

applicant, under this section, furnish a proper bond sufficient to secure the payment of the tax.

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

Passed the House February 11, 1986.  
Passed the Senate February 27, 1986.  
Approved by the Governor March 10, 1986.  
Filed in Office of Secretary of State March 10, 1986.

CHAPTER 37

[Substitute House Bill No. 37]

USED OIL RECYCLING—ABOVE-GROUND TANKS

AN ACT Relating to used oil recycling; and adding a new section to chapter 19.114 RCW.

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

**NEW SECTION.** Sec. 1. A new section is added to chapter 19.114 RCW to read as follows:

By January 1, 1987, the state fire protection board, in cooperation with the department of ecology, shall develop a state-wide standard for the placement of above-ground tanks to collect used oil from private individuals for recycling purposes.

Passed the House January 15, 1986.  
Passed the Senate February 27, 1986.  
Approved by the Governor March 10, 1986.  
Filed in Office of Secretary of State March 10, 1986.

CHAPTER 38

[House Bill No. 1058]

EMERGENCY COMMUNICATIONS—RECORDING

AN ACT Relating to the recording of emergency communications; and amending RCW 9.73.030 and 9.73.090.

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

Sec. 1. Section 1, chapter 93, Laws of 1967 ex. sess. as amended by section 1, chapter 363, Laws of 1977 ex. sess. and RCW 9.73.030 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, it shall be unlawful for any individual, partnership, corporation, association, or the state of Washington, its agencies, and political subdivisions to intercept, or record any:

(a) Private communication transmitted by telephone, telegraph, radio, or other device between two or more individuals between points within or without the state by any device electronic or otherwise designed to record and/or transmit said communication regardless how such device is powered or actuated, without first obtaining the consent of all the participants in the communication;

(b) Private conversation, by any device electronic or otherwise designed to record or transmit such conversation regardless how the device is powered or actuated without first obtaining the consent of all the persons engaged in the conversation.

(2) Notwithstanding (~~the provisions of~~) subsection (1) of this section, wire communications or conversations (a) of an emergency nature, such as the reporting of a fire, medical emergency, crime, or (~~other~~) disaster, or (b) which convey threats of extortion, blackmail, bodily harm, or other unlawful requests or demands, or (c) which occur anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues, may be recorded with the consent of one party to the conversation.

(3) Where consent by all parties is needed pursuant to this chapter, consent shall be considered obtained whenever one party has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is about to be recorded or transmitted: PROVIDED, That if the conversation is to be recorded that said announcement shall also be recorded.

(4) An employee of any regularly published newspaper, magazine, wire service, radio station, or television station acting in the course of bona fide news gathering duties on a full time or contractual or part time basis, shall be deemed to have consent to record and divulge communications or conversations otherwise prohibited by this chapter if the consent is expressly given or if the recording or transmitting device is readily apparent or obvious to the speakers. Withdrawal of the consent after the communication has been made shall not prohibit any such employee of a newspaper, magazine, wire service, or radio or television station from divulging the communication or conversation.

Sec. 2. Section 1, chapter 48, Laws of 1970 ex. sess. as amended by section 3, chapter 363, Laws of 1977 ex. sess. and RCW 9.73.090 are each amended to read as follows:

(1) The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police (~~and~~), fire, emergency medical service, emergency communication center, and poison center personnel in the following instances:

(a) Recording incoming telephone calls to police and fire stations, licensed emergency medical service providers, emergency communication centers, and poison centers;

(b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody

before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

(i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording;

(ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof;

(iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording;

(iv) The recordings shall only be used for valid police or court activities.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: PROVIDED, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the interception, recording, or disclosure of communications or conversations with a nonconsenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: PROVIDED HOWEVER, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded by the judge or magistrate on a recording device in the custody of the judge or magistrate at the time transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter.

Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to this subsection shall be lawful and may be divulged.

All recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.

(3) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW 9.73.050.

(4) Authorizations issued under this section shall be effective for not more than seven days, after which period the issuing authority may upon

application of the officer who secured the original authorization renew or continue the authorization for an additional period not to exceed seven days.

Passed the House February 13, 1986.

Passed the Senate March 1, 1986.

Approved by the Governor March 11, 1986.

Filed in Office of Secretary of State March 11, 1986.

## CHAPTER 39

[Engrossed House Bill No. 1353]

### IRRIGATION DISTRICTS—PLATS

AN ACT Relating to plats within irrigation districts; and amending RCW 58.17.310.

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

Sec. 1. Section 2, chapter 150, Laws of 1973 as amended by section 1, chapter 160, Laws of 1985 and RCW 58.17.310 are each amended to read as follows:

In addition to any other requirements imposed by the provisions of this chapter, the legislative authority of any city, town, or county shall not approve a short plat or final plat, as defined in RCW 58.17.020, for any subdivision, short subdivision, lot, tract, parcel, or site which lies in whole or in part in an irrigation district organized pursuant to chapter 87.03 RCW unless there has been provided an irrigation water right of way for each parcel of land in such district (~~and~~). In addition, if the subdivision, short subdivision, lot, tract, parcel, or site lies within land within the district classified as irrigable, ((it contains completed irrigation water distribution facilities: Facilities shall be installed in the same manner and time as other utilities according to standards and ordinances of the local jurisdiction. The irrigation district shall provide the local legislative authority with suggested specifications for approved irrigation facilities. The irrigation district shall also suggest to the local legislative authority or appropriate planning agency the irrigation facilities that should be required as a condition for approving such a short plat or plat)) completed irrigation water distribution facilities for such land may be required by the irrigation district by resolution, bylaw, or rule of general applicability as a condition for approval of the short plat or final plat by the legislative authority of the city, town, or county. Rights of way shall be evidenced by the respective plats submitted for final approval to the appropriate legislative authority. Compliance with the requirements of this section together with all other applicable provisions of this chapter