent, in the same or converted form, under a through freight rate from point of origin to final destination; and amounts derived from the transportation of commodities to an export elevator, wharf, dock or ship side on tidewater or navigable tributaries thereto, from points of origin in the state, and thereafter forwarded by water carrier, in their original form, to interstate or foreign destinations: *Provided*, That no deduction will be allowed when the point of origin and the point of delivery to such an export elevator, wharf, dock, or ship side are located within the corporate limits of the same city or town;

(9) Amounts derived from the production, sale, or transfer of electrical energy for resale or consumption outside the state if the production or generation of such energy is subject to tax under the

Revenue and taxation. Public utility tax. Deductions in computing tax.

manufacturing classification of chapter 82.04 RCW: *Provided*, That the exemption set forth in RCW 82-.04.310 shall not be applicable to the generation or production of the electrical energy so produced, sold, or transferred: *And provided further*, That no credit has been claimed as an offset to taxes imposed under RCW 82.04.240.

RCW 82.24.020 amended.

SEC. 23. Section 82.24.020, chapter 15, Laws of 1961 as amended by section 3, chapter 24, Laws of 1961 extraordinary session and RCW 82.24.020 are each amended to read as follows:

Cigarette tax. Imposed—Rate.

There is levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling or distribution of all cigarettes, in an amount equal to the rate of four mills per cigarette.

RCW 82.24.070 amended.

SEC. 24. Section 82.24.070, chapter 15, Laws of 1961 as amended by section 4, chapter 24, Laws of 1961 extraordinary session, and RCW 82.24.070 are each amended to read as follows:

Compensation of dealers.

Wholesalers and retailers subject to the provisions of this chapter shall be allowed compensation for their services in affixing the stamps herein required a sum equal to two percent of the value of the stamps purchased or affixed by them.

RCW 82.26.020 amended.

SEC. 25. Section 82.26.020, chapter 15, Laws of 1961 and RCW 82.26.020 are each amended to read as follows:

Tobacco products tax. Imposed—Rate.

(1) From and after June 1, 1965, 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 thirty percent of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products

in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

(2) A floor stocks tax is hereby imposed upon every distributor of tobacco products at the rate of twenty-five percent of the wholesale sales price of each tobacco product in his possession or under his control on July 1, 1959.

Each distributor, within twenty days after July 1, 1959 shall file a report with the commission, in such form as the commission may prescribe, showing the tobacco products on hand on July 1, 1959 and the amount of tax due thereon.

The tax imposed by this subdivision shall be due and payable within twenty days after July 1, 1959 and thereafter shall bear interest at the rate of one percent per month.

SEC. 26. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows: New section.

In computing tax under this chapter there may be credited against the amount of the tax the following items: B & O tax.
Credits
allowable
manufacturers
against tax.

As to persons engaging in activities defined in RCW 82.04.120 (the definition of the term "to manufacture"), an amount not to exceed the tax actually paid under chapter 82.08 RCW (Retail Sales Tax) or chapter 82.12 RCW (Use Tax) by such persons or their lessors or their contract vendors, on materials, labor and services in the construction or major improvement of buildings, structures or other improvements to real property that is, to the extent of eighty-five percent or more of the value of the improvements, used or to be used in or related to the business of manufacture for sale or commercial or industrial use of any articles, substances or commodities: *Provided*, That this credit shall be allowable only against tax payable by the manufacturer

Revenue and taxation. B & O tax. Credits allowable manufacturers against tax.

and measured by the value of products or gross proceeds of sales of articles, substances or commodities manufactured in this state: *Provided further*, That this credit shall be allowable only against any tax payable which is attributable to manufacturing which involves the use of such construction or improvements: *And provided further*, That this credit shall not be allowable for tax paid on purchases of material, labor or services on which the supplier thereof became entitled to compensation prior to July 1, 1964.

RCW 82.32.060 amended.

SEC. 27. Section 82.32.060, chapter 15, Laws of 1961, as amended by section 1, chapter 22, Laws of 1963 and RCW 82.32.060 are each amended to read as follows:

Administrative provisions. Excess payment—Credit or refund—Payment of judgment for refund.

If, upon application by a taxpayer for a refund or for an audit of his records, or upon an examination of the returns or records of any taxpayer, it is determined by the tax commission that within the two years immediately preceding the receipt of the commission of the application by the taxpayer for a refund or for an audit, or, in the absence of such an application, within the two years immediately preceding the commencement by the commission of such examination, a tax has been paid in excess of that properly due, the excess amount paid within such period of two years shall be credited to the taxpayer's account or shall be refunded to the taxpayer, at his option. Except as to the credits in computing tax authorized by section 26 of this 1965 amendatory act, no refund or credit shall be allowed with respect to any payments made to the commission more than two years before the date of such application or examination. Where a refund or credit may not be made because of the lapse of said two year period, the amount of the refund or credit which would otherwise be allowable for the portion of the statutory assessment period preceding the two year pe-

riod may be offset against the amount of any tax deficiency which may be determined by the commission for such statutory assessment period. Notwithstanding the foregoing, no refund or credit shall be granted with respect to taxes paid prior to May 1, 1950, but where a refund or credit may not be made because the tax was paid prior to May 1, 1950, the amount of the refund or credit which would otherwise be allowable for the portion of the statutory assessment period preceding May 1, 1950, may be offset against the amount of any tax deficiency which may be determined by the commission for such preceding period.

Notwithstanding the foregoing limitations there shall be refunded or credited to taxpayers engaged in the performance of United States government contracts or subcontracts the amount of any tax paid, measured by that portion of the amounts received from the United States, which taxpayer is required by contract or applicable federal statute to refund or credit to the United States, if claim for such refund is filed by the taxpayer with the tax commission within one year of the date that the amount of the refund or credit due to the United States is finally determined and filed within four years of the date on which the tax was paid: *Provided*, That no interest shall be allowed on such refund.

Any such refunds shall be made by means of vouchers approved by the tax commission and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide.

Any judgment for which a recovery is granted by any court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer shall be paid in like manner, upon the filing with the tax commission of a certified copy of the order or judgment of the court. Except as to the

credits in computing tax authorized by section 26 of this 1965 amendatory act, interest at the rate of three percent per annum shall be allowed by the tax commission and by any court on the amount of any refund or recovery allowed to a taxpayer for taxes, penalties, or interest paid by him after May 1, 1949, and interest at the same rate shall be allowed on any judgment recovered by a taxpayer for taxes, penalties, or interest paid after such date.

RCW 82.48.100
amended.

SEC. 28. Section 82.48.100, chapter 15, Laws of 1961 and RCW 82.48.100 are each amended to read as follows:

Revenue and
taxation. Air-
craft excise.
Exempt
aircraft.

This chapter shall not apply to:

Aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which are not engaged in carrying persons or property for commercial purposes;

Aircraft registered under the laws of a foreign country;

Aircraft which are owned by a nonresident and registered in another state: *Provided*, That if any such aircraft shall remain in and/or be based in this state for a period of ninety days or longer it shall not be exempt under this section;

Aircraft engaged principally in commercial flying which constitutes interstate or foreign commerce; and aircraft owned by the manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

Aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under RCW Title 14.

SEC. 29. Section 82.50.030, chapter 15, Laws of 1961 as amended by section 7, chapter 199, Laws of 1963 and RCW 82.50.030 are each amended to read as follows:

RCW 82.50.030
amended.

The rate and measure of tax imposed by this chapter for each calendar year shall be one and one-half percent of the fair market value of the house trailer, as determined in the manner provided in this chapter: *Provided*, That the calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the excise tax upon a house trailer used 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 house trailer is first used: *Provided further*, That the minimum amount of tax payable shall be two dollars.

House trailer
excise. Rate—
Minimum
payable—
Fractional
amounts.

A house trailer shall be deemed used for the first time in this state when such vehicle was not previously licensed by this state for the year immediately preceding the year in which application for license is made.

SEC. 30. Section 24, chapter 62, Laws of 1933 extraordinary session, and RCW 66.24.290 are each amended to read as follows:

RCW 66.24.290
amended.

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 one dollar 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 one dollar and fifty cents per barrel of thirty-one

Alcoholic
beverages.
Authorized,
prohibited
sales by
brewer or
wholesaler—
Monthly re-
port of sales—
Additional tax
on gallonage
—Revenue
stamps.

Revenue and taxation. Alcoholic beverages. Additional tax on gallonage—Revenue stamps.

gallons. 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.

The above tax shall not apply to "strong beer" as defined in this title.

New section.

SEC. 31. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

Property taxes—Exemptions. Non-profit corporation property used in distribution of water.

The following property shall be exempt from taxation:

All property, whether real or personal belonging to any nonprofit corporation or cooperative association and used exclusively for the distribution of water to its shareholders or members.

Severability.

SEC. 32. If any phrase, clause, subsection or section of this act shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted this act without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the act shall not be affected as a result of said part being held unconstitutional or invalid.

Emergency.

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 June 1, 1965.

Passed the House May 6, 1965.

Passed the Senate May 5, 1965.

Approved by the Governor May 15, 1965, with the exception of a certain item in section 16 which was vetoed.

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

Veto message.

"This bill includes a hodge-podge of increased taxes designed to balance the state budget during the next biennium. In many instances these taxes will be very onerous on many segments of our state's economy. However, this is the method selected by the Legislature to provide needed revenues; thus I am reluctant to veto any of the taxes imposed by this bill. Moreover, the revenues estimated by the Tax Commission to be derived from these increased taxes are barely sufficient to meet anticipated expenditures.

"However, I have examined carefully the tax exemptions included in Substitute House Bill No. 608. One of these is an exemption from the increased tax on liquor, which has been granted to local rectifiers and bottlers. I do not believe there is any justification for this exemption. Only one taxpayer in the state would benefit from the exemption at this time and if others qualified under the law in the future, the state could well lose a substantial portion of the \$10,000,000 which this new liquor tax should produce over the next two years. I am satisfied that an increase in the number of exempt liquor enterprises would not stimulate the state's economy sufficiently to offset this loss of revenue.

"For the foregoing reasons, I have vetoed the proviso in section 16 of the bill which states:

"'Provided, That this nine-tenths of a cent increase as provided for in this 1965 amendatory act shall not apply to manufacturers as defined under RCW 66.24.150.'

"The remainder of the bill is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 174.

[Substitute House Bill No. 709.]

PROPERTY TAXATION.

AN ACT relating to revenue and taxation; and declaring an emergency and establishing an expiration date.

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

SECTION 1. As used in this act:

Property tax revenue—
Limitations on.
Definitions.

(1) The term "regular property tax levy" shall mean the revenues from levies on property in the taxing district, excluding excess levies levied under the provisions of Article VII, section 2 of the Constitution of the state of Washington and chapter 84.52 RCW, excluding levies for bond debt retirement, and excluding levies pursuant to RCW 53.36.100;

(2) The term "regular property tax revenue" shall mean the total dollar amount received by the taxing district from its regular property tax levy;

(3) The term "revalue" or "revalued" shall mean such changes as are made on the county assessor's valuation of the property because of changes pertaining to the particular property including, but not limited to, construction improvements, other changes in value, and similar changes made as to the property or properties in the immediate area;

(4) The term "taxing district" shall mean any taxing district as defined in RCW 84.04.120 except the state of Washington.

Limitation—
Amount—Pro-
cedure to
determine.

SEC. 2. In addition to the other limitations provided by law, a taxing district's regular property tax revenue shall be limited so that the taxing district's total amount of regular property tax revenues from taxes levied in any year and payable in the following year shall not exceed the sum of the following:

(1) The total dollar amount of regular property tax revenues in that taxing district from taxes levied

in the preceding year and payable in the current year including in the case of a school district the revenues derived by the state from any property tax for the support of common schools levied upon property located within such school district;

(2) An additional dollar amount calculated by multiplying the increase of assessed value in that taxing district resulting from the appraisal and valuation of property improved, constructed, or revalued, and resulting from the addition of property in areas annexed, during the period from March 2 of the preceding year to March 1 of the current year by the property tax levy rate of that taxing district for taxes levied the preceding year.

(3) And an additional dollar amount, in the case of a county, representing the increased and additional costs to be expended by the county assessor in the year the taxes are payable to enable the county assessor of that county to carry out any program of appraisal and valuation of property within the county required by the Constitution or laws of the state.

Unless otherwise altered as authorized by section 5, the maximum millage rate shall be determined by dividing the total authorized dollar amount by the assessed valuation.

SEC. 3. The maximum millage rate for taxing districts created by or resulting from incorporations shall for the first tax year be computed in the following manner:

Maximum
millage rates
for new
taxing
districts.

For taxing districts created by incorporations, the maximum millage rate authorized pursuant to this act shall equal the maximum millage rate authorized by RCW 84.52.050 for such taxing district (plus in the case of cities and towns the additional millage required to be levied pursuant to RCW 41.16.060) times the quotient of the maximum millage rate for general county purposes of the county in

Property tax revenue—
Limitations on. Maximum millage rate for new taxing districts.

which the new taxing district is located determined as provided in section 2 of this act, divided by the maximum millage rate authorized by RCW 84.52.050 for general county purposes: *Provided*, That in the event the taxing district is located in more than one county, then the maximum millage rate of the county affected having the highest maximum millage rate under this act, shall be used.

For the purposes of this subsection all millage rates and authorized levies used for making these computations shall be for the same tax year.

In succeeding tax years the maximum regular property tax revenue shall be limited to that which is authorized by section 2 or which may be authorized by section 5.

Maximum tax revenue from merger or consolidated districts.

SEC. 4. In the event of merger or consolidation, the merged or consolidated taxing district's regular property tax revenue shall for the first tax year be determined by combining the regular property tax revenue and any increases of assessed value of the component taxing districts, and applying to such combined values the computations prescribed by section 2.

In succeeding tax years the maximum regular property tax revenue shall be limited to that which is authorized by section 2, unless otherwise altered as authorized by section 5.

Tax revenues may be increased upon voter approval.

SEC. 5. Notwithstanding the limitations set forth in sections 2, 3, and 4 of this act, the regular property tax revenues of a district may be increased, subject to the limitations of the provisions of Article VII, section 2, of the Constitution of the state of Washington and RCW 84.52.050, by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the taxing district, or at a special election of the taxing district held at the time of a

state general election, or at the time of a general election of a city or town in which said taxing district is wholly included. The proposition so voted on shall also state the estimated millage rate proposed. Thereafter the new amount fixed at such election shall be used to compute the maximum amount permitted as such taxing district's regular property tax revenue as provided in section 2 unless such increase is limited for a specified number of years or such amount is subsequently increased or decreased pursuant to this section.

SEC. 6. Nothing in this act shall affect the right to vote excess levies in accordance with the provisions of RCW 84.52.052 and RCW 84.52.056. Excess tax levies not affected.

SEC. 7. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Sec. 8. This act shall expire December 31, 1967. Veto message.

Passed the House May 6, 1965.

Passed the Senate May 6, 1965.

Approved by the Governor May 15, 1965, with the exception of section 8 which was vetoed.

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

"This bill is intended to protect property owners of the state from increases in taxes which might result from increases in assessed valuations of real and personal property. It has been common knowledge for a number of years that the level of assessment of property has not been maintained at fifty percent of true and fair value as required by Article 7, section 2 of the state Constitution. The assessment level has varied from county to county, ranging from approximately fourteen percent in some counties to approximately twenty-five percent in others. The statewide average is approximately twenty percent of the true and fair value of property.

"The legislature was fearful that in the event the level of assessment were increased, either by voluntary action of the county assessors or as the result of a court decree requiring compliance with the state Constitution, the various taxing districts in each county might continue to levy taxes in the full amount authorized by statute. This would produce revenues greatly in excess of those which taxing districts otherwise would receive, and would impose tremendous burdens upon

Veto message. taxpayers. Therefore, in addition to existing statutory millage limitations now imposed upon taxing districts, this bill adds the requirement that revenues not be increased as a result of increases in the assessment level. The bill limits the total dollar revenues of each taxing district to the same amount received in the previous year, plus new revenues attributable to normal growth, but excluding any revenues which might result from applying authorized millages to increases in assessed valuation of property.

“Under section 5 of the bill, a taxing district may receive additional monies if authorized by majority vote of the people, but then only to the extent permitted by the maximum millage allocated by statute to the taxing district.

“I believe that this type of protection for the property owner is highly desirable. However, section 8 of this bill provides that the act will expire December 31, 1967. Thus, it would be necessary to re-enact this legislation at the 1967 legislative session in order to continue this protection to property owners. Since I believe that the taxpayers of this state deserve the continuing protection of this law, I have vetoed section 8. The remainder of Substitute House Bill No. 709 is approved.”

DANIEL J. EVANS,
Governor.

CHAPTER 175.

[House Bill No. 716.]

LEGISLATIVE COMMITTEE FOR OVERSIGHT—
APPROPRIATION.

AN ACT appropriating moneys for the support of the legislative special interim committee for oversight with regard to federal grant programs; and declaring an emergency.

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

SECTION 1. There is hereby appropriated, for the fiscal biennium beginning July 1, 1965 and ending June 30, 1967, from the general fund to the state legislature for the use of the special interim committee for oversight with regard to federal grant programs created by Senate Concurrent Resolution No. 12 of the 1965 extraordinary session, the sum of twenty-five thousand dollars or so much thereof as may be necessary to carry out the provisions of said Resolution.

Special
interim
committee for
oversight.
Appropriation.

SEC. 2. 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 immediately.

Emergency.

Passed the House May 6, 1965.

Passed the Senate May 6, 1965.

Approved by the Governor May 15, 1965.

AUTHENTICATION
EXTRAORDINARY SESSION LAWS

I, A. Ludlow Kramer, Secretary of State of the State of Washington, do hereby certify that I have caused to be carefully compared the foregoing published laws passed by the Extraordinary Session of the Thirty-Ninth Legislature of the State of Washington, held from March 15, 1965, to May 7, 1965, inclusive, with the original enrolled laws, now on file in my office, and find the same to be a full, true and correct copy of said originals with the exception of such corrections in spelling and use of words bracketed, thus [], as provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Dated at Olympia, Washington, this tenth day of January, 1966.



A handwritten signature in cursive script, appearing to read "A. Ludlow Kramer".

A. LUDLOW KRAMER,
Secretary of State

HISTORY OF STATE INITIATIVE AND REFERENDUM MEASURES

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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.

*Indicates measure became law.

- 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.
- 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 (**Non-Partisan 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 (**Non-Partisan 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 (**Non-Partisan 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.
- INITIATIVE MEASURE NO. 36 (**Municipal Marketing Measure**)—Filed November 16, 1920. No petition filed.
- INITIATIVE MEASURE NO. 37 (**Relating to Ownership of Land by Aliens**)—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 (**Non-Partisan 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.

*Indicates measure became law.

- 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.—Pari-mutuel 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.
- 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.

*Indicates measure became law.

- 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.

- 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.

*Indicates measure became law.

- 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.
- 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.

*Indicates measure became law.

- INITIATIVE MEASURE NO. 110 (**Annuity 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.
- 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 (**Non-Partisan 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.

*Indicates measure became law.

- 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 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.
- INITIATIVE MEASURE NO. 139 (**P. U. D. Bonds**)—Filed January 5, 1940. Submitted to 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.

*Indicates measure became law.

- INITIATIVE MEASURE NO. 144 (**Unicameral Legislature**)—Filed February 23, 1940. Withdrawn. Refiled 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 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. Refiled 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.
- 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 filed for canvassing.
- *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.

*Indicates measure became law.

- *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 canvassing.
- 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 canvassing.
- INITIATIVE MEASURE NO. 175 (**Establishing a Department of Youth Protection to operate the Washington State Training School and the State School for Girls under non-partisan 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 canvassing.
- *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.

*Indicates measure became law.

- *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 Oleo-margarine)**—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.
- 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 (Statewide 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.

*Indicates measure became law.

- 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.

- ***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 (Statewide 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.
- 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 peti-
tions presented for checking.
- INITIATIVE MEASURE NO. 225 (**Repealing State Statutes Against Discrim-
ination**)—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.
Sponsors have until July 8, 1966 in which to obtain 100,022 valid signa-
tures in order for measure to be submitted to the November 8, 1966 state
general election for approval or rejection by the voters.
- 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. Sponsor has until July 8, 1966 in which to
obtain 100,022 valid signatures in order for measure to be submitted to
the November 8, 1966 state general election for approval or rejection by
the voters.

- INITIATIVE MEASURE NO. 228 (Tax Exemption: Food and Medicine)**—Filed February 1, 1966 by Karl J. Beaty of Tacoma. Sponsor has until July 8, 1966 in which to obtain 100,022 valid signatures in order for measure to be submitted to the November 8, 1966 state general election for approval or rejection by the voters.
- INITIATIVE MEASURE NO. 229 (Repealing Sunday Activities Blue Law)**—Filed February 17, 1966 by Lembhard G. Howell, David Sternoff and Mark Patterson. Sponsors have until July 8, 1966 in which to obtain 100,022 valid signatures in order for measure to be submitted to the November 8, 1966 state general election for approval or rejection by the voters.
- INITIATIVE MEASURE NO. 230 (Rendering Emergency Aid—Liability Limitation)**—Filed February 17, 1966 and co-sponsored jointly by the Washington State Association of Firechiefs, Washington State Firemen's Association and Washington Association of Sheriffs & Police Chiefs. Sponsors have until July 8, 1966 in which to obtain 100,022 valid signatures in order for measure to be submitted to the November 8, 1966 state general election for approval or rejection by the voters.
- 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. Sponsor has until July 8, 1966 in which to obtain 100,022 valid signatures in order for measure to be submitted to the November 8, 1966 state general election for approval or rejection by the voters.
- 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. Sponsors have until July 8, 1966 in which to obtain 100,022 valid signatures in order for measure to be submitted to the November 8, 1966 state general election for approval or rejection by the voters.
- INITIATIVE MEASURE NO. 234 (Civil Service—Certain County Employees)**—Filed March 30, 1966 by the Committee to Improve County Government. Sponsor has until July 8, 1966 in which to obtain 100,022 valid signatures in order for measure to be submitted to the November 8, 1966 state general election for approval or rejection by the voters.

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. Refiled 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 and as pro-

*Indicates measure became law.

vided 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.

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

*Indicates measure became law.

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.

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.

*Indicates measure became law.

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.

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective 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.**
- 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.**

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

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 Pri-
mary Ballot)—Filed April 8, 1935. No petition filed.

REFERENDUM MEASURE NO. 22 (Chapter 209, Laws of 1941, Industrial In-
surance)—Filed April 3, 1941. Submitted to the people at the state gen-
eral 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 conse-
quence, 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 vote: **For**—297,919 **Against**—373,051. **As a consequence,
Chapter 15, Laws of 1943 did not become law.**

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. Sub-
mitted 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. Sig-
nature 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 conse-
quence, 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

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt
to prevent measure from becoming effective law.

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, Bingo)—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.

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.**

* Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

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 Extraordinary Session, 1920, 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 Extraordinary Session, 1963—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 Extraordinary Session, 1963—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.
- REFERENDUM BILL NO. 13 (Chapter 27, Laws Extraordinary Session, 1963—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 Extraordinary Session, 1965—Bonds For Public School Facilities)**—Filed May 12, 1965. Measure to be submitted to the voters for approval or rejection at the November 8, 1966 state general election.
- REFERENDUM BILL NO. 15 (Chapter 172, Laws Extraordinary Session, 1965—Bonds For Public Institutions)**—Filed May 15, 1965. Measure to be submitted to the voters for approval or rejection at the November 8, 1966 state general election.
- REFERENDUM BILL NO. 16 (Chapter 152, Laws Extraordinary Session, 1965—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. Unless court adjudication should determine otherwise, measure will be submitted to the voters for approval or rejection at the November 8, 1966 state general election.

AMENDMENTS TO STATE CONSTITUTION

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HISTORY OF ADOPTED CONSTITUTIONAL AMENDMENTS SINCE STATEHOOD

- No. 1. To Section 5, Article XVI. Re: **Permanent School Fund.** Adopted November, 1894.
- No. 2. To Section 1, Article VI. Re: **Qualification of Electors.** Adopted November, 1896.
- No. 3. To Section 2, Article VII. Re: **Uniform Rates of Taxation.** Adopted November, 1900.
- No. 4. To Section 11, Article I. Re: **Religious Freedom.** Adopted November, 1904.
- No. 5. To Section 1, Article VI. Re: **Equal Suffrage.** Adopted November, 1910.
- No. 6. To Section 10, Article III. Re: **Succession in Office of Governor.** Adopted November, 1910.
- No. 7. To Section 1, Article II. Re: **Initiative and Referendum.** Adopted November, 1912.
- No. 8. To Sections 33 and 34, Article I. Re: **Recall.** Adopted November, 1912.
- No. 9. To Section 16, Article I. Re: **Taking of Private Property.** Adopted November, 1922.
- No. 10. To Section 22, Article I. Re: **Right of Appeal.** Adopted November, 1922.
- No. 11. To Section 4, Article VIII. Re: **Appropriation.** Adopted November, 1922.
- No. 12. To Section 5, Article XI. Re: **Consolidation of County Offices.** Adopted November, 1924.
- No. 13. To Section 15, Article II. Re: **Vacancies in the Legislature.** Adopted November, 1930.
- No. 14. To Article VII. Re: **Revenue and Taxation.** Adopted November, 1930.
- No. 15. To Section 1, Article XV. Re: **Harbors and Harbor Areas.** Adopted November, 1932.
- No. 16. To Section 11, Article XII. Re: **Double Liability of Stockholders.** Adopted November, 1940.
- No. 17. To Section 2, Article VII. Re: **40-Mill Tax Limit.** Adopted November, 1944.
- No. 18. To Article II, creating a Section 40. Re: **Restriction of motor vehicle license fees and excise taxes on motor fuels to highway purposes only.** Adopted November, 1944.

- No. 19. To Article VII, creating a Section 3. 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. To Section 1, Article XXVII. Re: **Legislature to fix the salaries of state elective officials.** Adopted November, 1948.
- No. 21. To 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. To Article XI, creating a Section 16. 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.
- No. 24. To 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. To Article IV, creating a Section 3(a). Re: **Establishing Retirement Age for Judges of Supreme and Superior Courts.** Adopted November, 1952.
- No. 26. To Article II, creating a Section 41. Re: **Permitting the Legislature to Amend Initiative Measures.** Adopted November, 1952.
- No. 27. To Section 6 of Article VIII. Re: **Extending Bonding Powers of School Districts.** Adopted November, 1952.
- No. 28. To Sections 6 and 10 of Article IV. Re: **Increasing Monetary Jurisdiction of Justice Courts.** Adopted November, 1952.
- No. 29. To 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 a new section to Article II. Re: **Increasing the number of signatures necessary to certify a state initiative or referendum measure.** Adopted November, 1956.
- No. 31. To 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 the 13th Amendment. 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. 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. Amending Article IV by adding a new section. Re: **Temporary performance of judicial duties.** Adopted November, 1962.
- No. 39. Amending Article II by adding a new section. 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.

**TEXT OF CONSTITUTIONAL AMENDMENT APPROVED BY
THE VOTERS AT THE STATE GENERAL ELECTION
HELD NOVEMBER 3, 1964**

Amendment 40: (S. J. R. No. 1 of 1963 Legislature) City Charters.

Article XI, section 10. Corporations for municipal purposes shall not be created by special laws; but the legislature, by general laws, shall provide for the incorporation, organization and classification in proportion to population, of cities and towns, which laws may be altered, amended or repealed. Cities and towns heretofore organized, or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election, shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution shall be subject to, and controlled by general laws. Any city containing a population of ten thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the Constitution and laws of this state, and for such purpose the legislative authority of such city may cause an election to be had at which election there shall be chosen by the qualified electors of said city, fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election and qualified electors, whose duty it shall be to convene within ten days after their election, and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said city, and shall become the organic law thereof, and supersede any existing charter including amendments thereto, and all special laws inconsistent with such charter. Said proposed charter shall be published in the daily newspaper of largest general circulation published in the area to be incorporated as a first class city under the charter or, if no daily newspaper is published therein, then in the newspaper having the largest general circulation within such area at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval, as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election, and shall be given as required by law. Said elections may be general or special elections, and except as herein provided shall be governed by the law regulating and controlling general or special elections in said city. Such charter may be amended by proposals therefor submitted by the legislative authority of such city to the electors thereof at any general election after notice of said submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter, or amendment thereto, any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. (Effective December 3, 1964.)

PROPOSED
CONSTITUTIONAL
AMENDMENTS

TO BE VOTED UPON
AT THE

November 8, 1966
STATE GENERAL ELECTION

SUBSTITUTE SENATE JOINT RESOLUTION NO. 6

*BALLOT TITLE

ELECTION OF SUPERIOR COURT JUDGES

Shall Article IV of the state Constitution be amended to provide that where only one candidate has filed for a superior court judge position in a county of 100,000 or more inhabitants, or where after a contested primary in any county only one such candidate is entitled to appear on the general election ballot, certification of election shall issue to such candidate without a further election, unless a write-in campaign is to be conducted?

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 IV of the Constitution of the state of Washington, by adding thereto a new section to be known as Article IV, section 29, to read as follows:

Article IV, section 29. Notwithstanding any provision of this Constitution to the contrary, if, after the last day as provided by law for the withdrawal of declarations of candidacy has expired, only one candidate has filed for any single position of superior court judge in any county containing a population of one hundred thousand or more, no primary or election shall be held as to such position, and a certificate of election shall be issued to such candidate. If, after any contested primary for superior court judge in any county, only one candidate is entitled to have his name printed on the general election ballot for any single position, no election shall be held as to such position, and a certificate of election shall be issued to such candidate: *Provided*, That in the event that there is filed with the county auditor within ten days after the date of the primary, a petition indicating that a write in campaign will be conducted for such single position and signed by one hundred registered voters qualified to vote with respect of the office, then such single position shall be subject to the general election. Provisions for the contingency of the death or disqualification of a sole candidate between the last

*As prepared by John J. O'Connell, Attorney General.

date for withdrawal and the time when the election would be held but for the provisions of this section, and such other provisions as may be deemed necessary to implement the provisions of this section, may be enacted by the legislature.

Be It Further Resolved, That the secretary of state shall cause the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the Senate March 24, 1965.

Passed the House March 23, 1965.

SENATE JOINT RESOLUTION NO. 20

*BALLOT TITLE

REMOVING LIMITATION ON LAND OWNERSHIP

Shall the limitation on the ownership of land in the state of Washington by certain noncitizens be removed by repealing section 33, Article II, as amended by Amendments 24 and 29 of the state Constitution?

Be It Resolved, By the Senate and House of Representatives of the state of Washington, in legislative session assembled:

THAT, At the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1966, there shall be submitted to the qualified voters of this state, for their adoption or rejection, the following proposed amendment to the Constitution of the state of Washington:

Section 33, Article II and Amendments 24 and 29 amendatory thereof, of the Constitution of the state of Washington are each hereby repealed.

And 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 8, 1965.

Passed the House March 10, 1965.

*As prepared by John J. O'Connell, Attorney General.

SENATE JOINT RESOLUTION NO. 22

*BALLOT TITLE

PART I

ESTABLISHING COMMON SCHOOL CONSTRUCTION FUND

Shall Article IX, section 3, of the state Constitution be amended to establish a common school construction fund to be used to finance common school construction, with funds to be derived from (1) certain proceeds from timber and other crops from school and state lands, (2) certain interest, rentals and revenues from the permanent common school fund and from lands devoted to the permanent common school fund, and (3) such other sources as the legislature may provide?

PART II

INVESTMENT OF PERMANENT SCHOOL FUND

Shall Article XVI, section 5, (Amendment 1) of the state Constitution, restricting investment of the state's permanent school fund to national, state, county, municipal or school district bonds, be amended by removing this restriction and thereby permitting the permanent school fund to be invested in such manner as may be authorized by act of the legislature?

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 electors of the state, for their approval and ratification, or rejection, an amendment to Article IX, section 3, and an amendment to Article XVI, section 5 of the Constitution of the state of Washington, to read as follows:

Article IX, section 3. The principal of the common school fund as the same existed on June 30, 1965, shall remain permanent and irreducible. The said fund shall consist of the principal amount thereof existing on June 30, 1965, and such additions thereto as may be derived after June 30, 1965, from the following named sources, to wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or public for common schools; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state when the purpose of the grant is not specified, or is uncertain;

*As prepared by John J. O'Connell, Attorney General.

funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of stone, minerals, or property other than timber and other crops from school and state lands, other than those granted for specific purposes; all moneys received from persons appropriating stone, minerals or property other than timber and other crops from school and state lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union as approved by section 13 of the act of congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been, and hereafter may be granted to the state for the support of common schools. The legislature may make further provisions for enlarging said fund.

There is hereby established the common school construction fund to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: (1) Those proceeds derived from the sale or appropriation of timber and other crops from school and state lands subsequent to June 30, 1965, other than those granted for specific purposes; (2) the interest accruing on said permanent common school fund from and after July 1, 1967, together with all rentals and other revenues derived therefrom and from lands and other property devoted to the permanent common school fund from and after July 1, 1967; and (3) such other sources as the legislature may direct. That portion of the common school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be authorized by law for the purpose of financing the construction of facilities for the common schools.

The interest accruing on the permanent common school fund together with all rentals and other revenues accruing thereto pursuant to subsection (2) of this section during the period after the effective date of this amendment and prior to July 1,

1967, shall be exclusively applied to the current use of the common schools.

To the extent that the moneys in the common school construction fund are in excess of the amount necessary to allow fulfillment of the purpose of said fund, the excess shall be available for deposit to the credit of the permanent common school fund or available for the current use of the common schools, as the legislature may direct.

Article XVI, section 5. The permanent common school fund of this state may be invested as authorized by law.

Be It Further Resolved, That the foregoing amendments shall each be construed as separate amendments within the meaning of Article XXIII, section 1, (Amendment 37) of this Constitution.

And Be It Further Resolved, That the secretary of state shall cause notice of the foregoing constitutional amendments to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the Senate April 5, 1965.

Passed the House April 13, 1965.

SENATE JOINT RESOLUTION NO. 25

*BALLOT TITLE

PORT EXPENDITURES—INDUSTRIAL DEVELOPMENT—PROMOTION

Shall Article VIII of the state Constitution be amended to declare that the use of public funds by port districts, in such manner as may be prescribed by the legislature, for industrial development or trade promotion and promotional hosting shall be deemed a public use for a public purpose and shall not be deemed an unconstitutional gift of public funds?

Be It Resolved, By the Senate and House of Representatives of the state of Washington, in legislative session assembled:

THAT, At the general election to be held in this state, on the Tuesday next succeeding the first Monday of November, 1966, there shall be submitted to the qualified electors of the state, for

*As prepared by John J. O'Connell, Attorney General.

their approval and ratification, or rejection, a proposed amendment to Article VIII of the Constitution of the state of Washington, to be known as Article VIII, section 8, and to read as follows:

Article VIII, section 8. The use of public funds by port districts in such manner as may be prescribed by the legislature for industrial development or trade promotion and promotional hosting shall be deemed a public use for a public purpose, and shall not be deemed a gift within the provisions of section 7 of this Article.

And 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 23, 1965.

Passed the House March 29, 1965.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4

*BALLOT TITLE

VOTER QUALIFICATIONS FOR PRESIDENTIAL ELECTIONS

Shall Article VI of the state Constitution be amended to allow United States citizens meeting all constitutional qualifications for voting in the state, except for length of residence, to vote at a United States presidential election solely for presidential electors or for the office of president and vice president if they

- (1) intend to make this state their permanent residence; and
- (2) have resided in the state at least sixty days immediately preceding the particular presidential election?

Be It Resolved, By the Senate and House of Representatives of the state of Washington, in legislative session assembled:

THAT, At the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1966, there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, a proposal to amend Article VI of the Constitution of the state of Washington by

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adding thereto a new section to be known as section 1A, to read as follows:

Article VI, section 1A. In consideration of those citizens of the United States who become residents of the state of Washington during the year of a presidential election with the intention of making this state their permanent residence, this section is for the purpose of authorizing such persons who can meet all qualifications for voting as set forth in section 1 of this article, except for residence, to vote for presidential electors or for the office of President and Vice-President of the United States, as the case may be, but no other: *Provided*, That such persons have resided in the state at least sixty days immediately preceding the presidential election concerned.

The legislature shall establish the time, manner and place for such persons to cast such presidential ballots.

And Be It Further Resolved, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House April 23, 1965.

Passed the Senate April 22, 1965.

HOUSE JOINT RESOLUTION NO. 7

***BALLOT TITLE**

RETIRED PERSONS PROPERTY TAX EXEMPTION

Shall Article VII of the state Constitution be amended to authorize the legislature to grant relief from property taxes on real property owned and occupied as a residence by retired persons, subject to such restrictions and conditions as the legislature may establish, including but not limited to level of income and length of residence?

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

*As prepared by John J. O'Connell, Attorney General.

Article VII of the Constitution of the state of Washington, by adding a new section thereto to read as follows:

Article VII, section 10. Notwithstanding the provisions of Article 7, section 1 (Amendment 14) and Article 7, section 2 (Amendment 17), the following tax exemption shall be allowed as to real property:

The legislature shall have the power, by appropriate legislation, to grant to retired property owners relief from the property tax on the real property occupied as a residence by those owners. The legislature may place such restrictions and conditions upon the granting of such relief as it shall deem proper. Such restrictions and conditions may include, but are not limited to, the limiting of the relief to those property owners below a specific level of income and those fulfilling certain minimum residential requirements.

And Be It Further Resolved, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House April 8, 1965.

Passed the Senate May 7, 1965.

HOUSE JOINT RESOLUTION NO. 39

***BALLOT TITLE**

PUBLICATION—LAWS AUTHORIZING STATE DEBT

Shall Article VIII, section 3 of the state Constitution, requiring the publication, in a newspaper in each county for three months prior to the election, of the text of any law to be voted upon by the people authorizing state debts, be amended so as to require only that notice of the law be published at least four times during the four weeks preceding the election in every legal newspaper in the state?

Be It Resolved, By the Senate and House of Representatives of the state of Washington, in legislative session assembled:

THAT, At the general election to be held in this state on Tuesday next succeeding the first Monday in November 1966, there

*As prepared by John J. O'Connell, Attorney General.

shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, a proposed amendment to the Constitution of the state of Washington, by amending Article VIII, section 3 to read as follows:

Article VIII, section 3. Except the debt specified in sections one and two of this article, no debts shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and notice that such law will be submitted to the people shall be published at least four times during the four weeks next preceding the election in every legal newspaper in the state: *Provided*, That failure of any newspaper to publish this notice shall not be interpreted as affecting the outcome of the election.

And Be It Further Resolved, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House March 22, 1965.

Passed the Senate April 13, 1965.

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29.18.140.....	amended	*150 9
29.21.010.....	amended	123 7
29.21.030.....	repealed	123 9
29.21.050.....	repealed	123 9
29.21.060.....	amended	*103 2
29.27.020.....	amended	*103 4
29.27.050.....	amended	*103 7
29.30.075.....	amended	*103 5
29.42.050.....	amended	*103 3
29.45.010.....	amended	*101 1
29.45.020.....	amended	*101 2
29.45.030.....	amended	*101 3
29.45.050.....	amended	*101 4
29.45.060.....	amended	*101 5
Ch. 29.51.....	added to	*101 16
29.51.060.....	amended	*156 5
29.51.100.....	amended	*101 15
29.51.170.....	amended	*101 14
29.51.200.....	amended	*101 17
Ch. 29.54.....	added to	*101 12
29.54.010.....	amended	*101 6
29.54.020.....	amended	*101 7
29.54.030.....	amended	*101 8
29.54.040.....	amended	*101 9
29.54.045.....	amended	*101 10
29.54.050.....	amended	*101 11
Ch. 29.68.....	added to	*152 1
Ch. 29.68.....	added to	*152 2
Ch. 29.68.....	added to	*152 3
Ch. 29.68.....	added to	*152 4
Ch. 29.68.....	added to	*152 5
Ch. 29.68.....	added to	*152 6
Ch. 29.68.....	added to	*152 7
Ch. 29.68.....	added to	*152 8
Ch. 29.68.....	added to	*152 8
29.68.005.....	repealed	*152 9
29.68.007.....	repealed	*152 9
29.68.011.....	repealed	*152 9
29.68.021.....	repealed	*152 9
29.68.030.....	repealed	*152 9
29.68.040.....	repealed	*152 9
29.68.062.....	repealed	*152 9
29.68.066.....	repealed	*152 9
30.08.090.....	amended	140 3
30.12.080.....	amended	140 5
31.12.270.....	amended	* 38 1
31.12.280.....	amended	* 38 2
32.12.100.....	amended	111 3
33.20.140.....	repealed	89 2
Title 35.....	enacted	7
Title 35.....	added to	* 6 1
Title 35.....	added to	* 6 2
Title 35.....	added to	* 6 3
Title 35.....	added to	* 6 4
Ch. 35.02.....	added to	* 42 1
35.06.080.....	amended	106 1
Ch. 35.13.....	added to	* 88 1
Ch. 35.13.....	added to	* 88 2
35.13.015.....	amended	* 88 3
35.13.020.....	amended	* 88 4
35.13.030.....	amended	* 88 5
35.13.080.....	amended	* 88 6
35.13.090.....	amended	* 88 7

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R.C.W.	1965 Stats.		R.C.W.	1965 Stats.			
	Ch.	Sec.		Ch.	Sec.		
35.13.100.....	amended	* 88	8	35.67.192.....	repealed	110	2
35.13.110.....	amended	* 88	9	Ch. 35.92.....	added to	130	4
35.13.125.....	amended	* 88	10	Ch. 35.92.....	added to	130	5
35.13.130.....	amended	* 88	11	35.92.080.....	amended	118	2
35.13.160.....	amended	* 88	12	35.92.220.....	amended	130	1
35.17.110.....	amended	22	1	35.92.230.....	amended	130	2
35.17.430.....	amended	* 47	3	35.92.260.....	amended	130	3
35.18.060.....	amended	*116	1	Ch. 36.16.....	added to	* 23	6
35.18.290.....	amended	* 47	4	36.28.010.....	amended	92	1
35.20.160.....	amended	147	3	36.29.020.....	amended	111	2
35.21.010.....	amended	138	1	Ch. 36.32.....	added to	14	1
35.21.600.....	amended	* 47	6	Ch. 36.32.....	added to	* 76	3
Ch. 35.22.....	added to	132	1	36.32.250.....	amended	113	1
35.22.030.....	amended	* 47	5	36.33.110.....	amended	*140	1
35.22.040.....	repealed	* 47	14	Ch. 36.34.....	added to	* 21	1
35.22.050.....	amended	* 47	7	36.34.080.....	amended	* 23	1
35.22.060.....	amended	* 47	8	36.40.100.....	amended	* 19	1
35.22.070.....	amended	* 47	9	Ch. 36.64.....	added to	24	1
35.22.110.....	amended	* 47	10	Ch. 36.67.....	added to	142	1
35.22.140.....	amended	* 47	11	Ch. 36.67.....	added to	142	2
35.22.170.....	amended	* 47	12	Ch. 36.67.....	added to	142	3
35.22.200.....	amended	* 47	13	Ch. 36.67.....	added to	142	4
35.22.240.....	repealed	* 46	2	Ch. 36.67.....	added to	142	5
35.22.250.....	repealed	* 46	2	Ch. 36.67.....	added to	142	6
35.22.260.....	repealed	* 46	2	Ch. 36.67.....	added to	142	7
35.22.270.....	repealed	* 46	2	Ch. 36.67.....	added to	142	8
35.22.280.....	amended	*116	2	36.68.400.....	amended	* 76	1
35.22.420.....	amended	*116	3	36.68.410.....	amended	* 76	2
35.22.460.....	amended	*116	4	36.70.210.....	amended	* 24	1
35.22.470.....	repealed	*116	19	Ch. 36.82.....	added to	* 25	1
35.22.480.....	amended	*116	5	36.88.010.....	amended	60	1
35.23.210.....	amended	*116	6	36.88.015.....	amended	60	2
35.23.352.....	amended	114	1	38.12.030.....	amended	*100	1
35.23.440.....	amended	*116	7	Ch. 39.12.....	added to	*133	2
35.23.600.....	amended	*116	8	39.12.010.....	amended	*133	1
Ch. 35.24.....	added to	108	1	39.12.040.....	amended	*133	3
35.24.020.....	amended	*116	9	39.12.060.....	amended	*133	4
35.24.090.....	amended	105	1	Ch. 39.44.....	added to	* 74	4
35.24.200.....	amended	107	1	39.44.010.....	amended	* 74	1
35.24.290.....	amended	*116	10	39.44.020.....	amended	* 74	2
35.24.450.....	amended	94	1	39.44.030.....	amended	* 74	3
35.24.450.....	amended	*116	11	41.04.180.....	amended	57	1
35.24.460.....	amended	94	2	41.04.190.....	amended	57	2
35.24.460.....	amended	*116	12	41.16.060.....	amended	* 45	1
35.24.470.....	amended	*116	13	41.18.010.....	amended	* 45	2
Ch. 35.27.....	added to	108	2	41.18.040.....	amended	* 45	3
35.27.070.....	amended	*116	14	41.18.080.....	amended	109	1
35.27.130.....	amended	105	2	41.18.100.....	amended	* 45	4
35.27.240.....	amended	125	1	Ch. 41.20.....	added to	33	1
35.27.280.....	amended	107	2	Ch. 41.24.....	added to	86	4
35.27.370.....	amended	*116	15	41.24.150.....	amended	86	1
35.27.370.....	amended	127	1	41.24.160.....	amended	86	2
35.27.520.....	amended	*116	16	41.24.220.....	amended	86	3
35.27.530.....	amended	*116	17	41.32.010.....	amended	* 81	1
35.27.540.....	amended	*116	18	41.32.200.....	amended	* 81	2
35.33.150.....	amended	* 14	1	41.32.240.....	amended	* 81	3
35.39.010.....	repealed	* 46	2	41.32.310.....	amended	* 81	8
35.39.020.....	repealed	* 46	2	41.32.470.....	amended	* 81	4
35.39.030.....	amended	* 46	1	41.32.500.....	amended	* 81	5
35.39.040.....	amended	19	1	41.32.520.....	amended	* 81	6
35.43.170.....	amended	58	1	41.32.523.....	amended	* 81	7
35.43.180.....	amended	58	2	Ch. 41.40.....	added to	84	2
Ch. 35.58.....	added to	91	1	41.40.410.....	amended	84	1
35.67.010.....	amended	110	1	41.44.100.....	amended	* 99	1
35.67.110.....	amended	118	1	41.44.110.....	amended	* 99	2

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R.C.W.		1965 Stats.	
	Ch.	Ch.	Sec.
41.44.130.....	amended	* 99	3
41.44.140.....	amended	* 99	4
41.44.150.....	amended	* 99	5
41.44.160.....	amended	* 99	6
41.44.170.....	amended	* 99	7
41.44.190.....	amended	* 99	8
41.44.220.....	amended	* 99	9
42.24.010.....	repealed	116	5
42.24.020.....	repealed	116	5
42.24.030.....	repealed	116	5
42.24.040.....	repealed	116	5
42.24.050.....	repealed	116	5
42.24.060.....	repealed	116	5
<i>Title 43</i>	enacted	8	
<i>Ch. 43.01</i>	added to	* 68	1
43.01.040.....	amended	* 13	1
43.03.010.....	amended	1	2
43.03.010.....	amended	*127	4
43.03.050.....	amended	* 77	1
43.08.064.....	amended	* 61	1
43.08.066.....	amended	* 61	2
43.08.068.....	amended	* 61	3
43.17.010.....	amended	156	20
43.17.020.....	amended	156	21
<i>Ch. 43.24</i>	added to	100	6
43.24.010.....	amended	100	1
43.24.020.....	amended	100	2
43.24.050.....	repealed	100	7
43.24.060.....	amended	100	3
43.24.070.....	repealed	100	7
43.24.080.....	amended	100	4
43.24.100.....	repealed	100	7
43.24.110.....	amended	100	5
<i>Ch. 43.31</i>	added to	10	1
<i>Ch. 43.31</i>	added to	10	3
<i>Ch. 43.31</i>	added to	10	5
<i>Ch. 43.31</i>	added to	10	8
43.31.040.....	amended	10	2
<i>Ch. 43.43</i>	added to	* 96	1
<i>Ch. 43.51</i>	added to	* 48	1
<i>Ch. 43.51</i>	added to	* 48	2
<i>Ch. 43.51</i>	added to	* 48	3
43.51.020.....	amended	*132	1
43.57.020.....	amended	*164	1
43.79.201.....	amended	*135	2
<i>Ch. 43.84</i>	added to	*104	1
<i>Ch. 43.84</i>	added to	*104	2
<i>Ch. 43.84</i>	added to	*104	3
<i>Ch. 43.84</i>	added to	*104	4
<i>Ch. 43.84</i>	added to	*104	5
<i>Ch. 43.84</i>	added to	*104	6
43.84.010.....	repealed	*104	7
43.84.020.....	repealed	*104	7
43.84.030.....	repealed	*104	7
43.84.040.....	repealed	*104	7
43.84.050.....	repealed	*104	7
43.84.060.....	repealed	*104	7
43.84.070.....	repealed	*104	7
43.84.090.....	amended	* 82	1
<i>Ch. 43.89</i>	added to	* 60	1
<i>Ch. 43.89</i>	added to	* 60	5
43.89.010.....	amended	* 60	2
43.89.020.....	amended	* 60	3
43.89.030.....	amended	* 60	4
44.04.080.....	amended	3	1

R.C.W.		1965 Stats.	
	Ch.	Ch.	Sec.
44.04.080.....	amended	*127	6
<i>Ch. 44.06</i>	repealed	6	57
44.24.010.....	amended	*148	1
44.33.010—			
44.33.180, incl.....	repealed	*130	16
<i>Ch. 45.12</i>	added to	119	1
<i>Title 46</i>	added to	*155	1-52, 54-86
<i>Title 46</i>	added to	156	1-18 incl.
<i>Ch. 46.04</i>	added to	*155	86
<i>Ch. 46.04</i>	added to	*155	87
<i>Ch. 46.04</i>	added to	*155	88
<i>Ch. 46.04</i>	added to	*155	89
<i>Ch. 46.04</i>	added to	*155	90
46.04.070.....	repealed	*155	91
46.04.390.....	repealed	*155	91
46.04.430.....	repealed	*155	91
46.04.520.....	repealed	*155	91
46.04.610.....	repealed	*155	91
46.08.040.....	repealed	*155	91
46.08.050.....	repealed	*155	91
46.08.090.....	amended	156	13, 23
46.08.100.....	amended	156	14, 23
46.08.120.....	amended	*170	45
46.08.140.....	amended	156	11, 23
46.08.200.....	amended	28	1
46.16.020.....	amended	*106	1
46.16.060.....	amended	25	1
46.16.075.....	amended	137	3
46.16.270.....	amended	* 78	1
<i>Ch. 46.20</i>	added to	*121	1
<i>Ch. 46.20</i>	added to	*121	2
<i>Ch. 46.20</i>	added to	*121	3
<i>Ch. 46.20</i>	added to	*121	4
<i>Ch. 46.20</i>	added to	*121	5
<i>Ch. 46.20</i>	added to	*121	6
<i>Ch. 46.20</i>	added to	*121	7
<i>Ch. 46.20</i>	added to	*121	8
<i>Ch. 46.20</i>	added to	*121	11
<i>Ch. 46.20</i>	added to	*121	17
<i>Ch. 46.20</i>	added to	*121	18
<i>Ch. 46.20</i>	added to	*121	19
<i>Ch. 46.20</i>	added to	*121	20
<i>Ch. 46.20</i>	added to	*121	21
<i>Ch. 46.20</i>	added to	*121	24
<i>Ch. 46.20</i>	added to	*121	25
<i>Ch. 46.20</i>	added to	*121	26
<i>Ch. 46.20</i>	added to	*121	27
<i>Ch. 46.20</i>	added to	*121	28
<i>Ch. 46.20</i>	added to	*121	29
<i>Ch. 46.20</i>	added to	*121	30
<i>Ch. 46.20</i>	added to	*121	31
<i>Ch. 46.20</i>	added to	*121	32
<i>Ch. 46.20</i>	added to	*121	33
<i>Ch. 46.20</i>	added to	*121	34
<i>Ch. 46.20</i>	added to	*121	35
<i>Ch. 46.20</i>	added to	*121	36
<i>Ch. 46.20</i>	added to	*121	37
<i>Ch. 46.20</i>	added to	*121	38
<i>Ch. 46.20</i>	added to	*121	39
<i>Ch. 46.20</i>	added to	*121	40
<i>Ch. 46.20</i>	added to	*121	41
<i>Ch. 46.20</i>	added to	*121	43
<i>Ch. 46.20</i>	added to	*121	44

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R.C.W.	1965 Stats.		R.C.W.	1965 Stats.	
	Ch.	Sec.		Ch.	Sec.
<i>Ch.</i> 46.20.....	added to	*121	46.48.130.....	repealed	*155
<i>Ch.</i> 46.20.....	amended	*170	46.48.140.....	repealed	*155
46.20.010.....	repealed	*121	46.48.150.....	recodified	*155
46.20.020.....	repealed	*121	46.48.160.....	recodified	*155
46.20.030.....	repealed	*121	46.48.260—		
46.20.060.....	repealed	*121	46.48.330.....	repealed	*155
46.20.080—			46.48.340.....	recodified	*155
46.20.090.....	repealed	*121	<i>Ch.</i> 46.52.....	added to	*119
46.20.100.....	amended	*170	46.52.....	added to	*119
46.20.102.....	amended	*121	<i>Ch.</i> 46.52.....	added to	*119
46.20.104.....	amended	*121	46.52.030.....	amended	*119
46.20.106.....	amended	*121	46.52.080.....	amended	*119
46.20.110.....	repealed	*121	46.52.110.....	amended	*23
46.20.120.....	amended	*121	46.56.....	added to	52
46.20.130.....	amended	*121	46.56.010.....	repealed	*155
46.20.140—			46.56.020.....	repealed	*155
46.20.180.....	repealed	*121	46.56.030.....	recodified	*155
46.20.190.....	amended	*121	46.56.040.....	amended	*155
46.20.200.....	amended	*121	46.56.050.....	repealed	*155
46.20.210.....	repealed	*121	46.56.060.....	repealed	*155
46.20.230—			46.56.070.....	recodified	*155
46.20.250.....	repealed	*121	46.56.080.....	repealed	*155
46.20.260.....	repealed	*155	46.56.090.....	repealed	*155
46.20.270.....	amended	*121	46.56.100.....	recodified	*155
46.20.280.....	repealed	*121	46.56.110.....	repealed	*155
46.20.290.....	repealed	*121	46.56.120.....	repealed	*155
46.20.310.....	repealed	*121	46.56.130.....	recodified	*155
46.20.330.....	repealed	*121	46.56.135.....	amended	*52
46.20.340.....	amended	*121	46.56.135.....	recodified	*155
46.20.350.....	repealed	*121	46.56.140—		
46.20.360.....	repealed	*121	46.56.180.....	repealed	*155
46.29.080.....	amended	124	46.56.190.....	recodified	*155
46.29.120.....	amended	124	46.56.200.....	recodified	*155
46.29.190.....	amended	124	46.56.210.....	recodified	*155
46.29.200.....	amended	124	46.56.220.....	recodified	*155
46.29.290.....	amended	124	46.56.230.....	recodified	*155
46.29.440.....	amended	124	46.56.240.....	recodified	*155
46.37.190.....	amended	*155	46.60.010.....	repealed	*155
46.37.340.....	amended	*170	46.60.020.....	repealed	*155
<i>Ch.</i> 46.44.....	added to	38	46.60.040—		
<i>Ch.</i> 46.44.....	added to	38	46.60.140.....	repealed	*155
46.44.020.....	amended	43	46.60.150.....	repealed	*155
46.44.037.....	amended	*170	46.60.160.....	repealed	*155
46.44.092.....	amended	*170	46.60.170.....	repealed	*155
46.44.094.....	amended	137	46.60.180—		
46.44.095.....	amended	*170	46.60.250.....	repealed	*155
46.47.010—			46.60.260.....	recodified	*155
46.47.090.....	repealed	*155	46.60.270.....	recodified	*155
46.48.011.....	amended	*155	46.60.280—		
46.48.012.....	recodified	*155	46.60.310.....	repealed	*155
46.48.013.....	recodified	*155	46.60.320.....	repealed	*155
46.48.014.....	recodified	*155	46.60.330.....	recodified	*155
46.48.015.....	recodified	*155	46.60.340.....	recodified	*155
46.48.016.....	recodified	*155	46.60.350.....	repealed	*155
46.48.023.....	recodified	*155	<i>Ch.</i> 46.64.....	added to	*121
46.48.025.....	recodified	*155	<i>Ch.</i> 46.68.....	added to	25
46.48.026.....	recodified	*155	46.68.030.....	amended	25
46.48.027.....	repealed	*155	46.68.040.....	repealed	25
46.48.041.....	recodified	*155	46.68.060.....	amended	25
46.48.046.....	recodified	*155	46.68.120.....	amended	*120
46.48.050.....	recodified	*155	46.70.....	added to	68
46.48.060.....	recodified	*155	46.70.010.....	amended	68
46.48.080.....	recodified	*155	46.70.020.....	amended	68
46.48.110.....	recodified	*155	46.70.040.....	amended	68
46.48.120.....	recodified	*155	46.70.100.....	amended	68

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R.C.W.	1965 Stats. Ch.	Sec.	R.C.W.	1965 Stats. Ch.	Sec.
46.80.130.....	amended	117	48.17.500.....	amended	* 70 20
46.82.140.....	amended	* 170 48	Ch. 48.20.....	added to	149 2
47.01.030.....	amended	* 1 1	48.20.400.....	repealed	* 70 21
47.01.040.....	amended	* 170 31	Ch. 48.21.....	added to	149 3
47.01.160.....	amended	* 170 29	Ch. 48.23.....	added to	* 70 22
Ch. 47.04.....	added to	* 170 34	48.24.030.....	amended	* 70 23
47.05.030.....	amended	* 170 33	48.30.010.....	amended	* 70 24
47.16.010.....	amended	* 170 5	48.30.220.....	amended	* 70 25
47.16.030.....	amended	* 170 7	48.44.010.....	amended	87 1
47.16.080.....	amended	* 170 8	48.44.070.....	amended	87 22
47.16.120.....	amended	* 170 9	48.44.080.....	amended	87 3
47.16.190.....	amended	* 170 12	Ch. 48.52.....	added to	* 69 4
47.20.010.....	amended	* 170 1	48.52.020.....	amended	* 69 1
47.20.180.....	amended	* 170 28	48.52.030.....	amended	* 69 2
47.20.320.....	amended	* 170 2	48.52.070.....	amended	* 69 3
47.20.351.....	amended	* 170 3	49.24.080.....	amended	144 1
47.20.440.....	amended	* 170 4	49.28.070.....	amended	41 1
47.28.060.....	amended	* 64 1	Ch. 49.44.....	added to	152 1
47.36.140—			Ch. 49.44.....	added to	152 2
47.36.170.....	repealed	* 155 91	51.12.070.....	amended	* 20 1
Ch. 47.52.....	added to	* 75 1	51.16.060.....	amended	* 80 1
Ch. 47.52.....	added to	* 75 2	51.32.040.....	amended	* 165 2
Ch. 47.52.....	added to	* 75 3	51.32.050.....	amended	* 122 1
Ch. 47.52.....	added to	* 75 4	51.32.060.....	amended	* 122 2
Ch. 47.52.....	added to	* 75 5	51.32.070.....	amended	* 166 1
Ch. 47.52.....	added to	* 75 6	51.32.080.....	amended	* 165 1
47.52.030.....	repealed	* 155 91	51.32.090.....	amended	* 122 3
47.52.072.....	repealed	* 75 7	51.36.010.....	amended	* 166 2
47.52.073.....	repealed	* 75 7	51.36.020.....	amended	* 166 3
47.52.074.....	repealed	* 75 7	51.40.020.....	amended	36 1
47.52.075.....	repealed	* 75 7	51.40.020.....	amended	* 80 2
47.52.130.....	repealed	* 75 7	51.44.100.....	amended	* 41 1
47.52.140.....	repealed	* 75 7	51.52.010.....	amended	* 165 3
Ch. 47.56.....	added to	50 1	51.52.106.....	amended	* 165 4
Ch. 47.56.....	added to	* 170 10	51.52.120.....	amended	* 63 1
Ch. 47.56.....	added to	* 170 11	51.52.132.....	amended	* 63 2
47.56.023.....	amended	* 170 32	Ch. 52.08.....	added to	21 1
47.56.034.....	amended	* 170 30	Ch. 52.08.....	added to	59 1
47.56.036.....	repealed	* 170 69	Ch. 52.08.....	added to	59 2
47.56.038.....	repealed	* 170 69	Ch. 52.08.....	added to	59 3
47.56.245.....	amended	* 170 53	Ch. 52.08.....	added to	59 4
47.56.282.....	amended	* 170 56	52.08.060.....	amended	* 18 1
47.60.140.....	amended	* 170 58	52.12.010.....	amended	112 1
Title 48.....	added to	* 70 26-34,	52.12.080.....	amended	112 2
		incl.	52.24.090.....	amended	* 18 2
48.03.040.....	amended	* 70 1	53.08.090.....	amended	23 1
Ch. 48.05.....	added to	* 70 3	53.08.170.....	amended	20 1
48.05.230.....	amended	* 70 2	Ch. 53.12.....	added to	51 6
48.07.040.....	amended	* 70 4	53.12.010.....	amended	51 1
Ch. 48.08.....	added to	* 70 5	53.12.020.....	amended	51 2
Ch. 48.08.....	added to	* 70 6	53.12.035.....	amended	51 3
Ch. 48.08.....	added to	* 70 7	53.12.040.....	amended	51 4
Ch. 48.08.....	added to	* 70 8	53.12.055.....	amended	51 5
Ch. 48.08.....	added to	* 70 9	53.12.120.....	amended	51 7
Ch. 48.08.....	added to	* 70 10	53.12.130.....	amended	51 8
Ch. 48.08.....	added to	* 70 11	53.12.173.....	repealed	51 9
Ch. 48.08.....	added to	* 70 12	53.36.030.....	amended	* 54 1
Ch. 48.08.....	added to	* 70 13	53.36.070.....	amended	* 22 1
48.10.080.....	amended	* 70 35	53.36.080.....	amended	* 22 2
Ch. 48.13.....	added to	* 70 14	Ch. 53.46.....	added to	102 1
Ch. 48.13.....	added to	* 70 15	Ch. 53.46.....	added to	102 5
Ch. 48.13.....	added to	* 70 16	Ch. 53.46.....	added to	102 6
Ch. 48.13.....	added to	* 70 17	Ch. 53.46.....	added to	102 7
Ch. 48.13.....	added to	* 70 18	53.46.010.....	amended	102 2
48.17.110.....	amended	* 70 19	53.46.020.....	amended	102 3

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R.C.W.	1965 Ch.	Stats. Sec.	R.C.W.	1965 Ch.	Stats. Sec.
53.46.020.....	amended	102	4		
Ch. 54.04.....	added to	*149	1	74.04.005.....	amended * 2
Ch. 54.16.....	added to	*118	1	74.04.020.....	repealed * 90
56.08.070.....	amended	71	1	74.04.034.....	repealed * 90
56.20.020.....	amended	* 40	1	74.04.035.....	repealed * 90
56.20.080.....	amended	* 40	2	74.04.141.....	repealed * 90
57.08.050.....	amended	72	1	74.04.265.....	amended * 35
57.16.060.....	amended	* 39	1	74.08.120.....	amended *102
57.16.090.....	amended	* 39	2	74.08.270.....	repealed * 2
60.04.020.....	amended	98	1	74.08.330.....	repealed * 34
61.12.093.....	amended	80	1	74.09.090.....	amended * 36
61.12.094.....	amended	80	2	74.09.100.....	repealed * 90
61.12.095.....	amended	80	3	74.09.430.....	amended * 36
Ch. 62.01.....	added to	* 53	1	74.11.040.....	amended 35
64.32.010.....	amended	* 11	1	74.12.010.....	amended * 37
64.32.050.....	amended	* 11	2	74.12.130.....	repealed 30
64.32.100.....	amended	* 11	3	74.12.230.....	repealed 30
64.32.120.....	amended	* 11	4	74.16.011.....	repealed * 90
64.32.170.....	amended	* 11	5	74.16.030.....	amended 128
64.32.200.....	amended	* 11	6	75.08.230.....	amended * 72
64.32.230.....	amended	* 11	7	75.12.130.....	amended * 72
Ch. 65.04.....	added to	134	2	75.12.140.....	amended 64
65.04.110.....	amended	134	1	75.28.014.....	amended * 57
66.08.180.....	amended	*143	2	75.28.060.....	amended * 30
66.24.290.....	amended	*173	30	75.28.080.....	repealed * 73
66.24.420.....	amended	*143	3	75.28.085.....	amended * 73
Ch. 66.44.....	added to	49	2	75.28.110.....	amended * 73
Ch. 66.44.....	added to	49	3	75.28.120.....	amended * 73
66.44.260.....	amended	* 59	1	75.28.130.....	amended * 73
66.44.290.....	amended	49	1	75.28.140.....	amended * 73
67.16.100.....	amended	148	7	75.28.150.....	amended * 73
70.44.050.....	amended	157	1	75.28.160.....	amended * 73
70.44.060.....	amended	157	2	75.28.170.....	amended * 73
70.44.140.....	amended	83	1	75.28.180.....	amended * 73
70.44.160.....	amended	157	3	75.28.190.....	amended * 73
70.44.170.....	amended	157	4	75.28.210.....	amended * 73
70.88.010.....	amended	* 85	1	75.28.220.....	amended * 73
70.88.040.....	amended	* 85	2	75.28.230.....	amended * 73
70.89.030.....	amended	45	1	75.28.240.....	amended * 73
Ch. 70.96.....	added to	*143	1	75.28.250.....	amended * 73
70.98.020.....	amended	88	1	75.28.260.....	amended * 73
70.98.030.....	amended	88	2	75.28.270.....	amended * 73
70.98.040.....	amended	10	4	75.28.285.....	amended * 27
70.98.050.....	amended	88	3	75.28.300.....	amended * 28
70.98.070.....	amended	88	4	75.28.350.....	amended * 29
70.98.080.....	amended	88	5	Ch. 75.32.....	added to * 71
70.98.110.....	amended	88	6	Ch. 76.04.....	added to * 12
70.98.150.....	amended	88	7		
70.98.180.....	amended	88	8	76.04.150.....	amended 82
Title 72.....	added to	* 26	1-8	76.04.250.....	repealed * 12
			incl.	76.04.260.....	amended * 12
72.08.100.....	repealed	* 9	6	76.04.270.....	amended * 12
Ch. 72.19.....	added to	* 10	1	Ch. 77.12.....	added to * 97
72.25.010.....	amended	78	1	Ch. 77.12.....	added to * 97
72.25.020.....	amended	78	2	Ch. 77.12.....	added to * 97
72.25.030.....	amended	78	3	Ch. 77.12.....	added to * 97
72.25.040.....	amended	78	4	77.12.200.....	amended * 97
72.33.800.....	amended	34	1	77.32.100.....	amended 48
72.33.805.....	amended	34	2	77.32.103.....	amended 48
72.33.815.....	amended	34	3	77.32.105.....	amended 48
Title 74.....	added to	30	1-4	77.32.110.....	amended 48
Title 74.....	added to	* 34	1	77.32.113.....	amended 48
Title 74.....	added to	39	1-6	78.08.060.....	amended 151
Title 74.....	added to	* 90	1-10	78.08.072.....	amended 151
Ch. 74.04.....	added to	* 91	1	Ch. 79.01.....	added to 47

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R.C.W.	1965 Stats.		R.C.W.	1965 Stats.		
	Ch.	Sec.		Ch.	Sec.	
Ch. 79.01.....	added to	56	1	Ch. 82.36.....	added to * 79	16
Ch. 79.01.....	added to	56	3	82.36.010.....	amended * 79	1
Ch. 79.01.....	added to	56	8	82.36.020.....	amended * 79	2
Ch. 79.01.....	added to	56	9	82.36.070.....	amended * 79	3
Ch. 79.01.....	added to	56	14	82.36.090.....	amended * 79	4
Ch. 79.01.....	added to	56	15	82.36.150.....	amended * 79	5
79.01.196.....	amended *	23	3	82.36.180.....	amended * 79	6
79.01.616.....	amended	56	2	82.36.200.....	amended * 79	7
79.01.620.....	amended	56	4	82.36.210.....	amended * 79	8
79.01.624.....	amended	56	5	82.36.230.....	amended * 79	9
79.01.628.....	amended	56	6	82.36.235.....	amended * 79	10
79.01.632.....	amended	56	7	82.36.260.....	amended * 79	11
79.01.636.....	amended	56	10	82.36.275.....	amended	135
79.01.640.....	amended	56	11	82.36.305.....	amended * 79	12
79.01.644.....	amended	56	12	82.36.310.....	amended * 79	13
79.01.648.....	amended	56	13	82.36.330.....	amended * 79	14
79.24.300.....	amended	129	1	82.36.370.....	amended * 79	15
Title 81.....	added to	150	1-24 incl.	Ch. 82.37.....	added to	67
81.08.010.....	amended *	105	3	82.37.020.....	amended	67
81.12.010.....	amended *	105	4	82.37.060.....	amended	67
81.53.260.....	amended *	170	36	82.37.140.....	amended	67
Ch. 81.77.....	added to *	104	2	82.37.150.....	amended	67
81.77.030.....	amended *	105	1	82.40.047.....	amended	135
Ch. 81.80.....	added to *	134	2	82.40.050.....	amended * 33	1
81.80.060.....	amended *	170	40	82.40.060.....	amended * 33	2
81.80.270.....	amended *	134	1	82.40.130.....	amended * 33	3
Ch. 82.04.....	added to *	145	1	82.40.220.....	amended * 33	4
Ch. 82.04.....	added to *	173	10	82.40.250.....	amended * 33	5
Ch. 82.04.....	added to *	173	26	82.40.270.....	amended * 33	6
82.04.050.....	amended *	173	1	82.48.100.....	amended *173	28
82.04.100.....	amended *	173	2	82.50.030.....	amended *173	29
82.04.120.....	amended *	173	3	82.50.105.....	amended * 92	1
82.04.190.....	amended *	173	4	82.50.110.....	amended * 92	2
82.04.240.....	amended *	173	5	83.16.040.....	repealed	145
82.04.260.....	amended *	173	6		11,99.010,	11,99.015
82.04.330.....	amended *	173	7	Ch. 83.20.....	added to *	8
82.04.400.....	amended *	173	8	83.56.050.....	amended * 67	1
82.04.425.....	amended *	173	9	Ch. 84.36.....	added to *168	2
82.04.430.....	amended *	173	11	Ch. 84.36.....	added to *173	31
82.04.440.....	amended *	173	12	84.52.052.....	amended *113	1
Ch. 82.08.....	added to	42	2	84.52.080.....	amended * 7	1
82.08.020.....	amended *	173	13	84.56.010.....	amended * 7	2
82.08.030.....	amended *	173	14	84.56.390.....	amended	93
82.08.050.....	amended *	173	15	84.56.400.....	amended	93
82.08.150.....	amended	42	1	84.64.080.....	amended * 23	4
82.08.150.....	amended *	173	16	84.64.270.....	amended * 23	5
82.12.010.....	amended *	173	17	85.08.300.....	amended	120
82.12.020.....	amended *	173	18	86.05.010.....		
82.12.030.....	amended *	173	19	86.05.910 incl.....	repealed	26
82.16.010.....	amended *	173	20	Ch. 86.09.....	added to	26
82.16.020.....	amended *	173	21	Ch. 86.09.....	added to	26
82.16.050.....	amended *	173	22	Ch. 86.09.....	added to	26
82.24.020.....	amended *	173	23	86.09.004.....	amended	26
82.24.070.....	amended *	173	24	86.09.178.....	amended	26
82.26.020.....	amended *	173	25	86.09.181.....	amended	26
Ch. 82.32.....	added to *	141	8	86.09.187.....	amended	26
82.32.050.....	amended *	141	1	86.09.190.....	repealed	26
82.32.060.....	amended *	173	27	86.09.193.....	repealed	26
82.32.080.....	amended *	141	2	86.09.199.....	repealed	26
82.32.090.....	amended *	141	3	86.09.229.....	amended	26
82.32.100.....	amended *	141	4	86.09.256.....	amended	26
82.32.180.....	amended *	141	5	86.09.271.....	amended	26
82.32.190.....	amended *	141	6	86.09.283.....	amended	26
82.32.340.....	amended *	141	7	86.09.364.....	amended	26

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R.C.W.	1965 Stats.	
	Ch.	Sec.
86.09.385.....amended	26	10
86.09.388.....amended	26	11
86.09.436.....repealed	26	17
86.09.619.....amended	26	12
87.03.015.....amended	141	1

R.C.W.	1965 Stats.	
	Ch.	Sec.
87.03.120.....amended	141	3
87.03.125.....amended	141	4
87.03.130.....amended	141	5
87.03.460.....amended	16	1
90.03.470.....amended	*160	1

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LAWS 1854:

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Page 178, sec. 253.....amended	89	1
Page 226, sec. 23.....amended	96	1

LAWS 1873:

Page 421, sec. 3.....amended	158	16
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CODE 1881:

Sec. 392.....amended	13	7
Sec. 907, 908.....amended	* 59	1
Sec. 1444.....repealed	145	
	11.99.010, 11.99.015	
Sec. 2734.....amended	134	1

LAWS 1886:

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Page 96, sec. 1.....amended	89	1

LAWS 1889-90:

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Page 453, sec. 1.....amended	66	4

LAWS 1891:

Ch. 69, sec. 18.....amended	* 59	1
Ch. 126, sec. 1.....repealed	116	5
Ch. 126, sec. 3.....repealed	116	5

LAWS 1899:

Ch. 45, sec. 2.....amended	151	1
Ch. 53, sec. 8.....amended	80	4
Ch. 53, sec. 16.....amended	80	5
Ch. 65, sec. 1.....repealed	116	5
Ch. 65, sec. 2.....repealed	116	5

LAWS 1907:

Ch. 30, sec. 6.....amended	* 9	2
Ch. 30, sec. 8.....amended	* 9	1
Ch. 30, sec. 10.....repealed	* 9	7

LAWS 1909:

Ch. 45, sec. 1.....amended	98	1
Ch. 76, sec. 9.....repealed	116	5
Ch. 249.....added to	32	1
Ch. 249.....added to	152	1
Ch. 249.....added to	152	2
Ch. 249, sec. 53.....amended	133	1
Ch. 249, sec. 377.....amended	*109	1
Ch. 249, sec. 436.....amended	*112	1
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Page 336, sec. 3.....amended	139	20
Page 347, sec. 4.....repealed	123	9
Page 348, sec. 5.....repealed	123	9
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Page 352, sec. 6.....repealed	123	9
Page 356, sec. 12.....repealed	123	9
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Page 360, sec. 10.....repealed	139	24
Page 371, sec. 1.....amended	*124	19

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EXTRAORDINARY SESSION:

Ch. 15, sec. 1.....repealed	139	24
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LAWS 1911:

Ch. 57, sec. 4.....amended	65	1
Ch. 82, sec. 1.....amended	*124	19
Ch. 92, sec. 3.....amended	51	7
Ch. 92, sec. 3.....amended	51	8
Ch. 125, sec. 8.....amended	82	1

LAWS 1913:

Ch. 126, sec. 5.....amended	133	3
Ch. 130, sec. 1.....amended	* 65	1
Ch. 176, sec. 20.....amended	120	1

LAWS 1917:

Ch. 21, sec. 10.....repealed	*154	12
Ch. 38.....added to	97	3
Ch. 117, sec. 44.....amended	*160	1
Ch. 128, sec. 5.....amended	139	23
Ch. 156.....added to	126	1
Ch. 156, sec. 95.....repealed	145	
	11.99.010, 11.99.015	

LAWS 1919:

Ch. 23, sec. 1.....repealed	145	
	11.99.010, 11.99.015	
Ch. 30, sec. 1.....amended	158	16
Ch. 45, sec. 1.....repealed	*154	12
Ch. 90, sec. 16.....repealed	123	9
Ch. 90, sec. 18.....repealed	123	9
Ch. 90, sec. 19.....repealed	123	9
Ch. 90, sec. 20.....repealed	123	9
Ch. 90, sec. 21.....repealed	123	9
Ch. 90, sec. 22.....repealed	123	9

LAWS 1923:

Ch. 131, sec. 1.....repealed	*124	20
Ch. 131, sec. 2.....repealed	*124	20
Ch. 131, sec. 3.....repealed	*124	20
Ch. 131, sec. 4.....repealed	*124	20
Ch. 131, sec. 5.....repealed	*124	20

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R.C.W.	1965 Stats. Ch. Sec.	
Ch. 131, sec. 6-8.....	repealed	*124 20
Ch. 131, sec. 9-11.....	repealed	*124 20
Ch. 138, sec. 2.....	amended	141 1
Ch. 138, sec. 5.....	amended	141 2-5
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Ch. 151, sec. 1.....	amended	* 74 1
Ch. 151, sec. 2.....	amended	* 74 2
Ch. 151, sec. 3.....	amended	* 74 3

LAWS 1925:

Ch. 29, sec. 1.....	amended	* 22 1
Ch. 29, sec. 2.....	amended	* 22 2

LAWS EX. SESS. 1925:

Ch. 130, sec. 20.....	amended	* 23 4
Ch. 191, sec. 2.....	amended	65 1

LAWS 1927:

Ch. 255.....	added to	56 1
Ch. 255.....	added to	56 3
Ch. 255.....	added to	56 8
Ch. 255.....	added to	56 9
Ch. 255.....	added to	56 14
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Ch. 255, sec. 160.....	amended	56 10
Ch. 255, sec. 161.....	amended	56 11
Ch. 255, sec. 162.....	amended	56 12
Ch. 281, sec. 2.....	amended	* 3 1

LAWS 1929:

Ch. 104, sec. 1.....	repealed	116 5
Ch. 104, sec. 2.....	repealed	116 5
Ch. 112, sec. 1.....	repealed	145
		11.99.010, 11.99.015
Ch. 114, sec. 13.....	amended	39 2
Ch. 114, sec. 21.....	amended	72 1

LAWS 1933:

Ch. 28, sec. 7.....	repealed	*154 12
Ch. 50, sec. 1.....	repealed	123 9
Ch. 55, sec. 9.....	amended	148 7

LAWS EX. SESS. 1933:

Ch. 62, sec. 24.....	amended	*173 30
Ch. 62, sec. 77.....	amended	*143 2

LAWS 1935:

Ch. 113.....	added to	131 1
Ch. 119, sec. 2.....	amended	122 1
Ch. 119, sec. 4.....	amended	122 2
Ch. 119, sec. 8.....	amended	122 3
Ch. 119, sec. 10.....	amended	122 4
Ch. 119, sec. 20.....	amended	122 5
Ch. 160, sec. 1-79.....	repealed	26 16
Ch. 169, sec. 1.....	amended	*117 1
Ch. 169, sec. 4.....	amended	*117 3
Ch. 169, sec. 5.....	amended	*117 4
Ch. 169, sec. 8.....	amended	*117 5
Ch. 169, sec. 10.....	amended	*117 2

R.C.W.	1965 Stats. Ch. Sec.	
Ch. 180, sec. 123.....	repealed	145
		11.99.010, 11.99.015

LAWS 1937:

Ch. 72.....	added to	26 13
Ch. 72.....	added to	26 14
Ch. 72.....	added to	26 15
Ch. 72, sec. 2.....	amended	26 1
Ch. 72, sec. 60.....	amended	26 2
Ch. 72, sec. 61.....	amended	26 3
Ch. 72, sec. 63.....	amended	26 4
Ch. 72, sec. 64.....	repealed	26 17
Ch. 72, sec. 65.....	repealed	26 17
Ch. 72, sec. 67.....	repealed	26 17
Ch. 72, sec. 77.....	amended	26 5
Ch. 72, sec. 86.....	amended	26 6
Ch. 72, sec. 91.....	amended	26 7
Ch. 72, sec. 95.....	amended	26 8
Ch. 72, sec. 122.....	amended	26 9
Ch. 72, sec. 129.....	amended	26 10
Ch. 72, sec. 130.....	amended	26 11
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Ch. 108, sec. 1.....	amended	*107 1
Ch. 108, sec. 4.....	amended	*107 3
Ch. 108, sec. 5.....	amended	*107 4
Ch. 183, sec. 1.....	repealed	*124 20
Ch. 215, sec. 1.....	amended	* 3 2
Ch. 215, sec. 7.....	amended	* 3 7
Ch. 215, sec. 9.....	amended	* 3 5
Ch. 215, sec. 14.....	amended	* 3 10
Ch. 215, sec. 16.....	amended	* 3 15
Ch. 223, sec. 1.....	amended	54 2

LAWS 1939:

Ch. 34.....	added to	21 1
Ch. 34.....	added to	59 1
Ch. 34.....	added to	59 2
Ch. 34.....	added to	59 3
Ch. 34.....	added to	59 4
Ch. 34, sec. 22.....	amended	112 1
Ch. 34, sec. 30.....	amended	112 2
Ch. 108, sec. 2.....	repealed	122 7
Ch. 114, sec. 1.....	repealed	139 24
Ch. 185, sec. 1.....	repealed	116 5
Ch. 202, sec. 8.....	repealed	145
		11.99.010, 11.99.015

LAWS 1941:

Ch. 44.....	added to	* 62 4
Ch. 44.....	added to	* 62 5
Ch. 44, sec. 1.....	amended	* 62 1
Ch. 44, sec. 2.....	amended	* 62 2
Ch. 44, sec. 5.....	amended	* 62 3
Ch. 53, sec. 1.....	repealed	*154 12
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Ch. 65, sec. 9.....	amended	122 4
Ch. 70, sec. 3.....	amended	* 18 1
Ch. 151, sec. 1.....	amended	133 1
Ch. 173, sec. 1.....	amended	3 1
Ch. 173, sec. 1.....	amended	*127 6
Ch. 194, sec. 1.....	amended	144 1
Ch. 210, sec. 27.....	amended	* 40 1
Ch. 210, sec. 32.....	amended	* 40 2

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R.C.W.	1965 Stats. Ch.	Sec.
Ch. 210, sec. 44.....amended	71	1
Ch. 245.....added to	*149	1
LAWS 1943:		
Ch. 57, sec. 1.....amended	141	1
Ch. 77, sec. 1.....repealed	*154	12
Ch. 77, sec. 2.....repealed	*154	12
Ch. 130, sec. 21.....amended	*100	1
LAWS 1945:		
Ch. 63.....added to	*133	2
Ch. 63, sec. 3.....amended	*133	3
Ch. 63, sec. 4.....amended	*133	3
Ch. 63, sec. 6.....amended	*133	4
Ch. 103, sec. 1.....amended	56	6
Ch. 103, sec. 3.....amended	56	13
Ch. 141, sec. 9.....amended	*162	2
Ch. 141, sec. 12.....repealed	*154	12
Ch. 235, sec. 114.....repealed	89	2
Ch. 261.....added to	86	4
Ch. 261, sec. 15.....amended	86	1
Ch. 261, sec. 16.....amended	86	2
Ch. 261, sec. 22.....amended	86	3
Ch. 264, sec. 6.....amended	157	2
Ch. 264, sec. 10.....amended	157	3
Ch. 264, sec. 15.....amended	157	1
Ch. 264, sec. 16.....amended	157	4
Ch. 264, sec. 17.....amended	83	1
LAWS 1947:		
Ch. 36, sec. 1.....amended	*148	1
Ch. 71, sec. 10.....amended	* 99	1
Ch. 71, sec. 11.....amended	* 99	2
Ch. 71, sec. 13.....amended	* 99	3
Ch. 71, sec. 14.....amended	* 99	4
Ch. 71, sec. 15.....amended	* 99	5
Ch. 71, sec. 16.....amended	* 99	6
Ch. 71, sec. 17.....amended	* 99	7
Ch. 71, sec. 19.....amended	* 99	8
Ch. 71, sec. 22.....amended	* 99	9
Ch. 75, sec. 2.....amended	63	1
Ch. 75, sec. 10.....amended	122	1
Ch. 75, sec. 13.....amended	122	5
Ch. 79.....added to	* 70	3
Ch. 79.....added to	* 70	5
Ch. 79.....added to	* 70	6
Ch. 79.....added to	* 70	7
Ch. 79.....added to	* 70	8
Ch. 79.....added to	* 70	9
Ch. 79.....added to	* 70	10
Ch. 79.....added to	* 70	11
Ch. 79.....added to	* 70	12
Ch. 79.....added to	* 70	13
Ch. 79.....added to	* 70	14
Ch. 79.....added to	* 70	15
Ch. 79.....added to	* 70	16
Ch. 79.....added to	* 70	17
Ch. 79.....added to	* 70	18
Ch. 79.....added to	* 70	22
Ch. 79.....added to	* 70	26-34
	(incl.)	
Ch. 79.....added to	149	2
Ch. 79.....added to	149	3
Ch. 79, sec. .03.04.....amended	* 70	1
Ch. 79, sec. .05.23.....amended	* 70	2

R.C.W.	1965 Stats. Ch.	Sec.
Ch. 79, sec. .07.04.....amended	* 70	4
Ch. 79, sec. .10.08.....amended	* 70	35
Ch. 79, sec. .17.11.....amended	* 70	19
Ch. 79, sec. .17.50.....amended	* 70	20
Ch. 79, sec. .24.03.....amended	* 70	23
Ch. 79, sec. .03.01.....amended	* 70	24
Ch. 79, sec. .30.22.....amended	* 70	25
Ch. 80, sec. 1.....amended	* 81	1
Ch. 80, sec. 20.....amended	* 81	2
Ch. 80, sec. 24.....amended	* 81	3
Ch. 80, sec. 31.....amended	* 81	8
Ch. 80, sec. 47.....amended	* 81	4
Ch. 80, sec. 50.....amended	* 81	5
Ch. 80, sec. 52.....amended	* 81	6
Ch. 91, sec. 6.....amended	* 45	1
Ch. 105, sec. 2.....amended	*107	3
Ch. 169, sec. 5.....amended	103	1
Ch. 216, sec. 2.....amended	72	1
Ch. 217, sec. 1.....repealed	*154	12
Ch. 217, sec. 2.....repealed	*154	12
Ch. 266, sec. 5.....amended	*108	1
Ch. 268, sec. 1.....amended	87	1
Ch. 274, sec. 43.....amended	84	1
Ch. 274.....added to	84	2
Ch. 283, sec. 11.....amended	*126	1
Ch. 283, sec. 16.....amended	*126	2
LAWS 1949:		
Ch. 5, sec. 3.....amended	*143	3
Ch. 5, sec. 10.....amended	*143	2
Ch. 48, sec. 1.....amended	1	2
Ch. 48, sec. 1.....amended	*127	4
Ch. 50, sec. 5.....amended	* 83	1
Ch. 82, sec. 1.....repealed	26	16
Ch. 123, sec. 1.....amended	* 16	1
Ch. 123, sec. 2.....amended	* 16	2
Ch. 123, sec. 3.....amended	* 16	3
Ch. 155, sec. 1.....repealed	*124	20
Ch. 155, sec. 2.....repealed	*124	20
Ch. 155, sec. 3.....repealed	*124	20
Ch. 197, sec. 18.....amended	157	2
Ch. 204, sec. 1.....reenacted	* 58	1
Ch. 204, sec. 2.....amended	* 58	2
Ch. 204, sec. 3.....reenacted	* 58	3
Ch. 215, sec. 2.....amended	* 15	1
LAWS 1951:		
Ch. 57, sec. 5.....amended	*160	1
Ch. 68, sec. 3.....repealed	51	9
Ch. 84, sec. 1.....amended	41	1
Ch. 156, sec. 4.....amended	*110	6
Ch. 180, sec. 4.....amended	* 3	4
Ch. 180, sec. 5.....amended	* 3	6
Ch. 180, sec. 6.....amended	* 3	10
Ch. 180, sec. 7.....amended	* 3	11
Ch. 180, sec. 8.....amended	* 3	12
Ch. 180, sec. 9.....amended	* 3	13
Ch. 189, sec. 1.....amended	16	1
Ch. 210, sec. 1.....amended	*114	1
Ch. 257, sec. 1.....repealed	123	9
Ch. 275, sec. 12.....amended	* 99	6
LAWS 1st EX. SESS. 1951:		
Ch. 11, sec. 1.....amended	*171	2
Ch. 11, sec. 3.....repealed	*171	4

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R.C.W.	1965 Stats.	
	Ch.	Sec.
LAWS 2nd EX. SESS. 1951:		
Ch. 16, sec. 1.....repealed	*171	4
LAWS 1953:		
Ch. 20, sec. 1.....repealed	26	16
Ch. 24, sec. 2.....amended	82	1
Ch. 144, sec. 1.....amended	*127	1
Ch. 144, sec. 2.....amended	*127	2
Ch. 167.....added to	119	1
Ch. 168, sec. 2.....amended	* 3	8
Ch. 168, sec. 5.....amended	*126	4
Ch. 176, sec. 5.....amended	* 18	2
Ch. 250, sec. 17.....amended	* 40	1
Ch. 282, sec. 2.....repealed	*154	12
Ch. 282, sec. 3.....repealed	*154	12
LAWS 1955:		
Ch. 11, sec. 19.....amended	96	1
Ch. 12.....added to	* 71	1
Ch. 12, sec. 75.08.230 amended	* 72	2
Ch. 12, sec. 75.12.130 amended	* 72	1
Ch. 12, sec. 75.28.060 amended	* 30	1
Ch. 12, sec. 75.28.080 repealed	* 73	18
Ch. 12, sec. 75.28.110 amended	* 73	2
Ch. 12, sec. 75.28.120 amended	* 73	3
Ch. 12, sec. 75.28.130 amended	* 73	4
Ch. 12, sec. 75.28.140 amended	* 73	5
Ch. 12, sec. 75.28.150 amended	* 73	6
Ch. 12, sec. 75.28.160 amended	* 73	7
Ch. 12, sec. 75.28.170 amended	* 73	8
Ch. 12, sec. 75.28.180 amended	* 73	9
Ch. 12, sec. 75.28.190 amended	* 73	10
Ch. 12, sec. 75.28.210 amended	* 73	11
Ch. 12, sec. 75.28.220 amended	* 73	12
Ch. 12, sec. 75.28.230 amended	* 73	13
Ch. 12, sec. 75.28.240 amended	* 73	14
Ch. 12, sec. 75.28.250 amended	* 73	15
Ch. 12, sec. 75.28.260 amended	* 73	16
Ch. 12, sec. 75.28.270 amended	* 73	17
Ch. 12, sec. 75.28.285 amended	* 27	1
Ch. 12, sec. 75.28.300 amended	* 28	1
Ch. 12, sec. 75.28.350 amended	* 29	1
Ch. 33, sec. 30.08.090 amended	140	3
Ch. 33, sec. 30.12.080 amended	140	5
Ch. 35.....added to	* 53	1
Ch. 36.....added to	* 97	2
Ch. 36.....added to	* 97	3
Ch. 36.....added to	* 97	4
Ch. 36.....added to	* 97	5
Ch. 36, sec. 77.12.200 amended	* 97	1
Ch. 36, sec. 77.32.100 amended	48	1
Ch. 36, sec. 77.32.103 amended	48	2
Ch. 36, sec. 77.32.105 amended	48	3
Ch. 36, sec. 77.32.110 amended	48	4
Ch. 36, sec. 77.32.113 amended	48	5
Ch. 52, sec. 2.....amended	*107	2
Ch. 64, sec. 1.....amended	20	1
Ch. 65, sec. 2.....amended	23	1
Ch. 65, sec. 12.....amended	* 54	1
Ch. 68, sec. 2.....amended	* 49	1
Ch. 70, sec. 4.....amended	49	1
Ch. 70.....added to	49	2
Ch. 70.....added to	49	3
Ch. 106, sec. 5.....amended	148	7
Ch. 142, sec. 10.....repealed	* 12	13

R.C.W.	1965 Stats.	
	Ch.	Sec.
Ch. 142, sec. 11.....amended	* 12	9
Ch. 142, sec. 12.....amended	* 12	10
Ch. 149, sec. 6.....amended	97	2
Ch. 157, sec. 22.....repealed	139	24
Ch. 157, sec. 23.....repealed	139	24
Ch. 157, sec. 24.....amended	139	10
Ch. 157, sec. 25.....amended	139	11
Ch. 157, sec. 26.....repealed	139	24
Ch. 157, sec. 27.....repealed	139	24
Ch. 157, sec. 28.....repealed	139	24
Ch. 157, sec. 30.....amended	139	17
Ch. 157, sec. 31.....amended	139	18
Ch. 187, sec. 3.....repealed	*154	12
Ch. 187, sec. 4.....repealed	*154	12
Ch. 187, sec. 5.....repealed	*154	12
Ch. 187, sec. 7.....repealed	*154	12
Ch. 187, sec. 8.....repealed	*154	12
Ch. 187, sec. 9.....amended	*171	2
Ch. 212, sec. 11.....amended	* 28	1
Ch. 274, sec. 12.....amended	* 81	8
Ch. 274, sec. 23.....amended	* 81	5
Ch. 276, sec. 2.....amended	64	1
Ch. 293, sec. 1.....amended	129	1
Ch. 305, sec. 1.....amended	70	1
Ch. 305, sec. 2.....amended	70	2
Ch. 305, sec. 3.....amended	70	3
Ch. 305, sec. 4.....amended	70	4
Ch. 305, sec. 5.....amended	70	5
Ch. 305, sec. 6.....amended	70	6
Ch. 305, sec. 7.....amended	70	7
Ch. 305, sec. 8.....amended	70	8
Ch. 305, sec. 9.....amended	70	9
Ch. 305, sec. 10.....amended	70	10
Ch. 305, sec. 11.....amended	70	11
Ch. 305, sec. 12.....amended	70	13
Ch. 305, sec. 13.....amended	70	12
Ch. 305, sec. 14.....amended	70	14
Ch. 305, sec. 15.....amended	70	15
Ch. 305, sec. 16.....amended	70	16
Ch. 305, sec. 17.....amended	70	17
Ch. 305, sec. 18.....amended	70	18
Ch. 305.....added to	70	19
Ch. 305.....added to	70	20
Ch. 305.....added to	70	21
Ch. 305.....added to	70	22
Ch. 305.....added to	70	23
Ch. 305.....added to	70	24
Ch. 313, sec. 4.....amended	* 3	9
Ch. 338, sec. 1.....amended	120	1
Ch. 339, sec. 1.....repealed	116	5
Ch. 382, sec. 1.....amended	* 45	2
Ch. 382, sec. 4.....amended	* 45	3
Ch. 382, sec. 8.....amended	* 45	4
Ch. 382, sec. 9.....amended	109	1
LAWS EX. SESS. 1955:		
Ch. 8, sec. 2.....amended	* 69	1
Ch. 8, sec. 3.....amended	* 69	2
Ch. 8, sec. 7.....amended	* 69	3
Ch. 8.....added to	* 69	4
LAWS 1957:		
Ch. 3, sec. 1.....amended	3	1
Ch. 5.....repealed	6	57
Ch. 23, sec. 11.....amended	* 38	1

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R.C.W.	1965 Stats.	
	Ch.	Sec.
Ch. 23, sec. 12.....amended	* 38	2
Ch. 48, sec. 1.....amended	* 9	1
Ch. 48, sec. 2.....amended	* 9	2
Ch. 48, sec. 3.....repealed	* 9	7
Ch. 52, sec. 5.....amended	* 3	4
Ch. 52, sec. 9.....amended	* 3	12
Ch. 52, sec. 10.....amended	* 3	13
Ch. 52, sec. 11.....amended	* 3	17
Ch. 52, sec. 14.....amended	97	1
Ch. 101, sec. 15.....repealed	*126	4
Ch. 158, sec. 1.....amended	* 99	1
Ch. 159, sec. 1.....amended	86	1
Ch. 171, sec. 3.....amended	* 57	1
Ch. 176, sec. 3.....amended	48	1
Ch. 176, sec. 4.....amended	48	2
Ch. 176, sec. 5.....amended	48	3
Ch. 176, sec. 6.....amended	48	4
Ch. 176, sec. 7.....amended	48	5
Ch. 183, sec. 3.....amended	* 81	6
Ch. 193, sec. 9.....amended	* 70	20
Ch. 244, sec. 4.....amended	133	3
Ch. 256, sec. 1.....amended	54	2
Ch. 260, sec. 1.....amended	*127	1
Ch. 260, sec. 2.....amended	*127	2
Ch. 274, sec. 1-6.....repealed	79	1
Ch. 281, sec. 1.....amended	103	1
Ch. 289.....repealed	6	57
Ch. 297, sec. 7.....repealed	*154	12

LAWS 1959:

Ch. 17, sec. 3.....amended	51	1
Ch. 17, sec. 4.....amended	51	2
Ch. 17, sec. 7.....amended	51	4
Ch. 17, sec. 11.....amended	51	8
Ch. 18, sec. 11.....amended	* 39	1
Ch. 26, sec. 74.04.005 amended	* 2	1
Ch. 26, sec. 74.04.020 repealed	* 90	11
Ch. 26, sec. 74.04.034 repealed	* 90	11
Ch. 26, sec. 74.04.035 repealed	* 90	11
Ch. 26, sec. 74.04.141 repealed	* 90	11
Ch. 26, sec. 74.04.265 amended	* 35	1
Ch. 26, sec. 74.08.120 amended	*102	1
Ch. 26, sec. 74.08.270 repealed	* 2	2
Ch. 26, sec. 74.08.330 repealed	* 34	2
Ch. 26, sec. 74.09.090 amended	* 36	1
Ch. 26, sec. 74.09.100 repealed	* 90	11
Ch. 26, sec. 74.11.040 amended	35	1
Ch. 26, sec. 74.12.010 amended	* 37	1
Ch. 26, sec. 74.12.130 repealed	30	5
Ch. 26, sec. 74.12.230 repealed	30	5
Ch. 26, sec. 74.16.011 repealed	* 90	11
Ch. 26, sec. 74.16.030 amended	128	1
Ch. 26.....added to	30	1-4
Ch. 26.....added to	* 34	1
Ch. 26.....added to	39	1-6
Ch. 26.....added to	* 90	1-10
Ch. 26.....added to	* 91	1
Ch. 26.....added to	* 91	2
Ch. 28, sec. 72.08.100 repealed	* 9	6
Ch. 28, sec. 72.25.010 amended	78	1
Ch. 28, sec. 72.25.020 amended	78	2
Ch. 28, sec. 72.25.030 amended	78	3
Ch. 28, sec. 72.25.040 amended	78	4
Ch. 28.....added to	* 26	1-8 incl.

R.C.W.	1965 Stats.	
	Ch.	Sec.
Ch. 52, sec. 1.....amended	* 54	1
Ch. 53, sec. 1.....amended	* 50	1
Ch. 54, sec. 2.....amended	66	1
Ch. 54, sec. 8.....amended	66	3
Ch. 54, sec. 9.....amended	66	2
Ch. 85.....added to	*143	1
Ch. 106, sec. 3.....amended	140	5
Ch. 114, sec. 1.....amended	151	2
Ch. 133, sec. 2.....amended	122	3
Ch. 138, sec. 7.....amended	* 38	2
Ch. 139.....added to	69	1
Ch. 148, sec. 1.....repealed	*154	12
Ch. 151, sec. 1.....repealed	* 12	13
Ch. 151, sec. 2.....amended	* 12	10
Ch. 175, sec. 1.....amended	51	2
Ch. 175, sec. 2.....amended	51	4
Ch. 175, sec. 3.....amended	51	7
Ch. 175, sec. 9.....amended	51	3
Ch. 175, sec. 10.....amended	51	5
Ch. 189, sec. 1.....amended	29	1
Ch. 189, sec. 2.....amended	29	2
Ch. 216, sec. 9.....amended	139	16
Ch. 216, sec. 12-14.....repealed	*124	20
Ch. 216, sec. 16-18.....repealed	*124	20
Ch. 216, sec. 20.....repealed	*124	20
Ch. 216, sec. 24.....repealed	139	24
Ch. 216, sec. 26.....amended	139	17
Ch. 216, sec. 27.....amended	139	18
Ch. 216, sec. 28.....amended	139	19
Ch. 216, sec. 29.....repealed	139	24
Ch. 237, sec. 3.....amended	* 18	1
Ch. 237, sec. 4.....amended	112	1
Ch. 257, sec. 20.....amended	* 23	3
Ch. 257, sec. 38.....amended	56	12
Ch. 276, sec. 3.....amended	*162	1
Ch. 278, sec. 1.....amended	98	1
Ch. 279, sec. 2.....amended	98	1
Ch. 282, sec. 6.....amended	17	1
Ch. 282, sec. 11.....amended	17	2
Ch. 282, sec. 27.....amended	17	3
Ch. 282, sec. 34.....amended	17	4
Ch. 282, sec. 40.....amended	17	5
Ch. 309, sec. 4.....amended	* 57	1
Ch. 309, sec. 5.....amended	* 73	1
Ch. 309, sec. 8.....amended	* 30	1
Ch. 309, sec. 10.....amended	* 73	2
Ch. 309, sec. 11.....amended	* 73	3
Ch. 309, sec. 12.....amended	* 73	4
Ch. 309, sec. 13.....amended	* 73	5
Ch. 309, sec. 14.....amended	* 73	6
Ch. 309, sec. 15.....amended	* 73	7
Ch. 309, sec. 16.....amended	* 73	8
Ch. 309, sec. 17.....amended	* 73	9
Ch. 309, sec. 18.....amended	* 73	10
Ch. 309, sec. 19.....amended	* 73	11
Ch. 309, sec. 20.....amended	* 73	12
Ch. 309, sec. 21.....amended	* 73	13
Ch. 309, sec. 22.....amended	* 73	14
Ch. 309, sec. 23.....amended	* 73	15
Ch. 309, sec. 24.....amended	* 73	16
Ch. 309, sec. 25.....amended	* 73	17
Ch. 324, sec. 1.....amended	* 3	1
Ch. 324, sec. 2.....amended	* 3	3
Ch. 324, sec. 4.....amended	* 3	6
Ch. 324, sec. 5.....amended	* 3	11

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R.C.W.	1965 Stats.	
	Ch.	Sec.
Ch. 324, sec. 9.....amended *	3	17
Ch. 327, sec. 1.....amended *	85	1
Ch. 327, sec. 4.....amended *	85	2
Ch. 331, sec. 4.....amended *	137	2
Ch. 331, sec. 5.....repealed *	137	4
Ch. 331, sec. 11.....amended *	137	1

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Ch. 6, sec. 1.....repealed *	171	4
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LAWS 1961:

Ch. 5, sec. 1.....amended	1	2
Ch. 11.....added to	27	2
Ch. 11, sec. 15.28.180 amended *	43	1
Ch. 11, sec. 15.32.370 amended	73	1
Ch. 11, sec. 15.44.020 amended *	44	2
Ch. 11, sec. 15.44.025 amended *	44	3
Ch. 11, sec. 15.44.030 amended *	44	4
Ch. 11, sec. 15.44.032 amended *	44	5
Ch. 11, sec. 15.44.034 repealed *	44	10
Ch. 11, sec. 15.44.036 repealed *	44	10
Ch. 11, sec. 15.44.080 amended *	44	1
Ch. 11, sec 15.53.010- 15.53.900 incl.....repealed *	31	25
Ch. 11, sec. 15.60.030 amended	44	1
Ch. 11, sec. 15.73.010 repealed	148	11
Ch. 11, sec. 15.73.020 repealed	148	11
Ch. 11, sec. 15.73.030 repealed	148	11
Ch. 11, sec. 15.73.040 repealed	148	11
Ch. 12.....added to	25	4
Ch. 12.....added to	38	1
Ch. 12.....added to	38	2
Ch. 12.....added to	52	2
Ch. 12.....added to	68	5
Ch. 12.....added to *	119	2
Ch. 12.....added to *	119	4
Ch. 12.....added to *	119	5
Ch. 12.....added to *	121	1
Ch. 12.....added to *	121	2
Ch. 12.....added to *	121	3
Ch. 12.....added to *	121	4
Ch. 12.....added to *	121	5
Ch. 12.....added to *	121	6
Ch. 12.....added to *	121	7
Ch. 12.....added to *	121	8
Ch. 12.....added to *	121	11
Ch. 12.....added to *	121	17
Ch. 12.....added to *	121	18
Ch. 12.....added to *	121	19
Ch. 12.....added to *	121	20
Ch. 12.....added to *	121	21
Ch. 12.....added to *	121	23
Ch. 12.....added to *	121	24
Ch. 12.....added to *	121	25
Ch. 12.....added to *	121	26
Ch. 12.....added to *	121	27
Ch. 12.....added to *	121	28
Ch. 12.....added to *	121	29
Ch. 12.....added to *	121	30
Ch. 12.....added to *	121	31
Ch. 12.....added to *	121	32
Ch. 12.....added to *	121	33
Ch. 12.....added to *	121	34
Ch. 12.....added to *	121	35
Ch. 12.....added to *	121	36

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	Ch.	Sec.
Ch. 12.....added to *	121	37
Ch. 12.....added to *	121	38
Ch. 12.....added to *	121	39
Ch. 12.....added to *	121	40
Ch. 12.....added to *	121	41
Ch. 12.....added to *	121	43
Ch. 12.....added to *	121	44
Ch. 12.....added to *	121	45
Ch. 12.....added to *	155	1-52
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Ch. 12.....added to *	155	86
Ch. 12.....added to *	155	87
Ch. 12.....added to *	155	88
Ch. 12.....added to *	155	89
Ch. 12.....added to *	155	90
Ch. 12.....added to *	156	1-18
		incl.
Ch. 12.....added to *	170	47
Ch. 12, sec. 46.04.070 repealed	155	91
Ch. 12, sec. 46.04.390 repealed	155	91
Ch. 12, sec. 46.04.430 repealed	155	91
Ch. 12, sec. 46.04.520 repealed	155	91
Ch. 12, sec. 46.04.610 repealed	155	91
Ch. 12, sec. 46.08.040 repealed	155	91
Ch. 12, sec. 46.08.050 repealed	155	91
Ch. 12, sec. 46.08.090 amended	156	13
Ch. 12, sec. 46.08.100 amended	156	14
Ch. 12, sec. 46.08.120 amended *	170	45
Ch. 12, sec. 46.08.140 amended	156	11
Ch. 12, sec. 46.16.020 amended *	106	1
Ch. 12, sec. 46.16.060 amended	75	1
Ch. 12, sec. 46.16.270 amended *	28	1
Ch. 12, sec. 46.20.010 repealed	121	46
Ch. 12, sec. 46.20.020 repealed	121	46
Ch. 12, sec. 46.20.030 repealed	121	46
Ch. 12, sec. 46.20.060 repealed	121	46
Ch. 12, sec. 46.20.080— 46.20.090 .....repealed *	121	46
Ch. 12, sec. 46.20.100 amended	170	43
Ch. 12, sec. 46.20.102 amended	121	12
Ch. 12, sec. 46.20.104 amended	121	13
Ch. 12, sec. 46.20.106 amended	121	14
Ch. 12, sec. 46.20.110 repealed	121	46
Ch. 12, sec. 46.20.120 amended *	121	9
Ch. 12, sec. 46.20.130 amended *	121	10
Ch. 12, sec. 46.20.140— 46.20.180 repealed *	121	46
Ch. 12, sec. 46.20.190 amended	121	15
Ch. 12, sec. 46.20.200 amended	121	16
Ch. 12, sec. 46.20.210 repealed	121	46
Ch. 12, sec. 46.20.230— 46.20.250 repealed *	121	46
Ch. 12, sec. 46.20.260 repealed	155	91
Ch. 12, sec. 46.20.270 amended	121	22
Ch. 12, sec. 46.20.280 repealed	121	46
Ch. 12, sec. 46.20.290 repealed	121	46
Ch. 12, sec. 46.20.310 repealed	121	46
Ch. 12, sec. 46.20.330 repealed	121	46
Ch. 12, sec. 46.20.340 amended	121	42
Ch. 12, sec. 46.20.350 repealed	121	46
Ch. 12, sec. 46.20.360 repealed	121	46
Ch. 12, sec. 46.37.190 amended	155	53
Ch. 12, sec. 46.37.340 amended	170	49
Ch. 12, sec. 46.44.020 amended	43	1
Ch. 12, sec. 46.44.037 amended	170	37

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R.C.W.	1965 Stats.	
	Ch.	Sec.
Ch. 12, sec. 46.44.092 amended	*170	39
Ch. 12, sec. 46.44.094 amended	137	1
Ch. 12, sec. 46.44.095 amended	*170	38
Ch. 12, sec. 46.47.010—		
46.47.090 repealed	*155	91
Ch. 12, sec. 46.48.027 repealed	*155	91
Ch. 12, sec. 46.48.130 repealed	*155	91
Ch. 12, sec. 46.48.140 repealed	*155	91
Ch. 12, sec. 46.48.260—		
46.48.330 repealed	*155	91
Ch. 12, sec. 46.52.030 amended	119	1
Ch. 12, sec. 46.52.080 amended	*119	3
Ch. 12, sec. 46.52.110 amended	* 23	2
Ch. 12, sec. 46.56.010 repealed	*155	91
Ch. 12, sec. 46.56.020 repealed	*155	91
Ch. 12, sec. 46.56.040 amended	*155	63
Ch. 12, sec. 46.56.050 repealed	*155	91
Ch. 12, sec. 46.56.060 repealed	*155	91
Ch. 12, sec. 46.56.080 repealed	*155	91
Ch. 12, sec. 46.56.090 repealed	*155	91
Ch. 12, sec. 46.56.110 repealed	*155	91
Ch. 12, sec. 46.56.120 repealed	*155	91
Ch. 12, sec. 46.56.135 amended	* 52	1
Ch. 12, sec. 46.56.140—		
46.56.180 repealed	*155	91
Ch. 12, sec. 46.60.010 repealed	*155	91
Ch. 12, sec. 46.60.020 repealed	*155	91
Ch. 12, sec. 46.60.040—		
46.60.140 repealed	*155	91
Ch. 12, sec. 46.60.150 repealed	*155	91
Ch. 12, sec. 46.60.160 repealed	*155	91
Ch. 12, sec. 46.60.170 repealed	*155	91
Ch. 12, sec. 46.60.180—		
46.60.250 repealed	*155	91
Ch. 12, sec. 46.60.280—		
46.60.310 repealed	*155	91
Ch. 12, sec. 46.60.320 repealed	*155	91
Ch. 12, sec. 46.60.350 repealed	*155	91
Ch. 12, sec. 46.68.030 amended	25	2
Ch. 12, sec. 46.68.040 repealed	25	5
Ch. 12, sec. 46.68.060 amended	25	3
Ch. 12, sec. 46.68.120 amended	*120	12
Ch. 12, sec. 46.70.010 amended	68	1
Ch. 12, sec. 46.70.020 amended	68	2
Ch. 12, sec. 46.70.040 amended	68	3
Ch. 12, sec. 46.70.100 amended	68	4
Ch. 12, sec. 46.80.130 amended	117	1
Ch. 12, sec. 46.82.140 amended	*170	48
Ch. 12, sec. 82.40.047 amended	135	2
Ch. 13.....added to	50	1
Ch. 13.....added to	* 75	1
Ch. 13.....added to	* 75	2
Ch. 13.....added to	* 75	3
Ch. 13.....added to	* 75	4
Ch. 13.....added to	* 75	5
Ch. 13.....added to	*170	10
Ch. 13.....added to	*170	11
Ch. 13.....added to	*170	34
Ch. 13, sec. 47.01.030 amended	* 1	1
Ch. 13, sec. 47.01.040 amended	*170	31
Ch. 13, sec. 47.01.160 amended	*170	29
Ch. 13, sec. 47.16.010 amended	*170	5
Ch. 13, sec. 47.16.030 amended	*170	7
Ch. 13, sec. 47.16.080 amended	*170	8
Ch. 13, sec. 47.16.120 amended	*170	9

R.C.W.	1965 Stats.	
	Ch.	Sec.
Ch. 13, sec. 47.16.190 amended	*170	12
Ch. 13, sec. 47.20.010 amended	*170	1
Ch. 13, sec. 47.20.180 amended	*170	28
Ch. 13, sec. 47.20.320 amended	*170	2
Ch. 13, sec. 47.20.440 amended	*170	4
Ch. 13, sec. 47.28.060 amended	* 64	1
Ch. 13, sec. 47.36.140—		
47.36.170 repealed	*155	91
Ch. 13, sec. 47.52.030 repealed	*155	91
Ch. 13, sec. 47.52.072 repealed	*155	7
Ch. 13, sec. 47.52.073 repealed	* 75	7
Ch. 13, sec. 47.52.074 repealed	* 75	7
Ch. 13, sec. 47.52.075 repealed	* 75	7
Ch. 13, sec. 47.52.130 repealed	* 75	7
Ch. 13, sec. 47.52.140 repealed	* 75	7
Ch. 13, sec. 47.56.245 amended	*170	53
Ch. 13, sec. 47.56.282 amended	*170	56
Ch. 13, sec. 47.60.140 amended	*170	58
Ch. 14.....added to	*134	2
Ch. 14, sec. 81.08.010 amended	*105	3
Ch. 14, sec. 81.12.010 amended	*105	4
Ch. 14, sec. 81.53.260 amended	*170	36
Ch. 14, sec. 81.80.060 amended	*170	40
Ch. 14, sec. 81.80.270 amended	*134	1
Ch. 15.....added to	* 8	1
Ch. 15.....added to	42	2
Ch. 15.....added to	* 79	16
Ch. 15.....added to	*141	8
Ch. 15.....added to	*173	10
Ch. 15.....added to	*173	26
Ch. 15.....added to	*173	31
Ch. 15, sec. 82.04.050 amended	*173	1
Ch. 15, sec. 82.04.100 amended	*173	2
Ch. 15, sec. 82.04.120 amended	*173	3
Ch. 15, sec. 82.04.190 amended	*173	4
Ch. 15, sec. 82.04.240 amended	*173	5
Ch. 15, sec. 82.04.260 amended	*173	6
Ch. 15, sec. 82.04.330 amended	*173	7
Ch. 15, sec. 82.04.400 amended	*173	8
Ch. 15, sec. 82.04.425 amended	*173	9
Ch. 15, sec. 82.04.430 amended	*173	11
Ch. 15, sec. 82.04.440 amended	*173	12
Ch. 15, sec. 82.08.020 amended	*173	13
Ch. 15, sec. 82.08.030 amended	*173	14
Ch. 15, sec. 82.08.050 amended	*173	15
Ch. 15, sec. 82.08.150 amended	42	1
Ch. 15, sec. 82.08.150 amended	*173	16
Ch. 15, sec. 82.12.010 amended	*173	17
Ch. 15, sec. 82.12.020 amended	*173	18
Ch. 15, sec. 82.12.030 amended	*173	19
Ch. 15, sec. 82.16.010 amended	*173	20
Ch. 15, sec. 82.16.020 amended	*173	21
Ch. 15, sec. 82.16.050 amended	*173	22
Ch. 15, sec. 82.24.020 amended	*173	23
Ch. 15, sec. 82.24.070 amended	*173	24
Ch. 15, sec. 82.26.020 amended	*173	25
Ch. 15, sec. 82.32.050 amended	*141	1
Ch. 15, sec. 82.32.060 amended	*173	27
Ch. 15, sec. 82.32.080 amended	*141	2
Ch. 15, sec. 82.32.090 amended	*141	3
Ch. 15, sec. 82.32.100 amended	*141	4
Ch. 15, sec. 82.32.180 amended	*141	5
Ch. 15, sec. 82.32.190 amended	*141	6
Ch. 15, sec. 82.32.340 amended	*141	7
Ch. 15, sec. 82.36.010 amended	* 79	1

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R.C.W.	1965 Stats.	
	Ch.	Sec.
Ch. 15, sec. 82.36.020	amended	* 79 2
Ch. 15, sec. 82.36.070	amended	* 79 3
Ch. 15, sec. 82.36.090	amended	* 79 4
Ch. 15, sec. 82.36.150	amended	* 79 5
Ch. 15, sec. 82.36.180	amended	* 79 6
Ch. 15, sec. 82.36.200	amended	* 79 7
Ch. 15, sec. 82.36.210	amended	* 79 8
Ch. 15, sec. 82.36.230	amended	* 79 9
Ch. 15, sec. 82.36.235	amended	* 79 10
Ch. 15, sec. 82.36.260	amended	* 79 11
Ch. 15, sec. 82.36.275	amended	135 1
Ch. 15, sec. 82.36.305	amended	* 79 12
Ch. 15, sec. 82.36.310	amended	* 79 13
Ch. 15, sec. 82.36.330	amended	* 79 14
Ch. 15, sec. 82.36.370	amended	* 79 15
Ch. 15, sec. 82.40.050	amended	* 33 1
Ch. 15, sec. 82.40.060	amended	* 33 2
Ch. 15, sec. 82.40.130	amended	* 33 3
Ch. 15, sec. 82.40.220	amended	* 33 4
Ch. 15, sec. 82.40.250	amended	* 33 5
Ch. 15, sec. 82.40.270	amended	* 33 6
Ch. 15, sec. 82.48.100	amended	*173 28
Ch. 15, sec. 82.50.030	amended	*173 29
Ch. 15, sec. 82.50.105	amended	* 92 1
Ch. 15, sec. 82.50.110	amended	* 92 2
Ch. 15, sec. 83.16.040	repealed	145
		11.99.010, 11.99.015
Ch. 15, sec. 83.56.050	amended	* 67 1
Ch. 15, sec. 84.52.052	amended	*113 1
Ch. 15, sec. 84.52.080	amended	* 7 1
Ch. 15, sec. 84.56.010	amended	* 7 2
Ch. 15, sec. 84.56.390	amended	93 1
Ch. 15, sec. 84.56.400	amended	93 2
Ch. 15, sec. 84.64.270	amended	* 23 5
Ch. 23, sec. 51.12.070	amended	* 20 1
Ch. 23, sec. 51.16.060	amended	* 80 1
Ch. 23, sec. 51.32.040	amended	*165 2
Ch. 23, sec. 51.32.050	amended	*122 1
Ch. 23, sec. 51.32.060	amended	*122 2
Ch. 23, sec. 51.32.070	amended	*166 1
Ch. 23, sec. 51.32.080	amended	*165 1
Ch. 23, sec. 51.32.090	amended	*122 3
Ch. 23, sec. 51.36.010	amended	*166 2
Ch. 23, sec. 51.36.020	amended	*166 3
Ch. 23, sec. 51.40.020	amended	36 1
Ch. 23, sec. 51.40.020	amended	* 80 2
Ch. 23, sec. 51.44.100	amended	* 41 1
Ch. 23, sec. 51.52.010	amended	*165 3
Ch. 23, sec. 51.52.106	amended	*165 4
Ch. 23, sec. 51.52.120	amended	* 63 1
Ch. 23, sec. 51.52.132	amended	* 63 2
Ch. 26.....	added to	102 1
Ch. 26.....	added to	102 5
Ch. 26.....	added to	102 6
Ch. 26.....	added to	102 7
Ch. 26, sec. 1.....	amended	102 2
Ch. 26, sec. 2.....	amended	102 3
Ch. 26, sec. 3.....	amended	102 4
Ch. 37, sec. 7.....	amended	17 3
Ch. 37, sec. 9.....	amended	17 4
Ch. 48, sec. 1.....	amended	68 1
Ch. 57, sec. 1.....	amended	86 2
Ch. 57, sec. 5.....	amended	86 3
Ch. 61, sec. 6.....	amended	* 32 2
Ch. 61, sec. 5.....	amended	* 32 1

R.C.W.	1965 Stats.	
	Ch.	Sec.
Ch. 82, sec. 1.....	amended	63 1
Ch. 108, sec. 1.....	amended	*166 1
Ch. 118, sec. 1.....	repealed	*155 91
Ch. 121, sec. 1.....	amended	*114 1
Ch. 123, sec. 1.....	amended	111 1
Ch. 134, sec. 1.....	repealed	*121 46
Ch. 141, sec. 1.....	amended	* 74 1
Ch. 141, sec. 2.....	amended	* 74 3
Ch. 142, sec. 3.....	amended	*126 1
Ch. 142, sec. 5.....	amended	*126 2
Ch. 145, sec. 2.....	amended	*137 1
Ch. 145, sec. 1.....	repealed	*137 4
Ch. 148, sec. 1.....	amended	66 3
Ch. 174, sec. 1.....	amended	* 69 1
Ch. 174, sec. 2.....	amended	* 69 2
Ch. 175, sec. 1.....	repealed	*154 12
Ch. 196, sec. 1.....	amended	80 4
Ch. 197, sec. 1.....	amended	87 1
Ch. 197, sec. 4.....	amended	87 2
Ch. 197, sec. 5.....	amended	87 3
Ch. 198.....	added to	* 89 2
Ch. 198, sec. 1.....	amended	*159 2
Ch. 198, sec. 5.....	amended	* 89 1
Ch. 198, sec. 5.....	amended	*146 1
Ch. 198, sec. 11.....	amended	*159 1
Ch. 203, sec. 1.....	repealed	*155 91
Ch. 205, sec. 1.....	repealed	116 5
Ch. 207, sec. 2.....	amended	88 1
Ch. 207, sec. 3.....	amended	88 2
Ch. 207, sec. 4.....	amended	* 10 4
Ch. 207, sec. 5.....	amended	88 3
Ch. 207, sec. 7.....	amended	88 4
Ch. 207, sec. 8.....	amended	88 5
Ch. 207, sec. 11.....	amended	88 6
Ch. 207, sec. 15.....	amended	88 7
Ch. 207, sec. 18.....	amended	88 8
Ch. 210, sec. 3.....	amended	*100 1
Ch. 227, sec. 3.....	amended	* 99 2
Ch. 227, sec. 4.....	amended	* 99 3
Ch. 227, sec. 5.....	amended	* 99 4
Ch. 227, sec. 6.....	amended	* 99 5
Ch. 227, sec. 7.....	amended	* 99 7
Ch. 227, sec. 9.....	amended	* 99 8
Ch. 229, sec. 110.....	amended	55 1
Ch. 236, sec. 1.....	amended	64 1
Ch. 251, sec. 1.....	amended	34 1
Ch. 251, sec. 2.....	amended	34 2
Ch. 251, sec. 4.....	amended	34 3
Ch. 253, sec. 1.....	amended	* 85 1
Ch. 255, sec. 1.....	amended	* 45 2
Ch. 255, sec. 3.....	amended	* 45 3
Ch. 255, sec. 5.....	amended	* 109 1
Ch. 255, sec. 9.....	amended	* 45 1
Ch. 274, sec. 1.....	amended	*122 1
Ch. 274, sec. 2.....	amended	*122 2
Ch. 274, sec. 3.....	amended	*165 1
Ch. 274, sec. 4.....	amended	*122 3
Ch. 278, sec. 4.....	amended	*170 32
Ch. 278, sec. 10.....	amended	*170 30
Ch. 278, sec. 11-12.....	repealed	*170 69
Ch. 281, sec. 10.....	amended	* 41 1
Ch. 293, sec. 5.....	amended	*173 11
Ch. 293, sec. 6.....	amended	*173 13
Ch. 293, sec. 9.....	amended	*173 18
Ch. 293, sec. 12.....	amended	*173 20

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R.C.W.	1965 Stats.	
	Ch.	Sec.
Ch. 293, sec. 13.....amended	*173	21
Ch. 293, sec. 15.....amended	*173	17
Ch. 295.....added to	*104	2
Ch. 295, sec. 4.....amended	*105	1
Ch. 299.....added to	*110	3
Ch. 299.....added to	*110	7
Ch. 299, sec. 10.....amended	*110	5
Ch. 299, sec. 26.....amended	*110	1
Ch. 299, sec. 27.....amended	*110	2
Ch. 299, sec. 100.....amended	147	1
Ch. 299, sec. 113.....amended	95	1
Ch. 307, sec. 8.....amended	*165	3

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Ch. 7, sec. 9.....amended	25	1
Ch. 7, sec. 13.....amended	137	3
Ch. 7, sec. 15.....amended	*170	38
Ch. 7, sec. 17.....amended	25	2
Ch. 13, sec. 3.....amended	*147	1
Ch. 13, sec. 4.....amended	76	2
Ch. 14.....added to	76	1
Ch. 20, sec. 2.....amended	*146	2
Ch. 21, sec. 2.....amended	*170	8
Ch. 21, sec. 7.....amended	*170	12
Ch. 21, sec. 29.....amended	28	1
Ch. 21, sec. 30.....amended	* 79	8
Ch. 21, sec. 41.....amended	*170	3
Ch. 24, sec. 2.....amended	42	1
Ch. 24, sec. 3.....amended	*173	23
Ch. 24, sec. 4.....amended	*173	24

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Ch. 4.....added to	* 21	1
Ch. 4.....added to	* 23	6
Ch. 4.....added to	* 25	1
Ch. 4.....added to	* 76	3
Ch. 4.....added to	14	1
Ch. 4.....added to	24	1
Ch. 4.....added to	142	1
Ch. 4.....added to	142	2
Ch. 4.....added to	142	3
Ch. 4.....added to	142	4
Ch. 4.....added to	142	5
Ch. 4.....added to	142	6
Ch. 4.....added to	142	7
Ch. 4.....added to	142	8
Ch. 4, sec. 36.28.010..amended	92	1
Ch. 4, sec. 36.29.020..amended	111	2
Ch. 4, sec. 36.32.250..amended	113	1
Ch. 4, sec. 36.33.110..amended	*140	1
Ch. 4, sec. 36.34.080..amended	* 23	1
Ch. 4, sec. 36.40.100..amended	* 19	1
Ch. 4, sec. 36.70.210..amended	* 24	1
Ch. 4, sec. 36.88.010..amended	60	1
Ch. 4, sec. 36.88.015..amended	60	2
Ch. 7, sec. 1.....amended	*173	1
Ch. 8, sec. 1.....amended	* 23	4
Ch. 11, sec. 2.....amended	* 17	1
Ch. 16, sec. 1.....amended	*155	54
Ch. 16, sec. 3.....amended	*155	55
Ch. 22, sec. 1.....amended	*173	27
Ch. 34, sec. 1.....amended	80	1
Ch. 34, sec. 2.....amended	80	2
Ch. 34, sec. 3.....amended	80	3
Ch. 39, sec. 10.....repealed	25	5
Ch. 39, sec. 10.....repealed	*121	46
Ch. 39, sec. 12.....repealed	*121	46

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R.C.W.	1965 Stats.	
	Ch.	Sec.
Ch. 42, sec. 1.....amended	* 18	2
Ch. 44, sec. 1.....amended	* 23	2
Ch. 51, sec. 4.....amended	* 43	1
Ch. 54, sec. 1.....amended	*137	1
Ch. 59, sec. 5.....amended	*105	4
Ch. 59, sec. 6.....amended	*134	1
Ch. 64, sec. 1.....amended	151	1
Ch. 64, sec. 2.....amended	151	2
Ch. 65, sec. 1.....amended	29	2
Ch. 75, sec. 1.....amended	57	1
Ch. 75, sec. 2.....amended	57	2
Ch. 76, sec. 1.....amended	*173	19
Ch. 77, sec. 9.....amended	*170	50
Ch. 84, sec. 1.....amended	60	1
Ch. 84, sec. 2.....amended	60	2
Ch. 85, sec. 1.....amended	156	14
Ch. 103, sec. 1.....repealed	* 75	7
Ch. 103, sec. 2.....repealed	* 75	7
Ch. 104, sec. 1.....amended	* 49	1
Ch. 112, sec. 1.....amended	*113	1
Ch. 113, sec. 1.....amended	* 79	2
Ch. 118, sec. 4.....amended	35	1
Ch. 125, sec. 1.....repealed	*155	91
Ch. 128, sec. 3.....amended	45	1
Ch. 136, sec. 1.....amended	*173	8
Ch. 143, sec. 1.....amended	*147	1
Ch. 148, sec. 7.....amended	*165	4
Ch. 154, sec. 14.....amended	*155	53
Ch. 154, sec. 21.....amended	*170	49
Ch. 156, sec. 1.....amended	* 11	1
Ch. 156, sec. 5.....amended	* 11	2
Ch. 156, sec. 10.....amended	* 11	3
Ch. 156, sec. 12.....amended	* 11	4
Ch. 156, sec. 17.....amended	* 11	5
Ch. 156, sec. 20.....amended	* 11	6
Ch. 156, sec. 23.....amended	* 11	7
Ch. 169, sec. 8.....amended	124	1
Ch. 169, sec. 12.....amended	124	2
Ch. 169, sec. 19.....amended	124	3
Ch. 169, sec. 20.....amended	124	4
Ch. 169, sec. 29.....amended	124	5
Ch. 169, sec. 44.....amended	124	6
Ch. 173, sec. 3.....amended	*170	33
Ch. 174, sec. 16.....amended	84	1
Ch. 176, sec. 11.....amended	111	3
Ch. 187, sec. 1.....amended	135	1
Ch. 187, sec. 2.....amended	135	2
Ch. 192, sec. 1.....amended	* 70	23
Ch. 195, sec. 17.....amended	* 70	19
Ch. 195, sec. 19.....repealed	* 70	21
Ch. 199, sec. 7.....amended	*173	29
Ch. 199, sec. 8.....amended	* 92	1
Ch. 207, sec. 1.....amended	*117	1
Ch. 207, sec. 2.....amended	*117	3
Ch. 207, sec. 3.....amended	*117	5
Ch. 208, sec. 1.....amended	*108	1
Ch. 211, sec. 4.....amended	* 36	2
Ch. 218, sec. 1.....amended	* 76	1
Ch. 218, sec. 2.....amended	* 76	2
Ch. 228, sec. 1.....amended	* 2	1
Ch. 228, sec. 18.....amended	* 37	1
Ch. 228, sec. 20.....repealed	30	5

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Ch. 2, sec. 5.....amended	* 89	1
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R.C.W.	1965 Stats.		R.C.W.	1965 Stats.	
	Ch.	Sec.		Ch.	Sec.
Ch. 2, sec. 6.....amended	*146	2	Ch. 7, sec. 35.21.600..amended	* 47	6
Ch. 2, sec. 9.....amended	*159	1	Ch. 7, sec. 35.22.030..amended	* 47	5
Ch. 2, sec. 10.....amended	* 98	5	Ch. 7, sec. 35.22.040..repealed	* 47	14
Ch. 3.....added to	*170	51	Ch. 7, sec. 35.22.050..amended	* 47	7
Ch. 3, sec. 2.....amended	*170	9	Ch. 7, sec. 35.22.060..amended	* 47	8
Ch. 3, sec. 5.....amended	*170	1	Ch. 7, sec. 35.22.070..amended	* 47	9
Ch. 3, sec. 14.....amended	*170	4	Ch. 7, sec. 35.22.110..amended	* 47	10
Ch. 3, sec. 21.....amended	*170	5	Ch. 7, sec. 35.22.140..amended	* 47	11
Ch. 3, sec. 35.....amended	*170	64	Ch. 7, sec. 35.22.170..amended	* 47	12
Ch. 3, sec. 46.....repealed	*155	91	Ch. 7, sec. 35.22.200..amended	* 47	13
Ch. 3, sec. 47.....repealed	*155	91	Ch. 7, sec. 35.22.240..repealed	* 46	2
Ch. 3, sec. 50.....repealed	*155	91	Ch. 7, sec. 35.22.250..repealed	* 46	2
Ch. 3, sec. 53.....amended	*170	37	Ch. 7, sec. 35.22.260..repealed	* 46	2
Ch. 3, sec. 54.....amended	*170	39	Ch. 7, sec. 35.22.270..repealed	* 46	2
Ch. 14, sec. 1.....amended	* 81	1	Ch. 7, sec. 35.22.280..amended	*116	2
Ch. 14, sec. 3.....amended	* 81	2	Ch. 7, sec. 35.22.420..amended	*116	3
Ch. 14, sec. 4.....amended	* 81	3	Ch. 7, sec. 35.22.460..amended	*116	4
Ch. 14, sec. 15.....amended	* 81	4	Ch. 7, sec. 35.22.470..repealed	*116	19
Ch. 14, sec. 21.....amended	* 81	7	Ch. 7, sec. 35.22.480..amended	*116	5
Ch. 19.....repealed	*130	16	Ch. 7, sec. 35.23.210..amended	*116	6
Ch. 22.....added to	67	5	Ch. 7, sec. 35.23.352..amended	114	1
Ch. 22, sec. 2.....amended	67	1	Ch. 7, sec. 35.23.440..amended	*116	7
Ch. 22, sec. 6.....amended	67	2	Ch. 7, sec. 35.23.600..amended	*116	8
Ch. 22, sec. 14.....amended	67	3	Ch. 7, sec. 35.24.020..amended	*116	9
Ch. 22, sec. 15.....amended	67	4	Ch. 7, sec. 35.24.090..amended	105	1
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