

for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner or seller and with the intention of converting such goods, wares or merchandise to his own use without having paid the purchase price thereof, shall be liable as a penalty to the owner or seller for the retail value of such goods, wares or merchandise not to exceed five hundred dollars plus ~~((costs of preparing and presenting the action))~~ an additional penalty of not less than one hundred dollars nor more than two hundred dollars: PROVIDED, That for the purposes of this subsection, liability shall not be imposed upon any governmental entity or private agency which has been assigned responsibility for the minor child pursuant to court order or action of the department of social and health services.

(3) ~~((Claims))~~ Judgments, but not ~~((judgments))~~ claims, arising under this section may ~~((not))~~ be assigned.

(4) A conviction for violation of ~~((RCW 9.78.010 or 9.54.010))~~ chapter 9A.56 RCW shall not be a condition precedent to maintenance of a civil action authorized by this section.

Passed the Senate May 2, 1977.

Passed the House May 23, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

CHAPTER 135

[Senate Bill No. 2747]

FEDERAL SURPLUS PROPERTY—ACQUISITION

AN ACT Relating to disposal of surplus property; amending section 1, chapter 205, Laws of 1945 as amended by section 1, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.010; amending section 2, chapter 205, Laws of 1945 as amended by section 2, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.020; amending section 4, chapter 205, Laws of 1945 as amended by section 4, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.035; amending section 5, chapter 205, Laws of 1945 as amended by section 5, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.040; and amending section 7, chapter 205, Laws of 1945 as amended by section 6, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.060.

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

Section 1. Section 1, chapter 205, Laws of 1945 as amended by section 1, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.010 are each amended to read as follows:

For the purposes of RCW 39.32.010 through 39.32.060:

The term "eligible ~~((institution))~~ donee" means ~~((any tax-supported medical institution, hospital, clinic, health center, school system, and nonprofit medical institution, hospital, clinic, health center, youth camp facility, school, college or university declared or held exempt from taxation under Section 501(c)(3) of the United States Internal Revenue Code of 1954, and institutions or activities as may be or are hereafter declared or held eligible under federal law to acquire surplus property:~~

The term "state department" means any office, department, commission, institution or other agency of the state of Washington authorized by law to exercise any governmental authority on behalf of the state:

~~The term "political subdivision" means any political subdivision of the state including any county, city, town, township, port district, public utility district, irrigation district or other municipal corporation or quasi-municipal corporation))~~ any public agency carrying out or promoting for the residents of a given political area one or more public purposes, such as conservation, economic development, education, parks and recreation, public health, and public safety; or nonprofit educational or public health institutions or organizations, such as medical institutions, hospitals, clinics, health centers, schools, colleges, universities, schools for the mentally retarded, schools for the physically handicapped, child care centers, radio and television stations licensed by the federal communications commission as educational radio or educational television stations, museums attended by the public, and public libraries serving all residents of a community, district, state, or region, and which are exempt from taxation under Section 501 of the Internal Revenue Code of 1954, for purposes of education or public health, including research for any such purpose.

The term "public agency" means the state or any subdivision thereof, including any unit of local government, economic development district, emergency services organization, or any instrumentality created by compact or other agreement between the state and a political subdivision, or any Indian tribe, band, group, or community located on a state reservation.

The term "surplus property" means any property, title to which is in the federal government or any department or agency thereof, and which property is to be disposed of as surplus under any act of congress heretofore or hereafter enacted providing for such disposition.

Sec. 2. Section 2, chapter 205, Laws of 1945 as amended by section 2, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.020 are each amended to read as follows:

~~The director of general administration((, through and by means of the division of purchasing;))~~ is hereby authorized to purchase, lease or otherwise acquire from the government of the United States or any surplus property disposal agency thereof surplus property to be used in accordance with the provisions of this chapter.

Sec. 3. Section 4, chapter 205, Laws of 1945 as amended by section 4, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.035 are each amended to read as follows:

The surplus property purchase revolving fund shall be administered by the director of general administration and be used for the purchase, lease or other acquisition from time to time of surplus property from any federal surplus property disposal agency. The director may purchase, lease or acquire such surplus property on the requisition of ~~((a state department or political subdivision))~~ an eligible donee and without such requisition at such time or times as he deems it advantageous to do so; and in either case he shall be responsible for the care and custody of the property purchased so long as it remains in his possession.

Sec. 4. Section 5, chapter 205, Laws of 1945 as amended by section 5, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.040 are each amended to read as follows:

In purchasing surplus property on requisition for any (~~state department or political subdivision~~) eligible donee the director may advance the purchase price thereof from the surplus property purchase revolving fund, and he shall then in due course bill the proper (~~state department or political subdivision~~) eligible donee for the amount paid by him for the property plus a reasonable amount to cover the expense incurred by him in connection with the transaction. In purchasing surplus property without requisition, the director shall be deemed to take title outright and he shall then be authorized to resell from time to time any or all of such property to such (~~state departments, political subdivisions and eligible institutions~~) eligible donees as desire to avail themselves of the privilege of purchasing. All moneys received in payment for surplus property from (~~state departments, political subdivisions and eligible institutions~~) eligible donees shall be deposited by the director in the surplus property purchase revolving fund. The director shall sell surplus property to (~~state departments, political subdivisions and eligible institutions~~) eligible donees at a price sufficient only to reimburse the surplus property purchase revolving fund for the cost of the property to the fund, plus a reasonable amount to cover expenses incurred in connection with the transaction. Where surplus property is transferred to (~~a state agency, political subdivision or eligible institution~~) an eligible donee without cost to the transferee, the director may impose a reasonable charge to cover expenses incurred in connection with the transaction. The governor, through the director of general administration, shall administer the surplus property program in the state and shall perform or supervise all those functions with respect to the program, its agencies and instrumentalities.

Sec. 5. Section 7, chapter 205, Laws of 1945 as amended by section 6, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.060 are each amended to read as follows:

The director of general administration shall have power to promulgate such rules and regulations as may be necessary to effectuate the purposes of RCW 39.32.010 through 39.32.060 and to carry out the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

Passed the Senate May 23, 1977.

Passed the House May 20, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

CHAPTER 136

[Engrossed Substitute Senate Bill No. 2851]

STATE EMPLOYEES' INSURANCE AND HEALTH CARE

AN ACT Relating to state employees' insurance and health care; amending section 4, chapter 39, Laws of 1970 ex. sess. and RCW 41.05.040; amending section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 4, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.050; amending section 7, chapter 39, Laws of 1970 ex. sess. as amended by section 5, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.070; amending section 8, chapter 39, Laws of 1970 ex. sess. as last amended by section 6, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.080; adding a new section to chapter 41.05 RCW; repealing section 1, chapter 6, Laws of 1977, section 34, chapter 75, Laws of 1977 and RCW 41.05.020; declaring an emergency; and prescribing an effective date.