

1969  
SESSION LAWS  
OF THE  
STATE OF WASHINGTON

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REGULAR SESSION, FORTY-FIRST LEGISLATURE  
Convened January 13, 1969. Adjourned March 13, 1969.

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FIRST EXTRAORDINARY SESSION,  
FORTY-FIRST LEGISLATURE  
Convened March 14, 1969. Adjourned May 12, 1969.



**VOLUME NO. 2**

Containing Chapters 223 through 284 (end)  
First Extraordinary Session

Published at Olympia by the Statute Law Committee pursuant  
to Chapter 6, Laws of 1969.

RICHARD O. WHITE  
Code Reviser

## PERTINENT FACTS CONCERNING THE WASHINGTON SESSION LAWS

### 1. EDITIONS AVAILABLE

- (a) *General information.* The session laws are printed successively in two editions;
- (i) a temporary pamphlet edition consisting of a series of paper bound pamphlets, which are published as soon as possible following the session, at random dates as accumulated; followed by
  - (ii) a bound volume edition containing the accumulation of all laws adopted in the legislative session. Commencing with the 1969 session, the style and page format of the bound volume edition will be identical with that of the temporary edition. Both editions will be accompanied by a subject index and tables indicating code sections affected.
- (b) *Temporary pamphlet edition—where and how obtained—price.* The temporary session laws may be ordered from the Statute Law Committee, Legislative Building, Olympia, Washington 98501 at one dollar per set, remittance to accompany order. (No sales tax required)
- (c) *Permanent bound edition—when and how obtained—price.* The permanent bound edition of the session laws may be ordered from the State Law Librarian, Temple of Justice, Olympia, Washington 98501 at four dollars per volume. (No sales tax required) It may be assumed that in years in which a regular session is shortly thereafter followed by an extraordinary session, two volumes will result. All orders must be accompanied by remittance.

### 2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

Commencing with the Laws of 1969, both editions of the session laws will be printed by the offset method to present the new laws in the exact form in which they were adopted by the legislature. This style quickly and graphically portrays the 1969 changes to existing law as follows:

- (a) In amendatory sections—
- (i) underlined matter is new matter
  - (ii) ~~deleted matter is ((lined out and bracketed between double parentheses))~~
- (b) Complete new sections are prefaced by the words NEW SECTION.

### 3. PARTIAL VETOES

- (a) Vetoed matter is boxed and marginally noted as in the following examples:

(i) association, partnership, society, or any other organization V

(ii) (3) "Community Mental Health Program" means any consciously adopted program designed to help people learn to avoid mental crisis. "Crisis" is any personal distress, acute or chronic. V

- (b) Pertinent excerpts of the governor's explanation of partial veto are printed at the end of the chapter concerned.

### 4. EFFECTIVE DATE OF LAWS

- (a) The state Constitution provides that unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The pertinent dates are: 1969 regular session, June 12, 1969 (midnight, June 11); 1969 1st extraordinary session, August 11, 1969 (midnight, August 10).
- (b) Laws which carry an emergency clause take effect immediately upon approval by the Governor.
- (c) Laws which prescribe an effective date, take effect upon that date.

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**AUTHENTICATION**

I, Richard O. White, Code Reviser of the State of Washington, do hereby certify that the laws published herein are a true and correct reproduction of the copies of the enrolled laws of the 1969 regular and extraordinary sessions of the Legislature as certified and transmitted to the Statute Law Committee by the Secretary of State pursuant to section 1, chapter 6, Laws of 1969.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the State of Washington.

Dated at Olympia, Washington, this first day of October, 1969.

(Signed)

**RICHARD O. WHITE**  
Code Reviser

CHAPTER 223  
[Engrossed House Bill No. 58]  
COMMON SCHOOL AND HIGHER  
EDUCATION CODE

AN ACT Relating to education; enacting a common school and higher education code to be known as Titles 28A and 28B of the Revised Code of Washington; providing penalties; repealing certain acts and parts of acts; and prescribing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

TITLE 28A

COMMON SCHOOL PROVISIONS

Chapter 28A.01

DEFINITIONS

NEW SECTION. Section 28A.01.010 SCHOOL DAY. A school day shall consist of six hours for all pupils above the third grade, exclusive of an intermission at noon; any board of directors however may fix as a school day for their district a less number of hours than six; PROVIDED, That for pupils in kindergarten the school day shall not be less than three hours, exclusive of an intermission at noon, for pupils in grades one through three the school day shall not be less than four hours, exclusive of an intermission at noon, and for pupils belonging to grades above the third grade the minimum school day shall not be less than five hours, exclusive of an intermission at noon: PROVIDED FURTHER, That for kindergarten purposes an attendance of two hours shall be credited as one-half day. In the absence of any bylaw or order of the board of directors defining the school day for their district, any teacher may dismiss all pupils belonging to grades one through three after an attendance of four hours, exclusive of an intermission at noon.

NEW SECTION. Sec. 28A.01.020 SCHOOL YEAR. The school year shall begin on the first day of July and end with the last day of June.

NEW SECTION. Sec. 28A.01.025 -----FOR CERTIFICATION OR QUALIFICATION PURPOSES. The school year for all matters pertaining to teacher certification or for computing experience in teaching shall consist of not fewer than one hundred eighty school days.

NEW SECTION. Sec. 28A.01.030 COUNTY SCHOOL DISTRICT. For purposes of supervision and administration each county in the state shall constitute one county school district.

NEW SECTION. Sec. 28A.01.035 INTERMEDIATE DISTRICTS. County school districts, as defined in RCW 28A.01.030, and/or parts thereof which are combined pursuant to chapter 28A.19 RCW shall constitute intermediate districts. A part of a single county school district may also become an intermediate district pursuant to chapter 28A.19 RCW.

NEW SECTION. Sec. 28A.01.055 PUBLIC SCHOOLS. Public schools shall mean the common schools as referred to in Article IX of the state Constitution and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense.

NEW SECTION. Sec. 28A.01.060 COMMON SCHOOLS. "Common schools" means schools maintained at public expense in each school district and carrying on a program from kindergarten through the twelfth grade or any part thereof including vocational educational courses otherwise permitted by law.

NEW SECTION. Sec. 28A.01.100 SUPERINTENDENT OF THE SCHOOL DISTRICT. "Superintendent of the school district", if there be no such superintendent, shall mean such other administrative or certificated employee as the school district board of directors shall so designate.

NEW SECTION. Sec. 28A.01.110 COMMONLY-USED SCHOOLHOUSE DOORS. "Commonly-used schoolhouse doors" means such schoolhouse doors utilized for building entry and exit and used by students, certificated and noncertificated personnel and the public regularly as contrasted to such schoolhouse doors whose use is generally

confined to certificated or noncertificated personnel.

Chapter 28A.02

GENERAL PROVISIONS

NEW SECTION. Sec. 28A.02.010 GENERAL PUBLIC SCHOOL SYSTEM.

A general and uniform system of public schools embracing the common schools shall be maintained throughout the state of Washington in accordance with Article IX of the state Constitution.

NEW SECTION. Sec. 28A.02.020 -----ADMINISTRATION. The

administration of the public school system shall be entrusted to such state and local officials, boards, and committees as the state Constitution and the laws of the state shall provide.

NEW SECTION. Sec. 28A.02.030 U.S. FLAG--PROCUREMENT, DISPLAY,

EXERCISES--NATIONAL ANTHEM--NONCOMPLIANCE, PENALTY. The board of directors of every school district shall cause a United States flag being in good condition to be displayed during school hours upon or near every public school plant, except during inclement weather. They shall cause appropriate flag exercises to be held in every school at least once in each week, including but not limited to the opening of all school assemblies, at which exercises those pupils so desiring shall recite the following salute to the flag: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all." Students not reciting the pledge shall stand at respectful attention. The salute to the flag or the national anthem shall be rendered immediately preceding interschool events when feasible.

Any person wilfully refusing or neglecting to comply with this section shall be guilty of a misdemeanor, the penalty for which shall be a fine not to exceed ten dollars; and if any person acts in disregard of any school board order which attempts compliance with this section and such person is an employee of a school district, such action shall be grounds for discharge from such employment.

NEW SECTION. Sec. 28A.02.050 LAW AGAINST DISCRIMINATION APPLICABLE TO DISTRICTS' EMPLOYMENT PRACTICES. The provisions of chapter 49.60 RCW as now or hereafter amended shall be applicable to the employment of any certificated or noncertificated employee by any school district organized in this state.

NEW SECTION. Sec. 28A.02.060 SCHOOL HOLIDAYS. Except as otherwise provided for driver education courses in RCW 46.81.010(2), no teacher in the common schools shall teach school on Saturday, Sunday, Labor Day, Veterans' and Admission Day, Thanksgiving, the day immediately following Thanksgiving, Christmas, New Year's, Washington's Birthday, Memorial Day or the Fourth of July. No reduction from the teacher's time or salary shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught.

NEW SECTION. Sec. 28A.02.070 PROGRAMS IN OBSERVANCE OF VETERANS' AND ADMISSION DAY. On the Friday preceding November 11th of each year or the preceding Friday when November 11th falls on a Friday, there shall be presented in each common school as defined in RCW 28A.01.060 a program suitable to the observance of Veterans' and Admission Day.

The responsibility for the preparation and presentation of such program approximating sixty minutes in length shall be with the principal or head teacher of each school building and such program shall embrace topics tending to instill a loyalty and devotion to the institutions and laws of this state and nation.

The superintendent of public instruction and county and intermediate school officials shall by advice and suggestion aid in the preparation of such programs if such aid be solicited.

NEW SECTION. Sec. 28A.02.080 STUDY OF CONSTITUTIONS COMPULSORY--REGULATIONS TO IMPLEMENT. The study of the Constitution of the United States and the Constitution of the state of Washington shall be a condition prerequisite to graduation from the public high schools of this state and from all private or parochial high schools



whose work is accepted in lieu of work otherwise performed in the public high schools. The state board of education acting upon the advice of the superintendent of public instruction shall provide by rule or regulation for the implementation of this section.

NEW SECTION. Sec. 28A.02.090 TEMPERANCE AND GOOD CITIZENSHIP DAY--AIDS IN PROGRAMMING. On January 16th of each year or the preceding Friday when January 16th falls on a nonschool day, there shall be observed within each public school "Temperance and Good Citizenship Day". Annually the state superintendent of public instruction shall duly prepare and publish for circulation among the teachers of the state a program for use on such day embodying topics pertinent thereto and may from year to year designate particular laws for special observance.

NEW SECTION. Sec. 28A.02.100 RECEIPT OF FEDERAL FUNDS FOR SCHOOL PURPOSES--SUPERINTENDENT OF PUBLIC INSTRUCTION TO ADMINISTER. The state of Washington and/or any school district is hereby authorized to receive federal funds made or hereafter made available by acts of congress for the assistance of school districts in providing physical facilities and/or maintenance and operation of schools, or for any other educational purpose, according to provisions of such acts, and the state superintendent of public instruction shall represent the state in the receipt and administration of such funds.

#### Chapter 28A.03

#### SUPERINTENDENT OF PUBLIC INSTRUCTION

NEW SECTION. Sec. 28A.03.010 ELECTION--TERM OF OFFICE. A superintendent of public instruction shall be elected by the qualified electors of the state, on the first Tuesday after the first Monday in November of the year in which state officers are elected, and shall hold his office for the term of four years, and until his successor is elected and qualified.

NEW SECTION. Sec. 28A.03.020 ASSISTANT SUPERINTENDENTS, DEPUTY SUPERINTENDENT, ASSISTANTS--TERMS FOR EXEMPT PERSONNEL. The superintendent of public instruction may appoint assistant superintendents of

public instruction, a deputy superintendent of public instruction, and may employ such other assistants and clerical help as are necessary to carry out the duties of the superintendent and the state board of education. The assistant superintendents, deputy superintendent, and such other officers and employees as are exempted from the provisions of chapter 41.06 RCW, shall serve at the pleasure of the superintendent.

NEW SECTION. Sec. 28A.03.030 POWERS AND DUTIES GENERALLY.

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

- (1) To have supervision over all matters pertaining to the public schools of the state.
- (2) To report biennially to the governor on or before the first day of November preceding the regular session of the legislature, of which report a sufficient number of copies as the superintendent shall deem necessary shall be printed and delivered to the superintendent of public instruction, who shall furnish copies to be deposited with the state library, to each county or intermediate district superintendent of schools and to each school district library in such amount as he shall deem sufficient therefor. Said report shall contain a statement of the general condition of the public schools of the state, with full statistical tables by counties showing the number of schools and the attendance, the state and county funds apportioned, amounts received from special taxes and from other sources, amounts expended for salaries of teachers, the salaries paid by the several counties to the county or intermediate district superintendent of schools and the amount paid for incidentals and expenses; the amount paid for building and providing schoolhouses with furniture and apparatus, the amount of bonded and other school indebtedness, with the rate of interest paid thereon, such reports of state educational institutions, or such portions of them as he may think advisable, together with such other facts as

he may deem of general interest. The superintendent may include as a part of such report any information or estimates obtained for the purposes of RCW 43.88.090. He shall also include in his report a statement of plans for the management and improvement of the schools.

(3) To prepare and have printed such forms, registers, courses of study, rules and regulations for the government of the common schools, questions prepared for the examination of persons as provided for in RCW 28A.04.120(7), and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to the county or intermediate district superintendents.

(4) To travel, without neglecting his other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, of consulting county or intermediate district superintendents or other school officials.

(5) To cause to be printed with an appendix of appropriate forms and instructions for carrying into execution the laws relating to public schools, and to distribute to each county or intermediate district superintendent a sufficient number of copies to supply each school district official, and to cause the same to be printed and distributed as often as any change in the laws shall make it of sufficient importance, in his opinion, to justify the same.

(6) To act as ex officio president and the chief executive officer of the state board of education.

(7) To hold, annually, a convention of the county and intermediate district superintendents of the state at such time and place as he may deem convenient, for the discussion of questions pertaining to supervision and the administration of the school laws and such other subjects affecting the welfare and interests of the common schools as may be brought before it. Said convention shall continue in session not less than two days nor more than three days, at the

option of the superintendent of public instruction. It shall be the duty of every county or intermediate district superintendent in this state to attend said convention during its entire session, and any county or intermediate district superintendent who attends the convention shall be reimbursed for traveling and subsistence expenses as provided in RCW 28A.19.090 in attending said convention.

(8) To file all papers, reports and public documents transmitted to him by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in his office, and his official acts, may, or upon request, shall be certified by him and attested by his official seal, and when so certified shall be evidence of the papers or acts so certified to.

(9) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report of such facts arranged in such manner as he may prescribe, and he shall furnish forms for such reports; and it is hereby made the duty of every president, manager or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct.

(10) To keep in his office a record of all teachers receiving certificates to teach in the common schools of this state.

(11) To issue certificates as provided by law.

(12) To keep in his office at the capital of the state, all books and papers pertaining to the business of his office, and to keep and preserve in his office a complete record of statistics, as well as a record of the meetings of the state board of education.

(13) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to him in writing by any county or intermediate district superintendent, or that may be submitted to him by any other person, upon appeal from the decision of any county or intermediate district superintendent; and he shall publish his rulings and decisions from time to time for

the information of school officials and teachers; and his decision shall be final unless set aside by a court of competent jurisdiction.

(14) To administer oaths and affirmations in the discharge of his official duties.

(15) To deliver to his successor, at the expiration of his term of office, all records, books, maps, documents and papers of whatever kind belonging to his office or which may have been received by him for the use of his office.

(16) To perform such other duties as may be required by law.

NEW SECTION. Sec. 28A.03.050 ACCUMULATED SICK LEAVE FUND ESTABLISHED IN OFFICE FOR ALL DISTRICTS--CONTRIBUTIONS TO. There shall be established in the office of the superintendent of public instruction an accumulated sick leave fund. Each school district, each office of county and intermediate district superintendent and board of education, and the office of superintendent of public instruction 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 in accordance with RCW 28A.58.100.

#### Chapter 28A.04

#### STATE BOARD OF EDUCATION

NEW SECTION. Sec. 28A.04.010 COMPOSITION OF BOARD. The state board of education shall be comprised of two members from each congressional district of the state, not including any congressional district at large, elected by the members of the boards of directors of school districts thereof, as hereinafter in this chapter provided.

NEW SECTION. Sec. 28A.04.020 CALL AND NOTICE OF ELECTION. Not later than the twenty-fifth day of August of each year, the superintendent of public instruction shall call an election to be held in each congressional district within which resides a member of the state board of education whose term of membership will end on the second Monday of January next following, and shall give written

notice thereof to each member of the board of directors of each school district in such congressional district. Such notice shall include instructions, rules and regulations established by the superintendent of public instruction for the conduct of the election.

NEW SECTION. Sec. 28A.04.030 ELECTIONS IN NEW CONGRESSIONAL DISTRICTS--CALL AND CONDUCT OF--MEMBER TERMS. Whenever any new and additional congressional district is created, except a congressional district at large, the superintendent of public instruction shall call an election in such district at the time of making the call provided for in RCW 28A.04.020. Such election shall be conducted as other elections provided for in this chapter. At the first such election two members of the state board of education shall be elected, one for a term of three years and one for a term of six years. At the expiration of the term of each, a member shall be elected for a term of six years.

NEW SECTION. Sec. 28A.04.040 DECLARATIONS OF CANDIDACY--QUALIFICATIONS OF CANDIDATES--MEMBERS RESTRICTED FROM SERVICE ON LOCAL BOARDS. Candidates for membership on the state board of education shall file declarations of candidacy with the superintendent of public instruction on forms prepared by the superintendent. Declarations of candidacy may be filed by person or by mail not earlier than the first day of September, or later than the sixteenth day of September. The superintendent of public instruction may not accept any declaration of candidacy that is not on file in his office or is not postmarked before the seventeenth day of September. No person employed in any school, college, university, or other educational institution or any county or intermediate district school superintendent's office or in the office of superintendent of public instruction shall be eligible for membership on the state board of education and each member elected must be a resident of the congressional district from which he was elected. No member of a board of directors of a local school district shall continue to serve in that capacity after having been elected to the state board.

NEW SECTION. Sec. 28A.04.050 QUALIFICATIONS OF VOTERS--BALLOTS --CANDIDATES' BIOGRAPHICAL DATA. Each member of the board of directors of each school district in each congressional district shall be eligible to vote for the candidates who reside in his congressional district. Not later than the first day of October the superintendent of public instruction shall mail to each member of each board of directors the proper ballot for his congressional district together with biographical data concerning each candidate listed on such ballot, which data shall have been prepared by the candidate.

NEW SECTION. Sec. 28A.04.060 ELECTION PROCEDURE--CERTIFICATE. Each member of the state board of education shall be elected by a majority of the electoral points accruing from all the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the superintendent of public instruction and no votes shall be accepted for counting if postmarked after the sixteenth day of October following the call of the election. The superintendent of public instruction and an election board comprised of three persons appointed by the state board of education shall count and tally the votes and the electoral points accruing therefrom not later than the twenty-fifth day of October in the following manner: Each vote cast by a school director shall be accorded as many electoral points as there are enrolled students in that director's school district on the last day for filing declarations of candidacy under RCW 28A.04.040; the electoral points shall then be tallied for each candidate as the votes are counted; and it shall be the majority of electoral points which determines the winning candidate. If no candidate receives a majority of the possible electoral points, then, not later than the first day of November, the superintendent of public instruction shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of electoral points accruing from such votes cast. No vote cast at such second election shall be received for counting if postmarked after the

sixteenth day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of electoral points accruing from the votes at any such second election shall be declared elected. Within ten days following the count of votes in an election at which a member of the state board of education is elected, the superintendent of public instruction shall certify to the secretary of state the name or names of the persons elected to be members of the state board of education.

NEW SECTION. Sec. 28A.04.070 TERMS OF OFFICE. The term of office of each member of the state board of education shall begin on the second Monday in January next following the election at which he was elected, and he shall hold office for the term for which he was elected and until his successor is elected and qualified. Except as otherwise provided in RCW 28A.04.030, each member of the state board of education shall be elected for a term of six years.

NEW SECTION. Sec. 28A.04.080 VACANCIES, FILLING. Whenever there shall be a vacancy upon the state board of education, from any cause whatever, it shall be the duty of the remaining members of the board to fill such vacancy by appointment, and the person so appointed shall continue in office until his successor has been specially elected, as hereinafter in this section provided, and has qualified. Whenever a vacancy occurs, the superintendent of public instruction shall call, in the month of August next following the date of the occurrence of such vacancy, a special election to be held in the same manner as other elections provided for in this chapter, at which election a successor shall be elected to hold office for the unexpired term of the member whose office was vacated.

NEW SECTION. Sec. 28A.04.090 SUPERINTENDENT AS EX OFFICIO PRESIDENT AND CHIEF EXECUTIVE OFFICER OF BOARD. The superintendent of public instruction shall be ex officio president and the chief executive officer of the board. As such ex officio president the superintendent shall have the right to vote only when there is a question before the board upon which no majority opinion has been



reached among the board members present and voting thereon and the superintendent's vote is essential for action thereon. The superintendent, as chief executive officer of the board, shall furnish all necessary record books and forms for its use, and shall represent the board in directing the work of school inspection.

NEW SECTION. Sec. 28A.04.100 EX OFFICIO SECRETARY OF BOARD. The superintendent of public instruction shall appoint some person to be ex officio secretary of said board who shall not be entitled to a vote in its proceedings. The secretary shall keep a correct record of board proceedings in a good and well-bound book, which shall be kept in the office of the superintendent of public instruction. He shall also, upon request, furnish to interested school officials a certified copy of such proceedings.

NEW SECTION. Sec. 28A.04.110 MEETINGS--EXPENSES REIMBURSED. The state board of education shall hold an annual meeting and such other regular meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business, such special meetings to be called by the superintendent of public instruction, or by a majority of the board. The persons serving as members of the state board of education shall be reimbursed by the superintendent of public instruction for the actual expenses incurred in the performance of their duties which expenses shall be paid by the state treasurer on warrants of the state auditor out of funds not otherwise appropriated, upon the order of the superintendent.

NEW SECTION. Sec. 28A.04.120 POWERS AND DUTIES GENERALLY. In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve the program of courses leading to teacher certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive teachers' certification.

(2) Investigate the character of the work required to be \_\_\_\_\_

performed as a condition of entrance to and graduation from any institution of higher education in this state relative to teachers' certification, and prepare an accredited list of those higher institutions of education of this and other states whose graduates may be awarded teachers' certificates.

(3) Supervise the issuance of teachers' certificates and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.70.005.

(4) Examine and accredit secondary schools and approve private schools carrying out a program for any or all of the grades one through eight: PROVIDED, That no public or private high school shall be placed upon the accredited list so long as secret societies are knowingly allowed to exist among its students by school officials.

(5) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(6) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(7) Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations.

(8) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(9) Prepare courses of instruction in physical education, and direct and enforce such instruction throughout the state, with the assistance of the school officials, county or intermediate district superintendents and the boards of directors of the common schools.

(10) Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

(11) By rule or regulation promulgated upon the advice of the state fire marshal, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

(12) Hear and decide appeals as otherwise provided by law.

NEW SECTION. Sec. 28A.04.130 ADDITIONAL POWERS AND DUTIES. CLASSIFICATION OF SCHOOL DISTRICTS--RULES AND REGULATIONS FOR. The state board of education is hereby empowered, and it shall be the duty of said board, to prescribe rules and regulations governing the classification of school districts, except as otherwise provided by law.

NEW SECTION. Sec. 28A.04.140 SEAL. The state board of education shall adopt a seal which shall be kept in the office of the superintendent of public instruction.

#### Chapter 28A.05

#### COMPULSORY COURSES

NEW SECTION. Sec. 28A.05.010 COMMON SCHOOL CURRICULUM--FUNDAMENTALS IN CONDUCT. All common schools shall be taught in the English language and instruction shall be given in reading, penmanship, orthography, written and mental arithmetic, geography, English grammar,

physiology and hygiene with special reference to the effects of alcoholic stimulants and narcotics on the human system, the history of the United States, and such other studies as may be prescribed by rule or regulation of the state board of education. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise, and the worth of kindness to all living creatures.

NEW SECTION. Sec. 28A.05.030 PHYSICAL EDUCATION IN GRADES ONE THROUGH EIGHT. For periods averaging at least twenty minutes in each school day, every pupil attending grades one through eight of the public schools shall receive instruction in such courses of physical education as prescribed by rule or regulation of the state board of education: PROVIDED, That individual pupils or students may be excused on account of physical disability, religious belief or participation in directed athletics.

NEW SECTION. Sec. 28A.05.040 PHYSICAL EDUCATION IN HIGH SCHOOLS. All high schools of the state shall emphasize the work of physical education, and carry into effect all such courses as required by rule or regulation of the state board of education, which shall provide for a minimum of ninety minutes in each school week: PROVIDED, That individual students may be excused on account of physical disability, employment or religious belief, or because of participation in directed athletics or military science and tactics: PROVIDED FURTHER, That individual high school students shall be excused therefrom upon the written request of parents or guardians.

NEW SECTION. Sec. 28A.05.050 HISTORY AND GOVERNMENT IN COMMON SCHOOLS. To promote good citizenship and a greater interest in and better understanding of our national and state institutions and system of government, the state board of education shall prescribe a one-year course of study in the history and government of the United States, and the equivalent of a one-semester course of study in state of Washington history and government or Pacific Northwest history and

government. No person shall be graduated from any eighth grade or high school without completing such courses of study: PROVIDED, That students in the twelfth grade who have not completed such course of study because of previous residence outside the state shall be graduated upon having received special instruction in Washington or northwest history and government as may be determined by the local school authorities as equivalent to the one-semester course required by this section.

Chapter 28A.06

HIGH SCHOOL EXTENSION COURSES

NEW SECTION. Sec. 28A.06.010 STATE BOARD TO PRESCRIBE EXTENSION COURSES--EXAMINATIONS. The state board of education shall outline a course of reading and study similar to that required in a full four year high school course, and shall provide for the examination and certification of those taking and successfully completing such course, or any part thereof. Examinations for this purpose shall be held at such time and place and in such form as rules or regulations of the state board of education shall provide. Any such examination shall be intended only for those not having received a high school diploma, and no person shall take such examination having failed to comply with board rules and regulations prerequisite thereto.

NEW SECTION. Sec. 28A.06.050 PREPARATION AND DISTRIBUTION OF QUESTIONS--GRADING. The superintendent of public instruction shall see to the administration of any such examinations as provided for in RCW 28A.06.010, including the grading thereof and, in accordance with board rules and regulations, shall issue certificates to those who have successfully completed such high school course or any part thereof.

NEW SECTION. Sec. 28A.06.070 FOUR YEAR CERTIFICATE OF COMPLETION. After computing prior high school credits, upon board satisfaction that an applicant has completed the equivalent of a four year high school course, a state high school certificate shall be issued to the applicant. Such certificate shall be honored for admission purposes to any of the state's universities or colleges as are other

graduation certificates of the high schools of the state.

Chapter 28A.09

VOCATIONAL EDUCATION GENERALLY

NEW SECTION. Sec. 28A.09.070 ACCEPTANCE OF FEDERAL ACTS. The state of Washington hereby accepts all the provisions and benefits of an act passed by the senate and house of representatives of the United States of America in congress assembled, entitled "An act to provide for the promotion of vocational education, to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February 23, 1917; and of an act of congress entitled "An act to provide for the further development of vocational education in the several states and territories," approved June 8, 1936, and the Vocational Education Act of 1946 and supplemental vocational education acts including but not limited to Public Law 88-210.

NEW SECTION. Sec. 28A.09.080 CUSTODIAN OF SPECIAL APPROPRIATIONS. The state treasurer is hereby designated and appointed custodian of all moneys received by the state from the appropriations made by the said acts of congress as provided for in RCW 28A.09.070 and is authorized to receive and to provide for the proper custody of the same and to make disbursements therefrom in the manner provided in said acts and for the purposes therein specified. He shall also, upon the order of the appropriate agency in accordance with the provisions of those state acts relating to the promotion of vocational education, pay out any moneys appropriated by the state of Washington for the purpose of carrying out the provisions thereof relating to vocational education.

NEW SECTION. Sec. 28A.09.090 TYPES OF SCHOOLS OR CLASSES. For the purposes of this chapter, vocational schools or classes may be established (1) as all day schools or classes giving instruction in vocational subjects; (2) as part time schools or classes giving

instruction in vocational subjects; and (3) as evening school classes giving instruction supplemental to the daily employment.

Chapter 28A.10

VOCATIONAL REHABILITATION AND SERVICES FOR  
HANDICAPPED PERSONS

NEW SECTION. Sec. 28A.10.005 PURPOSE. The purposes of this chapter are (1) to rehabilitate vocationally handicapped persons so that they may prepare for and engage in a gainful occupation; (2) to provide persons with physical or mental disabilities with a program of services which will result in greater opportunities for them to enter more fully into the life of the community; (3) to promote activities which will assist the vocationally handicapped to reach their fullest potential; and (4) to encourage and develop facilities and other resources needed by the handicapped.

NEW SECTION. Sec. 28A.10.010 DEFINITIONS--"STATE AGENCY".

(1) "Handicapped person" means any individual:

(a) Who has a physical or mental disability, which constitutes a substantial handicap to employment, of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in a gainful occupation consistent with his capacities and abilities; or

(b) Who, because of lack of social competence or mobility, experience, skills, training, or other factors, is in need of vocational rehabilitation services in order to become fit to engage in a gainful occupation or to attain or maintain a maximum degree of self-support or self-care; or

(c) For whom vocational rehabilitation services are necessary to determine rehabilitation potential.

(2) "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or functioning. The term includes behavioral disorders characterized by deviant social behavior or impaired ability to carry out

normal relationships with family and community which may result from vocational, educational, cultural, social, environmental or other factors.

(3) "Vocational rehabilitation services" means goods or services provided handicapped persons to enable such persons to be fit for gainful occupation or to attain or maintain a maximum degree of self-support or self-care and includes every type of goods and services for which federal funds are available for vocational rehabilitation purposes, including, but not limited to, the establishment, construction, development, operation and maintenance of workshops and rehabilitation facilities.

(4) "Self-care" means a reasonable degree of restoration from dependency upon others for personal needs and care and includes but is not limited to ability to live in own home, rather than requiring nursing home care and care for self rather than requiring attendant care.

(5) "State agency" means the coordinating council for occupational education.

NEW SECTION. Sec. 28A.10.020 POWERS AND DUTIES OF STATE AGENCY. The state agency shall:

(1) Provide vocational rehabilitation services to handicapped persons, including the placing of such persons in gainful occupations;

(2) Disburse all funds provided by law and may receive, accept and disburse such gifts, grants, conveyances, devises and bequests of real and personal property from public or 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 vocational rehabilitation services as specified by law and the regulations of the state agency; and may sell, lease or exchange real or personal property according to the terms and conditions thereof. Any money so received shall be deposited in the state treasury for investment, reinvestment or expenditure in accordance with the conditions of its receipt and RCW 43.88.180;



(3) Appoint and fix the compensation and prescribe the duties, of the personnel necessary for the administration of this chapter, unless otherwise provided by law;

(4) Make exploratory studies, make reviews, and do research relative to vocational rehabilitation.

NEW SECTION. Sec. 28A.10.025 ADDITIONAL DUTIES OF STATE AGENCY--STATE-WIDE PROGRAM--RULES AND REGULATIONS--ANNUAL REPORT. The state agency shall:

(1) Develop a state-wide vocational rehabilitation program;

(2) Adopt rules, in accord with chapter 34.04 RCW, necessary to carry out the purposes of this chapter; and

(3) Report annually to the governor, and to the legislature at least ten days prior to each regular session, on the administration of this chapter.

NEW SECTION. Sec. 28A.10.037 VOCATIONAL REHABILITATION SERVICES TO BE MADE AVAILABLE TO STATE AND PUBLIC AGENCIES. The state agency shall make available vocational rehabilitation services to the departments of institutions, labor and industries, public assistance, and employment security, and other state or other public agencies, in accordance with cooperative agreements between the state agency and the respective agencies.

NEW SECTION. Sec. 28A.10.050 ACCEPTANCE OF FEDERAL AID. The state of Washington does hereby:

(1) Accept the provisions and maximum possible benefits resulting from any acts of congress which provide benefits for the purposes of this chapter;

(2) Designate the state treasurer as custodian of all moneys received by the state from appropriations made by the congress of the United States for purposes of this chapter, and authorize the state treasurer to make disbursements therefrom upon the order of the state agency; and

(3) Empower and direct the state agency to cooperate with the federal government in carrying out the provisions of this chapter or

of any federal law or regulation pertaining to vocational rehabilitation, and to comply with such conditions as may be necessary to assure the maximum possible benefits resulting from any such federal law or regulation.

NEW SECTION.    Sec. 28A.10.055    -----CONSTRUCTION OF CHAPTER WHEN PART THEREOF IN CONFLICT WITH FEDERAL REQUIREMENTS WHICH ARE CONDITION PRECEDENT TO ALLOCATION OF FEDERAL FUNDS.    If any part of this chapter shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict, and such findings or determination shall not affect the operation of the remainder of this chapter.

NEW SECTION.    Sec. 28A.10.080    PURCHASE OF VOCATIONAL REHABILITATION SERVICES FOR HANDICAPPED PERSONS--PROCEDURE--POST AUDIT REVIEW.    The state agency may purchase, from any source, by contract, vocational rehabilitation services for handicapped persons, payments for such services to be made subject to procedures and fiscal controls approved by the budget director.    The performance of and payment for such services shall be subject to post audit review by the state auditor.

Chapter 28A.13

SPECIAL EDUCATION--DIVISION FOR  
HANDICAPPED CHILDREN

NEW SECTION.    Sec. 28A.13.010    DIVISION FOR HANDICAPPED CHILDREN CREATED--HANDICAPPED CHILDREN DEFINED--APPROVAL WHEN CHILD UNDER JURISDICTION OF JUVENILE COURT.    There is established in the office of the superintendent of public instruction a division of special educational aid for handicapped children, to be known as the division for handicapped children.    Handicapped children are those children in school or out of school who are temporarily or permanently retarded in normal educational processes by reason of physical or mental handicap, or by reason of social or emotional maladjustment, or by reason

of other handicap: PROVIDED, That no child shall be removed from the jurisdiction of juvenile court for training or education under this chapter without the approval of the superior court of the county.

NEW SECTION. Sec. 28A.13.020 DIVISION ADMINISTRATIVE OFFICER. APPOINTMENT--DUTIES. The superintendent of public instruction shall appoint an administrative officer of such division. The administrative officer shall coordinate and supervise the program of special aid for handicapped children in the school districts of the state. He shall cooperate with county and intermediate district superintendents of schools and with all other interested school officials in the conduct of the program and shall cooperate with the state director of health and with county and regional health officers on cases where medical examination or attention is needed.

NEW SECTION. Sec. 28A.13.030 AUTHORITY OF DISTRICTS. School district officials and teachers shall cooperate with the superintendent of public instruction and with the administrative officer, and shall give such aid and special attention to handicapped children as their facilities will permit.

In carrying out their responsibilities under this chapter, school districts may severally or jointly:

(1) Purchase and own special aid equipment and materials, with the approval of the administrative officer, and may pay for the same out of their general fund budgets.

(2) Employ special teachers for special aid, with the approval of the administrative officer, and may pay their salaries and compensation out of their general fund budgets.

(3) Establish and operate residential schools for aid and special attention to handicapped children, with the approval of the administrative officer, and may pay for the operation of such residential schools out of their general fund budgets.

(4) Contribute funds for purchasing sites and constructing, equipping and furnishing buildings in another school district for the purpose of giving special educational aid to handicapped children,

with the approval of the administrative officer, and may pay for the same out of their building fund budgets.

School districts may make agreements with other school districts for aid and special attention to handicapped children of their districts in the schools and special services of such other districts, with the approval of the administrative officer, and may pay for the same out of their general fund budgets, and such payments may include the cost of board and room for such handicapped children while housed in such other districts. Such expenditures may be partially or wholly reimbursed from funds appropriated for that purpose under rules and regulations established by the superintendent of public instruction.

NEW SECTION. Sec. 28A.13.040 AID FOR CHILDREN UNABLE TO ATTEND SCHOOL--APPORTIONMENT. Any child who is not able to attend school and who is eligible for special aid under programs authorized under this chapter may be given such aid at his home or at such other place as determined by the administrative officer. Any school district within which such a child resides shall thereupon be granted regular apportionments of state and county school funds for such days as such aid is given.

NEW SECTION. Sec. 28A.13.050 SERVICES TO HANDICAPPED CHILDREN OF PRESCHOOL AGE--APPORTIONMENT. Special educational and training programs provided by the state and the school districts thereof for children temporarily or permanently retarded in normal educational processes by reason of physical or mental handicap, or by reason of social or emotional maladjustment, or by reason of other handicap may be extended to include children of preschool age. School districts which extend such special programs, as provided in this section, shall be entitled to apportionments from state and county school funds, as provided by law, and to allocations from state funds made available for such special services, for handicapped children three or more years of age who are given such special services.

## SPECIAL EDUCATION--DIVISION OF RECREATION

NEW SECTION. Sec. 28A.14.010 DIVISION OF RECREATION. ESTABLISHED. There is hereby established in the office of the superintendent of public instruction a division of special educational service to be known as the division of recreation.

NEW SECTION. Sec. 28A.14.020 -----ADMINISTRATIVE OFFICER--APPOINTMENT--QUALIFICATIONS--SALARY--DUTIES. The superintendent of public instruction shall appoint an administrative officer who shall be qualified for such position by training and experience. The administrative officer, among other duties, shall coordinate and supervise the programs of recreation operated by the school districts of the state. He shall cooperate with county and intermediate district superintendents and with school district officials and teachers and encourage the establishment of local recreation programs. He shall also meet with and consult with recreation committees as provided in RCW 28A.14.050.

NEW SECTION. Sec. 28A.14.030 RECREATION PROGRAM. COOPERATION OF, AUTHORITY OF, SCHOOL DISTRICTS. School district officials and teachers shall cooperate with the superintendent of public instruction and with the administrative officer, and school districts may give such recreation services as their facilities will permit. School districts may purchase and own recreation equipment and facilities, with the approval of the administrative officer, and may pay for the same out of their general fund budgets. They may employ special recreation instructors, with the approval of the administrative officer, and may pay their salaries and compensation out of their general fund budgets. Such expenditures may be partially or wholly reimbursed from funds appropriated, if any, under federal or state law, or from funds available from other public or private agencies, under rules and regulations established by the superintendent of public instruction.

NEW SECTION. Sec. 28A.14.040 -----MAY INCLUDE ADULTS--RESTRICTIONS. Any school district, with the approval of the

administrative officer, may extend its recreation program to include adults residing within the district or community when the welfare of the district or community will be subserved thereby: PROVIDED, That the cost of such extended recreation program to include adults in any school district shall not be paid from any school district funds other than receipts from allocations made by the superintendent of public instruction to such school district from state, federal or other public or private funds made available for that purpose.

NEW SECTION. Sec. 28A.14.050 LOCAL AND COUNTY ADVISORY COMMITTEES--DUTIES. School district officials and the county or intermediate district superintendents may appoint local and/or county advisory recreation committees or designate existing community committees, with the advice of the administrative officer. Such advisory recreation committees shall be appointed from representatives of public and private youth serving agencies and citizens interested in the educational and social welfare of children and adults. The duties of advisory recreation committees shall be to meet with school district officials and the administrative officer for the purpose of discussing and planning the establishment and operation of recreation programs.

NEW SECTION. Sec. 28A.14.060 STATE AID. Allocations from any state appropriations to carry out the purposes of this chapter may be made by the superintendent of public instruction to school districts for their relief and assistance in establishing and maintaining recreation programs as in this chapter provided. In addition to allocations for direct relief and assistance, special allocations from any such appropriation may be made by the superintendent of public instruction to school districts for the purpose of underwriting allocations made by or requested from federal, or other public or private funds pending receipt of such federal, or other public or private funds.

Chapter 28A.16

SPECIAL EDUCATION--DIVISION FOR SUPERIOR STUDENTS

NEW SECTION. Sec. 28A.16.010 DIVISION CREATED--SUPERIOR STUDENTS DEFINED. There is established in the office of the state superintendent of public instruction a division of special education for students of superior capacity. Such students are those who consistently show remarkable performance in academic pursuits or demonstrate exceptional ability.

NEW SECTION. Sec. 28A.16.020 PROGRAM--SCOPE--COSTS. The state superintendent of public instruction, within the scope of policies and regulations adopted by the state board of education, shall administer a program to improve the education of students of superior capacity; such program shall include conducting, coordinating and aiding in research (including pilot programs), disseminating information to local school districts, and allocating supplementary funds for excess costs when appropriated for this purpose by the legislature.

NEW SECTION. Sec. 28A.16.030 AUTHORITY OF SCHOOL DISTRICTS--JOINT PROGRAMS WITH INSTITUTIONS OF HIGHER LEARNING. Local school districts, either separately or jointly may:

- (1) Establish and operate special, seminar or augmented programs of education for superior students; and
- (2) Employ and pay special instructors; and
- (3) Establish and operate in conjunction with any institution of higher learning joint programs of education for superior students.

#### Chapter 28A.19

##### COUNTY SUPERINTENDENT--INTERMEDIATE DISTRICT

##### SUPERINTENDENT--INTERMEDIATE DISTRICTS AND BOARDS

NEW SECTION. Sec. 28A.19.010 ELECTION AND TERM. Except as otherwise provided by law, a county superintendent shall be elected in each county of the state.

The election shall be called, conducted and canvassed in the manner provided by law for the holding of regular county elections.

His term of office shall begin on the second Monday in January next succeeding his election and continue for four years and until his successor is elected and qualified. He shall take the oath of

office and furnish an official bond in a sum to be fixed by the county board of education.

NEW SECTION. Sec. 28A.19.020 ASSISTANT SUPERINTENDENTS--PERSONNEL--SALARIES--QUALIFICATIONS. The county superintendent, with the consent of the county board of education, may appoint assistant superintendents and such other professional personnel and clerical help as may be necessary to perform the work of his office at such salaries as may be determined by the county board of education, and shall pay their salaries out of his budget. All assistant county superintendents shall qualify in the same manner as the county superintendent under the provisions of RCW 28A.19.040 and in the absence of the county superintendent shall perform the duties of the office. The county superintendent shall have the authority to deputize an assistant to perform any of the duties of the office.

NEW SECTION. Sec. 28A.19.030 VACANCY, FILLING. The county board of education shall recommend two or more candidates to the board of county commissioners for appointment to fill any vacancy that may occur in the office of county superintendent until the next general election. The county commissioners shall appoint a qualified person to fill such vacancy.

NEW SECTION. Sec. 28A.19.040 QUALIFICATIONS. To be eligible for election or appointment to the office of county superintendent, in addition to other provisions of the law, a candidate must have completed five years of regular, accredited work in one or more recognized higher institutions of learning, have a teacher's, principal's or superintendent's certificate of the state of Washington, and have five or more years' experience in teaching or educational administration in the common schools or in the office of a county superintendent: PROVIDED, That anyone serving as a legally qualified county superintendent or chief deputy county superintendent at midnight, June 8th, 1955, may be deemed qualified to hold the office of county superintendent.

NEW SECTION. Sec. 28A.19.050 PROOF OF QUALIFICATIONS AND



DECLARATION OF CANDIDACY. The county auditor shall not place the name of any person upon the official ballot as a candidate for the office of county superintendent unless such person files in the office of the county auditor at the time of filing his declaration of candidacy proof of his qualifications for the office of county superintendent as defined by this chapter.

NEW SECTION. Sec. 28A.19.060 POWERS AND DUTIES GENERALLY. In addition to any other powers and duties provided by law, each county superintendent:

(1) Shall exercise a careful supervision over the common schools of his county, and see that all the provisions of the common school laws are observed and followed by the teachers, supervisors and school officials.

(2) Shall visit the schools of his county, counsel with directors, supervisors and teachers, and assist in every possible way to advance the educational interests in his county.

(3) Shall distribute promptly all reports, laws, forms, circulars, and instructions which he may receive for the use of the schools and the teachers, and execute the instructions and decisions of the superintendent of public instruction, as provided by law.

(4) Shall enforce any outline course of study adopted by the state board of education, or any course of study adopted by any other lawful authority, and enforce the rules and regulations required for whatsoever purpose.

(5) Shall prepare an outline course of study for books adopted in districts of the third class when the needs of the county demand: PROVIDED, That said outline course of study shall be in harmony with those courses adopted by the state board of education.

(6) Shall keep on file and preserve in his office the biennial reports of the superintendent of public instruction and any annual reports of his predecessor.

(7) Shall keep in good and well-bound books, to be furnished by the county commissioners, records of his official acts.

(8) Shall preserve carefully all reports of school officials and teachers, and at the close of his term of office deliver to his successor all records, books, documents and papers belonging to the office, either personally or through his personal representative, taking a receipt for the same, which shall be filed in the office of the county auditor in the county where his office is located.

(9) May administer oaths and affirmations to school directors, teachers and other persons on all official matters connected with or relating to schools but shall not make or collect any charge or fee for so doing.

(10) Shall keep in a suitable book an official record of all persons under contract to teach in the schools of his county showing the number of the school district, the date of the contract, the names of the contracting parties, and the date of the expiration of the teacher's certificate and the kind thereof, the salary paid, and the date of commencing school, with the length of term in days, which data shall be immediately reported to the county auditor of the county in which his office is located.

(11) Shall make an annual report to the superintendent of public instruction on the first day of August of each year, for the school year ending June 30th, next preceding. The report shall contain an abstract of reports made to him by all school district superintendents, and such other matters as the superintendent of public instruction shall direct. It shall be the duty of the county commissioners and county auditor in every county wherein the county superintendent is about to retire from office to withhold the warrant of his salary for his last month of employment until they have received a certificate from the superintendent of public instruction that the required reports of such county superintendent have been made in a satisfactory manner; and the superintendent of public instruction shall transmit such certificate to the auditor immediately upon receiving such reports.

(12) Shall keep in his office a full and correct transcript

of the boundaries of each school district in the county, including joint districts. In case the boundaries of the districts are conflicting or incorrectly described, he shall change, harmonize and describe them, and at their next regular meeting he shall certify his action to the county commissioners of his county, and shall file with them a complete transcript of the boundaries of all school districts affected by his action, which shall be entered upon the journal of said board and become a part of their records. The county superintendent, on request, shall furnish the school district superintendents with descriptions of the boundaries of their respective districts.

(13) Shall appoint school district directors in districts of the first, second and third class to fill vacancies in the manner provided in RCW 28A.57.326.

(14) Shall apportion school funds.

(15) Shall conduct such examinations and make such records thereof as may be prescribed by law or by rule or regulation of the state board of education: PROVIDED, That he shall give ten days notice of each examination by publication in some newspaper of general circulation published in his county, or if there be no newspaper, then by television, radio or otherwise.

(16) Shall hold teachers' institutes according to law, and conduct such other meetings of the teachers of his county as may be for the best interests of the schools; and attend other meetings and conferences which may be of benefit to the schools of his county.

(17) May hold each year, one or more directors' meetings, the expense of which shall be audited and paid by the county commissioners: PROVIDED, That such expense shall not exceed the sum of one hundred dollars in any one year.

(18) May suspend any teacher who may be teaching in his county, against whom he files charges. In case of such suspension he shall immediately notify the superintendent of public instruction of his action, and shall clearly and fully state his reasons for his action.

(19) Shall furnish free of charge to all school districts of

his county teachers' registers, superintendents' record books and other materials received free of charge from the superintendent of public instruction.

(20) Shall counsel with school boards on selection of school sites and whenever any board of directors of school districts of the third class shall be authorized, by the electors of their district, to erect a school building, it shall be the duty of such board, before entering into any contract for the erection of any building, to obtain the approval of the county superintendent of the county in which the building is to be erected, of the plans and specifications for the building to be erected, said superintendent to give special attention to the provisions made therein for heating, lighting and ventilation.

(21) Shall require all reports of school district officials, teachers and others to be made promptly as required by law.

(22) Shall see that the teachers' register is kept in accordance with law and the instructions of the superintendent of public instruction, and that the records of the school district superintendents are properly kept.

(23) Shall require the oath of office of all school district directors or superintendents be filed in his office, and shall furnish a directory of all such officials to the county auditor and to the county treasurer, upon forms furnished by the superintendent of public instruction, as soon as the election or appointment of such officials is determined and their oaths placed on file.

(24) Shall serve as ex officio secretary of the county board of education and as ex officio secretary of the county committee for school district organization.

(25) Except as otherwise provided by law, shall with the advice and consent of the county board of education adopt textbooks for all school districts not maintaining an accredited high school.

(26) Shall prepare an annual budget for his office for approval by the county board of education.

(27) Shall serve as a member of the county transportation

commission as provided in RCW 28A.24.080.

(28) Shall assist the school districts in preparation of their budgets as provided in chapter 28A.65 RCW.

(29) Shall hear and act upon appeals as provided in RCW 28A.88.020.

(30) Shall cooperate with the state supervisor of special aid for handicapped children and with school districts in administering the educational program for handicapped children as provided in RCW 28A.13.020.

(31) Shall cooperate with the state supervisor of recreation and with school districts in administering the recreation program as provided in RCW 28A.14.020.

(32) Shall enforce the provisions of the compulsory attendance law as provided in chapters 28A.27 and 28A.28 RCW.

(33) Shall certify certain statistical data as basis for apportionment purposes to county and state officials as provided in chapter 28A.44 RCW.

(34) Shall perform duties relating to capital fund aid by non-high districts as provided in chapter 28A.56 RCW.

(35) Shall carry out duties and issue orders creating new school districts and transfers of territory as provided in chapter 28A.57 RCW.

(36) Shall perform all other duties otherwise prescribed by law.

NEW SECTION. Sec. 28A.19.070 OFFICE HOURS. The county or intermediate district superintendent shall keep his office open for the transaction of official business during such days and hours each week as the board of county commissioners shall provide under the provisions of RCW 36.16.100 and shall keep posted on the door of his office a notice of said office days and hours: PROVIDED, That for any intermediate district which is in more than one county the office hours shall be determined by the intermediate district board.

NEW SECTION. Sec. 28A.19.080 OFFICE. The county commissioners shall provide the county superintendent with a suitable office at the county seat. Whenever an intermediate board of education as herein provided is organized, it shall be the duty of such board to designate

the headquarters office of the intermediate superintendent, and the board of county commissioners in the county of such designation shall provide the intermediate superintendent with a suitable office at the county seat of such county, and official records of the county superintendents of each county included in the intermediate district shall be transferred to and thereafter kept by the intermediate superintendent of the intermediate district.

NEW SECTION. Sec. 28A.19.090 TRAVELING EXPENSES. For all actual and necessary travel in the performance of his official duties and while in attendance upon meetings and conferences, each county superintendent and his necessary assistants shall be allowed subsistence and traveling expenses in accordance with expenses allowable under RCW 43.03.050 and 43.03.060, as now or hereafter amended.

NEW SECTION. Sec. 28A.19.110 BUDGETS. The board of county commissioners of each county annually at the time the budgets are prepared for the several county offices shall allocate from county funds to the county superintendent for his budget an amount sufficient to allow the county superintendent to fulfill the duties and powers of his office.

NEW SECTION. Sec. 28A.19.120 BUDGETS OF COUNTY AND INTERMEDIATE DISTRICTS--DUTIES OF STATE BOARD--ALLOCATION BY SUPERINTENDENT OF PUBLIC INSTRUCTION--SPECIAL SERVICE FUND. The state board of education shall examine the budget of each county or intermediate district superintendent and fix the amount to be allocated thereto from state funds and certify to the state superintendent of public instruction the amount of state funds needed for the county or intermediate district superintendents' budgets as approved by the state board of education and shall require the state superintendent of public instruction to allocate this amount from the current state school fund or from funds otherwise appropriated for that purpose to the county treasurers for deposit to the credit of the county or intermediate district superintendents' budget for the use of the common schools. In each county or intermediate district, there is hereby created a county

or intermediate district superintendent's special service fund into which such funds as are allocated by the superintendent of public instruction under provisions of this chapter and all such funds as are not specifically allocated by the county current expense fund, shall be deposited, and such funds shall be expended by warrants drawn by the county auditor upon vouchers approved by the county superintendent and the county board of education, or intermediate district superintendent and intermediate district board, as the case may be.

NEW SECTION. Sec. 28A.19.190 ABOLISHMENT OF OFFICE, WHEN--PROCEDURE. The office of the county superintendent of schools in any county having only one school district, or only one high school district and not more than three third class school districts, within its boundaries may be abolished. If in the opinion of the county committee on school district organization in any county having but one school district, or only one high school district and not more than three third class school districts, there is no need for a county superintendent in that county, the committee may by resolution request the county auditor to call and conduct a special election in conjunction with the county or the state general election, at which special election the electors of the county may vote for or against the abolishment of the office of the county superintendent. Upon receipt of such resolution the county auditor shall call and conduct such election, and, if a majority of the votes cast on the proposition favor the abolishment of the office of the county superintendent, the office shall be abolished at the end of the term of office for which the incumbent county superintendent was elected or appointed.

Upon the abolishment of the office of the county superintendent as provided in this section the county superintendent shall deliver all of the files and records of his office to the superintendent of schools for the school district in the county, and thereafter the superintendent for the school district shall assume the duties of the county superintendent insofar as they apply to the schools of his district: PROVIDED, That if there is a high school district in such county, the superintendent of the high school district shall

assume the duties of the county superintendent.

NEW SECTION. Sec. 28A.19.300 INTERMEDIATE DISTRICTS--PURPOSE. It shall be the intent and purpose of RCW 28A.19.120, 28A.19.300 through 28A.19.430 and 28A.20.053, 28A.20.055 and 28A.20.095 to establish the methods, procedures and means necessary to reorganize existing offices of county superintendent of schools into intermediate district offices in order that the territorial organization of the intermediate districts may be more readily adapted to the changing economic pattern and educational program in the state, so that the children in the state will be provided with equal educational opportunities.

NEW SECTION. Sec. 28A.19.310 -----DEFINITIONS. The following terms whenever used in RCW 28A.19.120, 28A.19.300 through 28A.19.430 and 28A.20.053, 28A.20.055 and 28A.20.095 shall have the meaning as in this section ascribed to them unless where used the context thereof clearly indicates to the contrary:

- (1) "State board" shall mean the state board of education.
- (2) "Intermediate district" shall mean the territory, the boundaries and names of which are established and designated by the state board, under the jurisdiction of a board referred to as the intermediate district board of education and a superintendent referred to as the intermediate district superintendent.
- (3) "Intermediate district board" shall mean the intermediate district board of education created in RCW 28A.20.053.
- (4) "County committee" shall mean the county committee on school district organization created by chapter 28A.57 RCW.
- (5) "School director" shall mean a regularly constituted member of a local district school board of directors.
- (6) "Service area" shall mean such a county or contiguous counties or portions of contiguous counties as the county boards of such counties or portions thereof, or the state board, shall deem a potential intermediate district.
- (7) "County board" shall mean the regularly constituted



supervisory body as provided for in RCW 28A.20.010 and existing in any county not a part of an intermediate district.

NEW SECTION. Sec. 28A.19.320 -----STATEWIDE PLAN OF SERVICE AREAS--CHANGES IN. A statewide plan of designated service areas, each of which shall be deemed a potential intermediate district, shall be established by the state board of education.

The state board of education may at any time it deems advisable, or upon petition by any intermediate board, make such changes in the boundaries of the service areas or intermediate school districts contained in its statewide plan or the intermediate school districts as created, as it deems consistent with the purposes stated in RCW 28A.19.300, as now or hereafter amended. Prior to the creation of such districts or any changes thereafter made to the boundaries thereof, the state board shall hold at least one public hearing on such proposed action and shall consider any recommended changes to such proposed action.

The state superintendent of public instruction shall furnish the employed personnel and material, supplies and information necessary to enable county boards of education and county superintendents to draft and consider the recommended plan or plans.

NEW SECTION. Sec. 28A.19.330 -----STATE AID TO COUNTY SUPERINTENDENTS WITHHELD UNTIL PROGRAM OF SERVICES ADOPTED. No state funds shall be allocated to the office of any county superintendent located within any service area approved by the state board until a program of service has been adopted by the county board or county boards in such service area for the school districts of such service area and approved by the state board of education. Such program shall include, but not be limited to, the supplying or coordination of one or more services by the offices of county superintendent in that service area.

NEW SECTION. Sec. 28A.19.340 -----FORMATION BY CONVENTION METHOD. When in the judgment of the state board the education program within a service area may be improved by the formation of an

intermediate district, or when petitioned to do so by a county board of education within a service area, the state superintendent shall call the school directors of the school districts within the service area into a convention for the purpose of voting on whether that service area shall become an intermediate district. If a majority of the school directors in each separate county voting at that convention favors such a proposition, an intermediate district shall be formed, such intermediate district to become effective at the end of the terms of office of the county superintendents of the counties or portions thereof comprising the intermediate district.

NEW SECTION.    Sec. 28A.19.350    -----    -----SUCCESSION OF SUPERINTENDENTS--INTERMEDIATE DISTRICT SUPERINTENDENT, QUALIFICATIONS, POWERS, DUTIES. All county superintendents of the counties comprising the intermediate district or part thereof shall continue in office until the expiration of the respective terms of office for which they were elected. At the next election for county superintendents, there shall be elected by all of the voters of the intermediate district one superintendent for the intermediate district who shall have the qualifications and duties and powers for the intermediate district as are provided by law for the county superintendent of each county school district. If only a portion of a county is included in an intermediate district, then there shall be elected for the remainder of that county (which then shall be deemed to constitute a separate county school district) a county superintendent to perform the duties of county superintendent for that county school district.

NEW SECTION.    Sec. 28A.19.360    -----    -----FILING FOR OFFICE OF INTERMEDIATE DISTRICT SUPERINTENDENT. The filing for the office of intermediate district superintendent for the first election in any intermediate district to be established on the order of the state board, shall be made with the auditor of the most populous county within such intermediate district and shall be certified by such auditor to the auditors of the other county or counties

comprising such intermediate district. Thereafter, the filing for the office of intermediate district superintendent shall be made with the county auditor of the county in which the office of the intermediate superintendent is located and shall be certified by such auditor to the auditors of the other counties within the intermediate district.

NEW SECTION. Sec. 28A.19.370 -----FORMATION BY VACANCY OR ABOLITION IN APPROVED SERVICE AREA CONTAINING ONLY TWO COUNTIES OR PORTIONS THEREOF--SUCCESSION--SALARIES. (1) If an approved service area contains only two counties, or portions thereof, and a vacancy occurs in the office of county superintendent in either of those counties for any cause and a person is not appointed to fill the vacancy within ninety days, the state board shall declare the two counties or portions thereof, in such service area to thereafter constitute an intermediate district. In that event, the remaining county superintendent shall become the superintendent of the intermediate district until the end of his term of office with all the powers and duties as if he had been elected to that office by the people of the entire intermediate district. The salary of such intermediate district superintendent shall be determined by the school enrollment of the intermediate district as provided in RCW 28A.19.400.

(2) If an approved service area contains only two counties, or portions thereof, and no candidate is elected to the office of county superintendent in one of those counties, the state board shall declare the two counties or portions thereof in such service area to thereafter constitute an intermediate district which shall become effective at the end of the term of office of the county superintendent of the other county in such intermediate district. The county superintendent elected in such other county shall become the intermediate district superintendent at the beginning of the term of office for which he was elected county superintendent, with all the powers and duties as if he had been elected to that office by the people of the entire intermediate district. The salary of such

intermediate district superintendent shall be determined by the school enrollment of the intermediate district as provided in RCW 28A.19.400.

(3) If an approved service area contains only two counties, or portions thereof, and the county superintendency of one of the two counties is, or has been, abolished pursuant to RCW 28A.19.190, the state board shall declare the two counties, or portions thereof, in such service area to thereafter constitute an intermediate district. In that event, the county superintendent of the other county of the intermediate district shall become the superintendent of the intermediate district until the end of his term of office with all the powers and duties as if he had been elected to that office by the people of the entire intermediate district. The salary of such intermediate district superintendent shall be determined by the school enrollment of the intermediate district as provided in RCW 28A.19.400. Thereafter the intermediate district superintendent shall be elected by all the voters of the intermediate district as provided in RCW 28A.19.350.

NEW SECTION. Sec. 28A.19.380 -----FORMATION BY VACANCY OR ABOLITION IN APPROVED SERVICE AREA CONTAINING MULTIPLE COUNTIES OR PORTIONS THEREOF--SUCCESSION--SALARIES. If a service area contains more than two counties, or two or more counties and a portion or portions of other counties, and a vacancy occurs in the office of county superintendent in one of the counties for any cause and a person is not appointed to fill the vacancy within ninety days, or if no candidate is elected to the office of county superintendent, or if the county superintendency is, or has been, abolished in one of those counties pursuant to RCW 28A.19.190, the state board shall designate the county superintendent of a contiguous county in that service area to be the county superintendent of both counties within the service area with all the powers and duties as if he had been elected by the people of both counties: PROVIDED, That in the case of failure to elect a county superintendent, the designated county

superintendent shall commence his duties in the other county on the date of the commencement of his next term of office.

The salary of the county superintendent serving both counties, or parts thereof, shall be the same as the salary of the county superintendent in a single county having a population equal to that of the population of the two counties, or parts thereof, served by that county superintendent, as such population is certified by the county boards of education of those counties.

The allocation of funds from the respective counties shall be made in the same manner as that provided for intermediate districts in RCW 28A.19.430.

NEW SECTION. Sec. 28A.19.390 -----DUTIES OF INTERMEDIATE DISTRICT BOARD. Every intermediate district board shall perform the duties outlined for county boards in RCW 28A.20.040 and in addition shall:

(1) Designate the location of the office of the intermediate district; and

(2) Fix a higher rate of salary of the intermediate district superintendent than the minimum established in RCW 28A.19.400 when it is deemed by the intermediate district board of education to be in the best interest of the intermediate district to do so.

NEW SECTION. Sec. 28A.19.400 -----SUPERINTENDENTS, MINIMUM SALARY SCHEDULE. The minimum salary of the superintendent of schools of an intermediate school district shall be based on the number of children attending public schools in grades kindergarten through twelve of the intermediate district, as determined on October 1st of the previous year, and shall be as follows:

School Enrollment	Salary
Less than 5,000 .....	\$ 8,000
5,000 to 9,999, inclusive .....	9,000
10,000 to 14,999, inclusive .....	10,000
15,000 to 19,999, inclusive .....	11,000
20,000 to 24,999, inclusive .....	12,000

25,000 to 29,999, inclusive .....	13,000
30,000 to 34,999, inclusive .....	14,000
35,000 or more .....	15,000

NEW SECTION. Sec. 28A.19.410 -----WITHDRAWAL PROCEDURE.

Any time after a county, or the entire portion thereof within an intermediate district, has been a part of an intermediate district for five years, the county, or the entire portion of the county within the district, may withdraw from that district by the following procedure. The state board, on its own motion, whenever it deems such action on withdrawal advisable, or on the receipt by it of a withdrawal proposal by the intermediate district board, or on receipt by it of a withdrawal petition signed by twenty-five percent of the school directors of the entire county, shall hold one or more public hearings thereon within the intermediate district affected, and may thereafter so revise such proposal as it deems advisable to provide for satisfactory improvement of the intermediate district system. After considering the proposal, and any revision thereof, the state board shall call a convention of the school directors of the entire county, all or part of which is proposed to be withdrawn from such intermediate district. At that convention the school directors shall vote on the withdrawal proposal, or revisions thereof, submitted by the state board. If a majority of the school directors voting on the proposition favor withdrawal, then the county, or the entire portion of the county within the district, shall be withdrawn from such intermediate district at the end of the term of office of the superintendent of the intermediate district. Thereafter the withdrawn county shall elect its own county superintendent, or in the case of the withdrawal of the entire portion of a county within the district, it shall join with the remainder of that county in electing its own county superintendent. The withdrawn county, or portion thereof, shall receive its share of the assets and property of the office of the intermediate district superintendent based on the same formula as that determining the share of funds from the

counties of the intermediate district.

No portion of a county less than the entire portion of a county within an intermediate district may withdraw from an intermediate district. If it is proposed that only a portion of a county withdraw from an intermediate district and the remainder of the county lies within one or more other intermediate districts, then there shall be no such withdrawal unless the entire county withdraws from all such districts under the provisions of this section.

NEW SECTION. Sec. 28A.19.420 -----FUNDS. Whenever an intermediate district is formed, all funds under the control of the office of each county superintendent or county board of education of each county to be combined into an intermediate district shall be combined into intermediate district funds as provided in RCW 28A.19-.430, except that where only a portion of a county becomes a part of an intermediate district, then only a portion of the funds of the office of county superintendent and county board of education shall be combined into the funds of the intermediate district. The portion of such funds to be combined shall be determined as follows:

(1) Of the general funds of the county superintendent, that amount representing the same proportion as the assessed valuation of the property for tax purposes of the portion of the county being combined into the intermediate district is to the assessed valuation of all county property.

(2) Of the county superintendent's special service fund, the amount determined by the state board of education.

(3) Of the county institute fund, the amount representing the same proportion as the number of teachers employed by school districts in the portion of the county being combined into the intermediate district is to the number of teachers employed by all school districts in the entire county not maintaining a separate institute fund.

Distribution of funds upon withdrawal of any county from an intermediate district shall be determined in the same manner as

provided in this section.

NEW SECTION.    Sec. 28A.19.430    -----INTERMEDIATE DISTRICT BUDGETS.    The budget of the intermediate district superintendent shall be approved by the intermediate district board of education.    The boards of county commissioners of the counties within an intermediate district shall allocate from county funds for the intermediate district superintendent's budget a total amount sufficient to allow the intermediate district superintendent to fulfill the duties and powers of his office.    Each county shall allocate a percentage of the total amount as determined above equal to the percentage that the assessed value of all taxable property in the intermediate district within that county bears to the assessed value of all taxable property in the intermediate district.    The county commissioners of each county within the intermediate district shall order the transfer of such funds to the county treasurer in the county wherein the intermediate district superintendent's office is located to be credited to intermediate district fund, and the county treasurer of said county shall be the custodian of the fund, and the auditor of said county shall keep a record of receipts and disbursements, and shall draw and the county treasurer shall honor and pay the warrants.

NEW SECTION.    Sec. 28A.19.440    -----LEGAL ADVISER FOR--CONTRACT FOR LEGAL SERVICES, WHEN.    Where the prosecuting attorney for the county in which the office of the intermediate district is located is required by law to devote full time to the duties of his office, he shall, as part of his official duties, be legal adviser to the intermediate district superintendent and the intermediate district board in all matters relating to their official business.    Accordingly, he shall when requested to draw up all instruments of an official nature for the use of such officers and appear for and represent such officers in all proceedings in which the intermediate district or the officers thereof may be a party.

Where the prosecuting attorney for the county in which the office of the intermediate district is located is not required by law



to devote full time to his duties of office, the intermediate district superintendent and the intermediate district board shall have authority to contract for legal services.

Chapter 28A.20

COUNTY AND INTERMEDIATE DISTRICT

BOARDS OF EDUCATION

NEW SECTION. Sec. 28A.20.010 COUNTY BOARDS. MEMBERS--TERMS, ELECTIONS, VACANCIES--BOARD-MEMBER DISTRICTS--MEMBERS RESTRICTED FROM SERVICE ON LOCAL BOARDS. In each county, not within an intermediate district, there shall be a county board of education, which shall consist of five members whose terms shall be staggered elected by the voters of the county, one from each of five county board-member districts, such districts to be determined by the county committee on school district organization. Such county board-member districts shall be arranged on a basis of equal population and so that not more than one member of the county board shall come from any one school district: PROVIDED, That in counties having less than five school districts, then the county board-member districts shall be arranged so as to give, as far as practicable, representation according to equal population: PROVIDED, FURTHER, That the county committee, at any time that such committee deems it advisable, shall change the boundaries of county board-member districts so as to provide as far as practicable equal representation according to population of such board-member districts.

In any county having a joint school district with another county, all of the territory within such joint district and lying within both counties shall be included within a board-member district of the county within which the administrative office of such joint district is located, and the electors residing therein shall be eligible to vote for and hold membership on the county board of education of such county.

Filing of candidacy for the county board shall be with the appropriate county auditor not more than sixty days nor less than

forty-six days prior to the election, and as otherwise provided by law.

Election of board members shall be held at the time of the regular election of school district directors. Such election shall be called and notice thereof given by the county auditor in the manner provided by law for giving notice of the election of school district directors and such election shall be conducted in conjunction with the election of such school district directors. The term of office for each board member shall be four years and until his successor is duly elected and qualified. No member of a board of directors of a local school district shall continue to serve in that capacity after having been elected to a county board: PROVIDED, That this restriction shall not apply to any county board member whose present term of office was in effect April 19th, 1967, as to such term only.

The term of every county board member shall begin after the election returns have been certified, a certificate of election issued and the oath of office taken. Each county board shall be organized at the first meeting held after a newly elected member takes office. In the event of a vacancy in the board from any cause, such vacancy shall be filled by appointment of a person from the same board-member district by the board of county commissioners. The appointed board member shall serve until the next regular election, at which time there shall be elected a member to fill the unexpired term of the member of the board whose position has been vacated.

NEW SECTION. Sec. 28A.20.020 -----MEMBERS--QUALIFICATIONS --OATH--BOND UNNECESSARY. Every member of the county board of education shall be a qualified voter and a legal resident of the district for which he files, and shall not be an employee of any school district. Every member elected shall take the oath of office required of county officials, which oath shall be filed with the official with whom declarations of candidacy for such office are filed. The members of the county board shall not be required to give bond.

NEW SECTION. Sec. 28A.20.030 -----MEMBERS--PER DIEM AND EXPENSES.

All members of the county board of education shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties, including the cost of travel, incident to the performance of their duties. All such claims shall be approved by the county board of education and paid from the budget of the county superintendent.

NEW SECTION. Sec. 28A.20.040 -----DUTIES OF BOARD. Every county board of education shall:

- (1) Advise with and pass upon the recommendation of the county superintendent in the preparation of manuals, courses of study, rules and regulations for the circulating libraries, and to perform such other duties as may be required by him;
- (2) Advise with and pass upon the recommendation of the county superintendent as to a choice of textbooks of all school districts not maintaining an accredited high school;
- (3) Adopt rules and regulations for the schools of the county, not inconsistent with the code of public instruction or with the rules and regulations of the state board of education or the superintendent of public instruction;
- (4) Approve the budget of the county superintendent, and certify to the board of county commissioners and to the state board of education the estimates of the amounts needed for such budget;
- (5) Meet regularly according to the schedule adopted at the organization meeting, and in special session upon the call of the chairman, or the secretary, or a majority of the board;
- (6) Assist the county superintendent in the selection of personnel and clerical staff as provided in RCW 28A.19.020;
- (7) Fix the amount of and approve the county superintendent's

bond as provided in RCW 36.16.050 and RCW 28A.19.010; and

(8) Approve its own reimbursement claims as provided in RCW 28A.20.030.

NEW SECTION. Sec. 28A.20.053 INTERMEDIATE DISTRICT BOARDS. MEMBERS RESTRICTED FROM SERVICE ON LOCAL BOARDS. Upon the formation of an intermediate district the county committees on school district organization of the counties within the intermediate district shall redistrict the counties embraced by such intermediate district into five board-member districts within the intermediate district in the manner set forth in RCW 28A.20.010 as though the counties within the intermediate district were one county, and thereafter, at the next annual school election, there shall be elected in the manner provided in RCW 28A.20.010, the intermediate district board of education: PROVIDED, That until the intermediate district board shall have been elected and qualified, the county board members of all counties or parts of counties who reside within the limits of a newly organized intermediate district that is divided into director districts in conformity with the provisions of this chapter shall meet at the call of the intermediate or county superintendent and elect from among their number five directors for the new district: PROVIDED FURTHER, That the election and terms of the members of the first intermediate district board shall be determined in the manner provided in RCW 28A.20.010, except that filings for candidacy shall be with the county auditor of the most populous county whose office is within the intermediate district.

No member of a board of directors of a local school district shall continue to serve in that capacity after having been elected to an intermediate district board: PROVIDED, That this restriction shall not apply to any intermediate district board member whose present term of office was in effect April 19th, 1967, as to such term only.

In the event of a vacancy in the intermediate district board from any cause, such vacancy shall be filled by appointment of a

person from the same intermediate board-member district by a majority of the members of the boards of county commissioners of the counties comprising the intermediate district. Such appointed board member shall serve until the next general election, at which time there shall be elected a board member to fill the unexpired term of the board member whose position has been vacated.

NEW SECTION. Sec. 28A.20.055 -----MEMBERS--QUALIFICATIONS --POWERS AND DUTIES. The intermediate district board of education must have the same qualifications and shall have the same duties and powers for the intermediate district as the qualifications required and the powers and duties of such boards of the individual counties.

NEW SECTION. Sec. 28A.20.095 PROCEDURE WHEN CHANGE IN SCHOOL DISTRICT BOUNDARY AFFECTS BOARD-MEMBER DISTRICT BOUNDARY. If the boundaries of any school district within a county or within an intermediate district as provided for in this chapter and chapter 28A-.19 RCW are changed in any manner so as to affect county or intermediate district board-member districts, the boundaries of the districts so affected shall be changed by the county committee on school district organization of the county in which such districts lie so as to include all of the school district as constituted by such change of boundaries within the county board-member district in which such school district was located before its change of boundaries was affected.

#### Chapter 28A.24

#### SCHOOL TRANSPORTATION

NEW SECTION. Sec. 28A.24.055 TRANSPORTING OF CHILDREN TO SCHOOL OR SCHOOL ACTIVITIES--INSURANCE. Every board of directors shall 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 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. For any extra-curricular uses, the school board shall charge an amount sufficient to reimburse the district for its cost.

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, whether by reason of theft, fire or property damage to the motor vehicle or by reason of liability of the district to persons from the operation of such motor vehicle.

The board may provide insurance by contract purchase for payment of hospital and medical expenses in an amount not exceeding one thousand dollars per child, per injury for the benefit of school children injured while they are on, getting on, or getting off any vehicles enumerated herein without respect to any fault or liability on the part of the school district or operator. This insurance may be provided without cost to the school children notwithstanding the provisions of RCW 28A.58.420.

If the transportation of children is arranged for by contract of the district with some person, the board may require such contractor to procure such insurance as the board deems advisable.

NEW SECTION. Sec. 28A.24.060 CHILDREN OF COMPULSORY SCHOOL AGE ENTITLED TO USE FACILITIES. Except as otherwise provided in RCW 28A.24.100, all children attending public schools in accordance with

the laws relating to compulsory attendance in the state of Washington shall be entitled to use the transportation facilities provided by the school district in which they reside.

NEW SECTION. Sec. 28A.24.080 TRANSPORTATION ROUTES--PROCEDURE TO ESTABLISH--COUNTY TRANSPORTATION COMMISSION, COMPOSITION. School district transportation routes, for purposes 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 promulgated by the superintendent for 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 or intermediate district superintendent of schools.

NEW SECTION. Sec. 28A.24.090 LOCAL BOARDS TO COOPERATE IN ESTABLISHING ROUTES AND DETERMINING COSTS. Local boards of school 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. 28A.24.100 AUTHORIZING INDIVIDUAL TRANSPORTATION OR OTHER ARRANGEMENTS--PUPILS MUST PROVIDE OWN TRANSPORTATION, 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. 28A.24.150 SAFE WALK-WAYS IN LIEU OF BUS ROUTE OR BUS RUN--REIMBURSEMENT OF COSTS, WHEN. Whenever a safe walk-way would result in eliminating a bus route or bus run through the shortening of the walking distance of pupils, or would provide a safe route for pupils walking to school and thus eliminate the need for bus transportation, the local board of directors of any school district, upon approval of the county transportation commission, is

authorized to acquire through purchase, lease, condemnation or otherwise any interest in real property necessary for such purpose and to provide for construction upon and improvement of such property or other property to provide a safe walk-way for pupils walking to and from school.

If the state superintendent of public instruction finds that the acquisition and/or construction of such a safe walk-way would result over a five year period in a financial saving to the state and school district involved, then he shall reimburse any school district for costs incurred in providing such approved safe walk-ways for pupils on the same basis that school districts are reimbursed for transportation costs pursuant to RCW 28A.41.160.

Chapter 28A.27

COMPULSORY SCHOOL ATTENDANCE

NEW SECTION. Sec. 28A.27.010 ATTENDANCE MANDATORY--AGE--WHEN EXCUSED. All parents, guardians and other persons in this state having custody of any child eight years of age and under fifteen years of age, or of any child fifteen years of age and under eighteen years of age not regularly and lawfully engaged in some useful and remunerative occupation or attending part time school in accordance with the provisions of chapter 28A.28 RCW or excused from school attendance thereunder, shall cause such child to attend the public school of the district in which the child resides for the full time when such school may be in session or to attend a private school for the same time, unless the school district superintendent of the district in which the child resides shall have excused such child from such attendance because the child is physically or mentally unable to attend school or has already attained a reasonable proficiency in the branches required by law to be taught in the first eight grades of the public schools of this state. Proof of absence from any public or private school shall be prima facie evidence of a violation of this section. Private school for the purposes of this section shall be one approved or accredited under regulations established by the state board of



education.

NEW SECTION. Sec. 28A.27.030 SCHOOL DISTRICT SUPERINTENDENT TO PROVIDE TEACHER WITH CENSUS--REPORT OF TRUANTS, INCORRIGIBLES. It shall be the duty of the school district superintendent, at the beginning of each school year, to provide each teacher with a copy of that portion of the last census of school children taken in his school district which would be pertinent to the grade or grades such teacher is instructing and it shall be the duty of every teacher to report to the proper attendance officer, all cases of truancy or incorrigibility in his school, immediately after the offense or offenses shall have been committed: PROVIDED, That if there be a principal the report by the teacher shall be made to him and by him transmitted to the attendance officer: PROVIDED FURTHER, That if there be a city superintendent, the principal shall transmit such report to said city superintendent, who shall transmit such report to the proper attendance officer of his district.

NEW SECTION. Sec. 28A.27.040 ATTENDANCE ENFORCEMENT OFFICERS --AUTHORITY--RECORD AND REPORT. To aid in the enforcement of RCW 28A.27.010 through 28A.27.130, attendance officers shall be appointed and employed as follows: In incorporated city districts the board of directors shall annually appoint one or more attendance officers. In all other districts the county or intermediate district superintendent shall appoint one or more attendance officers or may act as such himself.

The compensation of attendance officer in city districts shall be fixed and paid by the board appointing him. The compensation of attendance officers when appointed by the county or intermediate district superintendent shall be paid pro rata, according to the number of students in each school district served, by the respective districts. A county or intermediate district superintendent shall receive no extra compensation if acting as attendance officer.

Any sheriff, constable, city marshal or regularly appointed policeman may be appointed attendance officer.

The attendance officer shall be vested with police powers, the authority to make arrests and serve all legal processes contemplated by RCW 28A.27.010 through 28A.27.130, and shall have authority to enter all places in which children may be employed, for the purpose of making such investigations as may be necessary for the enforcement of RCW 28A.27.010 through 28A.27.130. The attendance officer is authorized to take into custody the person of any child eight years of age and not over fourteen years of age, who may be a truant from school, and to conduct such child to his parents, for investigation and explanation, or to the school which he should properly attend. The attendance officer shall institute proceedings against any officer, parent, guardian, person, company or corporation violating any provisions of RCW 28A.27.010 through 28A.27.130, and shall otherwise discharge the duties prescribed in RCW 28A.27.010 through 28A.27.130, and shall perform such other services as the county or intermediate district superintendent or the superintendent of any school or its board of directors may deem necessary.

The attendance officer shall keep a record of his transactions for the inspection and information of any school district board of directors, the county or intermediate district superintendent or the city superintendent, and shall make a detailed report to the city superintendent or the county or intermediate district superintendent as often as the same may be required.

NEW SECTION. Sec. 28A.27.070 ACQUIRING CUSTODY AND DISPOSITION OF TRUANTS. Any attendance officer, sheriff, deputy sheriff, marshal, policeman, or any other officer authorized to make arrests, shall take into custody without a warrant a child who is required under the provisions of RCW 28A.27.010 through 28A.27.130 to attend school, such child then being a truant from instruction at the school which he is lawfully required to attend, and shall forthwith deliver a child so detained either to the custody of a person in parental relation to the child or to the teacher from whom the child is then a truant, or, if after consulting the teacher or other school

officials it appears such child be an habitual or incorrigible truant, shall deliver such child into the hands of a juvenile probation officer as provided for in chapter 13.04 RCW for such further action thereon as such officer shall determine under chapter 13.04 RCW. An habitual or incorrigible truant for the purposes of this section is one who absents himself with frequency from the school he is required to attend, or is guilty of wilful and continued disobedience to the school rules and regulations or laws, or whose conduct is pernicious and injurious to the school.

NEW SECTION. Sec. 28A.27.080 ANNUAL NOTICE OF CHAPTER PROVISIONS BY COUNTY OR INTERMEDIATE DISTRICT SUPERINTENDENT--SUPERINTENDENT'S REPORT--PENALTY FOR FALSE OR FAILURE TO REPORT. The county or intermediate district superintendent, on or before the fifteenth day of August of each year, by printed circular or otherwise, shall call the attention of all school district officials to the provisions of RCW 28A.27.010 through 28A.27.130, and to the penalties prescribed for the violation of its provisions, and he shall require the superintendent of every school district to make a report annually hereafter, verified by affidavit, stating whether or not the provisions of RCW 28A.27.010 through 28A.27.130 have been faithfully complied with in his district. Such reports shall be made upon forms to be furnished by the superintendent of public instruction and shall be transmitted to the county or intermediate district superintendent prior to the time the school district superintendent is required to make his annual report to the county or intermediate district superintendent or at such other time as the county or intermediate district superintendent shall determine after notice thereof. Any school district superintendent who shall knowingly or wilfully make a false report relating to the enforcement of the provisions of RCW 28A.27.010 through 28A.27.130 or fail to report as herein provided shall be deemed guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction shall be fined not less than twenty-five dollars nor more than one hundred dollars; and any school district

superintendent who shall refuse or neglect to make the report required in this section, shall be personally liable to his district for any loss which it may sustain because of such neglect or refusal to report.

NEW SECTION. Sec. 28A.27.090 EMPLOYMENT PERMITS. Except as otherwise provided in this code, no child under the age of fifteen years shall be employed for any purpose by any person, company or corporation, in this state during the hours which the public schools of the district in which such child resides are in session, unless the said child shall present a certificate from a school superintendent as provided for in RCW 28A.27.010, excusing the said child from attendance in the public schools and setting forth the reason for such excuse, the residence and age of the child, and the time for which such excuse is given. Every owner, superintendent, or overseer of any establishment, company or corporation shall keep such certificate on file so long as such child is employed by him. The form of said certificate shall be furnished by the superintendent of public instruction. Proof that any child under fifteen years of age is employed during any part of the period in which public schools of the district are in session, shall be deemed prima facie evidence of a violation of this section.

NEW SECTION. Sec. 28A.27.100 PENALTIES IN GENERAL--COMPLAINTS TO COURT. Any person violating any of the provisions of either RCW 28A.27.010 or 28A.27.090 shall be fined not more than twenty-five dollars. Attendance officers shall make complaint for violation of the provisions of RCW 28A.27.010 through 28A.27.130 by any person eighteen years of age or over to a justice of the peace, justice court judge or to a judge of the superior court.

NEW SECTION. Sec. 28A.27.102 PENALTY FOR NONPERFORMANCE OF DUTY--DISPOSITION OF FINES. Any school district superintendent, teacher or attendance officer who shall fail or refuse to perform the duties prescribed by RCW 28A.27.010 through 28A.27.130 shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined

not less than twenty nor more than one hundred dollars: PROVIDED, That in case of a school district employee, such fine shall be paid to the appropriate county treasurer and by him placed to the credit of the school district in which said employee is employed, and in case of all other officers such fine shall be paid to the appropriate county treasurer and by him placed to the credit of the general school fund of the county or intermediate district, as the case may be.

NEW SECTION. Sec. 28A.27.104 FINES APPLIED TO SUPPORT OF SCHOOLS. Notwithstanding the provisions of RCW 10.82.070, all fines except as otherwise provided in RCW 28A.27.010 through 28A.27.130 shall inure and be applied to the support of the public schools in the school district where such offense was committed.

NEW SECTION. Sec. 28A.27.110 PROSECUTING ATTORNEY TO ACT FOR COMPLAINANT. The county prosecuting attorney shall act as attorney for the complainant in all court proceedings relating to the compulsory attendance of children as required by RCW 28A.27.010 through 28A.27.130.

NEW SECTION. Sec. 28A.27.120 COURTS HAVE CONCURRENT JURISDICTION. In cases arising under RCW 28A.27.010 through 28A.27.130 all justices' courts, justice courts, municipal courts or departments and superior courts in the state of Washington shall have concurrent jurisdiction.

NEW SECTION. Sec. 28A.27.130 ENFORCING OFFICERS NOT PERSONALLY LIABLE FOR COSTS. No officer performing any duty under any of the provisions of RCW 28A.27.010 through 28A.27.130, or under the provisions of any rules that may be passed in pursuance hereof, shall in any wise become liable for any costs that may accrue in the performance of any duty prescribed by RCW 28A.27.010 through 28A.27.130.

#### Chapter 28A.28

#### CHILD EMPLOYMENT AND PART TIME SCHOOLS

NEW SECTION. Sec. 28A.28.010 PERMIT OFFICERS DESIGNATED--

COORDINATING COUNCIL DEFINED. For the purposes of this chapter, permit officers shall be those persons designated by the boards of school directors in first and second class districts to carry out said duties relating thereto and those persons the county or intermediate district superintendent having jurisdiction over any third class district shall designate to carry out such duties relating thereto. Coordinating council for the purposes of this chapter shall mean the coordinating council for occupational education as provided for in RCW 28A.50.160.

NEW SECTION. Sec. 28A.28.020 ATTENDANCE UNTIL EIGHTEEN REQUIRED--EXCEPTIONS. All minors of the state residing or employed in school districts of the state in which part time schools are maintained, as hereinafter in this chapter provided, shall attend school until the age of eighteen years unless (1) they are graduates from a four year high school course or its equivalent, or (2) they are in a part time school and are employed in accordance with the terms of any state or federal act regulating the employment of such minors under the age of eighteen years, or (3) they shall have been excused from school attendance in accordance with the provisions of this chapter.

NEW SECTION. Sec. 28A.28.030 EMPLOYMENT PERMITS--WHO MAY APPLY--BASIS AND FORM--"EMPLOYMENT" DEFINED. Any minor fifteen years of age and under eighteen years of age or any minor fourteen years of age and under eighteen years of age who has completed the eighth grade or who, in the judgment of the superintendent of any first or second class school district wherein said minor resides or of the county or intermediate district superintendent having jurisdiction over any third class school district wherein said minor resides, that such minor cannot profitably pursue further regular school work, may apply to the permit officer for the district wherein such minor resides for permission to leave school and to enter upon employment, and if upon investigation said permit officer finds that the needs of the family or the welfare of such minor require it, and if in the

judgment of such permit officer such minor may legally engage in such employment, the said permit officer shall issue an employment permit which shall state the age of the minor as shown by the school register, the grade attained in school, and the person, firm or corporation which is to employ the minor. The permit officer shall have power, and in all cases of reasonable doubt it shall be his duty, to require additional proofs of the age of minors seeking permission to leave school and enter upon employment. The term "employment" as used in this chapter shall be interpreted to include such home occupation, home study or home private instruction under the supervision and direction of a responsible parent or guardian as may be approved by the permit officer after consultation with and approval of the county or intermediate district superintendent of school concerned.

NEW SECTION. Sec. 28A.28.050 DUTIES OF EMPLOYERS. Any person, firm or corporation employing any minor under the age of eighteen years, except during school vacations, shall require the permit as set forth in RCW 28A.28.030 from the minor it proposes to take into its employment and shall keep such permit on file during the employment of such minor, and shall within ten days after the beginning of such employment, make a written report to the permit officer, one copy of which he shall retain in his possession until the termination of the employment of such minor, of the fact of such employment, and upon the termination of the employment of such minor shall return such permit to the permit officer within ten days after the termination of such employment.

NEW SECTION. Sec. 28A.28.060 RECORDS AND REPORT OF PERMITS. Permit officers for every school district shall keep a record of all permits issued and the data contained in such permits and shall submit to the superintendent of public instruction duplicate copies of such records on the first day of October, January, April, and July of each year and the superintendent of public instruction shall in turn furnish a copy of such records to the director of labor and industries.

NEW SECTION. Sec. 28A.28.070 ESTABLISHMENT, CONDUCT OF PART TIME SCHOOLS. Boards of school directors in all school districts, upon the written request of twenty-five or more adult residents of such districts, may establish within one year from the date of any such request part time schools or classes when there are fifteen or more minors over fourteen years of age and under eighteen years of age resident or employed in such districts who are not in attendance upon a regular full time school and who would, by the provisions of this chapter, be required to attend such part time schools or classes. All part time schools or classes established under this chapter shall be held at least four hours per week during the weeks when the public schools of the district are in session. It shall be the duty of the board of school directors in organizing part time schools or classes which are to participate in federal funds available for the encouragement of vocational education to provide equipment, instruction and courses of study in accordance with regulations of the coordinating council and the superintendent of public instruction.

NEW SECTION. Sec. 28A.28.090 COORDINATING COUNCIL TO ESTABLISH RULES AND REGULATIONS, FORMS. The coordinating council, subject to the supervision of the superintendent of public instruction, shall establish rules and regulations governing the organization, courses and maintenance of part time schools or classes and shall prescribe the contents of the necessary applications or forms to enable the districts to carry out the provisions of this chapter.

NEW SECTION. Sec. 28A.28.100 ATTENDANCE AT PART TIME SCHOOLS REQUIRED--EXCEPTIONS--PENALTY AGAINST PARENT OR GUARDIAN. Whenever a part time school or class is established and maintained in accordance with this chapter by the district in which any minor under eighteen years of age resides or in which he is employed, the parent, guardian or other person having control or charge of such minor shall cause him to attend such part time school or class at least four hours per week during the time such part time school or class is in session, unless (1) such minor is in attendance upon a regular



full time day school supported by either public or private funds, or (2) shall have completed a four year high school course, or its equivalent, or (3) is in attendance upon a part time school maintained in accordance with the provisions of this chapter, or (4) shall have been excused by the board of school directors or permit officer for the district in which such minor resides upon a certificate of a reputable physician or the recognized medical authority of the district stating that such attendance upon the part time school or class would be injurious to the health of such minor, or (5) shall have been excused under the provisions of RCW 28A.28.030. Any parent, guardian or other person having control or charge of any such minor and failing to comply with the provisions of this section shall be liable upon conviction to be punished by a fine of not less than five dollars or more than twenty-five dollars for each such offense, or by imprisonment in the county or city jail not less than one day nor more than ten days, or by both such fine and imprisonment.

NEW SECTION. Sec. 28A.28.110 EMPLOYERS MUST ALLOW SCHOOL ATTENDANCE--PENALTY. Any person, firm or corporation employing a minor less than eighteen years of age, except during school vacations, shall permit the attendance of such minor upon a part time school or class for at least four hours per week whenever such part time school or class shall have been established in the district where such minor resides or may be employed, and any person, firm or corporation employing any minor less than eighteen years of age contrary to the provisions of this chapter shall be subject to a fine of not less than ten dollars and not more than five hundred dollars for each offense or by imprisonment in the county or city jail not less than one day and not more than ten days, or by both such fine and imprisonment.

NEW SECTION. Sec. 28A.28.120 ENFORCEMENT OF ATTENDANCE. The officer charged by law with the responsibility for enforcement of attendance upon regular public schools of children over eight years of age shall also be charged with the responsibility for the

enforcement of attendance upon part time schools or classes of minors over fourteen and under eighteen years of age in accordance with the provisions of this chapter.

NEW SECTION. Sec. 28A.28.130 ATTENDANCE AT PART TIME SCHOOL COUNTED AS HOURS OF LABOR FOR STATE, FEDERAL LAW. Whenever the number of hours for which minors less than eighteen years of age may be employed shall be fixed by federal or state law the hours of attendance upon a part time school or class organized in accordance with the terms of this chapter shall be counted as a part of the number of hours fixed for legal employment by federal or state law.

NEW SECTION. Sec. 28A.28.140 REIMBURSEMENT OF EXPENSE. Whenever any part time schools or classes shall have been established in accordance with the provisions of this chapter and the rules and regulations established by the coordinating council and shall have been approved by the coordinating council, the district shall be entitled to reimbursement from federal and state funds available for the provisions of vocational education for the expenditures made for the salaries of teachers of such part time schools or classes and such reimbursements shall be apportioned by the coordinating council or the superintendent of public instruction, as the case may be: PROVIDED, That said reimbursement shall not deprive school districts establishing and maintaining part time schools or classes of their right to share in the apportionment of the current state school fund and the proceeds of any county school levy on account of attendance of pupils and employment of teachers therein.

Chapter 28A.30

SURPLUS OR DONATED FOOD COMMODITIES

FOR SCHOOL HOT LUNCH PROGRAM

NEW SECTION. Sec. 28A.30.010 ACQUISITION AUTHORIZED. Notwithstanding any other provision of law or chapter 39.32 RCW, the state superintendent of public instruction is hereby authorized to purchase, or otherwise acquire from the government of the United States or any property or commodity disposal agency thereof, surplus

or donated food commodities for the use by any school district for their hot lunch program.

NEW SECTION. Sec. 28A.30.020 CONTRACTS FOR--OTHER LAW APPLICABLE TO. The state superintendent of public instruction is hereby authorized to enter into any contract with the United States of America, or any agency thereof, for the purchase of any surplus or donated food commodities, without regard to the provisions of any other law requiring the advertising, giving notice, inviting or receiving bids, or which may require the delivery of purchases before payment.

NEW SECTION. Sec. 28A.30.030 ADVANCEMENT OF COSTS FROM REVOLVING FUND MONEYS--REIMBURSEMENT BY SCHOOL DISTRICT TO INCLUDE TRANSACTION EXPENSE. In purchasing or otherwise acquiring surplus or donated commodities on the requisition of a school district the superintendent may advance the purchase price and other cost of acquisition thereof from the surplus and donated food commodities revolving fund and he shall in due course bill the proper school district for the amount paid by him for the commodities plus a reasonable amount to cover the expenses incurred by his office in connection with the transaction. All payments received for surplus or donated commodities from school districts shall be deposited by the superintendent in the surplus and donated food commodities revolving fund.

NEW SECTION. Sec. 28A.30.040 REVOLVING FUND--CREATED--APPROPRIATION FOR, TRANSFER OF FUNDS TO, WHEN. There is created in the office of the state superintendent of public instruction a revolving fund to be designated the surplus and donated food commodities revolving fund, and there is hereby appropriated to said revolving fund from the general fund for the fiscal biennium ending June 30, 1969, the sum of twenty-five thousand dollars or so much thereof as shall be necessary to carry out the purposes of this chapter. The state treasurer shall, with the approval of the governor, transfer so much of this appropriation to the revolving fund from time to time as the superintendent deems necessary to maintain said fund in a condition

adequate to carry out the purposes of this chapter.

NEW SECTION. Sec. 28A.30.050 -----ADMINISTRATION OF FUND--  
USE--SCHOOL DISTRICT REQUISITION AS PREREQUISITE. The surplus and  
donated food commodities revolving fund shall be administered by the  
state superintendent of public instruction and be used solely for  
the purchase or other acquisition, including transportation, storage  
and other cost, of surplus or donable food commodities from the fed-  
eral government. The superintendent may purchase or otherwise acquire  
such commodities only after requisition by a school district re-  
questing such commodities.

NEW SECTION. Sec. 28A.30.060 -----DEPOSITORIES FOR FUND,  
BOND OR SECURITY FOR--MANNER OF PAYMENTS FROM FUND. The surplus and  
donated food commodities revolving fund shall be deposited by the  
superintendent in such banks as he may select, but any such deposi-  
tory shall furnish a surety bond executed by a surety company or  
companies authorized to do business in the state of Washington, or  
collateral eligible as security for deposit of state funds, in at  
least the full amount of the deposit in each depository bank. Moneys  
shall be paid from the surplus and donated food commodities revolv-  
ing fund by voucher and check in such form and in such manner as shall  
be prescribed by the superintendent.

NEW SECTION. Sec. 28A.30.070 RULES AND REGULATIONS. The  
superintendent of public instruction shall have power to promulgate  
rules and regulations as may be necessary to effectuate the purposes  
of this chapter.

NEW SECTION. Sec. 28A.30.080 SUSPENSION OF LAWS, RULES, IN-  
CONSISTENT HEREWITH. Any provision of law, or any resolution, rule  
or regulation which is inconsistent with the provisions of this chap-  
ter is suspended to the extent such provision is inconsistent here-  
with.

#### Chapter 28A.31

#### HEALTH MEASURES

NEW SECTION. Sec. 28A.31.010 CONTAGIOUS DISEASES, LIMITING

CONTACT. No person shall be permitted in or about any school premises at any time from any house in which contagious or infectious diseases are prevalent, such contagious or infectious diseases to be designated by rule or regulation of the state board of health. Nor shall any such person be permitted to return to said school premises except upon the certificate of a registered physician in good standing that there is no danger of contagion therefrom. No person who is afflicted with pulmonary tuberculosis shall be in or about school premises at any time. The superintendent of public instruction shall publish and distribute the rules or regulations of the state board of health above provided to interested school personnel.

NEW SECTION. Sec. 28A.31.020 MILK FOR CHILDREN AT SCHOOL EXPENSE. The board of directors of any school district may cause to be furnished free of charge, in a suitable receptacle on each and every school day to such children in attendance desiring or in need of the same, not less than one-half pint of milk. The cost of supplying such milk shall be paid for in the same manner as other items of expense incurred in the conduct and operation of said school, except that available federal or state funds may be used therefor.

NEW SECTION. Sec. 28A.31.030 HEARING TESTS FOR PUPILS. Every board of school directors shall have the power, and it shall be its duty to provide for and require testing of the hearing of all children attending schools in their districts to ascertain which if any of such children have defects in their hearing sufficient to retard them in their studies. Such tests shall be made annually commencing each September by competent persons which may include superintendents, principals, or teachers in the schools, but at least every two years tests given all children shall be by a registered physician or registered nurse.

NEW SECTION. Sec. 28A.31.040 -----RECORD OF TEST--SPECIAL ASSISTANCE FOR CHILDREN WITH DEFECTIVE HEARING. The person completing such tests shall promptly prepare a record of the test of each child found to be hard of hearing, and send copies of such record to

the parents or guardians of such children, and to the superintendent of public instruction, and to the state director of health, and deliver the original record to the teachers in charge of such children, and such teachers shall preserve such records, and give special attention to said children with defective hearing and assist them toward making their grades in studies with their classes.

NEW SECTION. Sec. 28A.31.050 -----FORMS FOR TESTS. It shall be the duty of the superintendent of public instruction, after consultation with the state director of health, to prepare and distribute to the school boards or to the respective county or intermediate district superintendents for them, suitable rules and directions, together with records, and forms to be used in making and reporting such tests.

NEW SECTION. Sec. 28A.31.060 SIGHT-SAVING EQUIPMENT. In order to enable children in public schools who have defective vision to enjoy comparable educational opportunities with children of normal sight, the superintendent of public instruction shall provide for the benefit of such children sight-saving equipment as may be deemed necessary to accomplish such purpose. Any equipment so purchased shall be the property of the superintendent of public instruction and shall be loaned to public schools for the use of children with defective vision where the number of such children does not warrant the establishment of a sight-saving class or as otherwise required. Such sight-saving equipment shall be made available upon the recommendation of an eye physician that such equipment is necessary to enable a child to enjoy educational opportunities equal to those of children of normal sight.

#### Chapter 28A.34

#### NURSERY SCHOOLS

NEW SECTION. Sec. 28A.34.010 AUTHORITY OF SCHOOL BOARDS. The board of directors of any school district shall have the power to establish and maintain nursery schools and to provide before-and-after-school and vacation care in connection with the common schools

of said district located at such points as the board shall deem most suitable for the convenience of the public, for the care and instruction of infants and children residing in said district. The board shall establish such courses, activities, rules, and regulations governing nursery schools and before-and-after-school care as it may deem best: PROVIDED, That these courses and activities shall meet the minimum standard for such nursery schools as established by the United States Department of Health, Education and Welfare, or its successor agency, and the state board of education. Except as otherwise provided by state or federal law, the board of directors may fix a reasonable charge for the care and instruction of children attending such schools. The board may, if necessary, supplement such funds as are received for the superintendent of public instruction or any agency of the federal government, by an appropriation from the general school fund of the district.

NEW SECTION. Sec. 28A.34.020 ALLOCATIONS OF STATE OR FEDERAL FUNDS--REGULATIONS BY STATE BOARD. Expenditures under federal funds and/or state appropriations made to carry out the purposes of this chapter shall be made by warrants issued by the state treasurer upon order of the superintendent of public instruction. The state board of education shall make necessary rules and regulations to carry out the purpose of RCW 28A.34.010.

NEW SECTION. Sec. 28A.34.040 ALLOCATIONS PENDING RECEIPT OF FEDERAL FUNDS. In the event the legislature appropriates any moneys to carry out the purposes of this chapter, allocations therefrom may be made to school districts for the purpose of underwriting allocations made or requested from federal funds until such federal funds are available. Any school district may allocate a portion of its funds for the purpose of carrying out the provisions of this chapter pending the receipt of reimbursement from funds made available by acts of congress.

NEW SECTION. Sec. 28A.34.050 ESTABLISHMENT AND MAINTENANCE DISCRETIONARY. Every board of directors shall have power to

establish, equip and maintain nursery schools and/or provide before-and-after-school care for children of working mothers, in cooperation with the federal government or any of its agencies, when in their judgment the best interests of their district will be subserved thereby.

Chapter 28A.35

KINDERGARTENS

NEW SECTION. Sec. 28A.35.010 FREE KINDERGARTENS AUTHORIZED--LIMITATION AS TO THIRD CLASS DISTRICTS--DUTIES OF DIRECTORS. 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.

NEW SECTION. Sec. 28A.35.020 PART OF COMMON SCHOOL SYSTEM. Kindergartens established under authority of this code shall be a part of the common school system and shall be open to all children of proper age resident in the district maintaining the same: PROVIDED, That nothing in this section shall be construed to change any state law relating to the taking of the census of the school population or the apportionment of state and county funds.

NEW SECTION. Sec. 28A.35.030 MAINTAINED FROM GENERAL FUND--ATTENDANCE, REPORTS, ENUMERATION. The cost of establishing and maintaining such kindergartens shall be paid from the general school fund of the district. It shall be the duty of teachers, school district superintendents and county or intermediate district superintendents to respectively report as other school attendance is reported, the attendance of all children five years of age or over at such kindergartens, and it shall therefore be the duty of the superintendent of



public instruction to make apportionment to the proper counties of the current state school fund and of the respective county or intermediate district superintendents to apportion to the districts entitled thereto such funds as are apportioned by the legislature in accordance with the provisions of chapter 28A.41 RCW. It shall be the duty of all school district superintendents to include children four years of age and over in the enumeration of the annual school census.

NEW SECTION. Sec. 28A.35.070 QUALIFICATIONS FOR TEACHERS. Kindergarten teachers and supervisors shall have such teacher certificates or permits for their position as rules and regulations of the state board of education shall require.

#### Chapter 28A.40

#### PERMANENT COMMON SCHOOL FUND--COMMON

#### SCHOOL CONSTRUCTION FUND

NEW SECTION. Sec. 28A.40.010 PERMANENT COMMON SCHOOL FUND. SOURCES--USE. 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; 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 percent 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 and such other funds as may be provided by legislative enactment.

NEW SECTION. Sec. 28A.40.020 CERTAIN LOSSES TO PERMANENT COMMON SCHOOL FUND OR OTHER STATE EDUCATIONAL FUNDS AS FUNDED DEBT AGAINST STATE. All losses to the permanent common school or any other state educational fund, which shall be occasioned by defalcation, mismanagement or fraud of the agents or officers controlling or managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than six percent annual interest shall be paid.

NEW SECTION. Sec. 28A.40.100 COMMON SCHOOL CONSTRUCTION FUND, SOURCES--USE. The common school construction fund is 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 sale or appropriation of timber and other crops from school and state land subsequent to June 30, 1965, other than those granted for specific purposes; (2) the interest accruing on the permanent common school fund from and after July 2, 1967, together with all rentals and other revenue derived therefrom and from land 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 prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.

#### Chapter 28A.41

#### CURRENT STATE SCHOOL FUND--SCHOOL

#### DISTRICT REIMBURSEMENT PROGRAMS

#### NEW SECTION. Sec. 28A.41.020 CURRENT STATE SCHOOL FUND.

SOURCES--REQUIRED APPROPRIATIONS FOR SCHOOL SUPPORT. The interest accruing on the permanent common school fund together with all rentals and other revenues from lands and other property devoted to the current use of the common schools, other than 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, and revenues from other sources allotted thereto, shall be deposited up to and including June 30, 1967, in a fund to be known as the current state school fund. On and after July 1, 1967, only revenue from sources other than (1) those proceeds derived from the sale or appropriation of timber and other crops from school and state lands, other than those granted for specific purposes; and (2) the interest accruing on said permanent common school fund together with all rentals and other revenues derived therefrom and from land and other property devoted to the permanent common school fund from and after July 1, 1967, shall be deposited in the current state school fund. Any revenue deposited in the current state school fund, whether prior to or after June 30, 1967, shall be exclusively applied to the current use of the common schools. In addition thereto, it shall be the duty of the state legislature, at each regular session thereof, to appropriate from the state general fund for the current use of the common schools an amount of money, which, with the interest and other revenues aforesaid, shall equal

the amounts needed for state support to public schools.

NEW SECTION. Sec. 28A.41.030 -----CERTAIN FEDERAL PROCEEDS APPLIED TO. All moneys received by the state from the United States, under the provisions of section 191, title 30, United States Code, Annotated, and under section 810, chapter 12, title 16, Conservation, United States Code, Annotated, shall be applied by the state treasurer to the current school fund.

NEW SECTION. Sec. 28A.41.040 -----ESTIMATES FOR FUNDS FOR. At such time as the governor shall determine under the provisions of chapter 43.88 RCW the superintendent of public instruction shall submit such detailed estimates and other information to the governor and in such form as the governor shall determine of the total estimated amount required for appropriation from the state general fund to the current school fund for state support to public schools during the ensuing biennium.

NEW SECTION. Sec. 28A.41.050 APPROPRIATIONS BY LEGISLATURE. The state legislature shall, at each regular session thereof, appropriate from the current state school fund for the current use of the common schools such amounts as needed for state support to the common schools during the ensuing biennium as in this chapter provided.

NEW SECTION. Sec. 28A.41.055 APPORTIONMENT FACTORS TO BE BASED ON CURRENT FIGURES. State and county funds which may become due and apportionable to school districts shall be apportioned in such a manner that any apportionment factors used shall utilize data and statistics derived in the school year that such funds are paid: PROVIDED, That the superintendent of public instruction may make necessary administrative provision for the use of estimates, and corresponding adjustments, to the extent necessary.

NEW SECTION. Sec. 28A.41.130 ANNUAL DISTRIBUTION OF FUNDS ACCORDING TO WEIGHTED ENROLLMENT. From those funds made available by the legislature for the current use of the common schools, other than the proceeds of the state property tax, the state superintendent of public instruction shall distribute annually as provided in RCW

28A.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) 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 district adjusted to twenty-five percent of true and fair value thereof as determined by the state department of revenue's indicated county ratio: PROVIDED, That in each of the calendar years 1968 and 1969 the funds otherwise distributable under this section to any school district which is collecting property taxes based upon a levy of less than five-sixths of the maximum levy permissible for the district for such year under RCW 84.52.050 shall be reduced by an amount equal to the difference between the proceeds of the actual school district tax levy in the district and the proceeds which five-sixths of such maximum permissible levy for the district would produce irrespective of any delinquencies: PROVIDED, FURTHER, That the funds otherwise distributable under this section to any school district for any year other than the calendar years 1968 and 1969 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 under RCW 84.52.050 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 28A.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 28A.45 RCW shall be reduced by five percent; and

(3) Eighty-five percent of the net receipts from those funds received pursuant to Title 20, sections 236 through 244, United States Code; 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 28A.44 RCW; and

(5) Eighty-five percent of the receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090;

(6) Eighty-five percent of the receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33.110;

(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.

NEW SECTION. Sec. 28A.41.140 WEIGHTING SCHEDULE--PROCEDURE TO DETERMINE--RENEWAL--SUBMITTAL TO LEGISLATURE--ENROLLMENT BEFORE WEIGHTING. To determine a "weighted student enrolled," as that term is used in this chapter 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:

(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 school day of each month.

NEW SECTION. Sec. 28A.41.150 ADJUSTMENTS TO MEET EMERGENCIES. 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 chapter in providing an equal educational opportunity for the children of such district or districts.

NEW SECTION. Sec. 28A.41.160 REIMBURSEMENT FOR TRANSPORTATION COSTS. Reimbursement for transportation costs shall be 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.

NEW SECTION. Sec. 28A.41.170 STATE SUPERINTENDENT MAY MAKE RULES AND REGULATIONS. The superintendent of public instruction shall have the power and duty to make such rules and regulations as are necessary for the proper administration of this chapter not inconsistent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his duties under this chapter.

Chapter 28A.44

BASIS OF APPORTIONMENT AT COUNTY LEVEL--COUNTY

HIGH SCHOOL LEVY AGAINST NONHIGH SCHOOL DISTRICTS

NEW SECTION. Sec. 28A.44.040 ATTENDANCE BASIS FOR APPORTIONMENTS AT COUNTY LEVEL. The weighted student enrollment as computed under RCW 28A.41.140 accredited to each school district or part thereof within a county shall be the basis upon which the real estate sales tax proceeds as provided for in chapter 28A.45 RCW and apportionments from the county current school fund shall be made.

NEW SECTION. Sec. 28A.44.045 SCHOOL DISTRICT DIVISIONS--HIGH AND NONHIGH. For the purposes of RCW 28A.44.045 through 28A.44.100 all school districts in the state of Washington shall be and the same are hereby divided into two divisions to be known and designated respectively as high school districts and nonhigh school districts.

NEW SECTION. Sec. 28A.44.050 COUNTY HIGH SCHOOL LEVY AGAINST NONHIGH SCHOOL DISTRICTS. The county or intermediate district superintendent of schools, after verifying such reports as provided for in RCW 28A.44.080, shall certify, on or before the fifteenth day of August each year, to the county commissioners of his county if a county superintendent or to the appropriate county commissioners if an intermediate district superintendent, and to the county commissioners of such other counties as any high school district of his county may have claims against under the provisions of RCW 28A.44.045 through 28A.44.100, the amount of each such high school district claim for the cost of educating nonresident high school pupils, and such county commissioners are hereby authorized to levy and shall



levy a tax up to the amount permissible under RCW 84.52.050, against all nonhigh school districts in their respective counties in the aggregate amount as certified to them by the county or intermediate district superintendent of schools, such levy to be made at the same time and in the same manner as other county levies for school purposes are made. In fixing the amount of any such claim by a high school district for educating nonresident high school pupils the county or intermediate district superintendent shall take the net difference between the cost per pupil per day of educating high school pupils in the given high school district and the apportionment per pupil per day to such high school district from the state current school fund and receipts from the real estate transfer tax as provided in chapter 28A.45 RCW, such difference to be multiplied by the days of attendance of nonresident high school pupils in each case. Such amount, when ascertained and certified as provided in this section, shall constitute a valid claim against the high school district fund hereafter provided for in this section. The above tax shall be collected at the same time and in the same manner as other taxes are collected, and shall be segregated by the appropriate county treasurer into a fund which shall be designated as the high school district fund and which shall be used only for reimbursing high school districts for the cost of educating nonresident high school pupils whose legal residence shall be in a nonhigh school district.

NEW SECTION. Sec. 28A.44.060 LIST OF HIGH SCHOOL DISTRICTS CERTIFIED BY STATE BOARD. The state board of education shall provide each county or intermediate district superintendent of schools in the state with a copy of the rules and requirements for the classification of districts and said board, on or before the first day of July of each year, shall certify to every county or intermediate district superintendent of schools in the state a complete list of all high school districts in his county or district.

NEW SECTION. Sec. 28A.44.070 LIST OF HIGH SCHOOL DISTRICTS CERTIFIED TO COUNTY OFFICERS. The county superintendent of schools

of each county, on or before the first day of September, shall certify to the county assessor, the county treasurer, the county auditor, and the board of county commissioners of his county, a complete list of all high school districts and all nonhigh school districts in his county. The intermediate district superintendent shall likewise certify to the appropriate county officers such list.

NEW SECTION. Sec. 28A.44.080 SCHOOL SUPERINTENDENT'S REPORT OF NONRESIDENT PUPILS AND EDUCATING COSTS. The superintendent of every high school district, shall certify under oath, as a part of his annual report to the county superintendent of schools to be made on or before the fifteenth day of July, as required by law, the following facts as nearly as the same can be ascertained: First, the name, post office address, county and number of school district if obtainable, of each nonresident high school pupil, not a resident of another high school district, enrolled in the high school, or high schools, of his district during the school year, with the days of attendance of each such nonresident high school pupil. Second, the cost per pupil per day of educating high school pupils for the school year in his district. For ascertaining such cost the following items of high school expenditure shall be used: Salaries of all high school teachers, supervisors, principals, special instructors, superintendent and assistants, janitors, clerks and secretaries, stenographers, and all other employees; fuel, light, water, power, telephones, textbooks, office expenses, janitors' supplies, freight, express, drayage, rents for high school purposes, upkeep of grounds, upkeep of shops and laboratories, all materials used in instruction, insurance, current ordinary repairs of every nature, inspection, promotion of health, and such other current expenditures as may be necessary to efficient operation of the high school, or high schools. Expenditures for real estate, construction of buildings, and for other permanent improvements and fixtures shall not be included in estimating high school expenditures for the purposes of this section. When any item shall, as a necessary result of organization, cover

both grade and high school work, it shall be prorated, as nearly as practicable, by the superintendent.

NEW SECTION. Sec. 28A.44.090 CERTIFICATE TO COUNTY TREASURER BY COUNTY OR INTERMEDIATE DISTRICT SUPERINTENDENT OF AMOUNT DUE. The county or intermediate district superintendent of schools, on or before the first day of September, shall certify to the appropriate county treasurer the amounts due to each high school district in his county or district from the high school district fund, and also the amounts due to the high school district fund of other counties wherein high school districts may have educated pupils from nonhigh school districts of his county or district as certified by the county or intermediate district superintendent of schools of such county or district to the appropriate county commissioners.

NEW SECTION. Sec. 28A.44.095 REIMBURSEMENT NOT A TUITION CHARGE. The reimbursement of a high school district for cost of educating high school pupils for a nonhigh school district, as provided for in RCW 28A.44.045 through 28A.44.100, shall not be deemed a tuition charge as affecting the apportionment of current state school funds.

NEW SECTION. Sec. 28A.44.100 TRANSFER OF FUNDS BY COUNTY TREASURER. At the time of apportioning funds to school districts the county treasurer shall transfer to the credit of each high school district the amount due such district from the high school district fund, or such prorated portion thereof as may be in such fund at the time. He shall at the same time transfer to the credit of the high school district fund of other counties such amounts, or prorated portions thereof as may be in the high school district fund of his county, as may be due the high school district fund of such other county as certified by the county or intermediate district superintendent of schools he is acting for.

#### Chapter 28A.45

#### EXCISE TAX ON REAL ESTATE SALES

NEW SECTION. Sec. 28A.45.010 "SALE" DEFINED. As used in

this chapter, the term "sale" shall have its ordinary meaning and shall include any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person by his direction, which title is retained by the vendor as security for the payment of the purchase price.

The term shall not include a transfer by gift, devise, or inheritance, a transfer of any leasehold interest other than of the type mentioned above, a cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage or the assumption by a grantee of the balance owing on an obligation which is secured by a mortgage or deed in lieu of forfeiture of the vendee's interest in a contract of sale where no consideration passes otherwise or the partition of property by tenants in common by agreement or as the result of a court decree, any transfer, conveyance, or assignment of property or interest in property from one spouse to the other in accordance with the terms of a decree of divorce or in fulfillment of a property settlement agreement incident thereto, the assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved, transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation, a mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof, any transfer or conveyance made pursuant to an order of sale by the court in any mortgage or lien

foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage, a conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration, nor a transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed, nor the sale of any grave or lot in an established cemetery, nor a sale by or to the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

NEW SECTION. Sec. 28A.45.020 "SELLER" DEFINED. As used in this chapter and in any ordinance enacted pursuant thereto, the term "seller," unless otherwise indicated by the context, shall mean any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, quasi municipal corporation, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise; but it shall not include the United States or the state of Washington.

NEW SECTION. Sec. 28A.45.030 "SELLING PRICE" DEFINED. As used in this chapter, the term "selling price" means the consideration, including money or anything of value, paid or delivered or contracted to be paid or delivered in return for the transfer of the real property or estate or interest in real property, and shall include the amount of any lien, mortgage, contract indebtedness, or other incumbrance, either given to secure the purchase price, or any part thereof, or remaining unpaid on such property at the time of sale.

The term shall not include the amount of any outstanding lien or incumbrance in favor of the United States, the state, or a municipal corporation for the taxes, special benefits, or improvements.

NEW SECTION. Sec. 28A.45.035 DETERMINING SELLING PRICE OF LEASES WITH OPTION TO PURCHASE--MINING PROPERTY--PAYMENT, SECURITY WHEN SELLING PRICE NOT SEPARATELY STATED. The state department of revenue shall provide by rule for the determination of the selling price in the case of leases with option to purchase, and shall further provide that the tax shall not be payable, where inequity will otherwise result, until and unless the option is exercised and accepted. A conditional sale of mining property in which the buyer has the right to terminate the contract at any time, and a lease and option to buy mining property in which the lessee-buyer has the right to terminate the lease and option at any time, shall be taxable at the time of execution only on the consideration received by the seller or lessor for execution of such contract, but the rule shall further provide that the tax due on any additional consideration paid by the buyer and received by the seller shall be paid to the county treasurer (1) at the time of termination, or (2) at the time that all of the consideration due to the seller has been paid and the transaction is completed except for the delivery of the deed to the buyer, or (3) at the time when the buyer unequivocally exercises an option to purchase the property, whichever of the three events occurs first.

The term "mining property" means property containing or believed to contain metallic minerals and sold or leased under terms which require the purchaser or lessor to conduct exploration or mining work thereon and for no other use. The term "metallic minerals" does not include clays, coal, sand and gravel, peat, gypsite, or stone, including limestone.

The state department of revenue shall further provide by rule for cases where the selling price is not separately stated or is not ascertainable at the time of sale, for the payment of the tax at a time when the selling price is ascertained, in which case suitable security may be required for payment of the tax, and may further provide for the determination of the selling price by an appraisal by

the county assessor, based on the full and true market value, which appraisal shall be prima facie evidence of the selling price of the real property.

NEW SECTION. Sec. 28A.45.040 DUTY OF COUNTIES TO MAKE PAYMENTS TO SCHOOL DISTRICTS--TAX ON REAL ESTATE SALES IN LIEU. It shall be the duty of the board of county commissioners of each county to pay to each school district 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 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 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.

NEW SECTION. Sec. 28A.45.050 LEVY OF TAX--RATE--DISPOSITION OF PROCEEDS. The county commissioners of any county are authorized by ordinance to levy an excise tax upon sales of real estate not exceeding one percent of the selling price. The rate of the levy shall be determined annually by the commissioners. The proceeds of the tax provided for in this chapter shall be placed in the county school fund and shall be used exclusively for the support of the common schools: PROVIDED, That one percent of the proceeds of the tax provided for herein may be placed in the current expense fund of the county.

NEW SECTION. Sec. 28A.45.060 TAX ON SALE OF PROPERTY LOCATED IN COUNTY. The real estate sales tax provided for herein shall be levied upon each sale of real property located within the county.

NEW SECTION. Sec. 28A.45.070 TAX IS LIEN ON PROPERTY--ENFORCEMENT. The tax herein provided for and any interest or penalties thereon shall be a specific lien upon each piece of real property

sold from the time of sale until the tax shall have been paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages.

NEW SECTION. Sec. 28A.45.080 TAX IS SELLER'S OBLIGATION-- CHOICE OF REMEDIES. The tax levied under this chapter shall be the obligation of the seller and the county treasurer may, at his option, enforce the obligation through an action of debt against the seller or he may proceed in the manner prescribed for the foreclosure of mortgages and resort to one course of enforcement shall not be an election not to pursue the other.

NEW SECTION. Sec. 28A.45.090 PAYMENT OF TAX--EVIDENCE OF PAYMENT--RECORDING. The tax hereby imposed shall be paid to and collected by the county treasurer who shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording. A receipt issued by the county treasurer for the payment of the tax imposed under this chapter shall be evidence of the satisfaction of the lien imposed hereunder and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax shall be accepted by the county auditor for filing or recording until the tax shall have been paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be so accepted until suitable notation of such fact has been made on the instrument by the treasurer.

NEW SECTION. Sec. 28A.45.100 INTEREST ON DELINQUENT TAXES-- REPORTING SALES--PROCEDURES. The board of county commissioners may provide the rate of interest to be levied against delinquent taxes provided for under this chapter and, subject to RCW 28A.45.120, may prescribe the manner in which sales of real property shall be reported to the county treasurer and the tax paid thereon. The county commissioners, subject to RCW 28A.45.120, may prescribe procedures supplementary to this chapter.

NEW SECTION. Sec. 28A.45.105 SINGLE FAMILY RESIDENTIAL



PROPERTY, TAX CREDIT WHEN SUBSEQUENT TRANSFER OF WITHIN NINE MONTHS FOR LIKE PROPERTY. Where single family residential property is being transferred as the entire or part consideration for the purchase of other single family residential property and a licensed real estate broker or one of the parties to the transaction accepts transfer of said property, a credit for the amount of the tax paid at the time of the transfer to the broker or party shall be allowed toward the amount of the tax due upon a subsequent transfer of the property by the broker or party if said transfer is made within nine months of the transfer to the broker or party: PROVIDED, That if the tax which would be due on the subsequent transfer from the broker or party is greater than the tax paid for the prior transfer to said broker or party the difference shall be paid, but if the tax initially paid is greater than the amount of the tax which would be due on the subsequent transfer no refund shall be allowed.

NEW SECTION. Sec. 28A.45.120 STANDARDS FOR REPORTING, APPLICATION AND COLLECTION OF TAX. The department of revenue is authorized and directed to prescribe minimum standards for uniformity in reporting, application, and collection of the real estate excise tax imposed by this chapter.

#### Chapter 28A.46

#### STATE SCHOOL EQUALIZATION FUND

NEW SECTION. Sec. 28A.46.010 STATE SCHOOL EQUALIZATION FUND --TRANSFER OF EXCESS--APPROPRIATIONS--WARRANTS. There is created a special state school fund to be known as the state school equalization fund, into which shall be deposited such funds as are directed by law to be placed therein. Any amounts in this fund in excess of current appropriations shall be transferred by the state treasurer to the general fund quarterly, on or before the twenty-fifth day of January, April, July and October of each year. All appropriations made by the legislature from the state school equalization fund shall be paid out of moneys in the general fund of the state. All warrants drawn on the state school equalization fund and presented

for payment shall be paid from the general fund of the state.

Chapter 28A.47

SCHOOL PLANT FACILITIES AID--BOND ISSUES

NEW SECTION. Sec. 28A.47.050 STATEMENT OF INTENT. It is hereby declared to be the intent of the legislature that the following provisions be enacted for the purpose of establishing and providing for the operation of a program of state assistance to school districts in providing school plant facilities.

NEW SECTION. Sec. 28A.47.055 DEFINITIONS. Unless the context indicates otherwise the following words and phrases when used in this chapter shall have the meaning given in this section:

(1) An "educational unit" means one full time certificated employee for one school year; in case of part time employees, each hour's service per day for an entire school year, or one hundred eighty hours, shall equal one-sixth of a unit; and

(2) A "certificated employee" means an employee holding a position requiring a teaching certificate.

NEW SECTION. Sec. 28A.47.060 DUTIES OF STATE BOARD OF EDUCATION. The state board of education shall have the power and it shall be its duty (1) to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school plant facilities; (2) to approve allotments to districts that apply for state assistance whenever the board deems such action advisable and in so doing to give due consideration to the findings, reports, and recommendations of the superintendent of public instruction pertaining thereto; (3) to authorize the payment of approved allotments by warrant of the state treasurer; and (4) in the event that the amount of state assistance applied for exceeds the funds available for such assistance during any biennium, to make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance and/or to prorate allotments among such districts in conformity with procedures and regulations applicable thereto which

shall be established by the state board.

NEW SECTION. Sec. 28A.47.070 BASIS OF STATE AID FOR SCHOOL PLANTS. The amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The board of directors of the district shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architect's fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the state board of education.

(2) The superintendent of public instruction shall (a) ascertain the assessed valuation of the district adjusted to fifty percent of the true and fair value in money of the taxable property in the district in accordance with the ratio of assessed valuation to actual valuation fixed by the state board of equalization for the county to which the district belongs; and (b) compute the ratio of the aforesaid assessed valuation of the district to the number of educational units approved prior thereto by the state board of education for allotment to the district of funds receivable under the provisions of RCW 28A.47.050 through 28A.47.120: PROVIDED, That this number of units may be increased by the aforesaid officer for the use thereof specified in this chapter, upon the finding by said officer that completion of the proposed project will provide facilities for additional units and that such additional units will be needed to serve the school population of the district.

(3) The ratio of the assessed valuation of the district to the number of educational units thereof, computed in the manner hereinabove provided for, shall then be used in determining the percentage of state assistance for the district in accordance with the

following table:

Ratio of assessed valuation to number of educational units	Percentage of state assistance
\$ 28,570 or less to 1 .....	75.0%
30,000 to 1 .....	73.9
35,000 to 1 .....	70.2
40,000 to 1 .....	66.7
45,000 to 1 .....	63.3
50,000 to 1 .....	60.0
55,000 to 1 .....	56.9
60,000 to 1 .....	53.8
65,000 to 1 .....	50.9
70,000 to 1 .....	48.1
75,000 to 1 .....	45.5
80,000 to 1 .....	42.9
85,000 to 1 .....	40.4
90,000 to 1 .....	37.9
95,000 to 1 .....	35.6
100,000 to 1 .....	33.3
105,000 to 1 .....	31.1
110,000 to 1 .....	29.0
115,000 to 1 .....	27.0
120,000 to 1 .....	25.0
130,000 to 1 .....	21.2
140,000 to 1 .....	17.6
150,000 to 1 .....	14.3
160,000 to 1 .....	11.1
170,000 to 1 .....	8.1
180,000 to 1 .....	5.3
190,000 to 1 .....	2.6
200,000 to 1 .....	...

(4) The approved cost of the project determined in the manner

herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the superintendent of public instruction: PROVIDED FURTHER, That additional state assistance may be allowed if it is found by the superintendent of public instruction that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden and excessive past or clearly foreseeable future increase in school population, and other conditions similarly emergent in nature; or (b) a special school housing burden imposed by virtue of the admission of nonresident students into parental schools or into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1955, and without benefit of the state assistance provided for in RCW 28A.47.050 to 28A.47.120, inclusive, the construction of a needed school building project or projects approved in conformity with the requirements of chapter 28A.47 RCW, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose; or (d) conditions similar to those defined under (a), (b), and (c) hereinabove, creating a like emergency.

NEW SECTION. Sec. 28A.47.073 MODERNIZATION OF EXISTING SCHOOL FACILITIES. Whenever funds are specifically appropriated for modernization of existing school facilities, the state board of education is authorized to approve the use of such funds for modernization of existing facilities, modernization being limited to major structural changes in such facilities and may include as incidental thereto the replacement of fixtures, fittings, furnishings and service systems of a building in order to bring it up to a contemporary state consistent with the needs of changing educational programs. The allocation

of such funds shall be made upon the same basis as funds used for the financing of a new school plant project utilized for a similar purpose.

NEW SECTION.    Sec. 28A.47.075    PORTABLE BUILDINGS OR CLASSROOMS.    State matching funds shall not be denied to any school district undertaking any construction, repairs or improvements for school district purposes solely on the ground that said construction, repairs and improvements are in connection with portable buildings or classrooms.

NEW SECTION.    Sec. 28A.47.080    APPLICATIONS FOR AID--RULES AND REGULATIONS--RECOMMENDATIONS.    All applications by school districts for state assistance in providing school plant facilities shall be made to the superintendent of public instruction in conformity with rules and regulations which shall be prescribed by the state board of education.    Studies and surveys shall be conducted by the aforesaid officer for the purpose of securing information relating to (1) the kind and extent of the school plant facilities required and the urgency of need for such facilities in districts that seek state assistance, (2) the ability of such districts to provide capital outlay funds by local effort, (3) the need for improvement of school administrative units and school attendance areas among or within such districts, and (4) any other pertinent matters.    Recommendations respecting action on the aforesaid applications shall be submitted to the state board of education by the superintendent of public instruction together with such reports of the findings, studies, and surveys made by said officer as may be required by the state board.

NEW SECTION.    Sec. 28A.47.090    MANUAL--CONTENTS--PREPARATION AND REVISION.    It shall be the duty of the superintendent of public instruction, in consultation with the Washington state department of health, to prepare, and so often as he deems necessary revise, a manual for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance, and operation of school plant facilities

for the common schools. In the preparation and revision of the aforesaid manual due consideration shall be given to the presentation of information regarding (1) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW 28A.47.050 through 28A.47.120; (2) procedures in inaugurating and conducting a school plant planning program for a school district; (3) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (4) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (5) an acceptable school building maintenance program and the necessity therefor; (6) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (7) any other matters regarded by the aforesaid officer as pertinent or related to the purposes and requirements of RCW 28A.47.050 through 28A.47.120.

NEW SECTION. Sec. 28A.47.100 STATE SUPERINTENDENT TO ASSIST DISTRICTS AND STATE BOARD. The superintendent of public instruction shall furnish (1) to school districts seeking state assistance under the provisions of RCW 28A.47.050 through 28A.47.120 consultatory and advisory service in connection with the development of school building programs and the planning of school plant facilities for such district, and (2) to the state board of education such service as may be required by the board in the exercise of the powers and the performance of the duties vested in and required to be performed by the board under the provisions of RCW 28A.47.050 through 28A.47.120.

NEW SECTION. Sec. 28A.47.120 FEDERAL GRANTS--RULES AND REGULATIONS. Insofar as is permissible under acts of congress, funds made available by the federal government for the purpose of assisting school districts in providing school plant facilities shall be made

available to such districts in conformity with rules and regulations which the state board of education shall establish.

NEW SECTION. Sec. 28A.47.130 1949 BOND ISSUE FOR SCHOOL PLANT FACILITIES. FORM, TERM, SALE, ETC. For the purpose of furnishing funds for state assistance in providing public school plant facilities under the provisions of RCW 28A.47.050 through 28A.47.120, the state finance committee is hereby authorized to issue, at any time prior to January 1, 1960, general obligation bonds of the state of Washington in the sum of forty million dollars, or so much thereof as shall be required to finance the program herein set out, to be paid and discharged within twenty years of the date of issuance.

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 three 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.

NEW SECTION. Sec. 28A.47.140 -----PROCEEDS OF BOND SALE--DEPOSIT. 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 public school building construction account of the general fund.

NEW SECTION. Sec. 28A.47.150 -----APPROPRIATION FROM BUILDING CONSTRUCTION ACCOUNT--PURPOSES. The sum of forty million dollars, or so much thereof as may be necessary, is appropriated from the



public school building construction account of the general fund to the state finance committee to be expended by the committee for the payment of expense incident to the sale and issuance of the bonds authorized herein and through allotments made, in its discretion, to the state board of education for the purpose of carrying out the purposes of RCW 28A.47.050 through 28A.47.120.

NEW SECTION. Sec. 28A.47.160 -----BOND REDEMPTION ACCOUNT CREATED--PRIOR RIGHTS AS TO SALES TAX REVENUES--DEPOSITS--ENFORCEMENT. The public school building 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 RCW 28A.47.130 through 28A.47.180. 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 the state treasurer shall thereupon deposit such amount in said public school building bond redemption fund from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections and such amount certified by the state finance committee to the state treasurer shall be a first and prior charge against all retail sales tax revenues of the state of Washington.

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.

NEW SECTION. Sec. 28A.47.170 -----SALES TAX NOT EXCLUSIVE. The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized in RCW 28A.47.130 through 28A.47.180 and RCW 28A.47.130 through 28A.47.180 shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 28A.47.180 -----BONDS ARE LEGAL INVESTMENT FOR PUBLIC FUNDS. The bonds authorized in RCW 28A.47.130 through 28A.47.180 shall be a legal investment for all state funds or for

funds under state control and all funds of municipal corporations.

NEW SECTION.    Sec. 28A.47.210    INVESTMENT OF CURRENT SURPLUSES IN PUBLIC SCHOOL BUILDING CONSTRUCTION ACCOUNT AND INSTITUTIONAL BUILDING CONSTRUCTION ACCOUNT. Whenever there shall be in the public school building construction account or the institutional building construction account of the general fund in the state treasury more cash than is required to cover current allotments as provided in RCW 28A.47.130 to 28A.47.180, inclusive, or RCW 72.99.010 to 72.99.060, inclusive, the state finance committee may invest such portion of such funds as the committee may deem expedient in United States discount bills, certificates of indebtedness, notes, or bonds. Such securities may be purchased directly from the United States government through the federal reserve banking system or in the open market at such prices and upon such terms as the state finance committee may determine, and may be sold at such times as the state finance committee may deem expedient or necessary.

NEW SECTION.    Sec. 28A.47.220    -----DEPOSIT OF SECURITIES-- DUTIES OF TREASURER. Upon such investment being made the state treasurer shall draw his warrant on the proper account in the general fund for the amount so invested and the securities so purchased shall be deposited directly with the state treasurer or in trust for the state treasurer, either with the fiscal agent of the state in New York City or with any bank in the state that maintains a trust department and is an approved depository of state funds. In the event securities are purchased and deposited with the fiscal agent of the state or in a state bank as provided herein a trust certificate enumerating and describing the securities so held shall be provided to the state treasurer whose duty it shall be to collect all interest payments falling due thereon and the principal at maturity.

NEW SECTION.    Sec. 28A.47.230    -----INVESTMENT INCOME CREDITED TO ACCOUNT. All income earned from investment of the public school building construction account in the general fund shall be credited to the public school building bond redemption fund. All

income earned from investment of the institutional building construction account in the general fund shall be credited to the institutional building bond redemption fund.

NEW SECTION. Sec. 28A.47.420 1955 EMERGENCY CONSTRUCTION OF SCHOOL PLANT FACILITIES. BONDS AUTHORIZED--FORM, TERM, ETC.--CONTINUATION OF LEVY. For the purpose of furnishing funds for state assistance in providing public school plant facilities under the provisions of RCW 28A.47.050 through 28A.47.120 there shall be issued and sold, at any time prior to April 1, 1959, limited obligation bonds of the state of Washington in the sum of thirty million dollars to be paid and discharged not more than thirty 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 form 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, nor shall they bear interest at a rate in excess of four percent per annum. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner prescribed in RCW 28A.47.420 through 28A.47.450 and from the proceeds of taxes provided for in RCW 28A.47.440. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

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 to such bonds. Such bonds shall be payable at

such places as the state finance committee may provide.

NEW SECTION. Sec. 28A.47.425 -----PROCEEDS FROM BOND SALE  
--DEPOSIT. The proceeds from the sale of the bonds authorized herein shall be deposited in the public school building construction account in the general fund.

NEW SECTION. Sec. 28A.47.430 -----APPROPRIATION FROM PUBLIC SCHOOL CONSTRUCTION ACCOUNT--PURPOSES--LOCAL RESPONSIBILITY. The sum of thirty million dollars, or so much thereof as may be necessary, is appropriated from the public school building construction account in the general fund to the state finance committee to be expended by the committee for the payment of expenses incident to the sale and issuance of the bonds authorized herein and through allotments made to the state board of education at the direction of the school emergency construction commission for the purpose of carrying out the provisions of RCW 28A.47.070 and 28A.47.420 through 28A.47-.450: PROVIDED, That no part of the aforesaid thirty million dollars shall be allotted 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 plus such further amount as may be required by the school emergency construction commission: PROVIDED, FURTHER, That the school emergency construction commission 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.

NEW SECTION. Sec. 28A.47.435 -----ADDITIONAL ALLOTMENT AUTHORIZED--EFFECT OF ALLOCATION ON FUTURE DISBURSEMENTS TO DISTRICT. If a school district which has qualified for an allotment of state funds for school building construction in conformity with the requirements of RCW 28A.47.430 is found by the school emergency construction commission to have a school housing emergency requiring an allotment of state funds in excess of the amount allocable under RCW 28A.47.070,

an additional allotment may be made to such district: PROVIDED, That the total amount allotted shall not exceed ninety percent of the total cost of the project including the cost of the site and equipment. At any time thereafter when the school emergency construction commission finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements or for any of these reasons, the amount of such additional allotment, or any part of such amount as the school emergency construction commission determines, shall be deducted, under terms and conditions prescribed by the commission, from any state school building construction funds which might otherwise be provided to such district.

NEW SECTION. Sec. 28A.47.440 -----ADDITIONAL TAX ON CIGARETTES IMPOSED. In addition to the taxes levied by RCW 73.32.130 and 82.24.020, there is levied and shall be collected by the department of revenue from the persons mentioned in and in the manner provided by chapter 82.24 RCW, as now or hereafter amended, an excise tax upon the sale, use, consumption, handling or distribution of cigarettes in an amount equal to the rate of one-half mill per cigarette, but the provisions of RCW 82.24.070 allowing dealers' compensation for affixing stamps shall not apply to this additional tax. Instead, wholesalers and retailers subject to the provisions of chapter 82.24 RCW shall be allowed as compensation for their services in affixing the stamps for the additional tax required by this section a sum equal to one-half of one percent of the value of the stamps for such additional tax purchased or affixed by them. Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb such additional tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

Revenues derived from the tax imposed by this section shall be transmitted by the department of revenue to the state treasurer in

accordance with the provisions of RCW 82.32.320, to the credit of the public schools building bond redemption fund. The amount so deposited in the aforesaid fund shall be devoted exclusively to payment of interest on and to retirement of the bonds authorized by RCW 28A.47.420.

As additional security for the payment of the bonds herein authorized, all revenues derived from the tax imposed by RCW 82.24.020 over and above the amount required by RCW 73.32.130 to be paid into and retained in the war veterans' compensation bond retirement fund shall be paid into the public schools building bond redemption fund and shall be devoted exclusively to the payment of interest on and to retirement of the bonds authorized by RCW 28A.47.420: PROVIDED, That whenever the receipts into the public schools building bond redemption fund from all sources during any one year exceed two million two hundred and fifty thousand dollars, all sums received above that amount shall be transferred by the state treasurer to the state general fund.

NEW SECTION. Sec. 28A.47.445 -----LEGISLATURE MAY PROVIDE ADDITIONAL MEANS OF REVENUE. The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by RCW 28A.47.420 through 28A.47.450 and RCW 28A.47.420 through 28A.47.450 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

NEW SECTION. Sec. 28A.47.450 -----BONDS ARE NEGOTIABLE, LEGAL INVESTMENTS AND SECURITY. The bonds authorized in RCW 28A.47.420 through 28A.47.450 shall be fully negotiable instruments and shall be a 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.

NEW SECTION. Sec. 28A.47.460 1957 BOND ISSUE FOR CONSTRUCTION OF SCHOOL PLANT FACILITIES. AUTHORIZED--FORM, TERM, ETC.--

CONTINUATION OF LEVY. 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, 1961, limited obligation bonds of the state of Washington in the sum of fifty-two million dollars to be paid and discharged not more than thirty 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, nor shall they bear interest at a rate in excess of four percent per annum. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner and from the proceeds of motor vehicle excise taxes and excise taxes upon the sale, use, consumption, handling or distribution of cigarettes as in RCW 28A.47.460 through 28A.47.560 provided. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

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.

NEW SECTION. Sec. 28A.47.470 -----PROCEEDS FROM BOND SALE--  
DEPOSIT. The proceeds from the sale of the bonds authorized herein shall be deposited in the public school building construction account of

the general fund.

NEW SECTION. Sec. 28A.47.480 -----PUBLIC SCHOOL BUILDING BOND REDEMPTION FUND--1957--PAYMENT FROM MOTOR VEHICLE EXCISE TAX AND CIGARETTE TAX. 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 RCW 28A.47.460 through 28A.47.560. The state treasurer shall thereupon deposit in the public school building bond redemption fund--1957, a fund hereby created in the state treasury as the depository for revenues provided by RCW 28A.47.460 through 28A.47.560 to meet interest payments on and retirement of bonds authorized by RCW 28A.47.460 through 28A.47.560, the sum of two million two hundred fifty thousand dollars from that portion of receipts from the motor vehicle excise tax allocable to the state school equalization fund under RCW 82.44.150 which is not required to meet interest payments on and retirement of bonds heretofore issued. The amount certified to the state treasurer by the state finance committee as aforesaid shall be a first and prior charge, subject only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued, against all motor vehicle excise tax revenues of the state allocable to the state equalization fund, which amounts so allocable shall never be less than seventy percent of said excise tax revenues. In addition, the state treasurer shall transfer to the bond redemption fund created by RCW 28A.47.460 through 28A.47.560 all revenues accruing to the public schools building bond redemption fund in conformity with the requirements of RCW 28A.47.440 enacted by the 1955 legislature whenever such revenues from all sources during any one year exceed two million two hundred fifty thousand dollars, said sum being the amount required to be retained in the aforesaid public schools building bond redemption fund under the provisions of RCW 28A.47.440. The amounts so deposited in and transferred to the bond redemption fund created by RCW 28A.47.460 through 28A.47.560 shall be devoted



exclusively to the payment of interest on and to the retirement of bonds authorized by RCW 28A.47.460 through 28A.47.560: PROVIDED, That whenever the receipts into said bond redemption fund from all sources during any one year exceed the amount needed during that year to meet interest payments on and retirement of bonds authorized by RCW 28A.47.460 through 28A.47.560, all receipts above said amount shall be transferred by the state treasurer to the state general fund.

NEW SECTION. Sec. 28A.47.490 -----LEGISLATURE MAY PROVIDE ADDITIONAL MEANS OF REVENUE. The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by RCW 28A.47.460 through 28A.47.560 and RCW 28A.47.460 through 28A.47.560 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

NEW SECTION. Sec. 28A.47.500 -----BONDS ARE NEGOTIABLE, LEGAL INVESTMENTS AND SECURITY. The bonds authorized in RCW 28A.47-.460 through 28A.47.560 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.

NEW SECTION. Sec. 28A.47.510 -----APPROPRIATION FROM PUBLIC SCHOOL BUILDING CONSTRUCTION ACCOUNT--PURPOSES--LOCAL RESPONSIBILITY. The sum of fifty-two million dollars, or so much thereof as may be necessary, is appropriated from the public school building construction account of the general fund to the state finance committee to be expended by the committee for the payment of expenses incident to the sale and issuance of the bonds authorized in RCW 28A-.47.460 through 28A.47.560 and through allotments made to the state board of education at the direction of the state board of education for the purpose of carrying out the provisions of RCW 28A.47.460 through 28A.47.560: PROVIDED, That no part of the aforesaid fifty-two million dollars shall be allotted 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 plus such further amount as may be required by the state board of education: PROVIDED, FURTHER, That 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.

NEW SECTION. Sec. 28A.47.520 -----DUTIES OF STATE BOARD OF EDUCATION. In allotting the state funds provided by RCW 28A.47.460 through 28A.47.560, the state board of education shall:

(1) Prescribe rules and regulations governing the administration, control, terms, conditions, and disbursement of allotments to school districts to assist them in providing school plant facilities;

(2) Approve, whenever the board deems such action advisable, allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with procedures and regulations applicable thereto which shall be established by the board.

NEW SECTION. Sec. 28A.47.530 -----BASIS OF STATE AID FOR SCHOOL PLANTS. Allocations to school districts of state funds provided by RCW 28A.47.460 through 28A.47.560 shall be made by the state board of education and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The board of directors of the district shall determine

the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architect's fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the state board of education.

(2) The state board of education shall compute the ratio of the assessed valuation of the district, adjusted in accordance with the ratio of assessed valuation to actual valuation fixed by the state board of equalization for the county to which the district belongs, to the number of educational units approved prior thereto by the state board of education for allotment to the district of funds receivable under the provisions of RCW 28A.47.460 through 28A.47.560: PROVIDED, That this number of units may be increased by the state board of education for the use thereof specified in RCW 28A.47.460 through 28A.47.560, upon the finding of said board that completion of the proposed project will provide facilities for additional units and that such additional units will be needed to serve the school population of the district.

(3) The ratio of the adjusted valuation of the district to the number of educational units thereof, computed in the manner hereinabove in this section provided for, shall then be used in determining the percentage of state assistance for the district in accordance with the following table:

Ratio of adjusted valuation of number of educational units	Percentage of state assistance
\$ 10,520 or less to 1.....	90.0%
15,000 to 1 .....	86.0,
20,000 to 1 .....	81.8
25,000 to 1 .....	77.7

28,570 to 1 .....	75.0
30,000 to 1 .....	73.9
35,000 to 1 .....	70.2
40,000 to 1 .....	66.7
45,000 to 1 .....	63.3
50,000 to 1 .....	60.0
55,000 to 1 .....	56.9
60,000 to 1 .....	53.8
65,000 to 1 .....	50.9
70,000 to 1 .....	48.1
75,000 to 1 .....	45.5
80,000 to 1 .....	42.9
85,000 to 1 .....	40.4
90,000 to 1 .....	37.9
95,000 to 1 .....	35.6
100,000 to 1 .....	33.3
105,000 to 1 .....	31.1
110,000 to 1 .....	29.0
115,000 to 1 .....	27.0
120,000 to 1 .....	25.0
130,000 to 1 .....	21.2
140,000 to 1 .....	17.6
150,000 to 1 .....	14.3
160,000 to 1 .....	11.1
170,000 to 1 .....	8.1
180,000 to 1 .....	5.3
190,000 to 1 .....	2.6
200,000 to 1 .....	...

(4) The approved cost of the project determined in the manner herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the state board of

education: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the state board of education that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden and excessive past or clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1957, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose; or (d) conditions similar to those defined under (a), (b), and (c) hereinabove, creating a like emergency: PROVIDED, FURTHER, That, in the event that federal assistance in an amount in excess of six million dollars is made available to the state of Washington to be allocated to school districts by the state board of education for public school construction purposes during the 1957-59 biennium, the minimum percentage of state assistance to any district eligible under provisions of RCW 28A.47.460 through 28A.47.560 shall not be less than fifteen percent.

NEW SECTION. Sec. 28A.47.540 -----ADDITIONAL ALLOTMENT AUTHORIZED--EFFECT OF ALLOTMENT ON FUTURE DISBURSEMENTS TO DISTRICT. If a school district which has qualified for an allotment of state funds under the provisions of RCW 28A.47.460 through 28A.47.560 for school building construction is found by the state board of education to have a school housing emergency requiring an allotment of state funds in excess of the amount allocable under RCW 28A.47.530, an

additional allotment may be made to such district: PROVIDED, That the total amount allotted shall not exceed ninety percent of the total cost of the project which may include the cost of the site and equipment. At any time thereafter when the state board of education finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements or for any of these reasons, the amount of such additional allotment, or any part of such amount as the state board of education determines, shall be deducted, under terms and conditions prescribed by the board, from any state school building construction funds which might otherwise be provided to such district.

NEW SECTION. Sec. 28A.47.560 -----MODIFIABLE BASIC OR STANDARD PLANS FOR SCHOOL BUILDINGS--RULES AND REGULATIONS. Whenever in the judgment of the state board of education economies may be effected without impairing the usefulness and adequacy of school buildings, said board may prescribe rules and regulations and establish procedures governing the preparation and use of modifiable basic or standard plans for school building construction projects for which state assistance funds provided by RCW 28A.47.460 through 28A.47.560 are allocated.

NEW SECTION. Sec. 28A.47.570 1959 BOND ISSUE FOR CONSTRUCTION OF SCHOOL PLANT FACILITIES. AUTHORIZED--FORM, TERM, ETC.--CONTINUATION OF LEVY. 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, 1963, limited obligation bonds of the state of Washington in the sum of thirty-four million 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. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner and from the proceeds of cigarette taxes as in RCW 28A.47.570 through 28A.47.710 provided. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

The committee may provide that the bonds, or any of them, may be called prior to 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.

NEW SECTION. Sec. 28A.47.580 -----PROCEEDS FROM BOND SALE--DEPOSIT--USE. The proceeds from the sale of the bonds authorized herein shall be deposited in the public school building account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of RCW 28A.47.570 through 28A.47.710, and for payment of the expense incurred in the printing, issuance and sale of such bonds.

NEW SECTION. Sec. 28A.47.590 -----PUBLIC SCHOOL BUILDING BOND REDEMPTION FUND OF 1959--PAYMENT FROM CIGARETTE TAX. The public school building bond redemption fund of 1959 is hereby created in the state treasury which fund shall be exclusively devoted to the retirement of the bonds and interest authorized by RCW 28A.47.570 through 28A.47.710. 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 interest payments on and retirement of bonds authorized by RCW 28A.47.570 through 28A.47.710.

The state treasurer shall thereupon deposit such amount in the public school building bond redemption fund of 1959 from the receipts from the taxes on cigarettes imposed by RCW 82.24.020, 73.32.130, and 28A-.47.440. The amount certified to the state treasurer by the state finance committee as aforesaid shall be a first and prior charge, subject only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued, against all cigarette tax revenues.

NEW SECTION. Sec. 28A.47.600 -----LEGISLATURE MAY PROVIDE ADDITIONAL MEANS OF REVENUE. The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by RCW 28A.47.570 through 28A.47.710 and RCW 28A.47.570 through 28A.47.710 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

NEW SECTION. Sec. 28A.47.610 -----BONDS ARE NEGOTIABLE, LEGAL INVESTMENT AND SECURITY. The bonds authorized in RCW 28A.47-.570 through 28A.47.710 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.

NEW SECTION. Sec. 28A.47.620 -----APPROPRIATION FROM PUBLIC SCHOOL BUILDING CONSTRUCTION ACCOUNT--PURPOSES--LOCAL RESPONSIBILITY--RULES AND REGULATIONS. For the purpose of carrying out the provisions of RCW 28A.47.570 through 28A.47.710 there is hereby appropriated to the state board of education from the public school building construction account of the general fund the sum of thirty-four million dollars or so much thereof as may be necessary: PROVIDED, That no part of the aforesaid thirty-four million dollars shall be allotted 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 plus such further 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.

NEW SECTION. Sec. 28A.47.630 -----DUTIES OF STATE BOARD OF EDUCATION. In allotting the state funds provided by RCW 28A.47-.570 through 28A.47.710, the state board of education shall:

(1) Prescribe rules and regulations governing the administration, control, terms, conditions, and disbursement of allotments to school districts to assist them in providing school plant facilities;

(2) Approve, whenever the board deems such action advisable, allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with procedures and regulations applicable thereto which shall be established by the board.

NEW SECTION. Sec. 28A.47.640 -----BASIS OF STATE AID FOR SCHOOL PLANTS. Allocations to school districts of state funds provided by RCW 28A.47.570 through 28A.47.710 shall be made by the state board of education and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The board of directors of the district shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing

the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architect's fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the state board of education.

(2) The state board of education shall compute the ratio of the assessed valuation of the district, adjusted in accordance with the ratio of assessed valuation to actual valuation fixed by the state board of equalization for the county to which the district belongs, to the maximum number of educational units theretofore allowable to the district under state board of education regulations governing apportionment of funds receivable under the provisions of RCW 28A.47.570 through 28A.47.710: PROVIDED, That this number of units may be increased by the state board of education for the use thereof specified in RCW 28A.47.570 through 28A.47.710, upon the finding of said board that completion of the proposed project will provide facilities for additional units and that such additional units will be needed to serve the school population of the district.

(3) The ratio of the adjusted valuation of the district to the number of educational units thereof, computed in the manner hereinabove in this section provided for, shall then be used in determining the percentage of state assistance for the district in accordance with the following table:

Ratio of adjusted valuation to number of educational units	Percentage of state assistance
\$ 10,520 or less to 1 .....	90.0%
15,000 to 1 .....	86.0
20,000 to 1 .....	81.8
25,000 to 1 .....	77.7
28,570 to 1 .....	75.0
30,000 to 1 .....	73.9

35,000 to 1 .....	70.2
40,000 to 1 .....	66.7
45,000 to 1 .....	63.3
50,000 to 1 .....	60.0
55,000 to 1 .....	56.9
60,000 to 1 .....	53.8
65,000 to 1 .....	50.9
70,000 to 1 .....	48.1
75,000 to 1 .....	45.5
80,000 to 1 .....	42.9
85,000 to 1 .....	40.4
90,000 to 1 .....	37.9
95,000 to 1 .....	35.6
100,000 to 1 .....	33.3
105,000 to 1 .....	31.1
110,000 to 1 .....	29.0
115,000 to 1 .....	27.0
120,000 to 1 .....	25.0
130,000 to 1 .....	21.2
140,000 to 1 .....	17.6
150,000 to 1 .....	14.3
160,000 to 1 .....	11.1
170,000 to 1 .....	8.1
180,000 to 1 .....	5.3
190,000 to 1 .....	2.6
200,000 to 1 .....	....

:PROVIDED, That in the event the percentage of state assistance to any school district based on the above table is less than twenty percent and such school district is otherwise eligible for state assistance under RCW 28A.47.570 through 28A.47.710, the state board of education may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the state board finds that such additional assistance is

necessary to provide minimum facilities for housing the pupils of the district.

(4) The approved cost of the project determined in the manner herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the state board of education: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the state board of education that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden and excessive past or clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1959, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose; or (d) conditions similar to those defined under (a), (b), and (c) hereinabove, creating a like emergency.

NEW SECTION. Sec. 28A.47.650 -----TAXABLE VALUATION AND PERCENTAGE OF STATE ASSISTANCE TO BE USED IN DETERMINING ELIGIBILITY FOR ALLOTMENT. Whenever the voters of a school district authorize the issuance of bonds and/or the levying of excess taxes in an amount sufficient to meet the requirements of RCW 28A.47.620 respecting eligibility for state assistance in providing school facilities, the taxable valuation of the district and the percentage of state

assistance in providing school facilities prevailing at the time of such authorization shall be the valuation and the percentage used for the purpose of determining the eligibility of the district for an allotment of state funds and the amount or amounts of such allotments, respectively, for all projects for which the voters authorize capital funds as aforesaid, unless a higher percentage of state assistance prevails on the date that state funds for assistance in financing a project are allotted by the state board of education in which case the percentage prevailing on the date of allotment by the state board of funds for each project shall govern: PROVIDED, That if the state board of education determines at any time that there has been undue or unwarranted delay on the part of school district authorities in advancing a project to the point of readiness for an allotment of state funds, the taxable valuation of the school district and the percentage of state assistance prevailing on the date that the allotment is made shall be used for the purposes aforesaid: PROVIDED FURTHER, That the date herein specified as applicable in determining the eligibility of an individual school district for state assistance and in determining the amount of such assistance shall be applicable also to cases where it is necessary in administering chapter 28A.56 RCW to determine eligibility for and the amount of state assistance for a group of school districts considered as a single school administrative unit.

NEW SECTION. Sec. 28A.47.660 -----ADDITIONAL ALLOTMENT AUTHORIZED--EFFECT OF ALLOTMENT ON FUTURE DISBURSEMENTS TO DISTRICT. If a school district which has qualified for an allotment of state funds under the provisions of RCW 28A.47.570 through 28A.47.710 for school building construction is found by the state board of education to have a school housing emergency requiring an allotment of state funds in excess of the amount allocable under RCW 28A.47.640, an additional allotment may be made to such district: PROVIDED, That the total amount allotted shall not exceed ninety percent of the total cost of the approved project which may include the cost of the site and

equipment. At any time thereafter when the state board of education finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements, or for any combination of these reasons, the amount of such additional allotment, or any part of such amount as the state board of education determines, shall be deducted, under terms and conditions prescribed by the board, from any state school building construction funds which might otherwise be provided to such district.

NEW SECTION. Sec. 28A.47.680 -----APPLICATION BY DISTRICT FOR STATE ASSISTANCE--RULES AND REGULATIONS--STUDIES AND SURVEYS BY STATE BOARD. All applications by school districts for state assistance in providing school plant facilities shall be made to the superintendent of public instruction in conformity with rules and regulations which shall be prescribed by the state board of education. Studies and surveys shall be conducted by the state board for the purpose of securing information relating to (a) the kind and extent of the school plant facilities required and the urgency of need for such facilities in districts that seek state assistance, (b) the ability of such districts to provide capital funds by local effort, (c) the need for improvement of school administrative units and school attendance areas among or within such district, and (d) any other pertinent matters.

NEW SECTION. Sec. 28A.47.690 -----MANUAL, OTHER MATERIALS TO GUIDE AND PROVIDE INFORMATION TO DISTRICT. It shall be the duty of the state board of education, in consultation with the Washington state department of health, to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance, and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding (a) the need

for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW 28A.47.570 through 28A.47.710; (b) procedures in inaugurating and conducting a school plant planning program for a school district; (c) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (d) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (e) an acceptable school building maintenance program and the necessity therefor; (f) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (g) any other matters regarded by the state board as pertinent or related to the purposes and requirements of RCW 28A.47.570 through 28A.47.710.

NEW SECTION. Sec. 28A.47.700 -----STATE BOARD TO PROVIDE DISTRICT WITH CONSULTATORY, ADVISORY SERVICE. The state board of education shall furnish to school districts seeking state assistance under the provisions of RCW 28A.47.570 through 28A.47.710 consultatory and advisory service in connection with the development of school building programs and the planning of school plant facilities.

NEW SECTION. Sec. 28A.47.710 -----MODIFIABLE BASIC OR STANDARD PLANS FOR SCHOOL BUILDINGS--RULES AND REGULATIONS. Whenever in the judgment of the state board of education economies may be effected without impairing the usefulness and adequacy of school buildings, said board may prescribe rules and regulations and establish procedures governing the preparation and use of modifiable basic or standard plans for school building construction projects for which state assistance funds provided by RCW 28A.47.570 through 28A.47.710 are allotted.

NEW SECTION. Sec. 28A.47.720 1961 BOND ISSUE FOR CONSTRUCTION

OF SCHOOL PLANT FACILITIES. AUTHORIZED--FORM, TERM, ETC.--CONTINUATION OF LEVY. 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, 1965, limited obligation bonds of the state of Washington in the sum of fifty million seven hundred and fifty 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. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner and from the proceeds of retail sales taxes as in RCW 28A.47.720 through 28A.47.750 provided. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

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. The state finance committee shall, in making its invitation or call for bids on the sale or issuance of such bonds, secure bids on the condition that the bonds may be called prior to maturity and it shall also secure bids on the condition that they shall not be subject to prior call.



NEW SECTION. Sec. 28A.47.722 -----PROCEEDS FROM BOND SALE  
--DEPOSIT--USE. The proceeds from the sale of the bonds authorized  
in RCW 28A.47.720 through 28A.47.750 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 RCW 28A.47.720 through 28A.47.750, and for payment of the expense  
incurred in the printing, issuance and sale of such bonds.

NEW SECTION. Sec. 28A.47.724 -----PUBLIC SCHOOL BUILDING  
BOND REDEMPTION FUND OF 1961--PAYMENT FROM AND PRIOR CHARGE ON RETAIL  
SALES TAX. The public school building bond redemption fund of 1961  
is hereby created in the state treasury which fund shall be exclu-  
sively devoted to the retirement of the bonds and interest author-  
ized by RCW 28A.47.720 through 28A.47.750. The state finance com-  
mittee 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  
RCW 28A.47.720 through 28A.47.750. The state treasurer shall there-  
upon deposit such amount in the public school building bond redemp-  
tion fund of 1961 from moneys transmitted to the state treasurer by  
the department of revenue and certified by the department of revenue  
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,  
subject to and inferior only to amounts previously pledged for the  
payment of interest on and retirement of bonds heretofore issued.  
Said bond redemption fund shall be kept segregated from all moneys  
in the state treasury and shall, while any of such bonds or interest  
thereon remains unpaid, be available solely for the payment thereof.

NEW SECTION. Sec. 28A.47.726 -----LEGISLATURE MAY PROVIDE  
ADDITIONAL MEANS OF REVENUE--GENERAL CREDIT OF STATE NOT PLEDGED. The  
legislature may provide additional means for raising funds for the  
payment of the interest and principal of the bonds authorized by  
RCW 28A.47.720 through 28A.47.750 and RCW 28A.47.720 through

28A.47.750 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

NEW SECTION. Sec. 28A.47.728 -----BONDS ARE NEGOTIABLE, LEGAL INVESTMENT AND SECURITY. The bonds authorized in RCW 28A.47-.720 through 28A.47.750 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.

NEW SECTION. Sec. 28A.47.730 -----APPROPRIATION FROM PUBLIC SCHOOL BUILDING CONSTRUCTION ACCOUNT--PURPOSES--LOCAL RESPONSIBILITY--RULES AND REGULATIONS. For the purpose of carrying out the provisions of RCW 28A.47.720 through 28A.47.750 there is hereby appropriated to the state board of education from the public school building construction account of the general fund the sum of fifty million seven hundred and fifty thousand dollars or so much thereof as may be necessary: PROVIDED, That no part of the aforesaid fifty million seven hundred and fifty thousand dollars shall be allotted 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 plus such further 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.

NEW SECTION. Sec. 28A.47.732 -----DUTIES OF STATE BOARD OF EDUCATION. In allotting the state funds provided by RCW 28A.47-.720 through 28A.47.750, the state board of education shall:

(1) Prescribe rules and regulations governing the administration, control, terms, conditions, and disbursement of allotments to

school districts to assist them in providing school plant facilities;

(2) Approve, whenever the board deems such action advisable, allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with procedures and regulations applicable thereto which shall be established by the board.

NEW SECTION. Sec. 28A.47.734 -----BASIS OF STATE AID FOR SCHOOL PLANTS. Allocations to school districts of state funds provided by RCW 28A.47.720 through 28A.47.750 shall be made by the state board of education and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The board of directors of the district shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architect's fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the state board of education.

(2) The state board of education shall compute the ratio of the assessed valuation of the district, adjusted in accordance with the ratio of assessed valuation to actual valuation fixed by the state board of equalization for the county to which the district belongs, to the maximum number of educational units theretofore allowable to the district under state board of education regulations

governing apportionment of funds receivable under the provisions of RCW 28A.47.720 through 28A.47.750: PROVIDED, That this number of units may be increased by the state board of education for the use thereof specified in RCW 28A.47.720 through 28A.47.750, upon the finding of said board that completion of the proposed project will provide facilities for additional units and that such additional units will be needed to serve the school population of the district.

(3) The ratio of the adjusted valuation of the district to the number of educational units thereof, computed in the manner hereinabove in this section provided for, shall then be used in determining the percentage of state assistance for the district in accordance with the following table:

Ratio of adjusted valuation to number of educational units	Percentage of state assistance
\$ 10,520 or less to 1 .....	90.0%
15,000 to 1 .....	86.0
20,000 to 1 .....	81.8
25,000 to 1 .....	77.7
28,570 to 1 .....	75.0
30,000 to 1 .....	73.9
35,000 to 1 .....	70.2
40,000 to 1 .....	66.7
45,000 to 1 .....	63.3
50,000 to 1 .....	60.0
55,000 to 1 .....	56.9
60,000 to 1 .....	53.8
65,000 to 1 .....	50.9
70,000 to 1 .....	48.1
75,000 to 1 .....	45.5
80,000 to 1 .....	42.9
85,000 to 1 .....	40.4
90,000 to 1 .....	37.9

95,000 to 1 .....	35.6
100,000 to 1 .....	33.3
105,000 to 1 .....	31.1
110,000 to 1 .....	29.0
115,000 to 1 .....	27.0
120,000 to 1 .....	25.0
130,000 to 1 .....	21.2
140,000 to 1 .....	17.6
150,000 to 1 .....	14.3
160,000 to 1 .....	11.1
170,000 to 1 .....	8.1
180,000 to 1 .....	5.3
190,000 to 1 .....	2.6
200,000 to 1 .....	...

: PROVIDED, That in the event the percentage of state assistance to any school district based on the above table is less than twenty percent and such school district is otherwise eligible for state assistance under RCW 28A.47.720 through 28A.47.750, the state board of education may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the state board finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(4) The approved cost of the project determined in the manner herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the state board of education: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the state board of education that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted

authorities, a sudden and excessive past or clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1961, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose; or (d) conditions similar to those defined under (a), (b), and (c) hereinabove, creating a like emergency.

NEW SECTION. Sec. 28A.47.736 -----TAXABLE VALUATION AND PERCENTAGE OF STATE ASSISTANCE TO BE USED IN DETERMINING ELIGIBILITY FOR ALLOTMENT. Whenever the voters of a school district authorize the issuance of bonds and/or the levying of excess taxes in an amount sufficient to meet the requirements of RCW 28A.47.730 respecting eligibility for state assistance in providing school facilities, the taxable valuation of the district and the percentage of state assistance in providing school facilities prevailing at the time of such authorization shall be the valuation and the percentage used for the purpose of determining the eligibility of the district for an allotment of state funds and the amount or amounts of such allotments, respectively, for all projects for which the voters authorize capital funds as aforesaid, unless a higher percentage of state assistance prevails on the date that state funds for assistance in financing a project are allotted by the state board of education in which case the percentage prevailing on the date of allotment by the state board of funds for each project shall govern: PROVIDED, That if the state board of education determines at any time that there has been undue or unwarranted delay on the part of school district authorities in

advancing a project to the point of readiness for an allotment of state funds, the taxable valuation of the school district and the percentage of state assistance prevailing on the date that the allotment is made shall be used for the purposes aforesaid: PROVIDED FURTHER, That the date herein specified as applicable in determining the eligibility of an individual school district for state assistance and in determining the amount of such assistance shall be applicable also to cases where it is necessary in administering chapter 28A.56 RCW to determine eligibility for and the amount of state assistance for a group of school districts considered as a single school administrative unit.

NEW SECTION. Sec. 28A.47.738 -----ADDITIONAL ALLOTMENT AUTHORIZED--EFFECT OF ALLOTMENT ON FUTURE DISBURSEMENTS TO DISTRICT. If a school district which has qualified for an allotment of state funds under the provisions of RCW 28A.47.720 through 28A.47.750 for school building construction is found by the state board of education to have a school housing emergency requiring an allotment of state funds in excess of the amount allocable under RCW 28A.47.734, an additional allotment may be made to such district: PROVIDED, That the total amount allotted shall not exceed ninety percent of the total cost of the approved project which may include the cost of the site and equipment. At any time thereafter when the state board of education finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements, or for any combination of these reasons, the amount of such additional allotment, or any part of such amount as the state board of education determines, shall be deducted, under terms and conditions prescribed by the board, from any state school building construction funds which might otherwise be provided to such district.

NEW SECTION. Sec. 28A.47.742 -----APPLICATION BY DISTRICT FOR STATE ASSISTANCE--RULES AND REGULATIONS--STUDIES AND SURVEYS BY

STATE BOARD. All applications by school districts for state assistance in providing school plant facilities shall be made to the superintendent of public instruction in conformity with rules and regulations which shall be prescribed by the state board of education. Studies and surveys shall be conducted by the state board for the purpose of securing information relating to (a) the kind and extent of the school plant facilities required and the urgency of need for such facilities in districts that seek state assistance, (b) the ability of such districts to provide capital funds by local effort, (c) the need for improvement of school administrative units and school attendance areas among or within such districts, and (d) any other pertinent matters.

NEW SECTION. Sec. 28A.47.744 -----MANUAL, OTHER MATERIALS TO GUIDE AND PROVIDE INFORMATION TO DISTRICT. It shall be the duty of the state board of education, in consultation with the Washington state department of health, to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance, and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding (a) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW 28A.47.720 through 28A.47.750; (b) procedures in inaugurating and conducting a school plant planning program for a school district; (c) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (d) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (e) an acceptable school building maintenance program and the necessity therefor; (f)



the relationship of an efficient school building operations service to the health and educational progress of pupils; and (g) any other matters regarded by the state board as pertinent or related to the purposes and requirements of RCW 28A.47.720 through 28A.47.750.

NEW SECTION. Sec. 28A.47.746 -----STATE BOARD TO PROVIDE DISTRICT WITH CONSULTATORY, ADVISORY SERVICE. The state board of education shall furnish to school districts seeking state assistance under the provisions of RCW 28A.47.720 through 28A.47.750 consultatory and advisory service in connection with the development of school building programs and the planning of school plant facilities.

NEW SECTION. Sec. 28A.47.748 -----MODIFIABLE BASIC OR STANDARD PLANS FOR SCHOOL BUILDINGS--RULES AND REGULATIONS. Whenever in the judgment of the state board of education economies may be effected without impairing the usefulness and adequacy of school buildings, said board may prescribe rules and regulations and establish procedures governing the preparation and use of modifiable basic or standard plans for school building construction projects for which state assistance funds provided by RCW 28A.47.720 through 28A.47.750 are allotted.

NEW SECTION. Sec. 28A.47.750 -----REDUCTION OF BOND ISSUE, PROCEEDS BY AMOUNT AVAILABLE FROM FEDERAL FUNDS. The total amount of bonds authorized for issue under the provisions of RCW 28A.47.720 through 28A.47.750 shall be reduced by the amount of federal funds made available during each biennium for school construction purposes under any applicable federal law. In the event the entire bond issue authorized shall have been sold by the state finance committee, the proceeds in the public school building construction account available for allotment by the state board of education shall be reduced by the amount of such federal funds made available. Notwithstanding the foregoing provisions of this section, the total amount of bonds authorized for issue under RCW 28A.47.720 through 28A.47.750 and/or the total proceeds from the sale thereof shall not be reduced by reason of any grants to any school district of federal moneys paid

under Public Law No. 815 or any other federal act authorizing school building construction assistance to federally affected areas.

NEW SECTION. Sec. 28A.47.760 1963 BOND ISSUE FOR CONSTRUCTION OF SCHOOL PLANT FACILITIES. AUTHORIZED--FORM, TERMS, ETC.--CONTINUATION OF LEVY. 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, 1967, limited obligation bonds of the state of Washington in the sum of fifty-nine million 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. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner prescribed in RCW 28A.47.760 through 28A.47.774 from the proceeds of motor vehicle excise taxes as imposed by chapter 82-.44 RCW. As part of the contract of sale of the aforesaid bonds, the state agrees to continue to levy the motor vehicle excise taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient proceeds thereof available to pay said bonds and interest thereon until all such obligations have been paid in full.

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.

NEW SECTION. Sec. 28A.47.762 -----PROCEEDS FROM BOND SALE --DEPOSIT--USE. The proceeds from the sale of the bonds authorized in RCW 28A.47.760 through 28A.47.774 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 RCW 28A.47.760 through 28A.47.774, and for payment of the expense incurred in the printing, issuance and sale of such bonds.

NEW SECTION. Sec. 28A.47.764 -----PUBLIC SCHOOL BUILDING BOND REDEMPTION FUND OF 1963--PAYMENT FROM AND PRIOR CHARGE ON MOTOR VEHICLE EXCISE TAX. The public school building bond redemption fund of 1963 is hereby created in the state treasury which fund shall be exclusively devoted to the retirement of the bonds and interest authorized by RCW 28A.47.760 through 28A.47.774. 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 RCW 28A.47.760 through 28A.47.774. The state treasurer shall thereupon deposit such amount in the public school building bond redemption fund of 1963 from that portion of the motor vehicle excise tax allocable to the state school equalization fund under chapter 82.44 RCW. The amount so deposited in the aforesaid fund shall be devoted exclusively to payment of interest on and to retirement of the bonds authorized by RCW 28A.47.760 through 28A.47.774. Such amount certified by the state finance committee to the state treasurer shall be a first and prior charge, subject only to amounts previously pledged for the payment of interest on and the retirement of bonds heretofore issued, against all motor vehicle excise tax revenues of the state allocable to the state school equalization fund, which amounts so allocable shall never be less than seventy percent of said excise tax revenues. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof.

NEW SECTION. Sec. 28A.47.766 -----LEGISLATURE MAY PROVIDE ADDITIONAL MEANS OF REVENUE--GENERAL CREDIT OF STATE NOT PLEDGED. The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by RCW 28A.47.760 through 28A.47.774 and RCW 28A.47.760 through 28A.47.774 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

NEW SECTION. Sec. 28A.47.768 -----BONDS ARE NEGOTIABLE, LEGAL INVESTMENT AND SECURITY. The bonds authorized in RCW 28A.47.760 through 28A.47.774 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.

NEW SECTION. Sec. 28A.47.770 -----ALLOTMENT OF FUNDS APPROPRIATED FROM PUBLIC SCHOOL BUILDING CONSTRUCTION ACCOUNT--DUTIES, RULES AND REGULATIONS, OF STATE BOARD OF EDUCATION. For the purpose of carrying out the provisions of RCW 28A.47.760 through 28A.47.774 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 RCW 28A.47.732 through 28A.47.748: 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 plus such further 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.

NEW SECTION. Sec. 28A.47.772 -----REDUCTION OF BOND ISSUE,

PROCEEDS BY AMOUNT AVAILABLE FROM FEDERAL FUNDS. The total amount of bonds authorized for issue under the provisions of RCW 28A.47.760 through 28A.47.774 shall be reduced by the amount of federal funds made available during each biennium for school construction purposes under any applicable federal law. In the event the entire bond issue authorized shall have been sold by the state finance committee, the proceeds in the public school building construction account available for allotment by the state board of education shall be reduced by the amount of such federal funds made available. Notwithstanding the foregoing provisions of this section, the total amount of bonds authorized for issue under RCW 28A.47.760 through 28A.47.774 and/or the total proceeds from the sale thereof shall not be reduced by reason of any grants to any school district of federal moneys paid under Public Law 815 or any other federal act authorizing school building construction assistance to federally affected areas.

NEW SECTION. Sec. 28A.47.774 -----SUBMISSION OF PROPOSITION AS TO ISSUANCE OF BONDS TO THE PEOPLE--ALTERNATIVE METHOD IN EVENT ISSUANCE OF BONDS DECLARED INVALID OR BONDS NOT SOLD. In order to provide an alternative method for furnishing funds for state assistance in providing public school plant facilities, in the event the issuance of bonds by the state finance committee pursuant to the authority given it by RCW 28A.47.760 through 28A.47.772 is held by the supreme court of the state of Washington to be invalid for the sole reason that the proposition to issue such bonds must have been referred to the people under the provisions of section 3 of article VIII of the state Constitution or in the event none of the bonds heretofore authorized for issue by RCW 28A.47.760 through 28A.47.772 are sold by the state finance committee on or before July 1, 1964, then a proposition as to whether or not fifty-nine million dollars in bonds shall be issued and sold under the terms and conditions as set forth in RCW 28A.47.760 through 28A.47.772 shall be submitted to the people for their adoption and ratification, or rejection, at the next general election.

NEW SECTION. Sec. 28A.47.775 1965 BOND ISSUE FOR CONSTRUCTION OF SCHOOL PLANT FACILITIES. AUTHORIZED--FORM, TERMS, ETC. 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.

NEW SECTION. Sec. 28A.47.776 -----PROCEEDS FROM BOND SALE --DEPOSIT--USE. The proceeds from the sale of the bonds authorized in RCW 28A.47.775 through 28A.47.783 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 RCW 28A.47.775 through 28A.47.783, and for payment of the expense incurred in the printing, issuance and sale of such bonds.

NEW SECTION. Sec. 28A.47.777 -----PUBLIC SCHOOL BUILDING

BOND REDEMPTION FUND OF 1965--CREATED--TRANSFER AND PAYMENT OF FUNDS --PRIOR CHARGE AGAINST SALES TAX REVENUES. 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 RCW 28A.47.775 through 28A.47.783. 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 RCW 28A.47.775 through 28A.47.783. 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 department of revenue and certified by the department of revenue 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.

NEW SECTION. Sec. 28A.47.778 -----LEGISLATURE MAY PROVIDE ADDITIONAL MEANS OF REVENUE. The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by RCW 28A.47.775 through 28A.47.783 and RCW 28A.47.775 through 28A.47.783 shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 28A.47.779 -----BONDS ARE NEGOTIABLE, LEGAL INVESTMENT AND SECURITY. The bonds authorized in RCW 28A.47.775 through 28A.47.783 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.

NEW SECTION. Sec. 28A.47.780 -----ALLOTMENT OF FUNDS APPROPRIATED FROM PUBLIC SCHOOL BUILDING CONSTRUCTION ACCOUNT--LOCAL RESPONSIBILITY--DUTIES, RULES AND REGULATIONS, OF STATE BOARD OF EDUCATION. For the purpose of carrying out the provisions of RCW 28A.47.775 through 28A.47.783 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 RCW 28A.47.732 through 28A.47.748: 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.

NEW SECTION. Sec. 28A.47.781 -----APPROPRIATIONS FROM PROCEEDS OF BONDS. 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 RCW 28A.47.775 through 28A.47.783: 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.

NEW SECTION. Sec. 28A.47.782 -----ALLOCATION OF FUNDS--AUTHORIZED--CONDITIONS. In accordance with the provisions of RCW 28A.47.780, 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 chapter 158, Laws of 1965 extraordinary session [RCW 28A.47.775 through 28A.47.783] 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 chapter 158, Laws of 1965 extraordinary session [RCW 28A.47.775 through 28A.47.783] 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.

NEW SECTION. Sec. 28A.47.783 -----REFERRAL TO ELECTORATE. Chapter 158, Laws of 1965 extraordinary session [RCW 28A.47.775 through 28A.47.783] 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.

NEW SECTION. Sec. 28A.47.784 1967 BOND ISSUE FOR CONSTRUCTION, MODERNIZATION OF SCHOOL PLANT FACILITIES. AUTHORIZED--SALE, CONDITIONS--FORM, TERMS, ETC. For the purpose of furnishing funds for state assistance to school districts in providing common school plant facilities and modernization of existing common school plant facilities, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of twenty-two million 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: PROVIDED, That no part of the twenty-two million dollar bond issue shall be sold unless there are insufficient funds in the common school construction fund to meet appropriations authorized by RCW 28A.47.784 through 28A.47.791 as evidenced by a joint agreement

entered into between the governor and the superintendent of public instruction.

The state finance committee is authorized to proscribe 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 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.

NEW SECTION. Sec. 28A.47.785 -----COMMON SCHOOL BUILDING CONSTRUCTION ACCOUNT--CREATED--PROCEEDS FROM BOND SALE DEPOSITED IN--USE. The common school building construction account of the general fund is hereby created as an account of the general fund and the proceeds from the sale of the bonds authorized by RCW 28A.47.784 through 28A.47.791 shall be deposited therein and shall be used exclusively for the purposes of carrying out the provisions of RCW 28A.47.784 through 28A.47.791, and for payment of the expense incurred in the printing, issuance and sale of such bonds.

NEW SECTION. Sec. 28A.47.786 -----BONDS NOT GENERAL OBLIGATION OF STATE--BONDS, INTEREST ON, SOURCE FOR PAYMENT OF--PLEDGE. Bonds issued under the provisions of RCW 28A.47.784 through 28A.47-.791 shall distinctly state that they are not a general obligation bond of the state, but are payable in the manner provided in RCW 28A.47.784 through 28A.47.791 from that portion of the common school construction fund derived from the interest on the permanent common school fund. That portion of the common school construction fund derived from interest on the permanent common school fund is hereby pledged to the payment of any bonds and the interest thereon issued under the

provisions of RCW 28A.47.784 through 28A.47.791.

NEW SECTION. Sec. 28A.47.787 -----COMMON SCHOOL BUILDING BOND REDEMPTION FUND OF 1967--CREATED--USE--TRANSFER OF FUNDS TO--PRIOR CHARGE AGAINST CERTAIN COMMON SCHOOL CONSTRUCTION FUND MONEYS. The common school building bond redemption fund of 1967 is hereby created in the state treasury which fund shall be exclusively devoted to the retirement of the bonds and interest authorized by RCW 28A.47-.784 through 28A.47.791. 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 RCW 28A.47.784 through 28A.47.791. On July first of each year the state treasurer shall transfer such amount to the common school building bond redemption fund of 1967 from moneys in the common school construction fund certified by the state finance committee to be interest on the permanent common school fund and such amount certified by the state finance committee to the state treasurer shall be a prior charge against that portion of the common school construction fund derived from interest on the permanent common school fund.

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.

NEW SECTION. Sec. 28A.47.788 -----LEGISLATURE MAY PROVIDE ADDITIONAL MEANS OF REVENUE--GENERAL CREDIT OF STATE NOT PLEDGED. The legislature may provide additional means for raising funds for the payment of interest and principal of the bonds authorized by RCW 28A-.47.784 through 28A.47.791 and RCW 28A.47.784 through 28A.47.791 shall not be deemed to provide an exclusive method of payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of general credit of the state of Washington.

NEW SECTION. Sec. 28A.47.789 -----BONDS ARE NEGOTIABLE, LEGAL INVESTMENT AND SECURITY. The bonds authorized in RCW 28A.47.784

through 28A.47.791 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.

NEW SECTION. Sec. 28A.47.790 -----ALLOTMENT OF FUNDS APPROPRIATED FROM COMMON SCHOOL BUILDING CONSTRUCTION ACCOUNT OR COMMON SCHOOL CONSTRUCTION FUND--LOCAL RESPONSIBILITY--DUTIES, RULES AND REGULATIONS OF STATE BOARD OF EDUCATION. For the purpose of carrying out the provisions of RCW 28A.47.784 through 28A.47.791 funds appropriated to the state board of education from the common school building construction account of the general fund or the common school construction fund shall be allotted by the state board of education in accordance with the provisions of RCW 28A.47.732 through 28A.47.748: 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.

NEW SECTION. Sec. 28A.47.791 -----APPROPRIATIONS TO STATE BOARD OF EDUCATION--ALLOCATION OF, LIMITATIONS. There is hereby appropriated to the state board of education the following sums, or so much thereof as may be necessary, for the purpose of carrying out the provisions of RCW 28A.47.784 through 28A.47.791: (1) Twenty-two million dollars from the common school building construction account and (2) twenty-nine million seven hundred forty-four thousand five hundred and fifty-four dollars from the common school construction fund including three million for modernization of existing school facilities.

In accordance with RCW 28A.47.790, the state board of education

is authorized to allocate for the purposes of carrying out the provisions of RCW 28A.47.784 through 28A.47.791 the sum of sixty-three million nine hundred thousand dollars: PROVIDED, That expenditures against such allocation shall not exceed the amount appropriated in this section: PROVIDED FURTHER, That no part of the allocation provided in this section in excess of the total amount appropriated by RCW 28A.47.784 through 28A.47.791 shall be allocated unless joint agreement of its necessity shall be determined by the governor and the superintendent of public instruction.

#### Chapter 28A.48

##### APPORTIONMENT TO DISTRICTS--DISTRICT ACCOUNTING

NEW SECTION. Sec. 28A.48.010 BY STATE SUPERINTENDENT. On or before the last business day of each month, 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 all apportionment credits estimated to accrue to the schools during a year beginning September first and continuing through August thirty-first. 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 or intermediate district 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.

NEW SECTION. Sec. 28A.48.030 DISTRIBUTION BY COUNTY OR INTERMEDIATE DISTRICT SUPERINTENDENT. Upon receiving the certificate of apportionment from the superintendent of public instruction the county or intermediate district superintendent shall promptly apportion to the school districts of his county or district the amounts then due and apportionable to such districts as certified by the superintendent of public instruction. The county or intermediate district superintendent shall apportion to the school districts of his county or district during each of the twelve months of the year the amount then available for apportionment to such districts from the appropriate county current school fund.

NEW SECTION. Sec. 28A.48.040 CREDITS FOR NONRESIDENT ATTENDANCE. If a pupil attends any common school of the state outside of his resident district for any of the grades one through eight during the time the resident district maintains a school with the same grade, the attendance shall be credited to the district in which the pupil resides, unless mutually agreed otherwise by the directors of the two districts.

NEW SECTION. Sec. 28A.4C.050 -----PROCEDURE FOR OBTAINING NONRESIDENT ATTENDANCE CREDIT. The superintendent of any school district whose resident pupils are attending school in another district may notify the superintendent of the district where such pupils attend, when the school of said pupils' resident district will be in session, and of the grades that will be maintained, and he must file a duplicate copy of said notice with the county or intermediate district superintendent. He must name the pupils in his notice, and it shall be the duty of the superintendent of the district so notified, on such dates as the county or intermediate district superintendent shall determine, to certify to the superintendent of the resident district the actual number of days' attendance at school of such

pupils during the time that a school of the grade to which the pupil or pupils properly belong was in session in their resident district. And in case said superintendent shall fail or refuse to furnish such information to the superintendent of the resident district, then it shall be the duty of the county or intermediate district superintendent to grant to the resident district for apportionment purposes attendance credit for the actual number of days' attendance of those resident pupils attending school in such other district. Without the notice herein required by the superintendent of the resident district, all claims to attendance will be forfeited.

NEW SECTION. Sec. 28A.48.055 PRIVATE SCHOOLS MUST REPORT ATTENDANCE. It shall be the duty of the administrative or executive authority of every private school in this state to report to the county or intermediate district superintendent of schools on or before the thirtieth day of June in each year, on a form to be furnished, such information as may be required by the superintendent of public instruction, to make complete the records of education work pertaining to all children residing within the state.

NEW SECTION. Sec. 28A.48.060 SPECIAL CREDIT FOR SCHOOL ATTENDANCE FROM PUPILS OF ORPHAN HOMES. Whenever any pupil attends a common school of the state of Washington and such pupil resides in any home or institution devoted exclusively to providing a home for orphan children which is exempt from taxation under the laws of the state of Washington, and is located in the same school district as the school such pupil attends, the attendance of such pupil in such school shall entitle the district to receive from the state's current school fund an amount up to but not to exceed the average cost per day per pupil of educating pupils for the school year throughout the district in grade schools or high schools, as the case may be. The superintendent of such school district entitled to receive additional funds as hereinabove provided shall certify, under oath, whether as a part of his annual report to the county or intermediate district superintendent of schools, or otherwise, as the county or

intermediate district superintendent shall determine, the following facts as nearly as the same can be ascertained, which data shall in turn be included in a report of the county or intermediate district school superintendent to the state superintendent of public instruction: The name and age of each pupil residing in any such home or institution, with the number of days' attendance of each such pupil, and whether such pupil was enrolled in a grade school or a high school. For the purpose of ascertaining the average cost of educating pupils in the high schools and grade schools, respectively, throughout the district, the following items of school expenditure shall be used: Salaries of teachers, supervisors, principals, special instructors, superintendents and assistants, janitors, clerks and secretaries, stenographers and all other employees; fuel, light, water, power, telephones, textbooks, office expenses, janitors' supplies, freight, express, drayage, rents for school purposes, upkeep of grounds, upkeep of shops and laboratories, all materials used in instruction, insurance, current ordinary repairs of every nature, inspection, promotion of health and such other current expenditures as may be necessary to the efficient operation of the high schools or grade schools, respectively. Expenditures for real estate, construction of buildings, and for other permanent improvements and fixtures shall not be included in estimating school expenditures for the purposes of this section.

NEW SECTION. Sec. 28A.48.090 APPORTIONMENT FOR THIRD CLASS DISTRICTS MAY BE WITHHELD, WHEN. Whenever any school board of any third class district shall neglect or refuse to comply with the provisions of RCW 28A.60.186, it shall be the duty of the county or intermediate district superintendent to withhold the entire apportionment accruing to said district until such time as full compliance with requirements thereof has been made.

NEW SECTION. Sec. 28A.48.100 COUNTY TREASURER'S DUTIES. The county treasurer of each county of this state shall be ex officio treasurer of the several school districts of their respective counties,



and, except as otherwise provided by law, it shall be the duty of each county treasurer:

(1) To receive and hold all moneys belonging to such school districts, and to pay them out only on warrants legally issued.

(2) To certify to the county or intermediate district superintendent and the auditor of his county, at least quarterly each year, the amount of all school funds in his possession subject to apportionment on the last day of the preceding month, which certificate shall specify the source or sources from which said moneys were derived.

(3) To make annually, on or before the twenty-fifth day of July, a report to the county or intermediate district superintendent and auditor of his county, which report shall show the amount of school funds on hand at the beginning of the school year last past belonging to each school district; the amount of funds placed to the credit of each school district during the school year ending June 30th, last past, and the sources from which said funds were derived; the amount of warrants registered during the year, the amount of funds disbursed upon warrants of each school district during the year; the amount of funds remaining in his possession at the close of the school year subject to be paid out upon warrants, and the fund to which said moneys belong; also the amount of all unpaid warrants or bonds appearing upon his register at the close of the school year.

(4) He shall register all school warrants presented to him by the county auditor in a book to be known as the "Treasurer's School District Warrant Register," which register shall show the date issued, number of warrant, to whom issued, amount and purpose, date registered, date advertised, interest if any accruing on said warrant, total as redeemed, date redeemed and to whom paid. If the district has money in the fund on which the warrant is drawn no endorsement on the warrant is necessary, but if there be no money to the credit of the fund on which the warrant is registered he shall endorse on said warrant the following: "This warrant bears interest at ..... percent per annum from ..... until called for

payment. .... County Treasurer, By ..... Deputy." All warrants shall be paid in the order of their presentation to the county treasurer; and it is hereby made the duty of the county treasurer to advertise, at least quarterly, all warrants which he is prepared to pay, in the same manner in which he is required to advertise county warrants, and after the date fixed in said notice, warrants shall cease to draw interest.

(5) He shall prepare and submit to each school district superintendent in his county a written report of the state of the finances of such district on the first day of each month, which report shall be submitted not later than the seventh day of said month, certified to by the county auditor, which report shall contain the balance on hand the first of the preceding month, the funds paid in, warrants paid with interest thereon, if any, the number of warrants issued and not paid, and the balance on hand.

(6) After each monthly settlement with the county commissioners the treasurer of each county shall submit a statement of all canceled warrants of districts to the respective school district superintendents, which statement shall be verified to by the county auditor. The canceled warrants of each district shall be preserved separately and shall at all times be open to inspection by the school district superintendent or by any authorized accountant of such district.

NEW SECTION. Sec. 28A.48.110 DISTRIBUTION OF STATE PROPERTY TAX PROCEEDS. 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 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 department of revenue, and the denominator of which fraction shall be the aggregate 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 department of revenue: 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.

The superintendent of public instruction shall make the distribution of funds authorized in this section on or before the tenth day of each month by prorating the funds available on such distribution dates to the school districts entitled thereto.

#### Chapter 28A.51

#### DISTRICT BONDS FOR LANDS, BUILDINGS AND EQUIPMENT

NEW SECTION. Sec. 28A.51.010 DIRECTORS MAY BORROW MONEY, ISSUE BONDS--RATE OF INTEREST, TERM, FORM, SALE AND REDEMPTION. The board of directors of any school district may borrow money and issue negotiable coupon bonds therefor for the purpose of:

- (1) Funding outstanding indebtedness or bonds theretofore issued; or
- (2) For the purchase of schoolhouse sites for buildings or playgrounds authorized by law; or
- (3) For erecting buildings authorized by law and providing the necessary furniture, apparatus, or equipment; or
- (4) For any or all of these purposes.

Neither the amount of money borrowed nor bonds issued therefor shall exceed five percent of the assessed valuation of the taxable property in such district, as shown by the last assessment roll for

county and state purposes previous to the incurring of such indebtedness, except that in cities incorporated under special charter the valuation shall be taken from the last assessment for city purposes: PROVIDED, That any school district may become indebted to a larger amount but not exceeding five percent additional for capital outlays.

Bonds may be issued only when authorized by the vote of the district.

The bonds so issued shall be in such form, for such terms, bear such interest, be sold in such manner, and be payable and redeemable, as the board of directors shall determine in accordance with this chapter and chapter 39.44 RCW.

NEW SECTION. Sec. 28A.51.020 BOND ELECTION REGULATIONS-- BONDS, COUPONS, SIGNATURES, SEAL. The question whether the bonds shall be issued, as provided in RCW 28A.51.010, shall be determined at an election to be held in the manner prescribed by law for holding annual school elections. Notice therefor to be given in such manner as provided in RCW 29.27.080 shall state the amount of bonds proposed to be issued, time they are to run, and the purpose for which the money is to be used. The ballots must contain the words "Bonds, yes," or "Bonds, no." If a majority of the votes cast at such election are "Bonds, yes," the board of directors must issue such bonds: PROVIDED, That if the amount of bonds to be issued, together with any outstanding indebtedness of the district, exceeds one and one-half percent of the taxable property in said district, then three-fifths of the votes cast at such election must be "Bonds, yes," before the board of directors is authorized to issue said bonds. Except as otherwise provided for facsimile signatures on bonds and coupons in chapter 39.44 RCW, or as otherwise in this chapter provided, bonds with the coupons shall be signed in the corporate name of the district by the president or chairman of the board of directors thereof and attested by the school district superintendent as secretary of the board. In districts of the first class the corporate seal of the said district shall be affixed to each bond by the school district

superintendent thereof.

NEW SECTION. Sec. 28A.51.030 CERTIFICATE OF RESULTS OF ELECTION TO COUNTY TREASURER--SALE PROVISIONS--CONTENTS OF BONDS--REGISTRATION. Upon receipt of a resolution from the board of directors of any school district authorizing the sale of all or any part of bonds authorized by an election as provided for in RCW 28A.51.020, the county treasurer of the county to which said school district belongs shall publish notice of the sale of the said bonds in accordance with the provisions of RCW 39.44.030. Said notices, in addition to such information as required in RCW 39.44.030, must give the amounts of bonds to be sold, the time to run, where payable, the option, if any, of the district to redeem, also naming the hour and day for considering bids, and asking bidders to name the price and rates of interest at which they will purchase such bonds or any of them. Such bonds may be issued in such denominations as provided for in RCW 39.44.011, and shall contain upon their faces the date and series of issue, rate of interest, where payable, time to run, option, if any, of district to redeem and that the whole indebtedness of said district does not exceed the constitutional limit. Each bond so issued must be registered by the county treasurer, in a book to be kept for that purpose, which must show the number and such data as is necessary to secure a complete record of such bond, the series and amount of such bond, the person to whom the same is issued, the number of the district issuing, together with the names of directors signing the same; and the said bond shall be indorsed and bear a statement on the back thereof as provided in RCW 39.44.102: PROVIDED, That in the case of joint school districts the bond or bonds shall be registered by the treasurer of each county in which any part of such school district shall lie.

NEW SECTION. Sec. 28A.51.055 SIGNATURE ON BONDS BY DESIGNEE. In addition to the authorization of the use of facsimile signatures in chapter 39.44 RCW, the board of directors of any school district authorized by vote of the electorate to issue bonds for capital

purposes or the payment of validated indebtedness, or any officer required by law to sign such bonds, in the manner in RCW 28A.51.055 through 28A.51.058 provided, may authorize one or more bonded persons to affix the signature of the designating officer to such bonds. When the signature of such officer is so affixed to any such bond or bonds pursuant to such designation, the bond or bonds shall bind the school district and all persons concerned as though the signature were made by the designating officer.

NEW SECTION. Sec. 28A.51.056 -----AUTHORIZATION--REVOCA-TION. Whenever any such board or officer desires to designate a person for said purpose, such action shall be authorized by resolution at a regular or special meeting of the board, giving the name of the person who has been selected therefor and stating, either generally or specifically, what bond or bonds such person shall have authority to sign. If so stated and appearing in such resolution, for the signature of such officer upon any such bond or bonds there may be a facsimile reproduction of such officer's own signature impressed by some mechanical process followed by the word "By" and the original signature of the bonded person so designated by such board or officer. Any such designation may be revoked by resolution signed by the board or officer who has made such designation, and such revocation shall be effective from the time of receipt of a certified copy of such resolution, but shall not affect the validity of any signature there- tofore validly made.

NEW SECTION. Sec. 28A.51.057 -----LIABILITY OF OFFICER AFFIXING SIGNATURE THROUGH A DESIGNEE. Any such officer authorizing the affixing of his signature in the manner provided in RCW 28A.51-.055 through 28A.51.058 shall be subject to the same liability, per- sonally and on his official bond, for any signature so affixed, to the same extent as if such signature had been affixed by himself in person.

NEW SECTION. Sec. 28A.51.058 -----COUPONS--FACSIMILE SIG- NATURES. In the case of coupons attached to any bond or bonds, the

signature or signatures of any of said officers on any such coupons shall be lawful and sufficient if a facsimile reproduction of such officer's own signature is printed, lithographed or engraved on such coupons without further authentication thereon.

NEW SECTION. Sec. 28A.51.070 SALE OF BONDS--DELIVERY--DISPOSITION OF PROCEEDS. At the time named in said notice it shall be the duty of said board of directors to meet with the county treasurer at his office, and with him open said bids, and sell said bonds or any portion thereof to the person or persons making the most advantageous offer: PROVIDED, That said bids and the acceptance or rejection thereof and the sale of such bonds shall be in conformance with the provisions of RCW 39.44.030. Upon the sale of the bonds, the board of directors, as soon thereafter as practicable, shall deliver the bonds, properly executed, to the county treasurer, taking his receipt therefor. The county treasurer, upon payment of the price agreed upon, shall deliver the same to the person or persons to whom sold, and place the moneys arising from such sale to the credit of the general school fund of the district: PROVIDED, That where the bonds have been sold for the purchase of a schoolhouse site or sites or building one or more schoolhouses and providing the same with all necessary furniture, apparatus or equipment, or for any or all of these purposes, he shall place the money derived from such sale to the credit of the building fund of the district, and such fund is hereby created. Fees for advertising shall be deducted from the proceeds. If the board of directors and the person or persons to whom the bonds are sold agree that the delivery of said bonds shall be in installments, the county treasurer shall hold said bonds, and deliver to purchasers only on written order of the board of directors to deliver at specified times the bonds designated by number and series.

NEW SECTION. Sec. 28A.51.180 REFUNDING FORMER ISSUES WITHOUT VOTE OF THE PEOPLE. Whenever any bonds lawfully issued by any school district under the provisions of this chapter shall reach

maturity and shall remain unpaid, or may be paid under any option provided in the bonds, the board of directors thereof shall have the power without any vote of the school district to fund the same by issuing coupon bonds conformable to the requirements of this chapter and sell the same at not less than their par value and use the proceeds exclusively for the purpose of retiring and canceling such outstanding bonds as aforesaid, or the said directors in their discretion may exchange such refunding bonds par for par for such outstanding bonds: PROVIDED, That such bonds shall be issued in such denominations as the school district issuing such bonds in its discretion shall determine and in accordance with RCW 39.44.011, shall be redeemable within the time provided by RCW 39.44.070 and shall draw a rate of interest not to exceed that allowed by law and as the school district issuing such bonds so designates.

NEW SECTION. Sec. 28A.51.190 HOLDER TO NOTIFY TREASURER--REDEMPTION. Every holder of any of the bonds so issued as provided in this chapter, within ten days after he shall become the owner or holder thereof, shall notify the county treasurer of the county in which such bonds are issued of his ownership, together with his full name and post office address, and the county treasurer of said county, in addition to the published notice in RCW 28A.51.210 provided for, shall deposit in the post office, properly stamped and addressed to each owner or holder of any such bonds subject to redemption or payment, a notice in like form, stating the time and place of the redemption of such bonds and the number of the bonds to be redeemed, and in case any owners of bonds shall fail to notify the treasurer of their ownership as aforesaid, then a notice mailed to the last holder of such bonds shall be deemed sufficient, and any and all such notices so mailed as aforesaid shall be deemed to be personal notice to the holders of such bonds, and at the expiration of the time therein named shall have the force to suspend the interest upon any such bonds.

NEW SECTION. Sec. 28A.51.200 EXPENSE OF COUNTY TREASURER. At



any time after the issuance of such bonds as in this chapter provided, and in the discharge of the duties imposed upon said county treasurer, should any incidental expense, costs or charges arise, the said county treasurer shall present his claim for the same to the board of directors of the school district issuing such bonds, and the same shall be audited and paid in the same manner as other services are paid under the provisions of law.

NEW SECTION. Sec. 28A.51.210 CANCELLATION OF REDEEMED BONDS. Whenever the amount of any sinking fund created under the provisions of this chapter shall equal the amount, principal and interest of any bond then due, or subject under the pleasure or option of said school district to be paid or redeemed, it shall be the duty of the county treasurer of the county in which the school district issuing such bonds is located, to publish a notice in the official newspaper of the county, if such a one there be, and if not, then in a newspaper of general circulation, that the said county treasurer within thirty days from the date of such notice, will redeem and pay any such bond then redeemable or payable, giving priority according to the date of issue numerically, and upon the presentation of any such bond or bonds the said treasurer shall pay the same; and in case that any holder of such bond or bonds shall fail or neglect to present the same at the time mentioned in said notice, or in the notice provided for in RCW 28A.51.190, then the interest upon such bond or bonds shall cease and determine, and the treasurer of such county thereafter shall pay only the amount of such bond and the interest accrued thereon up to the day mentioned in said notice. When any bonds are so redeemed or paid, the county treasurer shall cause the same to be fully canceled, and write across the face of such bonds the words "redeemed," with the date of redemption, and shall file the same with the county auditor as vouchers for the sum so paid. When the bonds are held by the state of Washington advertising as contemplated and prescribed in this section shall be deemed unnecessary.

NEW SECTION. Sec. 28A.51.220 EXCHANGE OF WARRANTS FOR BONDS.

If bonds issued under this chapter are not sold as in this chapter provided, the holders of unpaid warrants drawn on the county treasurer by such district for an indebtedness existing at the date of the election may exchange said warrants at the face value thereof and accrued interest thereon for coupon bonds issued under this chapter, at not less than par value and accrued interest of such bonds at the time of the exchange; such exchange to be made under such regulations as may be provided by the board of directors of such district.

Chapter 28A.52

VALIDATING INDEBTEDNESS--BONDS

NEW SECTION. Sec. 28A.52.010 AUTHORITY TO VALIDATE INDEBTEDNESS. Any school district may validate and ratify the indebtedness of such school district, incurred for strictly school purposes, when the same together with all then outstanding legal indebtedness does not exceed that amount permitted for school districts in RCW 39.36-.020 (1) and (3). The value of taxable property in such school district shall be ascertained as provided in article eight, section six, amendment 27, of the Constitution of the state of Washington.

NEW SECTION. Sec. 28A.52.020 RESOLUTION PROVIDING FOR ELECTION--VOTE REQUIRED TO VALIDATE. Whenever the board of directors of any school district shall deem it advisable to validate and ratify the indebtedness mentioned in RCW 28A.52.010, they shall provide therefor by resolution, which shall be entered on the records of such school district, which resolution shall provide for the holding of an election for the purpose of submitting the question of validating and ratifying the indebtedness so incurred to the voters of such school district for approval or disapproval, and if at such election three-fifths of the voters in such school district voting at such election shall vote in favor of the validation and ratification of such indebtedness, then such indebtedness so validated and ratified and every part thereof existing at the time of the adoption of said resolution shall thereby become and is hereby declared to be validated and ratified and a binding obligation upon such school district

NEW SECTION. Sec. 28A.52.030 NOTICE OF ELECTION. At the time of the adoption of the resolution provided for in RCW 28A.52.020, the board of directors shall direct the school district superintendent to give notice to the county auditor of the suggested time and purpose of such election, and specifying the amount and general character of the indebtedness proposed to be ratified. Such superintendent shall also cause written or printed notices to be posted in at least five places in such school district at least twenty days before such election. In addition to his other duties relating thereto, the county auditor shall give notice of such election as provided for in RCW 29.27.080.

NEW SECTION. Sec. 28A.52.040 MANNER AND RESULT OF ELECTION. Elections hereunder shall be by ballot, and conducted in the manner provided for conducting annual school elections. The ballot must contain the words, "Validating and ratifying indebtedness, yes," or the words, "Validating and ratifying indebtedness, no." Ballots containing the words, "Validating and ratifying indebtedness, yes," shall be counted in favor of validating and ratifying such indebtedness, and ballots containing the words, "Validating and ratifying indebtedness, no," shall be counted against validating and ratifying such indebtedness. At their next meeting following ascertainment of the result of the election from the county auditor, the board of directors of any such district holding such an election shall cause to be entered a minute thereof on the records of such district. The qualifications of voters at such election shall be the same as prescribed for the election of school officials.

NEW SECTION. Sec. 28A.52.050 AUTHORITY TO BORROW, ISSUE BONDS--BOND PROCEDURE, INTEREST, SIGNATURES. If the indebtedness of such school district is validated and ratified, as provided in this chapter, by three-fifths of the voters voting at such election, the board of directors of such school district, without any further vote, may borrow money and issue negotiable coupon bonds therefor in accordance with the provisions of chapter 39.44 RCW.

Except as provided in RCW 39.44.100 for facsimile signatures, in all school districts of the second or third class, said bonds, with the coupons, must be signed by the board of directors and countersigned by the school district superintendent and in school districts of the first class said bonds, with the coupons, must be signed in the corporate name of the district by the president of the board of directors thereof.

NEW SECTION. Sec. 28A.52.055 RESOLUTION OF ISSUANCE AND SALE --APPLICABLE LAW--INTEREST--ADVERTISING--BIDS--DISPOSITION OF PROCEEDS. When authorized to issue bonds, as provided in this chapter, the board of directors shall, at a meeting of such board, by resolution provide for the issue, sale, and disposition of the proceeds from the sale of such bonds, and the payment of interest and principal thereon, all in accordance with the provisions of chapter 39.44 RCW, and the money arising from the sale of the bonds issued under this chapter shall be applied as provided in RCW 28A.52.050.

NEW SECTION. Sec. 28A.52.060 EXCHANGE OF BONDS FOR WARRANTS. If bonds issued under this chapter are not sold as herein provided, the holders of unpaid warrants drawn on the county treasurer by such district for an indebtedness existing at the time of the adoption of the resolution mentioned in RCW 28A.52.020, may exchange said warrants at the face value thereof and accrued interest thereon for coupon bonds issued under this chapter, at not less than par value and accrued interest of such bonds at the time of the exchange; such exchange to be made under such regulations as may be provided by the board of directors of such district.

NEW SECTION. Sec. 28A.52.070 NOTICE TO COUNTY TREASURER OF AUTHORITY TO ISSUE BONDS--ANNUAL LEVY FOR PAYMENT OF INTEREST AND PRINCIPAL ON BONDS--PENALTY AGAINST OFFICER FOR EXPENDITURES IN EXCESS OF REVENUES. When authorized to issue bonds, as provided in this chapter the board of directors shall immediately cause to be sent to the appropriate county treasurer, notice thereof. The county officials charged by law with the duty of levying taxes for the

payment of said bonds and interest shall do so as provided in RCW 39-44.020.

The annual expense of such district shall not thereafter exceed the annual revenue thereof, and any officer of such district who shall knowingly aid in increasing the annual expenditure in excess of the annual revenue of such district, in addition to any other penalties, whether civil or criminal, as provided by law, shall be deemed to be guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars.

NEW SECTION. Sec. 28A.52.080 VALIDATING INDEBTEDNESS PROCEEDINGS AFTER MERGER. In case any school district has heretofore incurred, or shall hereafter incur, indebtedness for strictly school purposes and has heretofore, or shall hereafter, become merged with another district as provided in chapter 28A.57 RCW, the directors of the last named district may, after such merger, cause to be submitted to the voters within the limits of the district which incurred the obligations, the question of validating and ratifying such indebtedness. The vote shall be taken and the question determined in the manner prescribed in RCW 28A.52.020, 28A.52.030 and 28A.52.040. The directors of the district to which the district incurring the obligations was merged shall make provisions for payment of the indebtedness so validated by certifying the amount thereof in the manner prescribed in RCW 28A.52.070: PROVIDED, Such enlarged district may pay a part, or all, of such validating indebtedness from any funds available or by issuing bonds therefor when such enlarged district has taken over property of any district and in making such adjustment and apportionment as provided in chapter 28A.57 RCW, the value of the property received shall be found to exceed the total indebtedness of the district annexed to the extent of such value over the total indebtedness of the district annexed.

Chapter 28A.56

CAPITAL FUND AID BY NONHIGH DISTRICTS

NEW SECTION. Sec. 28A.56.005 HIGH SCHOOL FACILITIES DEFINED.

High school facilities shall mean buildings for occupancy by grades nine through twelve and equipment and furniture for such buildings and shall include major alteration or major remodeling of buildings and the acquisition of new sites and of additions to existing sites, and improvement of sites but only when included as a part of a general plan for the construction, equipping and furnishing of a building or of an alteration or addition to a building. The term shall also (1) include that portion of any building, alteration, equipment, furniture, site and improvement of site allocated to grade nine when included in a plan for facilities to be occupied by grades seven through nine and (2) includes such facilities for grades seven and eight when included in a plan as aforesaid, if the county committee finds that students of these grades who reside in any non-high school districts involved are now attending school in the high school district involved under an arrangement which likely will be continued.

NEW SECTION. Sec. 28A.56.010 PLAN FOR NONHIGH DISTRICT TO PROVIDE CAPITAL FUNDS IN AID OF HIGH SCHOOL DISTRICT. Upon receipt of a written request from the board of directors of a high school district or a non-high school district that presents to the county committee on school district organization satisfactory evidence of a need for high school facilities to be located therein and of ability to provide such facilities, the county committee shall prepare a plan for participation by any non-high school district or districts in providing capital funds to pay the cost of such school facilities and equipment to be provided for the education of students residing in the school districts. Prior to submission of the aforesaid request the board of directors of the school district concerned therewith shall determine the nature and extent of the high school facilities proposed to be provided, the approximate amount of local capital funds required to pay the cost thereof, and the site or sites upon which the proposed facilities are to be located, and shall submit a report thereon to the county committee along with the aforesaid request.

NEW SECTION. Sec. 28A.56.020 FACTORS TO BE CONSIDERED IN PREPARATION OF PLAN. The said county committee shall give consideration to:

- (1) The report submitted by the board of directors as stated above;

(2) The exclusion from the plan of nonhigh school districts because of remoteness or isolation or because they are so situated with respect to location, present and/or clearly foreseeable future population, and other pertinent factors as to warrant the establishment of a high school therein within a period of two years or the inclusion of their territory in some other nonhigh school district within which the establishment of a high school within a period of two years is warranted;

(3) The assessed valuation of the school districts involved;

(4) The cash balance, if any, in the building fund of the district submitting the request which is designated for high school building construction purposes, together with the sources of such balance; and

(5) Any other factors found by the committee to have a bearing on the preparation of an equitable plan.

NEW SECTION. Sec. 28A.56.030 PUBLIC HEARING--NOTICE. The said county committee shall also hold a public hearing or hearings on any proposed plan: PROVIDED, That three members of the committee or two members of the committee and the county or intermediate district superintendent may be designated by the committee to hold such public hearing or hearings and to submit a report thereof to the county committee. The county committee shall cause to be posted, at least ten days prior to the date appointed for any such hearing, a written or printed notice thereof in at least three prominent and public places in the school districts involved and at the place of hearing.

NEW SECTION. Sec. 28A.56.040 REVIEW BY STATE BOARD--APPROVAL--REVISED PLAN. Subsequent to the holding of a hearing or hearings as aforesaid, the county committee shall determine the nonhigh school districts to be included in the plan and the amount of capital funds to be provided by every district included therein, and shall submit the proposed plan to the state board of education together with such maps and other materials pertaining thereto as the state board may require. The state board shall review such plan, shall approve any plan which in its judgment makes adequate and satisfactory provision for participation by the nonhigh school districts in providing capital funds to be used for the purpose above

stated, and shall notify the county committee of such action. Upon receipt by the county committee of such notification, the county or intermediate district superintendent shall notify the board of directors of each school district included in the plan, supplying each board with complete details of the plan and shall state the total amount of funds to be provided and the amount to be provided by each district.

If any such plan submitted by a county committee is not approved by the state board, the county committee shall be so notified, which notification shall contain a statement of reasons therefor and suggestions for revision. Within sixty days thereafter the county committee shall submit to the state board a revised plan which revision shall be subject to the procedural requirements and provisions of law applicable to an original plan submitted to said board.

NEW SECTION. Sec. 28A.56.050 BOND, EXCESS LEVY, ELECTIONS--USE OF PROCEEDS. Within sixty days after receipt of the notice of approval from the county or intermediate district superintendent, the board of directors of each school district included in the plan shall submit to the voters thereof a proposal or proposals for providing, through the issuance of bonds and/or the authorization of an excess tax levy, the amount of capital funds that the district is required to provide under the plan. The proceeds of any such bond issue and/or excess tax levy shall be credited to the building fund of the school district in which the proposed high school facilities are to be located and shall be expended to pay the cost of high school facilities for the education of such students residing in the school districts as are included in the plan and not otherwise.

NEW SECTION. Sec. 28A.56.060 REJECTION BY VOTERS OF NONHIGH DISTRICTS--ADDITIONAL ELECTIONS--REVISED PLAN--ANNEXATION PROPOSAL. In the event that a proposal or proposals for providing capital funds as provided in RCW 28A.56.050 is not approved by the voters of a nonhigh school district a second election thereon shall be held within sixty days thereafter. If the vote of the electors of the nonhigh school district is again in the negative, the high school students \_\_\_\_\_



residing therein shall not be entitled to admission to the high school under the provisions of RCW 28A.58.230, following the close of the school year during which the second election is held: PROVIDED, That in any such case the county committee shall determine within thirty days after the date of the aforesaid election the advisability of initiating a proposal for annexation of such nonhigh school district to the school district in which the proposed facilities are to be located or to some other district where its students can attend high school without undue inconvenience: PROVIDED FURTHER, That pending such determination by the county committee and action thereon as required by law the board of directors of the high school district shall continue to admit high school students residing in the nonhigh school district. Any proposal for annexation of a nonhigh school district initiated by a county committee shall be subject to the procedural requirements of this chapter respecting a public hearing and submission to and approval by the state board of education. Upon approval by the state board of any such proposal, the county or intermediate district superintendent shall make an order establishing the annexation.

NEW SECTION. Sec. 28A.56.070 FAILURE OF NONHIGH DISTRICTS TO SUBMIT PROPOSAL TO VOTE WITHIN TIME LIMITS--ANNEXATION PROCEDURE. In case of failure or refusal by a board of directors of a nonhigh school district to submit a proposal or proposals to a vote of the electors within the time limit specified in RCW 28A.56.050 and 28A.56.060, the county committee may initiate a proposal for annexation of such nonhigh school district as provided for in RCW 28A.56.060.

NEW SECTION. Sec. 28A.56.075 NONHIGH DISTRICTS, TIME OF LEVY AND ISSUANCE OF BONDS. If the voters of a nonhigh school district approve an excess tax levy, the levy shall be made at the earliest time permitted by law. If the voters of a nonhigh school district approve the issuance of bonds, the board of directors of the nonhigh school district shall issue and sell said bonds within ninety days after receiving a copy of a resolution of the board of directors of

the high school district that the high school district is ready to proceed with the construction of the high school facilities provided for in the plan and requesting the sale of the bonds.

NEW SECTION. Sec. 28A.56.170 VALIDATION OF PROCEEDINGS UNDER 1955 ACT, WHEN. All proceedings had and taken under chapter 344, Laws of 1955, shall be valid and binding although not in compliance with that act if said proceedings comply with the requirements of this chapter.

#### Chapter 28A.57

##### ORGANIZATION AND REORGANIZATION OF SCHOOL DISTRICTS

NEW SECTION. Sec. 28A.57.010 PURPOSE. It is the intent and purpose of this chapter (1) to incorporate into a single, permanent, school district organization law all essential provisions governing the formation and establishment of new school districts, the alteration of the boundaries of existing districts, and the adjustment of the assets and liabilities of school districts when changes are made as aforesaid; and (2) to establish methods and procedures whereby the aforesaid changes in the school district system may be brought about by the people concerned and affected, all to the end that the territorial organization of school districts may be more readily adapted to the needs of the changing economic pattern and educational program in the state; that existing disparities among school districts in ability to provide current and capital outlay funds may be reduced and the educational opportunities of children thereby enhanced; and that a wiser use of public funds may be secured through improvement in the school district system. It is not the intent nor purpose of this chapter to apply to organizational changes and the procedure therefor relating to capital fund aid by nonhigh districts as provided for in chapter 28A.56 RCW.

NEW SECTION. Sec. 28A.57.020 DEFINITIONS. As used in this chapter:

(1) "Change in the organization and extent of school districts" means the formation and establishment of new school districts,

the dissolution of existing school districts, the alteration of the boundaries of existing school districts, or all of them.

(2) "County committee" means the county committee on school district organization created by this chapter.

(3) "State board" means the state board of education.

(4) "School district" means the territory under the jurisdiction of a single governing board designated and referred to as the board of directors.

(5) "County or intermediate district superintendent" means the county superintendent of schools as provided for in RCW 28A.19-.010 or the intermediate district superintendent as provided for in RCW 28A.19.350, as the case may be. When a county has property both within and without an intermediate district or districts, the state board of education shall determine whether the county superintendent or an intermediate district superintendent shall carry out the functions assigned to the county or intermediate district superintendent under this chapter and be secretary to the county committee as provided for in RCW 28A.57.040, said appointee to serve at the pleasure of the state board.

NEW SECTION. Sec. 28A.57.030 COUNTY COMMITTEES. CREATED.  
There is hereby created in each county a committee which shall be known as the county committee on school district organization, which committee shall be composed of not less than five nor more than nine registered voters of the county, the number in each county to be determined by the persons in RCW 28A.57.032 charged with the duty of electing the members of the committee.

NEW SECTION. Sec. 28A.57.031 -----MEMBERSHIP LIMITATION.  
Neither the county or intermediate district superintendent nor an employee of a school district shall be a member of the county committee.

NEW SECTION. Sec. 28A.57.032 -----ELICTION OF MEMBERS--  
REPRESENTATION QUALIFICATIONS--MEMBERSHIP SERVICE DISABILITY. The members of the county committee shall be elected by the county or

intermediate district superintendent and the members of the board of directors of the school districts of the county at a meeting which the county or intermediate district superintendent shall call for that and any additional purpose. At least one member of the county committee shall be elected from among the registered voters of each county commissioner's district in the county; and, as nearly as possible, an equal number of members shall be elected from among the registered voters of each class of school district (first, second, or third class) in the county. No member of a county committee shall continue to serve thereon if he ceases to be a registered voter of the county or if he is absent from three consecutive meetings of the committee without an excuse acceptable to the committee.

NEW SECTION. Sec. 28A.57.033 -----VACANCIES, FILLING OF. Vacancies in the membership of the county committee shall be filled by the persons charged with the duty of electing the members of the committee under RCW 28A.57.032: PROVIDED, That the committee may fill vacancies in its membership pending the calling of a meeting of said persons for this purpose by the county or intermediate district superintendent.

NEW SECTION. Sec. 28A.57.034 -----TERMS OF MEMBERS. The terms of members of the county committee shall be for five years and until their successors are elected. As nearly as possible one-fifth of the members shall be elected annually.

NEW SECTION. Sec. 28A.57.035 -----MEMBERS' EXPENSES REIMBURSED. Members of the county committee shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties, including the cost of travel, incident to the performance of their duties.

NEW SECTION. Sec. 28A.57.040 -----ORGANIZATION, MEETINGS,

QUORUM, OF COUNTY COMMITTEE. The county committee shall organize by electing from its membership a chairman and a vice chairman. The county or intermediate district superintendent shall be the secretary of the committee. Meetings of the committee shall be held upon call of the chairman or of a majority of the members thereof. A majority of the committee shall constitute a quorum.

NEW SECTION. Sec. 28A.57.050 -----POWERS AND DUTIES OF COUNTY COMMITTEE. The powers and duties of the county committee shall be:

(1) To initiate, on its own motion and whenever it deems such action advisable, proposals or alternate proposals for changes in the organization and extent of school districts in the county; to receive, consider, and revise, whenever in its judgment revision is advisable, proposals initiated by petition or presented to the committee by the county or intermediate district superintendent as provided for in this chapter; to prepare and submit to the state board any of the aforesaid proposals that are found by the county committee to provide for satisfactory improvement in the school district system of the county and state; to prepare and submit with the aforesaid proposals, a map showing the boundaries of existing districts affected by any proposed change and the boundaries, including a description thereof, of each proposed new district or of each existing district as enlarged or diminished by any proposed change, or both, and a summary of the reasons for the proposed change; and such other reports, records, and materials as the state board may request. The committee may utilize as a basis of its proposals and changes that comprehensive plan for changes in the organization and extent of the school districts of the county prepared and submitted to the state board prior to September 1, 1956, or, if the county committee found, after considering the factors listed in RCW 28A.57.055, that no changes in the school district organization of the county were needed, the report to this effect submitted to the state board.

(2) (a) To make an equitable adjustment of the property and

other assets and of the liabilities, including bonded indebtedness, as to the old school districts and the new district or districts, if any, involved in or affected by a proposed change in the organization and extent of the school districts; and (b) to make an equitable adjudgment of the bonded indebtedness outstanding against any of the aforesaid districts whenever in its judgment such adjustment is advisable, as to all of the school districts involved in or affected by any change heretofore or hereafter effected; and (c) to submit to the state board the proposed terms of adjustment and a statement of the reasons therefor in each case. In making the adjustments herein provided for, the county committee shall consider the number of children of school age resident in and the assessed valuation of the property located in each district and in each part of a district involved or affected; the purpose for which the bonded indebtedness of any district was incurred; the value, location, and disposition of all improvements located in the districts involved or affected; and any other matters which in the judgment of the committee are of importance or essential to the making of an equitable adjustment.

(3) To hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in RCW 28A.57.190 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter. Three members of the county committee or two members of the committee and the county or intermediate district superintendent may be designated by the committee to hold any public hearing that the committee is required to hold. The county committee shall cause to be posted, at least ten days prior to the date appointed for any such hearing, a written or printed notice thereof (a) in at least three public places in the territory of each proposed new district or of each established district when such district is involved in a question of adjustment

of bonded indebtedness, (b) in at least one public place in territory proposed to be transferred or annexed to an existing school district, (c) on a commonly-used schoolhouse door of each district involved in or affected by any proposed change or adjustment upon which a public hearing is required; and (d) at the place or places of holding the hearing. In addition notice may be given by newspaper, radio, and television, or either thereof, when in the committee's judgment the public interest will be served thereby.

(4) To divide into five school directors' districts all first and second class school districts now in existence and not heretofore so divided and all first and second class school districts hereafter established: PROVIDED, That no first or second class school district not heretofore so divided and no first or second class school district hereafter created containing a city with a population in excess of seven thousand according to the latest population certificate filed with the secretary of state by the planning and community affairs agency shall be divided into director's districts unless a majority of the registered voters voting thereon at an election shall approve a proposition authorizing the division of the district into directors' districts: AND PROVIDED FURTHER, That nothing in this chapter shall authorize the division of any new or existing third class school district into school directors' districts. The boundaries of each directors' district shall be so established that each such district shall comprise as nearly as practicable an equal portion of the population of the school district.

(5) To rearrange at any time the committee deems such action advisable in order to correct inequalities caused by changes in population and changes in school district boundaries, the boundaries of any of the directors' districts of any school district heretofore or hereafter so divided: PROVIDED, That a petition therefor, shall be required for rearrangement in order to correct inequalities caused by changes in population. Said petition shall be signed by at least ten registered voters residing in the aforesaid school district, and

shall be presented to the county or intermediate district superintendent. A public hearing thereon shall be held by the county committee, which hearing shall be called and conducted in the manner prescribed in subsection (3) of this section, except that notice thereof shall be posted in some public place in each directors' district of the school district and on a commonly-used schoolhouse door of the district and at the place of holding the hearing. In addition notice may be given by newspaper, radio, and television, or either thereof, when in the committee's judgment the public interest will be served thereby.

(6) To prepare and submit to the superintendent of public instruction from time to time or, upon his request, reports and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities.

NEW SECTION. Sec. 28A.57.055 -----COMMITTEE CONSIDERATION  
IN IMPLEMENTING RCW 28A.57.050. The county committee, in carrying out the purposes of RCW 28A.57.050, shall give due consideration in the preparation of plans and terms of adjustment as provided for therein (a) to equalization of the educational opportunities of pupils and to economies in the administration and operation of schools through the formation of larger units of administration and areas of attendance; (b) to equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per-pupil valuation; (c) to geographical and other features, including, but not limited to such physical characteristics as mountains, lakes and rivers, waste land, climatic conditions, highways, and means of transportation; (d) to the convenience and welfare of pupils, including but not limited to remoteness or isolation of their places of residence and time required to travel to and from school; (e) to improvement of the educational opportunities of



pupils through improvement and extension of school programs and through better instruction facilities, equipment, materials, libraries, and health and other services; (f) to equalization of the burden of financing the cost of high school facilities through extension of the boundaries of high school districts to include within each such district all of the territory served by the high school located therein: PROVIDED, That a nonhigh school district may be excluded from a plan if such district is found by the county committee and the state board to be so situated with respect to location, present and clearly foreseeable future population, and other pertinent factors as to warrant the establishment and operation of a high school therein or the inclusion of its territory in a new district formed for the purpose of establishing and operating a high school; (g) to the future effective utilization of existing satisfactory school buildings, sites, and playfields; the adequacy of such facilities located in the proposed new district; and additional facilities required if such proposed district is formed; and (h) to any other matters which in the judgment of the committee are related to or may operate to further equalization and improvement of school facilities and services, economies in operating and capital fund expenditures, and equalization among school districts of tax rates for school purposes.

NEW SECTION. Sec. 28A.57.060 POWERS AND DUTIES OF STATE BOARD, GENERALLY. The powers and duties of the state board with respect to this chapter shall be:

(1) To aid county committees in the performance of their duties by furnishing them with plans of procedure, standards, data, maps, forms, and other necessary materials and services essential to a study and understanding of the problems of school district organization in the county.

(2) To receive, file, and examine the proposals and the maps, reports, records, and other materials relating thereto submitted by county committees and to approve such proposals and so notify the

county committces when said proposals are found to provide for satisfactory improvement in the school district system of the counties and the state and for an equitable adjustment of the assets and liabilities of the districts involved or affected: PROVIDED, That whenever such proposals are found by the state board to be unsatisfactory or inequitable, the board shall so notify the county committee and, upon request, assist the committee in making revisions which revisions shall be resubmitted within sixty days after such notification.

NEW SECTION.    Sec. 28A.57.070    ACTION UPON BOARD'S REPORT.

Upon receipt by the county committee of such notice from the state board as is required in RCW 28A.57.060(2), the county or intermediate district superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of an established school district or districts and all approved terms of adjustment of assets and liabilities involving an established district or districts the boundaries of which have been or are hereafter altered in the manner provided by law, and shall certify his action to each county auditor for the board of county commissioners, each county treasurer, each county assessor and the superintendents of all school districts affected by such action. Upon receipt of such certification the superintendent of each school district which is annexed to another district by the action shall deliver to the superintendent of the school district to which annexed all books, papers, documents, records, and other materials pertaining to his office.

NEW SECTION.    Sec. 28A.57.075    ADJUSTMENT OF BONDED INDEBTEDNESS--SPECIAL ELECTION IN CERTAIN CASES. Whenever adjustments of bonded indebtedness are made between or among school districts in connection with the alteration of the boundaries thereof, pursuant to the provisions of this chapter, the order of the county or intermediate district superintendent establishing the terms of adjustment of bonded indebtedness shall provide and specify:

(1) In every case where bonded indebtedness is transferred from one school district to another school district (a) that such

bonded indebtedness is assumed by the school district to which it is transferred; (b) that thereafter such bonded indebtedness shall be the obligation of the school district to which it is transferred; (c) that, if the terms of adjustment so provide, any bonded indebtedness thereafter incurred by such transferee school district through the sale of bonds authorized prior to the date its boundaries were altered shall be the obligation of such school district including the territory added thereto; and (d) that taxes shall be levied thereafter against the taxable property located within such school district as it is constituted after its boundaries were altered, said taxes to be levied at the times and in the amounts required to pay the principal of and the interest on the bonded indebtedness assumed or incurred as aforesaid, as the same become due and payable.

In computing the debt limitation of any school district from which or to which bonded indebtedness has been transferred, the amount of such transferred bonded indebtedness at any time outstanding (a) shall be an offset against and deducted from the total bonded indebtedness, if any, of the school district from which such bonded indebtedness was transferred and (b) shall be deemed to be bonded indebtedness solely of the transferee school district that assumed such indebtedness.

(2) In every case where adjustments of bonded indebtedness do not provide for transfer of bonded indebtedness from one school district to another school district (a) that the existing bonded indebtedness of each school district the boundaries of which are altered and any bonded indebtedness incurred by each such school district through the sale of bonds authorized prior to the date its boundaries were altered shall be the obligation of the school district in its reduced or enlarged form, as the case may be; and (b) that taxes shall be levied thereafter against the taxable property located within each such school district in its reduced or enlarged form, as the case may be, at the times and in the amounts required to pay the principal of and interest on such bonded indebtedness as the same

become due and payable.

In case the aforesaid approval by the state board concerns a proposal to form a new school district or a proposal for adjustment of bonded indebtedness involving an established school district and one or more former school districts now included therein pursuant to a vote of the people concerned, a special election of the voters residing within the territory of the proposed new district or of the established district involved in a proposal for adjustment of bonded indebtedness as the case may be shall be held for the purpose of affording said voters an opportunity to approve or reject such proposals as concern or affect them.

In a case involving both the question of the formation of a new district and the question of adjustment of bonded indebtedness, the questions may be submitted to the voters either in the form of a single proposition or as separate propositions, whichever to the county committee seems expedient. When the county committee has passed appropriate resolutions for the questions to be submitted and the county or intermediate district superintendent has given notice thereof to the county auditor such special election shall be called, conducted, and the returns canvassed as in regular school district elections.

NEW SECTION.    Sec. 28A.57.080    NOTICE OF ELECTION--CONTENTS--  
POSTING.    Notice of such special elections as provided for in RCW 28A.57.075 shall be given by the county auditor as in RCW 29.27.080 provided, and in addition thereto the county or intermediate district superintendent shall cause to be posted (1) in at least three public places in the territory of a proposed new district or of an established district involved in a proposal for adjustment of bonded indebtedness, and (2) on a commonly-used schoolhouse door of each district included in the proposed new district, and (3) in some public place in the territory of each part of a district included in the proposed new district, and (4) at the place or places of holding the election, a statement encompassing the contents of the notice.    The

notice of election shall state the purpose for which the election has been called and shall contain a description of the boundaries of the proposed new district and a statement of any terms of adjustment of bonded indebtedness to be voted on.

NEW SECTION. Sec. 28A.57.090 VOTE, HOW DETERMINED--SUPERINTENDENT'S ORDER--CERTIFICATION--EFFECTIVE DATE. Whenever a special election is held to vote on a proposal or alternate proposals to form a new school district, the votes cast by the registered voters in each component district shall be tabulated separately and any such proposition shall be considered approved only if it receives a majority of the votes cast in each separate district voting thereon. Whenever a special election is held to vote on a proposal for adjustment of bonded indebtedness the entire vote cast by the registered voters of the proposed new district or of the established district as the case may be shall be tabulated and any such proposition shall be considered approved if a majority of sixty percent of all votes cast thereon is in the affirmative.

In the event of approval of a proposition or propositions voted on at a special election, the county or intermediate district superintendent shall: (1) Make an order establishing such new district or such terms of adjustment of bonded indebtedness or both, as were approved by the registered voters and shall also order effected such other terms of adjustment, if there be any, of property and other assets and of liabilities other than bonded indebtedness as have been approved by the state board; and (2) certify his action to the county and school district officials specified in RCW 28A.57.070. He may designate, with the approval of the new district, a name and number different from that of any component thereof but must designate the new district by name and number different from any other district in existence in the county.

The county or intermediate district superintendent, if he deems such action advisable, may fix, as the effective date of any order or orders he is required by this chapter to make, the first day

of July next succeeding the date of final approval of any change in the organization and extent of school districts or of any terms of adjustment of the assets and liabilities of school districts.

Upon receipt of the aforesaid certification, the superintendent of each school district which is included in the new district shall deliver to the superintendent of the new school district all books, papers, documents, records and other materials pertaining to his office.

NEW SECTION. Sec. 28A.57.100 PROCEDURE UPON REJECTION OF PROPOSAL. If a proposal for the formation of a new school district and for adjustment of bonded indebtedness, or either, is rejected by the registered voters at a special election, the county committee may make such revisions therein as it deems advisable and submit the revised proposal or proposals to the state board. Thereafter such revised proposal or proposals shall be subject to the provisions and procedural requirements of this chapter applicable to original proposals submitted to said board.

NEW SECTION. Sec. 28A.57.110 PERSONNEL AND SUPPLIES TO BE FURNISHED BY STATE SUPERINTENDENT--EXPENSES REIMBURSED. The superintendent of public instruction shall furnish to the state board and to county committees the services of employed personnel and the materials and supplies necessary to enable them to perform the duties imposed upon them by this chapter and shall reimburse the members thereof for expenses necessarily incurred by them in the performance of their duties, such reimbursement for county committee members to be in accordance with RCW 28A.57.035, as now or hereafter amended, and such reimbursement for state board members to be in accordance with allowances for members of the legislature under RCW 44.04.120, as now or hereafter amended.

NEW SECTION. Sec. 28A.57.120 APPEAL. An appeal may be taken, as provided for in RCW 28A.88.010 and 28A.88.020, to the superior court of the county in which a school district or any part thereof is situated on any question of adjustment of property and other

assets and of liabilities provided for in this chapter. If the court finds the terms of the adjustment in question not equitable, the court shall make an adjustment that is equitable.

NEW SECTION. Sec. 28A.57.130 ORGANIZATION OF SCHOOL DISTRICTS. A school district shall be organized in form and manner as hereinafter in this chapter provided, and shall be known as .....  
..... (insert here the name of the district) School District No. ....,  
..... county, state of Washington: PROVIDED, That all school districts now existing as shown by the records of the county or intermediate district superintendent are hereby recognized as legally organized districts.

NEW SECTION. Sec. 28A.57.140 CLASSES OF DISTRICTS--CHANGE OF CLASSIFICATION. Any school district in the state having a population in excess of ten thousand, as shown by any regular or special census or by any other evidence acceptable to the county or intermediate district superintendent, shall be a school district of the first class. Any other school district maintaining a fully accredited high school or containing a city of the third class or of the fourth class or an area of one square mile having a population of at least three hundred shall be a school district of the second class. All other school districts shall be school districts of the third class.

Whenever the county or intermediate district superintendent finds that the classification of a school district should be changed, he shall make an order in conformity with his findings and alter the records of his office accordingly. Thereafter the board of directors of the district shall organize in the manner provided by law for the organization of the board of a district of the class to which said district then belongs.

NEW SECTION. Sec. 28A.57.150 CITY OR TOWN DISTRICTS. 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 in this section provided.

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 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 or intermediate district 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 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 town to include 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, the county committee shall, in its discretion, prepare a proposal or proposals for annexation to the school district in which the town is located any part or all of the territory aforesaid which has been included in the town and for annexation to the school district in which the 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 town: PROVIDED, That where no school or school site is located within the territory annexed to the town and not less than seventy-five percent of the registered voters residing within the annexed territory present a petition in writing for annexation and transfer of said territory to the school district in which the town is located, the county or intermediate district superintendent shall declare the territory so included to be a part of the school district containing said 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: AND PROVIDED FURTHER, That the provisions and procedural requirements of this chapter as now or hereafter amended not in conflict with or inconsistent with the provisions hereinabove in this section 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 or intermediate district superintendent, except where the incorporation or consolidation would affect a district or districts of the first class, shall: (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 other district in existence in the county.

The county or intermediate district superintendent, if he deems such action advisable, may 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.

NEW SECTION. Sec. 28A.57.160 REORGANIZATION OF DISTRICTS BY TRANSFER OF TERRITORY OR ANNEXATION. A new school district may be formed comprising contiguous territory lying in either a single county or in two or more counties. Such new district may comprise two or more whole school districts and/or a part of one or more school districts and/or territory which is not a part of any school district. The boundaries of existing school districts may be altered (1) by

the transfer of territory from one district to another district, or (2) by the annexation to a district of a part or all of one or more other districts or of territory which is not a part of any school district: PROVIDED, That such territory shall be contiguous to the district to which it is transferred or annexed. Territory may be transferred or annexed to an existing school district without regard to county boundaries.

NEW SECTION. Sec. 23A.57.170 PETITION FOR REORGANIZATION. For the purpose of forming a new school district, a petition in writing may be presented to the county or intermediate district superintendent, as secretary of the county committee, signed either by ten registered voters or by a majority of the registered voters residing (1) in each whole district and in each part of a district proposed to be included in any single new district, or (2) in the territory of a proposed new district which comprises a part only of one or more districts. The petition shall state the name and number of each district involved in or affected by the proposal to form the new district and shall describe the boundaries of the proposed new district.

NEW SECTION. Sec. 23A.57.180 TRANSFER OF TERRITORY--BY PETITION--BY SUPERINTENDENT, LIMITATION, WHEN ELECTION REQUIRED. For the purpose of transferring territory from one school district to another district, a petition in writing may be presented to the county or intermediate district superintendent, as secretary of the county committee, signed by a majority of the registered voters residing in the territory proposed to be transferred, or by the board of directors of one of the districts affected by a proposed transfer of territory if there is no registered voter resident in the territory, which petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory: PROVIDED, That the county or intermediate district superintendent, without being petitioned to do so, may present to the county committee a proposal for the transfer from one school district to another of any territory in which no children of school age reside: PROVIDED FURTHER, That the county or intermediate district superintendent shall not consider any transfer of

territory pursuant to the provisions of this section which involves ten percent or more of the common school student population of the entire district from which such transfer is proposed, unless he has first called and held a special election of the voters of the entire school district from which such transfer of territory is proposed for the purpose of affording said voters an opportunity to approve or reject such proposed transfer, and has obtained approval of the proposed transfer by a majority of those registered voters voting in said election; and if such proposed transfer is disapproved, the state board of education shall determine whether or not said district is meeting or capable of meeting minimum standards of education as set up by the state board. If the board decides in the negative, the superintendent of public instruction may thereupon withhold from such district, in whole or in part, state contributed funds.

NEW SECTION. Sec. 23A.57.190 ANNEXATION OF DISTRICT BOUNDED ON THREE SIDES BY HIGH SCHOOL DISTRICT. Whenever all or any part of a school district in which no accredited high school is maintained is bounded on three or more sides by a school district in which an accredited high school is situated and maintained, or by a school district in which a high school with a program approved by the state board of education is situated and maintained, the county or intermediate district superintendent shall report said fact to the county committee, which committee shall consider the question of the annexation to the aforesaid high school district of the territory or district so bounded.

NEW SECTION. Sec. 23A.57.200 DISSOLUTION AND ANNEXATION OF UNINCORPORATED DISTRICTS--ANNEXATION OF NONDISTRICT PROPERTY. In case a school district shall have an average enrollment of fewer than five pupils or shall not have maintained, during the preceding school

year at least the minimum term of school required by law, the county or intermediate district superintendent shall report said fact to the county committee, which committee shall give consideration to the question of the dissolution of the school district and the annexation of the territory thereof to some other district or districts. In case any territory is not a part of any school district, the county or intermediate district superintendent shall present to the county committee a proposal for the annexation of said territory to some contiguous district or districts.

NEW SECTION. Sec. 28A.57.210 ADJUSTMENT OF INDEBTEDNESS--BASIS. The fact of the issuance of bonds by a school district, heretofore or hereafter, shall not prevent changes in the organization and extent of school districts, regardless of whether or not such bonds or any part thereof are outstanding at the time of change. In case of any change (1) the bonded indebtedness outstanding against any school district involved in or affected by such change shall be adjusted equitably among the old school districts and the new district or districts, if any, involved or affected; and (2) the property and other assets and the liabilities other than bonded indebtedness of any school district involved in or affected by any such change shall also be adjusted in the manner and to the effect hereinbefore in this section provided for, except when all the territory of an old school district is included in a single new district or is annexed to a single existing district, in which event the title to the property and other assets and the liabilities other than bonded indebtedness of such old district shall vest in and become the assets and liabilities of the new district or of the existing district as the case may be.

NEW SECTION. Sec. 28A.57.220 CORPORATE EXISTENCE RETAINED TO PAY BONDED INDEBTEDNESS--TAX LEVIES--JOINT SCHOOL DISTRICTS. Each school district involved in or affected by any change heretofore or hereafter made in the organization and extent of school districts shall retain its corporate existence insofar as is necessary for the

purpose until the bonded indebtedness outstanding against it on and after the effective date of said change has been paid in full: PROVIDED, That nothing in this section shall be so construed as to prevent, after the aforesaid effective date, such adjustments of bonded indebtedness as are provided for in this chapter. The county commissioners shall have the power and it shall be their duty to provide by appropriate levies on the taxable property of each school district for the payment of the bonded indebtedness outstanding against it after any of the aforesaid changes and/or adjustments have been effected. In case any such changes or adjustments involve a joint school district, the tax levy for the payment of any bonded indebtedness outstanding against such joint district after said changes or adjustments are effected shall be made and the proceeds thereof shall be transmitted, credited, and paid out in conformity with the provisions of law applicable to the payment of the bonded indebtedness of joint school districts heretofore established.

NEW SECTION. Sec. 28A.57.230 JOINT SCHOOL DISTRICTS. DEFINED --DESIGNATION. Any school district composed of territory lying in more than one county shall be known as a joint school district, and shall be designated by a separate number for each county in which any part of its territory may lie.

NEW SECTION. Sec. 28A.57.240 -----CHANGE OR ADJUSTMENT OF JOINT DISTRICTS--PROCEDURE GENERALLY. The duties in this chapter imposed upon and required to be performed by a county committee and by a county or intermediate district superintendent in connection with a change in the organization and extent of school districts and/or with the adjustment of the assets and liabilities of school districts and with all matters related to such change or adjustment whenever territory lying in a single county is involved shall be performed jointly by the county committees and by the superintendents of the several counties or districts as required whenever territory lying in more than one county is involved: PROVIDED, That a county committee may designate three of its members, or two of its members

and the county or intermediate district superintendent, as a subcommittee to serve in lieu of the whole committee, but action by a subcommittee shall not be binding unless approved by the whole committee of the county. Proposals for changes in the organization and extent of school districts and proposed terms of adjustment of assets and liabilities thus prepared and approved shall be submitted to the state board (1) by the county committee of the county in which is situated the high school of the proposed new district or of the established district proposed to be enlarged, or (2) in case no high school district is involved in the proposed change, by the county committee of the county in which the schoolhouse of the district is situated, or (3) if there be no schoolhouse in the district or more than one schoolhouse, by the county committee of the county in which is located the part of the district having the largest number of children of school age residing therein.

NEW SECTION. Sec. 28A.57.245 -----CHANGE OR ADJUSTMENT OF JOINT DISTRICTS--PROCEDURE WHEN ONE COMMITTEE DOES NOT APPROVE, OR FAILS TO ACT--TEMPORARY COMMITTEE. Whenever a change in the organization and extent of school districts or an adjustment of the assets and liabilities of school districts, or both, or any other matters related to such change or adjustment involve a joint district, and a majority of the county committee of either county approve a proposal but the proposal is not approved by the other county committee or said committee fails or refuses to act upon the proposal within sixty days of its receipt, the county committee approving the proposal shall certify the proposal and its approval to the state superintendent of public instruction. Upon receipt of a properly certified proposal, the state superintendent of public instruction shall appoint a temporary committee on joint school district organization composed of five persons. The members of the committee shall be selected from the membership of any county committee in this state except that no member shall be appointed from any county in which part of the joint district is situated. Said committee shall meet at the call of the

state superintendent of public instruction and organize by electing a chairman and secretary. Thereupon, this temporary committee on joint school district organization shall have jurisdiction of the proposal and shall treat the same as a proposal initiated on its own motion. Said committee shall have the powers and duties imposed upon and required to be performed by a county committee under the provisions of this chapter and the secretary of the committee shall have the powers and duties imposed upon and required to be performed by the county or intermediate district superintendents under the provisions of this chapter. It shall be the duty of the county or intermediate district superintendents of the counties in which the joint district is situated to assist the temporary committee on joint school district organization by supplying said committee with information from the records and files of their offices and with a proper and suitable place for holding meetings.

NEW SECTION. Sec. 28A.57.250 -----ADMINISTRATION--COUNTY TO WHICH JOINT SCHOOL DISTRICT CONSIDERED AS BELONGING TO. For all purposes essential to the maintenance, operation, and administration of the schools of a district, including the apportionment of current state and county school funds, a joint school district shall be considered as belonging to the county in which the high school of said district or the county in which the high school with the largest enrollment at the time of its establishment, is situated, or in case no high school is operated by the district, to the county in which is situated the schoolhouse of the district or the school with the largest attendance, if there be more than one schoolhouse. If there is no schoolhouse in the joint district, said district shall then be considered as belonging to the county in which is located that part of the district having the largest number of children of school age residing therein.

NEW SECTION. Sec. 28A.57.255 -----SPECIAL RULES IN JOINT DISTRICTS FOR ELECTORS VOTING FOR DIRECTORS OR COUNTY BOARD OF EDUCATION. The registered voters residing within a joint school district

shall vote on the office of school director of their district and on the office of county or intermediate board of education of the county to which the district belongs, even though they reside outside that county.

Jurisdiction of any such election shall rest with the county auditor of the county administering such joint district as provided in RCW 28A.57.250.

At each general election, or upon approval of a request for a special election as provided for in RCW 29.13.020, such county auditor shall:

- (1) See that there shall be at least one polling place in each county;
- (2) At least twenty days prior to the elections concerned, certify in writing to the superintendent of the school district the number and location of the polling places established by him for such regular or special elections; and
- (3) Do all things otherwise required by law for the conduct of such election.

It is the intention of this section that the qualified electors of a joint school district shall not be forced to go to a different polling place on the same day when other elections are being held to vote for school directors of their district and members of the county or intermediate board of education concerned with their school district.

NEW SECTION. Sec. 28A.57.260 -----DIRECTORS, SUPERINTENDENT--VACANCIES. Every director or superintendent of a joint school district shall, on assuming the duties of his office, file his certificate of election or appointment and his signature with the appropriate county or intermediate district superintendent, which signature shall be placed on file with the appropriate county auditor by the said superintendent. A vacancy in the office of director of a joint district of the second or third class shall be filled by the appropriate county or intermediate district superintendent, such



appointment to be valid only until a director is elected and qualified to fill such vacancy at the next regular district election. In a joint district of the first class, such vacancy shall be filled in the manner provided by RCW 28A.57.326 for filling vacancies in districts of the first class, such appointment to be valid only until a director is elected and qualified to fill such vacancy at the next regular district election.

NEW SECTION. Sec. 28A.57.270 -----POWERS AND DUTIES. A joint school district and the officers thereof shall possess all the powers and be subject to all of the duties vested in or imposed upon other school districts of the same class and upon the officers thereof, except as otherwise provided by law. Whenever the laws relating to school districts shall provide for any action by a county officer, such action, if required to be performed in behalf of a joint school district, shall be performed by the proper officer of the county to which the joint district belongs, except as otherwise provided by law.

NEW SECTION. Sec. 28A.57.280 -----ASSESSED VALUATION OF DISTRICT PROPERTY TO BE CERTIFIED. It shall be the duty of the assessor of each county, a part of which is included within a joint school district, to certify annually to the auditor of his county and to the auditor of the county to which the joint district belongs, for the board of county commissioners thereof, the aggregate assessed valuation of all taxable property in his county situated in such joint school district, as the same appears from the last assessment roll of his county.

NEW SECTION. Sec. 28A.57.290 -----APPORTIONMENT OF TAX TO BE LEVIED. The amount of tax to be levied upon the taxable property of that part of a joint school district lying in one county shall be in such ratio to the whole amount levied upon the property in the entire joint district as the assessed valuation of the property lying in such county bears to the assessed valuation of the property in the entire joint district. After the budget of a joint school district

has been prepared in the manner provided by law, the county or intermediate district superintendent of the county or district to which the joint school district belongs, after deducting estimated receipts from sources other than district taxation, shall apportion to each county in which the territory of the joint district lies its proportionate share of the estimated expenditures of such joint district, which apportionment shall be made upon the same basis as is herein provided for the apportionment of tax levies. He shall then forward to the county auditor of his county and to the county or intermediate district superintendent and the county auditor of each other county, for the board of county commissioners thereof, a certificate setting forth the sum apportioned to that county, together with copies of the certificates forwarded by him to the aforesaid officers of other counties.

NEW SECTION. Sec. 28A.57.300 -----LEVY OF TAX--REMITTANCE OF COLLECTIONS TO DISTRICT TREASURER. Upon receipt of the aforesaid certificate, it shall be the duty of the board of county commissioners of each county to levy on all taxable property of that part of the joint school district which lies within the county a tax sufficient to raise the amount necessary to meet the county's proportionate share of the estimated expenditures of the joint district, as shown by the certificate of the county or intermediate district superintendent of the county or district to which the joint school district belongs. Such taxes shall be levied and collected in the same manner as other taxes are levied and collected, and the proceeds thereof shall be forwarded quarterly by the treasurer of each county, other than the county to which the joint district belongs, to the treasurer of the county to which such district belongs and shall be placed to the credit of said district. The treasurer of the county to which a joint school district belongs is hereby declared to be the treasurer of such district.

NEW SECTION. Sec. 28A.57.312 DIRECTORS--ELECTIONS--TERMS--NUMBER. The governing board of a school district shall be known as

the board of directors of the district.

Unless otherwise specifically provided, as in RCW 29.13.060, members of a board of directors shall be elected by ballot by the registered voters of the school district and shall hold office for a term of four years and until their successors are elected and qualified. Terms of school directors shall be staggered, and insofar as possible, not more than a majority of one shall be elected to full terms at any regular election. In case a member or members of a board of directors are to be elected to fill an unexpired term or terms, the ballot shall specify the term for which each such member is to be elected.

The board of directors of a school district of the first class or of a school district of the second class shall consist of five members. The board of directors of a school district of the third class shall consist of three members.

NEW SECTION. Sec. 28A.57.314 DIRECTORS--DECLARATIONS OF CANDIDACY--DESIGNATION OF POSITIONS. Candidates for the position of school director shall file their declarations of candidacy as provided in RCW 29.21.060, as it now exists or may hereafter be amended.

Not less than ten days before the time of filing such declarations of candidacy, the officer charged with the conduct of the election shall designate by lot the positions to be filled by consecutive number, commencing with one. The positions so designated for school directors in each district shall be dealt with as separate offices for all election purposes, and where more than one position is to be filled, each candidate shall file for one of the positions so designated: PROVIDED, That in school districts containing director districts, candidates shall file for such director districts.

NEW SECTION. Sec. 28A.57.316 DIRECTORS--BALLOTS--FORM. Except as provided in RCW 29.21.010, the positions of school directors and the candidates therefor shall appear separately on the nonpartisan ballot in substantially the following form:

SCHOOL DIRECTOR ELECTION BALLOT

District No. ....

Date .....

To vote for a person make a cross (X) in the square at the right of the name of the person for whom you desire to vote.

School District Directors

Position No. 1

Vote for One

.....

.....

.....

Position No. 2

Vote for One

.....

.....

.....

To Fill Unexpired Term

Position No. 3

2 (or 4) year term

Vote for One

.....

.....

.....

The names of candidates shall appear upon the ballot in order of filing for each position. There shall be no rotation of names in the printing of such ballots.

NEW SECTION. Sec. 28A.57.318 DIRECTORS--ELECTED WHEN--QUALIFICATIONS. Directors of school districts shall be elected at regular school elections. No person shall be eligible to the office of school director who is not a citizen of the United States and the state of Washington and a registered voter of either the school district or director district, as the case may be.

NEW SECTION. Sec. 28A.57.322 DIRECTORS--OATH OF OFFICE. Every person elected or appointed to the office of school director, before

entering upon the discharge of the duties thereof, shall take an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of his office according to the best of his ability. In case any official has a written appointment or commission, his oath or affirmation shall be endorsed thereon and sworn to before any officer authorized to administer oaths. School officials are hereby authorized to administer all oaths or affirmations pertaining to their respective offices without charge or fee. All oaths of office, when properly made, shall be filed with the officer with whom declarations of candidacy for such positions are filed.

NEW SECTION. Sec. 28A.57.324 DIRECTORS--MEETINGS. Regular meetings of the board of directors of any school district shall be held monthly or oftener at such a time as the board of directors by resolution shall determine or the bylaws of the board may prescribe. Special or deferred meetings may be held from time to time as circumstances may demand, at the call of the president, if a first class district, or the chairman of the board, if a second or third class district, or on petition of a majority of the members of the board. All meetings shall be open to the public unless the board shall otherwise order an executive session as provided in RCW 42.32.020.

NEW SECTION. Sec. 28A.57.326 DIRECTORS--FILLING VACANCIES.  
(1) The board of directors of any first class school district shall fill, by appointment after board election, any vacancy which may occur in its body, but the appointment to fill such vacancy shall be valid only until the next regular district election.

(2) In case of a vacancy from any cause in the board of directors of a second class school district, the county or intermediate district superintendent, as the case may be, in conjunction with the other directors, shall fill such vacancy by appointment until the next regular school district election, at which time a successor shall be elected for the unexpired term. In case the electors of any second class school district shall fail to elect a director at any

election and for whatsoever reason, the county or intermediate district superintendent, as the case may be, shall declare the office vacant upon the expiration of the term of the incumbent director and such vacancy shall be filled as hereinabove in this subsection provided.

(3) In case of a vacancy from any cause in the board of directors of a third class school district, the county or intermediate district superintendent, as the case may be, shall fill such vacancy by appointment until the next regular school district election, at which time a successor shall be elected for the unexpired term. In case the electors of any third class district shall fail to elect a director at any election and for whatsoever reason, the county or intermediate district superintendent, as the case may be, shall declare the office vacant upon the expiration of the term of the incumbent director and fill such vacancy as hereinabove in this subsection provided.

In the event of there being less than two members on the board of any first or second class district for whatsoever reason the county or intermediate district superintendent shall fill such vacancies by appointment, such appointments being valid only until the next regular school district election at which time successors shall be elected for the respective unexpired terms.

Vacancies in second and third class districts may result from vacancies caused by death, resignation, failure of the district to hold elections, failure of an electee to qualify before the day for taking office, absence from the district for a period of ninety days without board sanction or failure to attend four consecutive meetings of the board without a reasonable excuse.

NEW SECTION. Sec. 28A.57.328 DIRECTORS--NUMBER AND TERMS OF IN NEW THIRD CLASS DISTRICTS. Upon the establishment of a new school district of the third class, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the county or intermediate district superintendent and elect

from among their number three directors for said new district: PROVIDED, That if fewer than three such directors reside in such new school district, they shall become directors of said district, and the county or intermediate district superintendent shall appoint the number of additional directors required to constitute a board of three directors for the district.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of other third class districts until the next regular election in the district and until their successors are elected and qualified. At such election three directors shall be elected at large by the electors of the school district, one for a term of two years and two for a term of four years. Directors thereafter elected and qualified shall serve such terms as provided for in RCW 28A.57.312.

NEW SECTION. Sec. 28A.57.332 DIRECTORS--INCREASE IN NUMBER OF DIRECTORS, HOW EFFECTED. If at any time after this chapter takes effect three directors constitute the board of directors of any school district for which a board of five directors is required by law, except a district divided into school directors' districts, the three directors of such school district shall continue to serve for the terms for which they were elected; two additional directors shall be appointed for the district in the manner provided by law for filling a vacancy on the board of other districts of the same class; and the aforesaid five directors shall thereafter constitute the board of directors of the district. The additional directors so appointed shall serve until the next regular school election in the district and until their successors are elected and qualified, at which election their successors shall be elected, one for a term of two years and one for a term of four years. Directors thereafter elected and qualified shall serve such terms as provided for in RCW 28A.57.312.

NEW SECTION. Sec. 28A.57.334 DIRECTORS--CANDIDATES IN UNDIVIDED DISTRICTS TO INDICATE TERM SOUGHT--HOW ELECTED. Whenever the

directors to be elected in a school district that is not divided into directors' districts are not all to be elected for the same term of years, the county auditor shall distinguish them and designate the same as provided for in RCW 29.21.140, and assign position numbers thereto as provided in RCW 28A.57.314 and each candidate shall indicate on his declaration of candidacy the term for which he seeks to be elected and position number for which he is filing. The candidate receiving the largest number of votes for each position shall be deemed elected.

NEW SECTION. Sec. 28A.57.336 DIRECTORS--TERMS IN CERTAIN FIRST CLASS DISTRICTS TO BE STAGGERED. Whenever the provisions of this chapter require school directors to be elected at the regular school district election and the district affected is a first class school district which elects directors for a term of six years under the provisions of RCW 29.13.060 the directors shall be elected for such terms of office not in excess of six years as will cause the office of at least one director and no more than two directors to be up for election at each regular school district election held thereafter.

NEW SECTION. Sec. 28A.57.340 DIRECTORS--NUMBER AND TERMS OF IN REORGANIZED CITY DISTRICTS NOT DIVIDED INTO DIRECTORS' DISTRICTS. Upon the establishment of a new school district which contains a city having a population of more than seven thousand and which is not divided into director districts, the board of directors of the old district comprising such city shall become the board of the new district and each member thereof shall serve for the term for which he was elected. Directors thereafter elected and qualified shall serve such terms as provided for in RCW 28A.57.312.

Upon the establishment of a new school district which is not divided into directors' districts and which includes two or more old districts each of which contains a city having a population of more than seven thousand, all of the directors of the old districts shall constitute the board of directors of the new district until the next



regular school election in said district and until their successors are elected and qualified, at which election there shall be elected five directors, two for a term of two years and three for a term of four years. Directors thereafter elected and qualified shall serve such terms as provided for in RCW 28A.57.312.

In case any new school district established through the incorporation of a city or through the uniting of two or more cities or towns, pursuant to the provisions of RCW 28A.57.150, contains a city having a population of more than seven thousand and is not divided into directors' districts, all of the directors of the old districts included in the new district so established shall constitute the board of directors of the new district and shall serve until the next regular school election in the district and until their successors are elected and qualified. At such election there shall be elected five directors, two for a term of two years and three for a term of four years. Directors thereafter elected and qualified shall serve such terms as provided for in RCW 28A.57.312.

NEW SECTION. Sec. 28A.57.342 DIRECTORS' DISTRICTS IN CERTAIN SCHOOL DISTRICTS CONTAINING CITY. SUBMITTAL OF PROPOSITION AT FORMATION ELECTION. Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district that, if formed, will be a district of the first or second class and will contain a city with a population in excess of seven thousand according to the latest population certificate filed with the secretary of state by the planning and community affairs agency, there shall also be submitted to the voters at the same election a proposition to authorize the county committee to divide the school district, if formed, into directors' districts.

NEW SECTION. Sec. 28A.57.344 -----ELECTION TO AUTHORIZE DIVISION IN SCHOOL DISTRICTS NOT ALREADY DIVIDED INTO DIRECTORS' DISTRICTS. The board of directors of every first and second class school district containing a city with a population in excess of seven thousand according to the latest population certificate filed with the

secretary of state by the planning and community affairs agency which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the county committee to divide the district into directors' districts. If a majority of the votes cast on the proposition shall be affirmative, the county committee shall proceed to divide the district into directors' districts.

NEW SECTION. Sec. 28A.57.350 DIRECTORS' DISTRICTS GENERALLY. NUMBER AND TERMS OF DIRECTORS IN NEW DIRECTORS' DISTRICTS. The directors of old school districts who reside within the limits of a new school district of the first class that is divided into directors' districts in conformity with the provisions of this chapter shall meet at the call of the county or intermediate district superintendent and elect from among their number five directors for the new district, no two of whom shall be residents of the same school directors' district: PROVIDED, That if one or more of the directors' districts of the new school district has no such director residing therein, the directors shall nominate and elect the number of directors required to constitute a board of five directors for the school district from registered voters in such school directors' district. The directors of old school districts who reside within the limits of a new school district of the second class that is divided into directors' districts in conformity with the provisions of this chapter shall meet at the call of the county or intermediate district superintendent and elect from among their number five directors for the new district, no two of whom shall be residents of the same school directors' district: PROVIDED, That if one or more of the directors' districts of the new school district has no such director residing therein, the county or intermediate district superintendent shall appoint the number of additional directors required to constitute a board of five directors for the school district, no two of whom shall be residents of the same school directors' district.

Each board of directors constituted as provided for in this

section shall proceed at once to organize in the manner prescribed by law and thereafter shall have all of the powers and authority conferred by law upon boards of directors of other districts of the same class until the next regular school election in the district and until their successors are elected and qualified. At such election there shall be elected five directors to constitute the board of the district; one shall be elected from among the residents of each of the five directors' districts of the school district by the electors of the entire school district, two such directors for a term of two years and three for a term of four years. Directors thereafter elected and qualified shall serve such terms as provided for in RCW 28A.57.312.

NEW SECTION. Sec. 28A.57.370 -----SUCCESSION OF DIRECTORS WHEN EXISTING DISTRICT DIVIDED INTO DIRECTORS' DISTRICTS. Whenever any school district other than a newly established school district is divided into directors' districts by the county committee in the discharge of its duties hereunder, the directors thereof shall continue to serve for the terms for which they were elected, unless two or more such directors reside in the same directors' district, in which event the director who shall continue to serve shall be determined by lot. The county or intermediate district superintendent shall then appoint the number of additional directors required to constitute a board of five directors for the school district, no two of whom shall be residents of the same directors' district. The additional directors so appointed shall serve until the next regular school election in the district and until their successors are elected and qualified, at which election their successors shall be elected for the unexpired terms of those who were removed from office by virtue of this section or for four year terms in case no unexpired terms exist. Directors thereafter elected and qualified shall serve such terms as provided for in RCW 28A.57.312.

NEW SECTION. Sec. 28A.57.380 -----SUCCESSION IN DISTRICTS HERETOFORE DIVIDED INTO DIRECTORS' DISTRICTS. In case a school

district has heretofore been divided into five directors' districts in conformity with the requirements of law in effect prior to April 1, 1947, one director therefor shall be elected from among the residents of each such directors' district by the electors of the entire school district, as the terms of the present incumbents expire, except in case such school district is a district of the third class, in which event (1) three of the incumbent directors, selected by lot in such manner that the terms of no two of them will expire simultaneously, shall constitute the board of the district and shall continue to serve for the terms for which they were elected; (2) school directors' districts shall cease to exist; and (3) at the next annual school election in said district and annually thereafter, one director shall be elected at large by the electors of the district.

NEW SECTION. Sec. 28A.57.390 -----MAP AND RECORD OF DIRECTORS' DISTRICTS. The county or intermediate district superintendent shall prepare and keep in his office (1) a map showing the boundaries of the directors' districts of all school districts in or belonging to his county that are so divided, and (2) a record of the action taken by the county committee in establishing such boundaries.

NEW SECTION. Sec. 28A.57.410 -----TERMS SPECIFIED FOR DIRECTORS IN DIVIDED DISTRICTS WHOSE TERMS ARE NOT THE SAME. Whenever all directors to be elected in a school district that is divided into directors' districts are not all to be elected for the same term of years, the county auditor, prior to the date set by law for filing a declaration of candidacy for the office of director, shall determine by lot the directors' districts from which directors shall be elected for a term of two years and the directors' districts from which directors shall be elected for a term of four years. Each candidate shall indicate on his declaration of candidacy the directors' district from which he seeks to be elected.

NEW SECTION. Sec. 28A.57.415 -----DISSOLUTION OF DIRECTORS' DISTRICTS. Upon receipt of a written petition by a county or intermediate district superintendent signed by at least twenty percent of

the registered voters of a first or second class school district theretofore divided into directors' districts after a majority vote thereon in accordance with RCW 28A.57.050(4), which petition shall request a return to the system of directors running at large within the district, the superintendent, after formation of the question to be submitted to the voters, shall give notice thereof to the county auditor who shall call and hold a special election of the voters of the entire school district to approve or reject such proposal, such election to be called, conducted and the returns canvassed as in regular school district elections.

If approval of a majority of those registered voters voting in said election is acquired, at the expiration of terms of the incumbent directors of such school district their successors shall be elected at large.

#### Chapter 28A.58

##### PROVISIONS APPLICABLE TO ALL SCHOOL DISTRICTS

NEW SECTION. Sec. 28A.58.010 CORPORATE POWERS. A school district shall constitute a body corporate and shall possess all the usual powers of a public corporation, and in that name and style may sue and be sued and transact all business necessary for maintaining school and protecting the rights of the district, and enter into such obligations as are authorized therefor by law.

NEW SECTION. Sec. 28A.58.020 LIABILITY FOR DEBTS AND JUDGMENTS. Every school district shall be liable for any debts legally due, and for judgments against the district, and such district shall pay any such judgment or liability out of the proper school funds to the credit of the district.

NEW SECTION. Sec. 28A.58.040 DIRECTORS--CONVEYANCE AND ACQUISITION OF PROPERTY--MANAGEMENT. The board of directors of each school district shall have exclusive control of all school property, real or personal, belonging to the district; said board shall have power, subject to RCW 28A.58.045, in the name of the district, to convey by deed all the interest of their district in or to any real

property of the district which is no longer required for school purposes. Except as otherwise specially provided by law, and RCW 28A.58.045, the board of directors of each school district may purchase, lease, receive and hold real and personal property in the name of the district, and rent or sell the same, and all conveyances of real estate made to the district shall vest title in the district.

NEW SECTION. Sec. 28A.58.045 REAL PROPERTY--SALE--PURCHASE TO RELOCATE AND SELL BUILDINGS. The board of directors of any school district of this state may:

(1) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes if the value thereof is thirty-five thousand dollars or less; and

(2) Purchase real property for the purpose of locating thereon and affixing thereto any house or houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property if the value of any single parcel thereof is thirty-five thousand dollars or less; and is at least equal in funds received to ninety percent of the relocated value thereof: PROVIDED, HOWEVER, That prior to selling any of such real property of the district the board of directors shall appoint three licensed real estate brokers who shall appraise the real property to be sold, and such real property shall not be sold for less than ninety percent of the appraised value thereof.

If the value of any such parcel of real property is found by the board of directors to be greater than thirty-five thousand dollars, the question of the sale thereof shall be submitted to a vote of the voters of the district, either at a general or special election called for that purpose. If a majority of the votes cast thereat favor the sale of such real property the board may make the sale. The sale must be made at public auction for cash and good title shall be conveyed by deed of the school district, executed by the

president or the vice president and the secretary of the board.

NEW SECTION. Sec. 28A.58.048 DIRECTORS--USE AND RENTAL OF PLAYGROUNDS, ATHLETIC FIELDS OR ATHLETIC FACILITIES. Boards of directors of school districts are hereby authorized to permit the use of, and to rent school playgrounds, athletic fields, or athletic facilities, by, or to, any person or corporation for any athletic contests or athletic purposes.

Permission to use and/or rent said school playgrounds, athletic fields, or athletic facilities shall be for such compensation and under such terms as regulations of the board of directors adopted from time to time so provide.

NEW SECTION. Sec. 28A.58.070 DIRECTORS--EMINENT DOMAIN. The board of directors of any school district may proceed to condemn and appropriate not more than fifteen acres of land for any elementary school purpose; not more than twenty-five acres for any junior high school purpose; not more than forty acres for any senior high school purpose; except as otherwise provided by law, not more than seventy-five acres for any vocational technical school purpose; and not more than fifteen acres for any other school district purpose. Such condemnation proceedings shall be in accordance with chapters 8.16 and 8.25 RCW and such other laws of this state providing for appropriation of private property for public use by school districts.

NEW SECTION. Sec. 28A.58.100 DIRECTORS--HIRING AND DISCHARGING EMPLOYEES--LEAVES FOR EMPLOYEES--SENIORITY AND LEAVE BENEFITS, RETENTION UPON TRANSFERS BETWEEN SCHOOLS. Every board of directors, unless otherwise specially provided by law, shall:

(1) Employ for not more than one year, and for sufficient cause discharge all certificated and noncertificated employees, and fix, alter, allow and order paid their salaries and compensation;

(2) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or noncertification qualifications, including but not limited to leaves for attendance at official or

private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and emergencies for both certificated and noncertificated employees, and with such compensation as the board of directors prescribe: PROVIDED, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness 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;

(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 (former RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso.

(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 to and from one district to another, the office of superintendent of public instruction and offices of county and intermediate district superintendents and boards of education, to and from such districts and such offices;



(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.

When any teacher or other certificated employee leaves one community college district or school district within the state and commences employment with another school district or community college district within the state, he shall retain the same seniority, leave benefits and other benefits that he had in his previous position. If the school district or community college district to which the person transfers has a different system for computing seniority, leave benefits and other benefits, then the employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service.

NEW SECTION. Sec. 28A.58.101 DIRECTORS--GOVERNMENT OF SCHOOLS, RULES AND REGULATIONS FOR--ENFORCEMENT. Every board of directors, unless otherwise specifically provided by law, shall:

- (1) Enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils, and certificated employees; and
- (2) Suspend or expel pupils from school or discipline such pupils upon their refusal to obey the reasonable rules or regulations of such school or as promulgated by the superintendent of public instruction and the state board of education.

NEW SECTION. Sec. 28A.58.102 DIRECTORS--SCHOOL BUILDINGS, MAINTENANCE, FURNISHING AND INSURING. Every board of directors, unless otherwise specifically provided by law, shall:

- (1) Cause all school buildings to be properly heated, lighted and ventilated and maintained in a clean and sanitary condition; and
- (2) Maintain and repair, furnish and insure such school buildings.

NEW SECTION. Sec. 28A.58.103 DIRECTORS--INSTRUCTIONAL

MATERIALS--INSTRUCTIONAL MATERIALS COMMITTEE--DISPOSITION OF USED OR OBSOLETE MATERIAL. Every board of directors, unless otherwise specifically provided by law, shall:

(1) Prepare, negotiate, set forth in writing and adopt, policy relative to the selection of instructional materials. Such policy shall:

(a) State the school district's goals and principles relative to instructional materials;

(b) Delegate responsibility for the preparation and recommendation of teachers' reading lists and specify the procedures to be followed in the selection of all instructional materials including textbooks;

(c) Establish an instructional materials committee to be appointed, with the approval of the school board, by the school district's chief administrative officer. This committee shall consist of representative members of the district's professional staff, including representation from the district's curriculum development committees, and, in the case of districts which operate elementary school(s) only, the county or intermediate district superintendent of schools, one of whose responsibilities shall be to assure the correlation of those elementary district adoptions with those of the high school district(s) which serve their children;

(d) Provide for terms of office for members of the instructional materials committee;

(e) Provide a system for receiving, considering and acting upon written complaints regarding instructional materials used by the school district;

(f) Provide free textbooks, supplies and other instructional materials to be loaned to the pupils of the school, when, in its judgment, the best interests of the district will be subserved thereby and prescribe rules and regulations to preserve such books, supplies and other instructional materials from unnecessary damage.

Recommendation of instructional materials shall be by the

district's instructional materials committee in accordance with district policy. Approval shall be by the local school district's board of directors.

Districts may pay the necessary travel and subsistence expenses for expert counsel from outside the district. In addition, the committee's expenses incidental to visits to observe other districts' selection procedures may be reimbursed by the school district.

Districts may, within limitations stated in board policy, use and experiment with instructional materials for a period of time before general adoption is formalized.

Within the limitations of board policy, a school district's chief administrator may purchase instructional materials to meet deviant needs or rapidly changing circumstances.

(2) Establish a depreciation scale for determining the value of texts which students wish to purchase.

Local boards of school directors may declare selected instructional materials obsolete and dispose of them by sale to the highest bidder, following public notice in a newspaper of general circulation in the area.

NEW SECTION. Sec. 28A.58.104 DIRECTORS--OPERATION AND STOCKING OF LIBRARIES. Every board of directors shall provide for the operation and stocking of such libraries as the board deems necessary for the proper education of the district's students or as otherwise required by law or rule or regulation of the superintendent of public instruction or the state board of education.

NEW SECTION. Sec. 28A.58.105 DIRECTORS--NIGHT SCHOOLS, SUMMER SCHOOLS, MEETINGS, USE OF FACILITIES FOR. Every board of directors, unless otherwise specifically provided by law, shall:

(1) Authorize school facilities to be used for night schools and establish and maintain the same whenever deemed advisable;

(2) Authorize school facilities to be used for summer schools or for meetings, whether public, literary, scientific, religious, political, mechanical, agricultural or whatever, upon approval of

the board under such rules or regulations as the board of directors may adopt, which rules or regulations may require a reasonable rental for the use of such facilities.

NEW SECTION. Sec. 28A.58.107 DIRECTORS--COMMENCEMENT EXERCISES--LIP READING INSTRUCTION--JOINT PURCHASING--BUDGETS. Every board of directors, unless otherwise specifically provided by law, shall:

(1) Provide for the expenditure of a reasonable amount for suitable commencement exercises;

(2) In addition to providing free instruction in lip reading for children handicapped by defective hearing, make arrangements for free instruction in lip reading to adults handicapped by defective hearing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned;

(3) Join with boards of directors of other school districts in buying supplies, equipment and services by establishing and maintaining a joint purchasing agency, or otherwise, when deemed for the best interests of the district; and

(4) Prepare budgets as provided for in chapter 28A.65 RCW.

NEW SECTION. Sec. 28A.58.110 DIRECTORS--BYLAWS. Every board of directors shall have power to make such bylaws for their own government, and the government of the common schools under their charge, as they deem expedient, not inconsistent with the provisions of this title, or rules and regulations of the superintendent of public instruction or the state board of education.

NEW SECTION. Sec. 28A.58.130 DIRECTORS--LIMITATION ON CONTRACTING INDEBTEDNESS, PENALTY--EXCEPTIONS. It shall be unlawful for any board of directors to make expenditures and/or contract indebtedness against its district in any one year in any sum in excess of the aggregate amount set forth and approved in its final budget. The members of any board of directors violating any provision of this section shall be personally liable for the full amount thus expended, or contracted for, and each director having a part in such unlawful

expenditure or contractual indebtedness 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.

NEW SECTION. Sec. 28A.58.135 DIRECTORS--ADVERTISING FOR BIDS --BID PROCEDURE--EMERGENCIES. When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements or repairs, or other work or purchases will equal or exceed the sum of twenty-five hundred dollars, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids therefor and that specifications and other information may be examined at the office of the board: PROVIDED, That the board without giving such notice may make improvements or repairs to the property of the district through the shop and repair department of such district when the total of such improvements or repair do not exceed the sum of twenty-five hundred dollars. The bids shall be in writing and shall be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection. The contract for the work or purchase shall be awarded to the lowest responsible bidder as defined in RCW 43.19.1911. Any or all bids may be rejected for good cause. On any work or purchase of more than five hundred dollars, the board shall provide bidding information to any qualified bidder or his agent, requesting it in person, and if more than one supplier is available, it shall seek competitive bidding in such manner as it deems in the best interests of the district.

In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board

may waive the requirements of this section with reference to any purchase or contract: PROVIDED, That an "emergency", for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the school district in the absence of prompt remedial action.

NEW SECTION. Sec. 28A.58.136 DIRECTORS--LUNCHROOMS--ESTABLISHMENT AND OPERATION--PERSONNEL FOR. The directors of any school district may establish, equip and operate lunchrooms in school buildings for pupils, certificated and noncertificated employees and for school or employee functions: PROVIDED, That the expenditures for food supplies shall not exceed the estimated revenues from the sale of lunches, federal lunch aid, Indian education fund lunch aid, or other anticipated revenue, including donations, to be received for that purpose. Operation for the purposes of this section shall include the employment and discharge for sufficient cause of personnel necessary for preparation of food or supervision of students during lunch periods and fixing their compensation, payable from the district general fund, or entering into agreement for the preparation and service of food by a private agency.

NEW SECTION. Sec. 28A.58.137 DIRECTORS--EMPLOYMENT OF SUPERINTENDENT--SUPERINTENDENT'S QUALIFICATIONS, GENERAL POWERS, TERM. In all districts the board of directors shall elect a superintendent who shall hold a valid teacher's certificate and such other credentials as required by the state board of education. He shall have supervision over the several departments of the schools thereof and carry out such other powers and duties as prescribed by law. Notwithstanding the provisions of RCW 28A.58.100(1), the board may contract with such superintendent for a term not to exceed three years when deemed in the best interest of the district.

NEW SECTION. Sec. 28A.58.140 DIRECTORS' AND SUPERINTENDENTS' SIGNATURES FILED WITH AUDITOR. Every school district director and school district superintendent, on assuming the duties of his office, shall place his signature, certified to by some school district

official, on file in the office of the county auditor.

NEW SECTION. Sec. 28A.58.150 SUPERINTENDENT'S DUTIES. In addition to such other duties as a district school board shall prescribe the school district superintendent shall:

(1) Attend all meetings of the board of directors and cause to have made a record as to the proceedings thereof.

(2) Keep such records and reports and in such form as the district board of directors require or as otherwise required by law or rule or regulation of higher administrative agencies and turn the same over to his successor.

(3) Keep accurate and detailed accounts of all receipts and expenditures of school money. At each annual school meeting the superintendent must present his record book of board proceedings for public inspection, and shall make a statement of the financial condition of the district and such record book must always be open for public inspection.

(4) Take annually in May of each year a census of all persons between the ages of four and twenty who were bona fide residents of the district on the first day of May of that year. He shall designate the name and sex of each child, and the date of its birth; the number of weeks it has attended school during the school year, its post office address, and such other information as the superintendent of public instruction shall desire. Parents or guardians may be required to verify as to the correctness of this report. He shall also list separately all defective persons between the ages of four and twenty and give such information concerning them as may be required by the superintendent of public instruction. The board of directors may employ additional persons and compensate the same to aid the superintendent in carrying out such census.

(5) Make to the county or intermediate district superintendent on or before the fifteenth day of July his annual report verified by affidavit upon forms to be furnished by the superintendent of public instruction. It shall contain such items of information as said

superintendent of public instruction shall require, including the following: A full and complete report of all children enumerated under subsection (4) above; the number of schools or departments taught during the year; the number of children, male and female, enrolled in the school, and the average daily attendance; the number of teachers employed, and their compensation per month; the number of days school was taught during the past school year, and by whom; and the number of volumes, if any, in the school district library; the number of schoolhouses in the district, and the value of them; and the aggregate value of all school furniture and apparatus belonging to the district. The superintendent shall keep on file a duplicate copy of said report.

(6) Give such notice of all annual or special elections as otherwise required by law; also give notice of the regular and special meetings of the board of directors.

(7) Report to the county or intermediate district superintendent at the beginning of each term of school the name of every teacher and their proposed length of term, and supply each such teacher with school registers furnished by the county or intermediate district school superintendent.

(8) Sign all orders for warrants ordered to be issued by the board of directors.

(9) Carry out all orders of the board of directors made at any regular or special meeting.

NEW SECTION. Sec. 28A.58.170 OFFICIALS AND EMPLOYEES TO DELIVER BOOKS, PAPERS AND MONEYS TO SUCCESSORS. Every school official and employee, prior to termination of office or employment, shall deliver to his successor all books, papers and moneys pertaining to his office or employment.

NEW SECTION. Sec. 28A.58.180 MINIMUM ANNUAL SCHOOL TERM. All school districts in this state shall maintain school at least one hundred eighty days each school year as defined in RCW 28A.01.020.

NEW SECTION. Sec. 28A.58.190 QUALIFICATION FOR ADMISSION TO



DISTRICT'S SCHOOLS. Except as otherwise provided by law, common schools shall be open to the admission of all persons between the ages of six and twenty-one years residing in that school district.

NEW SECTION. Sec. 28A.58.200 PUPILS TO COMPLY WITH RULES AND REGULATIONS. EXPULSION. All pupils who attend the common schools shall comply with the rules and regulations established in pursuance of the law for the government of the schools, shall pursue the required course of studies, and shall submit to the authority of the teachers of such schools, subject to such disciplinary or other action as the local school officials shall determine.

NEW SECTION. Sec. 28A.58.210 CHILDREN ON U.S. RESERVATIONS. U.S. AUTHORITIES TO COOPERATE. Any child who is of school age and otherwise eligible residing within the boundaries of any military, naval, lighthouse, or other United States reservation, national park or national forest or residing upon rented or leased undeeded lands within any Indian reservation within the state of Washington, shall be admitted to the public school, or schools, of any contiguous district without payment of tuition: PROVIDED, That the United States authorities in charge of such reservation or park shall cooperate fully with state, county, and school district authorities in the enforcement of the laws of this state relating to the compulsory attendance of children of school age, and all laws relating to and regulating school attendance.

NEW SECTION. Sec. 28A.58.215 -----CENSUS BY SCHOOL DISTRICT SUPERINTENDENT OF CONTIGUOUS DISTRICT. It shall be the duty of the school district superintendent of a school district contiguous to any United States military, naval or lighthouse reservation or national park in which the majority of children residing within such reservation or park attend, to take a census of the children residing within such reservation or park at the time of taking the census of the school children of his district as otherwise provided by law and to report such census in the manner provided by law for reporting the school census of his district.

NEW SECTION. Sec. 28A.58.220 REIMBURSING DISTRICT FOR EDUCATING CHILDREN OF EMPLOYEES OF MUNICIPAL LIGHT PLANT. Any city operating a public utility pursuant to the provisions of RCW 35.92.050, with a plant for the generation of electricity located within the limits of any school district outside of the corporate limits of such city which shall cause any loss of revenues and/or increase the financial burden of any such school district affected because of an increase in the number of pupils by reason of the operation of such generating facility, shall provide for recompensing such losses or alleviating such financial burden through agreement with such school district in accordance with the provisions of RCW 35.21.425 through 35.21.427.

NEW SECTION. Sec. 28A.58.225 EDUCATION OF PUPILS IN ANOTHER DISTRICT. A local district may be authorized by the county or intermediate district 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 or intermediate district superintendent.

NEW SECTION. Sec. 28A.58.230 ADMISSION TO HIGH SCHOOL--CERTAIN NONRESIDENTS. Every high school in a high school district shall admit all persons of school age who are residents of this state, and, except as provided in RCW 28A.58.240, not residents of another high school district carrying the grades for which they desire to enroll, upon presentation of satisfactory evidence by such persons of having completed in a creditable manner the eighth grade or a course of study during the preceding grades similar in quality to that prescribed by the state board of education for students completing the eighth grade.

NEW SECTION. Sec. 28A.58.240 ADULTS, CHILDREN FROM OTHER DISTRICTS, AGREEMENTS FOR ATTENDING SCHOOL--TUITION. Any board of

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directors may make agreements with adults wishing to attend school or with the directors of adjoining districts for the attendance of children in the school district of either as may be best accommodated therein; in absence of an express agreement therefor between such adults or directors of adjoining districts and the board, a reasonable tuition shall be paid. Children from nonadjoining districts may also be permitted to attend upon payment of a reasonable tuition. All tuition money must be paid over to the county treasurer within thirty days of its collection for the credit of the district.

Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a tuition charge as affecting the apportionment of current state school funds.

NEW SECTION. Sec. 28A.58.250 RECIPROCITY EXCHANGES WITH OTHER STATES. If the laws of another state permit its school districts to extend similar privileges to pupils resident in this state, the board of directors of any school district contiguous to a school district in such other state may make agreements with the officers of the school district of that state for the attendance of any pupils resident therein upon the payment of tuition.

If a district accepts out-of-state pupils whose resident district is contiguous to a Washington school district, such district shall charge and collect the cost for educating such pupils and shall not include such out-of-state pupils in the computation of the district's share of state and/or county funds.

The board of directors of any school district which is contiguous to a school district in another state may make agreements for and pay tuition for any children of their district desiring to attend school in the contiguous district of the other state. The tuition to be paid for the attendance of resident pupils in an out-of-state school as provided in this section shall be no greater than the cost of educating such elementary or secondary pupils, as the case may be, in the out-of-state educating district.

NEW SECTION. Sec. 28A.58.275 LUNCH PERIOD FOR CERTIFICATED EMPLOYEES--SUPERVISION BY NONCERTIFICATED PERSONNEL. All certificated employees of school districts shall be allowed a reasonable lunch period of not less than thirty continuous minutes per day during the regular school lunch periods and during which they shall have no assigned duties.

Any school district may employ noncertificated personnel to supervise school children in noninstructional activities during regular school lunch periods.

NEW SECTION. Sec. 28A.58.310 REIMBURSEMENT OF EXPENSES OF SCHOOL DIRECTORS OR REPRESENTATIVES. The actual expenses of school directors in going to, returning from and attending upon directors' meetings or other meetings called or held pursuant to statute shall be paid to them. Likewise, the expenses of school superintendents and other school representatives chosen by the directors to attend any conferences or meetings or to attend to any urgent business at the behest of the state superintendent of public instruction or the board of directors shall be paid to them.

NEW SECTION. Sec. 28A.58.370 SPECIAL MEETINGS OF VOTERS. AUTHORIZED. Any board of directors at its discretion may, and, upon a petition of a majority of the legal voters of their district, shall call a special meeting of the voters of the district, to determine the length of time in excess of the minimum length of time prescribed by law that such school shall be maintained in the district during the year; to determine whether or not the district shall purchase any schoolhouse site or sites, and to determine the location thereof; or to determine whether or not the district shall build one or

more schoolhouses or school facilities; or to determine whether or not the district shall maintain one or more free kindergartens; or to determine whether or not the district shall sell any real or personal property belonging to the district, borrow money or establish and maintain a school district library.

NEW SECTION. Sec. 28A.58.380 -----PLACE, NOTICE, PROCEDURE, RECORD. All such special meetings shall be held at such schoolhouse or place as the board of directors may determine. The voting shall be by ballot, the ballots to be of white paper of uniform size and quality. At least ten days' notice of such special meeting shall be given by the school district superintendent, in the manner that notice is required to be given of the annual school election, which notice shall state the object or objects for which the meeting is to be held, and no other business shall be transacted at such meeting than such as is specified in the notice. The school district superintendent shall be the secretary of the meeting, and the chairman of the board of directors or, in his absence, the senior director present, shall be chairman of the meeting: PROVIDED, That in the absence of one or all of said officials, the qualified electors present may elect a chairman or secretary, or both chairman and secretary, of said meeting as occasion may require, from among their number. The secretary of the meeting shall make a record of the proceedings of the meeting, and when the secretary of such meeting has been elected by the qualified voters present, he shall within ten days thereafter, file the record of the proceedings, duly certified, with the superintendent of the district, and said records shall become a part of the records of the district, and be preserved as other records.

NEW SECTION. Sec. 28A.58.390 -----DIRECTORS TO FOLLOW ELECTORS' DECISION. It shall be the duty of every board of directors to carry out the directions of the electors of their districts as expressed at any such meeting.

NEW SECTION. Sec. 28A.58.420 LIABILITY, LIFE, HEALTH, ACCIDENT, DISABILITY AND SALARY INSURANCE AUTHORIZED--PREMIUMS. The

board of directors of any of the state's school districts may make available liability, life, health, accident, disability and salary insurance or any one of, or a combination of the enumerated types of insurance for the members of the boards of directors, the students, and employees of the school district, and their dependents. Whenever funds shall be available for these purposes the board of directors of the school district may contribute toward the cost of such life, health, accident, disability and salary insurance, including hospitalization and medical aid for the employees of their respective school districts and their dependents in an amount not to exceed fifty percent of the premiums therefor, or ten dollars per month per employee covered, whichever is the lesser. The premiums on such liability insurance shall be borne by the school district. The premiums due on such life, health, accident, or disability and salary insurance shall be borne by the assenting school board member, student or employee.

NEW SECTION.    Sec. 28A.58.440    INVESTMENT OF FUNDS OF DISTRICT NOT NEEDED FOR IMMEDIATE NECESSITIES--SERVICE FEE. The county treasurer, or the trustee, guardian, or any other custodian of any school fund, when authorized to do so by the board of directors of any school district, shall invest or reinvest any school funds of such district in savings or time accounts in banks, trust companies and mutual savings banks which are doing business in this state, up to the amount of insurance afforded such accounts by the Federal Deposit Insurance Corporation, or in accounts in savings and loan associations which are doing business in this state, up to the amount of insurance afforded such accounts by the Federal Savings and Loan Insurance Corporation, or any obligations, securities, certificates, notes, bonds, or short term securities or obligations, of the United States. The county treasurer shall have the power to select the particular investment in which said funds may be invested. All earnings and income from such investments shall inure to the benefit of any school fund designated by the board of directors of the school district.

which such board may lawfully designate: PROVIDED, That any interest or earnings being credited to a fund different from that which earned the interest or earnings shall only be expended for instructional supplies, equipment or capital outlay purposes. This section shall apply to all funds which may be lawfully so invested or reinvested which in the judgment of the school board are not required for the immediate necessities of the district.

Five percent of the interest or earnings, with an annual minimum of ten dollars or annual maximum of fifty dollars, on any transactions authorized by each resolution of the board of school directors shall be paid as an investment service fee to the office of county treasurer when the interest or earnings becomes available to the school district.

NEW SECTION. Sec. 28A.58.450 DISCHARGE OF CERTIFICATED PERSONNEL--NOTICE--PROBABLE CAUSE--HEARING--DECISION. Every board of directors determining that there is probable cause for the discharge of a teacher, principal, supervisor, or superintendent shall notify such employee of its decision, which notification shall specify the probable cause for discharge. Every such employee so notified, at his or her request made in writing and filed with the chairman of the board or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing before the board of directors of the district, to determine whether or not there is cause for discharge. The board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and at least three days prior to the date fixed for the hearing shall notify such employee in writing of the date, time and place of the hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors within five days following the conclusion of such hearing shall notify such employee in writing of its final decision. Any decision to discharge such employee shall be based solely upon the cause for discharge specified in the notice

of probable cause to the employee and established by a preponderance of the evidence at the hearing to be sufficient cause for discharge.

In the event such notice and opportunity for hearing is not timely given by the district, or in the event cause for discharge is not established by a preponderance of the evidence at the hearing, such employee shall not be discharged for the duration of his or her contract.

If such employee does not request a hearing as provided herein, such employee shall be discharged.

NEW SECTION. Sec. 28A.58.460 DISCHARGE OF CERTIFICATED PERSONNEL OR FAILURE TO RENEW CONTRACT. NOTICE OF JUDICIAL APPEAL--SERVICE--FILING--CONTENTS. Any teacher, principal, supervisor or superintendent desiring to appeal from any action or failure to act upon the part of a school board relating to the discharge, or failure to renew that employee's contract for the next ensuing term, within thirty days after his receipt of such decision or order, may serve upon the chairman of the school board and file with the clerk of the superior court in the county in which the school district is located a notice of appeal which shall set forth also in a clear and concise manner the errors complained of.

NEW SECTION. Sec. 28A.58.470 -----CERTIFICATION AND FILING WITH COURT OF TRANSCRIPT BY SCHOOL BOARD. The clerk of the superior court, within ten days of his receipt of the notice of appeal shall notify in writing the chairman of the school board of the taking of the appeal, and within twenty days thereafter the school board shall at its expense file the complete transcript of the evidence and the papers and exhibits relating to the decision complained of, all properly certified to be correct.

NEW SECTION. Sec. 28A.58.480 -----APPEAL TO BE HEARD DE NOVO AND EXPEDITIOUSLY. Any appeal to the superior court by teacher, principal, supervisor or superintendent shall be heard de novo by the superior court. Such appeal shall be heard expeditiously.

NEW SECTION. Sec. 28A.58.490 -----COSTS AND ATTORNEYS'



FEES ON APPEAL. The court in its discretion may award to a teacher, principal, supervisor or superintendent a reasonable attorney's fee for the preparation and trial of his appeal, together with his taxable costs in the superior court.

NEW SECTION. Sec. 28A.58.500 -----APPEAL TO SUPREME COURT. Either party to the proceedings in the superior court may appeal the decision to the supreme court of this state as any other civil action is appealed.

NEW SECTION. Sec. 28A.58.510 -----OTHER APPEAL STATUTES NOT APPLICABLE. The provisions of chapter 28A.88 RCW shall not be applicable to RCW 28A.58.450 through 28A.58.500.

NEW SECTION. Sec. 28A.58.520 ELECTIONS. QUALIFICATIONS OF ELECTORS--VOTING PLACE. Qualifications of electors at all school elections shall be the same as at a general state or county election. Except as otherwise provided by law, only those electors residing within the district shall be entitled to vote, and an elector may vote only at the polling place designated by the proper election official.

NEW SECTION. Sec. 28A.58.521 -----ELECTIONS TO BE CONDUCTED ACCORDING TO TITLE 29 RCW. All school district elections, regular or special, shall be conducted according to the election laws of the state as contained in Title 29 RCW, and in the event of a conflict as to the application of the laws of this title or Title 29 RCW, the latter shall prevail.

NEW SECTION. Sec. 28A.58.530 INFORMATION AND RESEARCH SERVICES. For the purpose of obtaining information on school organization, administration, operation and instruction, school districts and county or intermediate district superintendents may contract for or purchase information and research services from public universities, colleges and other public bodies. For the same purpose, school districts and county or intermediate district superintendents may become members of any nonprofit organization whose principal purpose is to provide such services. Charges payable for such services and

membership fees payable to such organizations may be based on the cost of providing such services, on the benefit received by the participating school districts measured by enrollment, or on any other reasonable basis, and may be paid before, during, or after the receipt of such services or the participation as members of such organizations.

NEW SECTION. Sec. 28A.58.550 CONDITIONAL SALES CONTRACTS FOR ACQUISITION OF PROPERTY OR PROPERTY RIGHTS. Any school district may execute an executory conditional sales contract with any other municipal corporation, the state or any of its political subdivisions, the government of the United States or any private party for the purchase of any real or personal property, or property rights, in connection with the exercise of any powers or duties which they now or hereafter are authorized to exercise, if the entire amount of the purchase price specified in such contract does not result in a total indebtedness in excess of one and one-half percent of the assessed valuation of the taxable property in such school district: PROVIDED, That if such a proposed contract would result in a total indebtedness in excess of one and one-half percent of the assessed valuation of the taxable property of such school district, as the case may be, a proposition in regard to whether or not such a contract may be executed shall be submitted to the voters for approval or rejection in the same manner that bond issues for capital purposes are submitted to the voters: PROVIDED FURTHER, That any school district may jointly with another school district execute contracts authorized by this section.

NEW SECTION. Sec. 28A.58.560 TAX DEFERRED ANNUITIES. The board of directors of any school district is authorized to provide and pay for tax deferred annuities for their respective employees in lieu of a portion of salary or wages as authorized under the provisions of 26 U.S.C., section 403(R), as amended by Public Law 87-370, 75 Stat. 796, as now or hereafter amended.

NEW SECTION. Sec. 28A.58.600 CHANGE OF DISTRICT NAME.

AUTHORIZED--PETITION FOR. Any school district in the state, regardless of size or method of organization, may change its name in the following manner: Upon receipt of a petition signed by ten percent of the registered voters of the district, requesting that the name of the school district shall be changed and submitting with said request a proposed name, the school board shall accept or reject the petition within the time for the next two regular meetings. If the petition is rejected, the board's action shall not be appealed.

NEW SECTION. Sec. 28A.58.601 -----PUELIC HEARING ON--NOTICE OF--HEARING MAY INCLUDE ADDITIONAL PETITIONS. If the petition is accepted, the board shall set a date for a public hearing thereon to be held within one month of the date of acceptance and cause notice thereof, together with the proposed new name to be published once a week for three consecutive weeks in a newspaper of general circulation within the school district: PROVIDED, That additional petitions for change of name may be heard at the same public hearing without the necessity of additional publication of notice, so long as the additional proposed names are presented at any board meeting, whether special or regular, including at the public hearing. At the hearing any interested elector who is a resident of the school district may appear and speak for or against the propositions.

NEW SECTION. Sec. 28A.58.602 -----BOARD SELECTION OF NAME FOR VOTER APPROVAL. Within two regular meetings after the public hearing the board shall select one name to present to the residents of the school district for their approval or rejection at the next special or general election.

NEW SECTION. Sec. 28A.58.603 -----PROCEDURE UPON VOTER APPROVAL--RECORDING--NOTICE TO INTERESTED INSTITUTIONS. If a majority of the electors voting at the election at which the proposed name is voted upon approve the proposed name, the new name shall be recorded in the school district office, the office of the intermediate superintendent or county superintendent of schools, the offices of the state superintendent of public instruction and the state board

of education.

All institutions which have a legal or financial interest in the status of a school district whose name has been changed shall be notified in a manner prescribed by the state attorney general.

Chapter 28A.59

PROVISIONS APPLICABLE ONLY TO FIRST CLASS DISTRICTS

NEW SECTION. Sec. 28A.59.030 BOARD PRESIDENT, VICE PRESIDENT OR PRESIDENT PRO TEMPORE. At the first meeting of the members of the board they shall elect a president and vice president from among their number who shall serve for a term of one year or until their successors are elected. In the event of the temporary absence or disability of both the president and vice president, the board of directors may elect a president pro tempore who shall discharge all the duties of president during such temporary absence or disability.

The superintendent of such school district shall act as secretary to the board in accordance with the provisions of RCW 28A.58-.150.

NEW SECTION. Sec. 28A.59.040 CERTAIN BOARD ELECTIONS, MANNER AND VOTE REQUIRED--SELECTION OF PERSONNEL, MANNER. The election of the officers of the board of directors or to fill any vacancy as provided in RCW 28A.57.326, and the selection of the school district superintendent shall be by oral call of the roll of all the members, and no person shall be declared elected or selected unless he receives a majority vote of all the members of the board. Selection of other certificated and noncertificated personnel shall be made in such manner as the board shall determine.

NEW SECTION. Sec. 28A.59.050 DUTIES OF PRESIDENT. It shall be the duty of the president to preside at all meetings of the board, and to perform such other duties as the board may prescribe.

NEW SECTION. Sec. 28A.59.060 DUTIES OF VICE PRESIDENT. It shall be the duty of the vice president to perform all the duties of president in case of his absence or disability.

NEW SECTION. Sec. 28A.59.070 DUTIES OF SUPERINTENDENT AS

SECRETARY OF THE BOARD. In addition to the duties as prescribed in RCW 28A.58.150, the school district superintendent, as secretary of the board, may be authorized by the board to act as business manager, purchasing agent, and/or superintendent of buildings and janitors, and charged with the special care of school buildings and other property of the district, and he shall perform other duties as the board may direct.

NEW SECTION. Sec. 28A.59.080 SUPERINTENDENT'S BOND AND OATH. Before entering upon the discharge of his duties, the superintendent as secretary of the board shall give bond in such sum as the board of directors may fix from time to time, but for not less than five thousand dollars, with good and sufficient sureties, and shall take and subscribe an oath or affirmation, before a proper officer that he will support the Constitution of the United States and of the state of Washington and faithfully perform the duties of his office, a copy of which oath or affirmation shall be filed with the county or intermediate district superintendent.

NEW SECTION. Sec. 28A.59.100 OFFICE OF BOARD--RECORDS AVAILABLE FOR PUBLIC INSPECTION. The board of directors shall maintain an office where all regular meetings shall be held, and where all records, vouchers and other important papers belonging to the board may be preserved. Such records, vouchers, and other important papers at all reasonable times shall be available for public inspection.

NEW SECTION. Sec. 28A.59.110 PAYMENT OF CLAIMS--SIGNING OF WARRANTS. Moneys of such school districts shall be paid out only upon orders for warrants signed by the president, or a majority of the board of directors and countersigned by the secretary: PROVIDED, That when, in the judgment of the board of directors, the orders for warrants issued by the district monthly shall have reached such numbers that the signing of each warrant by the president personally imposes too great a task on the president, the board of directors, after auditing all payrolls and bills as provided by RCW 28A.59.150, may authorize the issuing of one general certificate to the county

treasurer, to be signed by the president, authorizing said treasurer to pay all the warrants specified by date, number, name and amount, and the funds on which said warrants shall be drawn; thereupon the secretary of said board shall be authorized to draw and sign said orders for warrants.

NEW SECTION. Sec. 28A.59.130 QUORUM--FAILURE TO ATTEND MEETINGS MAY RESULT IN VACATION OF OFFICE. A majority of all members of the board of directors shall constitute a quorum. Absence of any board member from four consecutive regular meetings of the board, unless on account of sickness or authorized by resolution of the board, shall vacate his position in the board, which fact shall be passed upon by the board of directors and spread upon their records.

NEW SECTION. Sec. 28A.59.150 AUDITING COMMITTEE AND EXPENDITURES--EXAMINATION BY COUNTY OR INTERMEDIATE DISTRICT SUPERINTENDENT. All accounts shall be audited by a committee of board members chosen in such manner as the board so determines to be styled the "auditing committee," and, except as otherwise provided by law, no expenditure greater than three hundred dollars shall be voted by the board except in accordance with a written contract, nor shall any money or appropriation be paid out of the school fund except on a recorded affirmative vote of a majority of all members of the board: PROVIDED, That nothing herein shall be construed to prevent the board from making any repairs or improvements to the property of the district through their shop and repair department as otherwise provided in RCW 28A.58.135; and the accounts and the records of said board shall at all times be subject to the inspection and examination of the county or intermediate district superintendent, as the case may be, whose duty it shall be, annually, to examine said records and check said accounts, and report in writing to the proper board of county commissioners the nature and state of said accounts, and any facts that may be required concerning said records.

NEW SECTION. Sec. 28A.59.180 ADDITIONAL POWERS OF BOARD. Every board of directors of a school district of the first class,

in addition to the general powers for directors enumerated in chapter 28A.58 RCW or elsewhere in this title, shall have the power:

(1) To employ for a term of not exceeding three years a superintendent of schools of the district, and for cause to dismiss him; and to fix his duties and compensation.

(2) To employ, and for cause dismiss one or more assistant superintendents and to define their duties and fix their compensation

(3) To employ a business manager, attorneys, architects, inspectors of construction, superintendents of buildings and a superintendent of supplies, all of whom shall serve at the board's pleasure, and to prescribe their duties and fix their compensation.

(4) To employ, and for cause dismiss, supervisors of instruction and to define their duties and fix their compensation.

(5) To prescribe a course of study and a program of exercises which shall be consistent with the course of study prepared by the state board of education for the use of the common schools of this state.

(6) To establish and maintain such grades and departments, including night, high, kindergarten, vocational training and, except as otherwise provided by law, industrial schools, and schools and departments for the education and training of any class or classes of handicapped youth, as in the judgment of the board, best shall promote the interests of education in the district.

(7) To determine the length of time over and above one hundred eighty days that school shall be maintained: PROVIDED, That for purposes of apportionment no district shall be credited with more than one hundred and eighty-three days' attendance in any school year; and to fix the time for annual opening and closing of schools and for the daily dismissal of pupils before the regular time for closing schools.

(8) To maintain a shop and repair department, and to employ, and for cause dismiss, a foreman and the necessary help for the maintenance and conduct thereof.

(9) To provide free textbooks and supplies for all children attending school, when so ordered by a vote of the electors; or if the free textbooks are not voted by the electors, to provide books for children of indigent parents, on the written statement of the city superintendent that the parents of such children are not able to purchase them.

(10) To require of the officers or employees of the district to give a bond for the faithful discharge of their duties in such penal sum as may be fixed by the board with good and sufficient surety, and to cause the premium for all bonds required of all such officers or employees to be paid by the district.

(11) To prohibit all secret fraternities and sororities among the students in any of the schools of the said districts.

(12) To appoint a practicing physician, resident of the school district, who shall be known as the school district medical inspector, and whose duty it shall be to decide for the board of directors all questions of sanitation and health affecting the safety and welfare of the public schools of the district who shall serve at the board's pleasure; he or authorized deputies shall make monthly inspections of each school in the district and report the condition of the same to the board of education and board of health: PROVIDED, That children shall not be required to submit to vaccination against the will of their parents or guardian.

NEW SECTION. Sec. 28A.59.185 PERMANENT INSURANCE FUND-- BUDGET ITEM--INVESTMENT. School districts of the first class, when in the judgment of the board of directors it be deemed expedient, shall have power to create and maintain a permanent insurance fund for said districts, to be used to meet losses by fire, if any, of said school districts.

Funds required for maintenance of such a permanent insurance fund shall be budgeted and allowed as are other funds required for the support of the school district.

The county treasurer or other custodian of such fund, when



authorized to do so by the board of directors of any school district, may invest any accumulated moneys in such permanent insurance fund in like manner as for the investment or reinvestment of other school funds as provided in RCW 28A.58.440.

Chapter 28A.60

PROVISIONS APPLICABLE ONLY TO

SECOND AND THIRD CLASS DISTRICTS

NEW SECTION. Sec. 28A.60.010 ORGANIZATION OF BOARD--ASSUMPTION OF SUPERINTENDENT'S DUTIES BY BOARD MEMBER, WHEN--SECOND AND THIRD CLASS DISTRICTS. The term of office of directors of districts of the second and third class shall begin, and the board shall organize, as provided in RCW 29.13.050. At the first meeting of the members of the board they shall elect a chairman from among their number who shall serve for a term of one year or until his successor is elected. The school district superintendent as defined in RCW 28A.01.100 shall serve as secretary to the board. Whenever a district shall be without the services of such a superintendent and the business of the district necessitates action thereby, or when any third class district board determines that no one of its teachers is qualified to act as district superintendent, the board shall appoint any member thereof to carry out the superintendent's powers and duties for the district.

NEW SECTION. Sec. 28A.60.070 NOTICE TO COUNTY OR INTERMEDIATE DISTRICT SUPERINTENDENT OF CHANGE OF CHAIRMAN OR SUPERINTENDENT--SECOND AND THIRD CLASS DISTRICTS. Every school district superintendent in districts of the second and the third class shall within ten days after any change in the office of chairman or superintendent, notify the county or intermediate district superintendent of such change.

NEW SECTION. Sec. 28A.60.181 SCHOOLHOUSES, TEACHERS' COTTAGES--PURCHASE OF REALTY FOR DISTRICT PURPOSES--SECOND CLASS DISTRICTS. The board of directors of a second class school district shall build schoolhouses and teachers' cottages when directed by a

vote of the district to do so. The board of directors of a second class school district may purchase real property for any school district purpose.

NEW SECTION. Sec. 28A.60.185 SCHOOLHOUSES, TEACHERS' COTTAGES--PURCHASE, LEASE OF REALTY--SITES--THIRD CLASS DISTRICTS. The board of directors of a third class school district shall build schoolhouses and teachers' cottages and purchase real property when directed by a vote of the district to do so: PROVIDED, That if a third class school district owns a schoolhouse on a site owned by the district, the board by unanimous vote of all members thereof may purchase or lease additional real estate contiguous to such site without a vote of the district: PROVIDED FURTHER, That a schoolhouse or other building already built on a site which has been selected by a majority vote of the district shall not be removed to a new site without a two-thirds vote of the district at a regular or special election; nor shall a schoolhouse site that has been selected by a majority vote of the district, but upon which no schoolhouse has been built, be changed except by a two-thirds vote of the district voting at a regular or special election.

NEW SECTION. Sec. 28A.60.186 APPROVAL OF BUILDING PLANS--THIRD CLASS DISTRICTS. Whenever any board of directors of school districts of the third class shall be authorized by the electors of their district to erect a school building, it shall be the duty of such board, before entering into any contract for the erection of any such building, to obtain the approval of the county superintendent or the intermediate district superintendent, as the case may be, of the plans and specifications for the building to be erected, including approval of the heating, lighting, ventilating and safety thereof.

NEW SECTION. Sec. 28A.60.190 SCHOOL PROPERTY USED FOR PUBLIC PURPOSES--SECOND AND THIRD CLASS DISTRICTS. School boards in each district of the second class and third class may provide for the free, comfortable and convenient use of the school property to promote and

facilitate frequent meetings and association of the people in discussion, study, improvement, recreation and other community purposes, and may acquire, assemble and house material for the dissemination of information of use and interest to the farm, the home and the community, and facilities for experiment and study, especially in matters pertaining to the growing of crops, the improvement and handling of livestock, the marketing of farm products, the planning and construction of farm buildings, the subjects of household economies, home industries, good roads, and community vocations and industries; and may call meetings for the consideration and discussion of any such matters, employ a special supervisor, or leader, if need be, and provide suitable dwellings and accommodations for teachers, supervisors and necessary assistants.

NEW SECTION. Sec. 28A.60.200 -----COMMUNITY BUILDINGS. Each school district of the second or third class, by itself or in combination with any other district or districts, shall have power, when in the judgment of the school board it shall be deemed expedient, to reconstruct, remodel, or build schoolhouses, and to erect, purchase, lease or otherwise acquire other improvements and real and personal property, and establish a communal assembly place and appurtenances, and supply the same with suitable and convenient furnishings and facilities for the uses mentioned in RCW 28A.60.190.

NEW SECTION. Sec. 28A.60.210 -----SPECIAL STATE COMMISSION TO PASS ON PLANS. Plans of any second or third class district or combination of districts for the carrying out of the powers granted by RCW 28A.60.190 through 28A.60.220 shall be submitted to and approved by a board of supervisors composed of members, as follows: The superintendent of public instruction; the head of the extension department of Washington State University; the head of the extension department of the University of Washington; the county or intermediate district superintendent of schools, or both, depending upon the school organization of the districts involved; these to choose one member from such county in which the facilities are proposed to be

located, and two members, one of whom shall be a woman, from the district or districts concerned.

NEW SECTION. Sec. 28A.60.220 -----LIMIT ON EXPENDITURES. No real or personal property or improvements shall be purchased, leased, exchanged, acquired or sold, nor any schoolhouses built, remodeled or removed, nor any indebtedness incurred or money expended for any of the purposes of RCW 28A.60.190 through 28A.60.220 except in the manner otherwise provided by law for the purchase, lease, exchange, acquisition and sale of school property, the building, remodeling and removing of schoolhouses and the incurring of indebtedness and expenditure of money for school purposes.

NEW SECTION. Sec. 28A.60.320 SCHOOL PHYSICIAN OR SCHOOL NURSE MAY BE EMPLOYED--SECOND AND THIRD CLASS DISTRICTS. The board of directors of any school district of the second or third class may employ a regularly licensed physician or a licensed public health nurse for the purpose of protecting the health of the children in said district.

Chapter 28A.61

WASHINGTON STATE SCHOOL DIRECTORS' ASSOCIATION

NEW SECTION. Sec. 28A.61.010 ASSOCIATION CREATED. The public necessity for the coordination of programs and procedures pertaining to policymaking and to control and management among the school districts of the state is hereby recognized, and in the furtherance of such coordination there is hereby created for said purpose an agency of the state to be known as the Washington state school directors' association, hereinafter designated as the school directors' association.

NEW SECTION. Sec. 28A.61.020 MEMBERSHIP. The membership of the school directors' association shall comprise the members of the boards of directors of the school districts of the state.

NEW SECTION. Sec. 28A.61.030 POWERS OF ASSOCIATION. The school directors' association shall have the power:

(1) To prepare and adopt, amend and repeal a constitution and rules, regulations, and bylaws for its own organization including county or regional units and for its government and guidance: PROVIDED, That action

taken with respect thereto is consistent with the provisions of RCW 28A.61.010 through 28A.61.060 or with other provisions of law;

(2) To arrange for and call such meetings of the association or of the officers and committees thereof as are deemed essential to the performance of its duties;

(3) To provide for the payment of travel and subsistence expenses incurred by members and/or officers of the association and association staff while engaged in the performance of duties under direction of the association in the manner provided by RCW 28A.58.310;

(4) To employ an executive secretary and other staff and pay such employees out of the funds of the association;

(5) To conduct studies and disseminate information therefrom relative to increased efficiency in local school board administration; and

(6) To buy, sell or exchange such personal property as necessary for the efficient operation of the association.

NEW SECTION. Sec. 28A.61.040 COORDINATION OF POLICIES--REPORT. It shall be the duty of the school directors' association (1) to take such action as the association deems advisable to effect a coordination of policymaking, control, and management of the school districts of the state; and (2) to prepare and submit to the superintendent of public instruction annually, and oftener if deemed advisable by the association, reports and recommendations respecting the aforesaid matters and any other matters which in the judgment of the association pertain to an increase in the efficiency of the common school system.

NEW SECTION. Sec. 28A.61.050 ASSOCIATION DUES--PAYMENT. The school directors' association may establish a graduated schedule of dues for members of the association based upon the number of \_\_\_\_\_

certificated personnel in each district. Dues shall be established for the directors of each district as a group. The total of all dues assessed shall not exceed twenty-two cents for each one thousand dollars of the state-wide total of all school districts' general fund receipts. The board of directors of a school district shall make provision for payment out of the general fund of the district of the dues of association members resident in the district, which payment shall be made in the manner provided by law for the payment of other claims against the general fund of the district. The dues for each school district shall be due and payable on the first day of January of each year, and if not paid by any district before the thirty-first day of December of any year the executive committee of the association may present a written request to the county auditor that such payment be made by him by transfer of funds from the general fund of the district. Upon receipt of such request the county auditor shall make such transfer.

NEW SECTION. Sec. 28A.61.060 COUNTY OR REGIONAL UNITS. To assist the Washington state school directors' association in carrying out its purpose as provided in RCW 28A.61.010, the members of that association may establish county or regional directors' associations which shall be designated as units of the Washington state school directors' association. Each county or regional unit may establish a schedule of dues for members of the unit, which schedule shall provide for dues not in excess of one dollar per year for each member from each school district. Such membership dues shall be payable to the county or regional unit and shall be due and payable at the same time and in the same manner as the membership dues for the Washington state school directors' association are due and payable. Dues payable to a county or regional unit shall be received by the treasurer of such unit and shall be disbursed by him upon order of the executive committee of such unit for necessary expenses incurred by such unit.

Chapter 28A.65

## SCHOOL DISTRICT BUDGETS

NEW SECTION. Sec. 28A.65.010 PRELIMINARY BUDGETS. WHEN PREPARED--CONTENTS. 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.

NEW SECTION. Sec. 28A.65.020 -----REVENUE AND EXPENDITURE DETAIL. 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 probable 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.

NEW SECTION. Sec. 28A.65.030 -----FORMAT OF ESTIMATES AND COMPARATIVE DATA--CLASSIFICATIONS. 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.

NEW SECTION. Sec. 28A.65.040 -----ITEMS DEPENDENT UPON PROSPECTIVE ENROLLMENT--HOW SUBMITTED--REVISIONS--LIMITATION. Estimates of 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 in this chapter provided: PROVIDED, That no new subject not specifically provided for in the preliminary budget shall be taught, nor shall any expenditure be made therefor.

NEW SECTION. Sec. 28A.65.050 -----FORMS--CLASSIFICATIONS--ACCOUNTING AND COST SYSTEMS. For the purposes of carrying out the provisions of RCW 28A.65.010 through 28A.65.040, 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 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.

NEW SECTION. Sec. 28A.65.060 -----PORTION OF TAXABLE INCOME MAY BE BUDGETED FOR CERTAIN CAPITAL AND/OR BONDING PURPOSES. 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, and (5) the payment of the principal or interest on outstanding bonds or the refunding of outstanding indebtedness.

NEW SECTION. Sec. 28A.65.070 -----NOTICE OF COMPLETION AND OF HEARING THEREON--TAXPAYERS' COPIES. 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 school district superintendent, that a copy thereof will be furnished any taxpayer who will call upon the superintendent 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 circulation 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.

NEW SECTION. Sec. 28A.65.080 -----HEARING AND ADOPTION OF PRELIMINARY BUDGET--TENTATIVE ADOPTION OF REVISABLE ITEMS. On the date given in said notice the board of directors shall meet at the time and place designated. Any taxpayer may appear thereat and be heard for or against any part of such budget. Such hearing may be continued not to exceed a total of two days.

Upon the conclusion of the hearing, the board of directors shall fix and determine each item or class of the budget separately and shall by resolution adopt the preliminary budget as so finally determined and enter the same in detail in the official minutes: PROVIDED, That the estimates for the expenditures depending directly upon the prospective September enrollment shall be adopted tentatively subject to revision.

NEW SECTION. Sec. 28A.65.090 -----MEETING TO REVISE ITEMS WHICH DEPEND UPON ENROLLMENT--NOTICE--HEARING. 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 RCW 28A.65.080 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 RCW 28A.65.070. Any taxpayer may appear thereat and be heard for or against any proposed revision.

NEW SECTION. Sec. 28A.65.100 ADOPTION OF BUDGET--SECOND AND THIRD CLASS DISTRICTS TO FORWARD FOR REVIEW. Upon the conclusion of the revision hearing the board of directors shall fix and determine the budget and by resolution adopt the same: PROVIDED, That in the case of second 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.

NEW SECTION. Sec. 28A.65.110 COUNTY REVIEWING COMMITTEE--COMPOSITION--REVIEW--OFFSETTING WARRANTS BY TAXES. The county reviewing committee shall consist of the county or intermediate district superintendent, a member of the local board of directors, and the members of the county or intermediate district 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.

NEW SECTION. Sec. 28A.65.120 CERTIFICATION AND FILING OF BUDGETS. 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, when certified, shall be filed with the county or intermediate district superintendent, state superintendent of public instruction, the appropriate county auditor for the board of county commissioners, and the division of municipal corporations, office of the state auditor. The certification and filing of the budgets as aforesaid shall occur on or before the first day of October.

NEW SECTION. Sec. 28A.65.130 SECOND AND THIRD CLASS DISTRICTS--SPECIAL LEVIES FOR ADDITIONAL EXPENDITURES. 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.

NEW SECTION. Sec. 28A.65.140 FIRST CLASS DISTRICTS--EMERGENCY EXPENDITURES. 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, by unanimous vote of the directors present at any meeting, the time of place of which all directors shall have had reasonable notice, may 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.

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 appropriate county auditor and with the appropriate 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 unappropriated 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.

NEW SECTION. Sec. 28A.65.150 SECOND AND THIRD CLASS DISTRICTS--EMERGENCY EXPENDITURES. 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 or intermediate district 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.

NEW SECTION. Sec. 28A.65.160 TERMINATION OF APPROPRIATIONS. 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 incompletd 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.

NEW SECTION. Sec. 28A.65.170 BUDGET CONSTITUTES APPROPRIATIONS--NONBUDGETED EXPENDITURES PROHIBITED--DIRECTORS' PERSONAL LIABILITY--INTERIM EXPENDITURES. 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 hereinabove 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.

Chapter 28A.66

SCHOOL DISTRICT WARRANTS,

AUDITOR'S DUTIES RELATING TO

NEW SECTION. Sec. 28A.66.010 REGISTERING WARRANTS--FIRST CLASS DISTRICTS. The county auditor shall register in his own office, and present to the treasurer for registration in the office of the county treasurer, all warrants of first class districts received from school district superintendents or district secretaries before delivery of the same to claimants.

NEW SECTION. Sec. 28A.66.020 REGISTERING WARRANTS--SECOND AND THIRD CLASS DISTRICTS. The county auditor shall cause all school

warrants of second and third class districts issued by him to be registered in the treasurer's office and shall retain the vouchers on file in his office.

NEW SECTION. Sec. 28A.66.030 AUDITING ACCOUNTS--ALL DISTRICTS. The county auditors of the several counties of this state shall audit all accounts of the several school districts of their respective counties, the same as other accounts are audited with the other departments of the county.

NEW SECTION. Sec. 28A.66.040 AUDITOR TO DRAW AND ISSUE WARRANTS--SECOND AND THIRD CLASS DISTRICTS. The county auditor shall draw and issue warrants for the payment of all salaries, expenses and accounts against second and third class districts upon the written order of the majority of the members of the school board of each district.

NEW SECTION. Sec. 28A.66.050 TEACHER MUST QUALIFY AND BE UNDER CONTRACT BEFORE WARRANT DRAWN AND ISSUED OR REGISTERED--ALL DISTRICTS. No warrant shall be drawn and issued or registered by the county auditor for the payment of any teacher who is not qualified within the meaning of the law of this state, nor unless a copy of a written contract evidencing employment thereof be filed with the county or intermediate district superintendent in accordance with the provisions of law.

NEW SECTION. Sec. 28A.66.060 TEACHER'S LAST MONTH'S SALARY WARRANT NOT TO BE DRAWN AND ISSUED OR REGISTERED UNLESS FINAL REPORT FILED--ALL DISTRICTS. The county auditor shall not draw and issue or register the warrant in payment of the last month's salary of any teacher in any district until he shall receive notice from the county or intermediate district superintendent that the teacher's final report has been made to the said county or intermediate district superintendent or that no such report is required.

NEW SECTION. Sec. 28A.66.070 LIABILITY OF AUDITOR FOR WARRANTS EXCEEDING BUDGET--ALL DISTRICTS. Any county auditor issuing or causing to be issued a district warrant for any sum in excess of

the aggregate total of a district's annual budget shall be personally liable therefor, and shall reimburse the district in double the amount of any such sum.

NEW SECTION. Sec. 28A.66.080 ORDERS FOR WARRANTS NOT TRANSFERABLE--SECOND AND THIRD CLASS DISTRICTS. An order for a warrant issued by any board of directors of second or third class school districts shall not be transferable, and the county auditor shall issue no warrant except to individuals or firms designated in original district orders.

NEW SECTION. Sec. 28A.66.090 CHECK AND REPORT OF REDEEMED WARRANTS--ALL DISTRICTS. The county auditor shall check the redeemed warrants of all school districts after each monthly settlement with the treasurer, enter the date redeemed in his school warrant register, and certify as to the correctness of the treasurer's reports to such school districts.

NEW SECTION. Sec. 28A.66.100 AUDITOR'S ANNUAL REPORT TO COUNTY OR INTERMEDIATE DISTRICT SUPERINTENDENT. The county auditor shall make an annual report for the period ending on the preceding June 30th on the financial condition of each school in his county to the county or intermediate district superintendent on or before the twenty-fifth day of July, in such form as may be prescribed by the superintendent of public instruction.

#### Chapter 28A.67

#### TEACHERS--GENERAL PROVISIONS

NEW SECTION. Sec. 28A.67.010 QUALIFICATIONS--CERTIFICATE OR PERMIT REQUIRED. No person shall be accounted as a qualified teacher within the meaning of the school law who is not the holder of a valid teacher's certificate or permit issued by lawful authority of this state.

NEW SECTION. Sec. 28A.67.020 QUALIFICATIONS--CITIZENSHIP REQUIREMENT--PERMITS TO ALIENS--OATH REQUIRED. No person, who is not a citizen of the United States of America, shall be permitted to teach in the common schools in this state: PROVIDED, That the

superintendent of public instruction may grant to an alien a permit to teach in the common schools of this state if such teacher has all the other qualifications required by law, has declared his intention of becoming a citizen of the United States of America and five years and six months have not expired since such declaration was made: PROVIDED FURTHER, That the superintendent of public instruction may grant to an alien whose qualifications have been approved by the state board of education a temporary permit to teach as an exchange teacher in the common schools of this state, irrespective of requirements respecting citizenship and oath of allegiance. Before such alien shall be granted a temporary permit he shall be required to subscribe to an oath or affirmation in writing that he is not a member of or affiliated with a communist or communist-sponsored organization or a fascist or fascist-sponsored organization. The form of such oath or affirmation shall be prepared by the superintendent of public instruction. All oaths or affirmations subscribed as herein provided shall be filed in the office of the superintendent of public instruction and shall be there retained for a period of five years. Such permits shall at all times be subject to revocation by the superintendent of public instruction.

NEW SECTION. Sec. 28A.67.030 DISQUALIFICATION FOR FAILURE TO EMPHASIZE PATRIOTISM. No person, whose certificate or permit authorizing him to teach in the common schools of this state has been revoked due to his failure to endeavor to impress on the minds of his pupils the principles of patriotism, or to train them up to the true comprehension of the rights, duty and dignity of American citizenship, shall be permitted to teach in any common school in this state.

NEW SECTION. Sec. 28A.67.035 NONCOMPLIANCE WITH RCW 28A.67-.020 AND 28A.67.030--PENALTIES. Any person teaching in any school in violation of RCW 28A.67.020 or 28A.67.030, and any school director knowingly permitting any person to teach in any school in violation of RCW 28A.67.020 or 28A.67.030, shall be guilty of a misdemeanor.



NEW SECTION. Sec. 28A.67.040 ANNUAL REPORT--REPORT AS PRE-REQUISITE FOR SALARY. Every teacher who shall be teaching at the close of the school year, or who shall teach the last term of any school year, in any school district, shall make a report to the county or intermediate district superintendent encompassing such information pertinent to school purposes as said official requires immediately upon the close of such school year or term for the entire time taught in said school district since the beginning of the school year, if any such report be so requested by the county or intermediate district superintendent. Copies of all reports made by teachers shall be furnished to their school district superintendent, to be by him filed in his office. No board of directors shall draw any order or warrant for the salary of any teacher for the last month of his service, until such reports, if required, shall have been made, and the same approved by the county or intermediate district superintendent.

NEW SECTION. Sec. 28A.67.050 REGISTER TO BE KEPT--PROPER REGISTER AS PREREQUISITE FOR SALARY. Every teacher shall keep a school register in such manner as the local school district, acting under regulations of the superintendent of public instruction, so directs, and no board of directors shall draw any order or warrant for the salary of any teacher for the last month of his service in the school at the end of any term or year, until the board has received said teacher's register and found the same in conformity with district requirements.

NEW SECTION. Sec. 28A.67.060 COURSE OF STUDY AND REGULATIONS --ENFORCEMENT--WITHHOLDING SALARY WARRANT FOR FAILURE. Certificated employees shall faithfully enforce in the common schools the course of study and regulations prescribed, whether regulations of the district, the superintendent of public instruction, or the state board of education, and shall furnish promptly all information relating to the common schools which may be requested by the county or intermediate district superintendent.

Any certificated employee who wilfully refuses or neglects to enforce the course of study or the rules and regulations as above in this section required, shall not be allowed by the directors any warrant for salary due until said person shall have complied with said requirements.

NEW SECTION. Sec. 28A.67.070 CONDITIONS AND CONTRACTS OF EMPLOYMENT--NONRENEWAL OF CONTRACTS. No teacher shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he is the holder of an effective teacher's certificate.

The board shall make with each teacher employed by it a written contract, which shall be in conformity with the laws of this state, and limited to a term of not more than one year. Every such contract shall be made in triplicate, one copy to be retained by the school district superintendent or secretary, one copy to be retained, after having been approved and registered, by the county or intermediate district superintendent, and one copy to be delivered to the teacher thereafter.

Every teacher, principal, supervisor, or superintendent holding a position as such with a school district, hereinafter referred to as "employee", whose employment contract is not to be renewed by the district for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of the decision of the board of directors not to renew his employment which notification shall specify sufficient cause or causes for non-renewal of contract. Such notice shall be served upon the employee by certified or registered mail, or to the teacher personally, or by leaving a copy of the notice at the house of his usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the chairman or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing before the board of

directors of the district, to determine whether or not the facts constitute sufficient cause for nonrenewal of contract. Such board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and at least three days prior to the date fixed for the hearing shall notify the employee in writing of the date, time and place of the hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors, within five days following the conclusion of such hearing, shall notify the employee in writing of its final decision either to renew or not to renew the employment of the employee for the next ensuing term. Any decision not to renew such employment contract shall be based solely upon the cause or causes for nonrenewal specified in the notice to the employee and proved and established at the hearing. If such notification and opportunity for hearing is not timely given by the district, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his employment had actually been renewed by the board of directors for such ensuing term.

NEW SECTION. Sec. 28A.67.100 POWERS RELATIVE TO BEHAVIOR OF PUPILS. Every teacher shall have the power to hold every pupil to a strict accountability for any disorderly or anti-social conduct on the way to and from school or while under his supervision and to make recommendations to the proper school authority for the suspension of any pupil upon probable cause therefor.

NEW SECTION. Sec. 28A.67.110 MUST TEACH PATRIOTISM. It shall be the duty of all teachers to endeavor to impress on the minds of their pupils the principles of morality, truth, justice, temperance, humanity and patriotism; to teach them to avoid idleness, profanity and falsehood; to instruct them in the principles of free government, and to train them up to the true comprehension of the rights, duty and dignity of American citizenship.

#### Chapter 28A.70

#### TEACHERS' CERTIFICATION

NEW SECTION. Sec. 28A.70.005 TEACHERS' CERTIFICATION--STATE

BOARD DUTY--RULES AND REGULATIONS---SUPERINTENDENT OF PUBLIC INSTRUCTION AS ADMINISTRATOR. The state board of education shall establish, publish and enforce rules and regulations determining eligibility for and certification of teachers in the common schools of this state, including certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law. The superintendent of public instruction shall act as the administrator of any such rules and regulations and have the power to issue any certificates or permits and revoke the same in accordance with board rules and regulations.

NEW SECTION. Sec. 28A.70.110 FEES FOR CERTIFICATION--DISPOSITION. The fee for any teaching certificate, or any renewal thereof, issued by the authority of the state of Washington, and authorizing the holder to teach in the public schools of the state shall be not less than one dollar or such reasonable fee therefor as the state board of education by rule or regulation shall deem necessary therefor. The fee must accompany the application and cannot be refunded unless the application is withdrawn before it is finally considered. The county superintendent, intermediate district superintendent, or other official authorized to receive such fee, shall within thirty days transmit the same to the treasurer of the county wherein such applicant is to teach or resides, or to the treasurer of the county in which the office of the intermediate district superintendent is located, to be by him placed to the credit of the institute fund of said school district or county, or in the case of an intermediate district, to be placed in the intermediate institute fund which shall be created by the intermediate district board: PROVIDED, That if any school district collecting fees for the certification of teachers does not hold an institute separate from the county, then all such moneys shall be placed to the credit of the county institute fund or intermediate district institute fund, as the case may be.

NEW SECTION. Sec. 28A.70.130 REGISTRATION OF CERTIFICATES.

All certificates issued by the superintendent of public instruction shall be valid and entitle the holder thereof to teach in any county of the state upon being registered by the county or intermediate district superintendent thereof, which fact shall be evidenced by him on the certificate in the words, "Registered for use in ..... county," together with the date of registry, and his official signature: PROVIDED, That a copy of the original certificate duly certified by the superintendent of public instruction may be used for the purpose of registry and endorsement in lieu of the original.

NEW SECTION. Sec. 28A.70.140 EVIDENCE OF MORAL CHARACTER

PREREQUISITE TO REGISTRATION--APPEAL FROM REFUSAL TO REGISTER. Before registering any certificate, the county or intermediate district superintendent of the county in which application is made for certificate shall satisfy himself that the applicant is a person of good moral character and personal fitness. In the event of a refusal to register a certificate for whatsoever reason, the county or intermediate district superintendent shall immediately notify the superintendent of public instruction of his action and shall fully and clearly state his reasons therefor, and the person aggrieved shall have the right of appeal to the superintendent of public instruction, and shall have the further right of appeal to the state board of education.

NEW SECTION. Sec. 28A.70.160 REVOCATION OF AUTHORITY TO

TEACH. Any certificate to teach authorized under the provisions of this chapter or rules and regulations promulgated thereunder may be revoked by the authority authorized to grant the same upon complaint of any school district superintendent, or county or intermediate district superintendent for immorality, violation of written contract, intemperance, crime against the law of the state, or any unprofessional conduct, after the person whose certificate is in question has been given an opportunity to be heard.

NEW SECTION. Sec. 28A.70.170 -----HEARINGS AND APPEALS.

Any teacher whose certificate to teach has been questioned by the filing of a complaint by a school district superintendent or a county or intermediate district superintendent under RCW 28A.70.160 shall have a right to be heard by the issuing authority before his certificate is revoked. Any teacher whose certificate to teach has been revoked shall have a right of appeal to the state board of education if notice of appeal is given by written affidavit to the board within thirty days after the certificate is revoked.

An appeal to the state board of education within the time specified shall operate as a stay of revocation proceedings until the next regular or special meeting of said board and until the board's decision has been rendered.

NEW SECTION. Sec. 28A.70.180 REINSTATEMENT AFTER REVOCATION. In case any certificate is revoked, the holder shall not be eligible to receive another teacher's certificate for a period of twelve months after the date of revocation.

Chapter 28A.71

TEACHERS' INSTITUTES, WORKSHOPS AND  
OTHER IN-SERVICE TRAINING

NEW SECTION. Sec. 28A.71.100 AUTHORIZED--SUPPORT--ACCOUNTING. The county superintendent or intermediate district superintendent must arrange each year for the holding of one or more teachers' institutes and/or workshops for in-service training, in such manner and at such time as he believes will be of benefit to the teachers of the county or the intermediate district. He may provide such additional means of teacher in-service training as he may deem necessary or appropriate and there shall be a proper charge against the county or intermediate district institute fund when approved by the county or intermediate district board.

County superintendents of contiguous counties and/or intermediate districts, by mutual arrangements, may hold joint institutes and/or workshops, the expenses to be shared in proportion to the numbers of certificated personnel as shown by the last annual reports

of the county superintendents and/or intermediate district superintendents holding such joint institutes or workshops.

In districts employing more than one hundred teachers, the school district superintendent, in his discretion, may hold a teachers' institute of two, three, four or five days in such district, said institute when so held by the school district superintendent to be in all respects governed by the provisions of this code relating to teachers' institutes held by county or intermediate district superintendents.

Each county or intermediate district superintendent or school district superintendent, prior to the holding of the annual teachers' institute, shall make an estimate of the necessary expenses thereof; and the county commissioners, thereupon, and prior to the date of holding said institute, must place at the disposal of the proper superintendent out of the county current expense fund such an amount, not to exceed two hundred dollars, as in addition to the amount then in the hands of the county treasurer in the institute fund, will meet the superintendent's estimate.

The county, intermediate or school district superintendent must keep an accurate account of the actual expenses of institutes and/or workshops with vouchers for same and make a complete report to the county auditor, which shall be placed on file in his office as a part of the regular files.

#### Chapter 28A.72

#### NEGOTIATIONS BY CERTIFICATED PERSONNEL

NEW SECTION. Sec. 28A.72.010 DECLARATION OF PURPOSE. It is the purpose of this chapter to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication between certificated employees and the school districts by which they are employed.

NEW SECTION. Sec. 28A.72.020 DEFINITIONS. As used in this chapter:

"Employee organization" means any organization which includes

as members certificated employees of a school district and which has as one of its purposes the representation of the employees in their employment relations with the school district.

"Certificated employee" means any employee holding a regular teaching certificate of the state and who is employed by any school district with the exception of the chief administrative officer of each local district.

NEW SECTION.    Sec. 28A.72.030    NEGOTIATION BY REPRESENTATIVES OF EMPLOYEE ORGANIZATION--AUTHORIZED--SUBJECT MATTER.    Representatives of an employee organization, which organization shall by secret ballot have won a majority in an election to represent the certificated employees within its school district, shall have the right, after using established administrative channels, to meet, confer and negotiate with the board of directors of the school district or a committee thereof to communicate the considered professional judgment of the certificated staff prior to the final adoption by the board of proposed school policies relating to, but not limited to, curriculum, textbook selection, in-service training, student teaching programs, personnel, hiring and assignment practices, leaves of absence, salaries and salary schedules and noninstructional duties.

NEW SECTION.    Sec. 28A.72.040    -----SEPARATE EMPLOYEE ORGANIZATION OF EMPLOYEES OF COMMUNITY COLLEGE.    If in any school district there is a separate employee organization of certificated employees of a community college, which organization shall, by secret ballot, have won a majority in an election to represent the certificated employees of the community college, the representatives of the separate aggregation shall have the right, after using established administrative channels, to meet, confer, and negotiate with the board of directors of the school district or a committee thereof to communicate the considered professional judgment of the certificated staff prior to the final adoption by the board of proposed school policies related to, but not limited to, curriculum, textbook selection, in-service training, student teaching programs, personnel, hiring



and assignment practices, leaves of absence, salaries and salary schedules, and noninstructional duties.

NEW SECTION. Sec. 28A.72.050 CERTIFICATED EMPLOYEE MAY APPEAR IN OWN BEHALF. Nothing in this chapter shall prohibit any certificated employee from appearing in his own behalf on matters relating to his employment relations with the school district.

NEW SECTION. Sec. 28A.72.060 ADVISORY COMMITTEE--COMPOSITION --REPORT--RECOMMENDATIONS, EFFECT. In the event that any matter being jointly considered by the employee organization and the board of directors of the school district is not settled by the means provided in this chapter, either party may request the assistance and advice of a committee composed of educators and school directors appointed by the state superintendent of public instruction. This committee shall make a written report with recommendations to both parties within fifteen days of receipt of the request for assistance. Any recommendations of the committee shall be advisory only and not binding upon the board of directors or the employee organization.

NEW SECTION. Sec. 28A.72.070 DISCRIMINATION PROHIBITED. Boards of directors of school districts or any administrative officer thereof shall not discriminate against certificated employees because of their exercise of rights under this chapter.

NEW SECTION. Sec. 28A.72.080 DISTRICT DIRECTORS TO ADOPT RULES AND REGULATIONS. Boards of directors of school districts shall adopt reasonable rules and regulations for the administration of employer-employee relations under this chapter.

NEW SECTION. Sec. 28A.72.090 PRIOR AGREEMENTS. Nothing in this chapter shall be construed to annul or modify, or to preclude the renewal or continuation of, any lawful agreement heretofore entered into between any school districts and any representative of its employees.

Chapter 28A.87

OFFENSES RELATING TO SCHOOLS,  
SCHOOL PERSONNEL--PENALTIES

NEW SECTION. Sec. 28A.87.010 ABUSING OR INSULTING TEACHERS, LIABILITY FOR--PENALTY--DISPOSITION OF FINE. Any person who shall insult or abuse a teacher anywhere on the school premises while such teacher is carrying out his official duties, shall be guilty of a misdemeanor, the penalty for which shall be a fine of not less than ten dollars nor more than one hundred dollars; said fine shall be turned over to the county treasurer and by him remitted to the state treasurer who shall place the same to the credit of the current school fund of the state.

NEW SECTION. Sec. 28A.87.020 ATTENDANCE, FALSE REPORTS OF--PENALTY--PUPILS EXCUSED FROM EXAMINATIONS MAY BE REPORTED. Any teacher, principal or school district superintendent who shall knowingly either report, cause to be reported, or permit to be reported the presence of any pupil or pupils at school, when such pupil or pupils were absent, or when school was not in session, shall forfeit his teacher's certificate or subject it to revocation, and the same shall not be restored or a new one granted within one year after such forfeiture or revocation: PROVIDED, That pupils who are excused from attendance at examinations, having completed their work in accordance with rules of the school district board of directors, shall be accredited with attendance during said days of examination.

NEW SECTION. Sec. 28A.87.030 SUPERINTENDENTS OF SCHOOL BOARDS--DEFAULTS OF, LIABILITY FOR--ACTION TO RECOVER PENALTIES--DISPOSITION. In case any school district superintendent fails to make reports as by law or rule or regulation promulgated thereunder provided, at the proper time and in the proper manner, he shall forfeit and pay to the district the sum of twenty-five dollars for each and every such failure. He shall also be liable, if, through such neglect, the district fails to receive its just apportionment of school moneys, for the full amount so lost. Each and all of said forfeitures shall be recovered in a suit brought by the county or intermediate district superintendent or by any citizen of such district, in the name of and for the benefit of such district, and all

moneys so collected shall be paid over to the county treasurer and shall be by him placed to the credit of the general fund of the district to which it belongs.

NEW SECTION. Sec. 28A.87.050 COUNTY OR INTERMEDIATE DISTRICT SUPERINTENDENT'S REPORTS, DEFAULT IN MAKING--PENALTY. If any county or intermediate district superintendent fails to make any full and correct report to the superintendent of public instruction of statements required by him or if he shall fail to file with the superintendent of public instruction a full and correct annual report within ten days after the time prescribed by law for filing said report, if any be required, the sum of fifty dollars shall be forfeited from his salary for each such unsatisfactory report, and the proper county officials are hereby authorized and required to deduct therefrom the sum aforesaid upon information from the superintendent of public instruction that such reports have not been made.

NEW SECTION. Sec. 28A.87.060 DISTURBING SCHOOL, SCHOOL ACTIVITIES OR MEETINGS--PENALTY--DISPOSITION OF FINES. Any person who shall wilfully create a disturbance on school premises during school hours or at school activities or school meetings shall be guilty of a misdemeanor, the penalty for which shall be a fine in any sum not more than fifty dollars. Said fine, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer, who shall place the same to the credit of the current school fund of the state.

NEW SECTION. Sec. 28A.87.070 EXAMINATION QUESTIONS--DISCLOSING--PENALTY--DISPOSITION OF FINES. Any person having access to any question or questions prepared for the examination of teachers or common school pupils, who shall directly or indirectly disclose the same before the time appointed for the use of the questions in the examination of such teachers or pupils, or who shall directly or indirectly assist any person to answer any question submitted, shall be guilty of a misdemeanor, the penalty for which shall be a fine in any sum not less than one hundred nor more than five hundred dollars.

Said fine shall be turned over to the county treasurer of the county in which it is collected and shall be by him transmitted to the state treasurer who shall place the same to the credit of the current school fund of the state.

NEW SECTION. Sec. 28A.87.080 FUNDS, FINES, FORFEITURES, FAILURE TO PAY OVER--PENALTY--DISPOSITION OF FINES. Any person collecting or receiving any fines, forfeitures or other moneys belonging to the schools of the state of Washington, or belonging to the school fund of any county or school district in this state, and refusing or failing to pay over the same as required by law, shall be liable for double the amount so withheld, and in addition thereto, interest thereon at the rate of five percent per month during the time of so withholding the same; and it shall be a special duty of the county or intermediate district superintendent of schools to supervise and see that the provisions of this section are fully complied with, including the initiation of court actions therefor, and report thereon to the appropriate county commissioners at least semiannually. Fines and penalties, exclusive of any moneys recovered belonging to the school fund of any county or school district in this state, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer who shall place the same to the credit of the current school fund of the state.

NEW SECTION. Sec. 28A.87.090 CERTAIN CORRUPT PRACTICES OF SCHOOL OFFICIALS--PENALTY. Except as otherwise provided in chapter 42.23 RCW, it shall be unlawful for any member of the state board of education, the superintendent of public instruction or any employee of his office, any county or intermediate district superintendent of schools, any school district superintendent or principal, or any director of any school district, to request or receive, directly or indirectly, any thing of value for or on account of his influence with respect to any act or proceeding of the state board of education, the office of the superintendent of public instruction, any office of county or intermediate district superintendent or any school

district, or any of these, when such act or proceeding shall inure to the benefit of those offering or giving the thing of value.

Any wilful violation of the provisions of this section shall be a misdemeanor and punished as such.

NEW SECTION. Sec. 28A.87.100 HYGIENE, FAILURE OF DIRECTORS TO PROVIDE FOR TEACHING--WITHHOLDING WARRANTS OF BOARD. Upon complaint in writing being made to any county or intermediate district superintendent by any registered voter of the school district complained against that the board of directors of the district have failed to make provision for the teaching of hygiene, with special reference to the effects of alcoholic drink, stimulants and narcotics upon the human system, or have failed to require students to take such course, it shall be the duty of such county or intermediate district superintendent to investigate at once the matter of such complaint, and if found to be true, he shall immediately notify the proper county officials of the county in which such school district is located thereof, and after the receipt of such notice, it shall be the duty of such officials to refuse to issue or register any warrants drawn upon such district subsequent to the date of such notice and until they shall be notified to do so by such county or intermediate district superintendent. Whenever it shall be made to appear to the said county or intermediate district superintendent, and he shall be satisfied that the board of directors of such district are complying with the requirements of this section relating to the teaching of physiology and hygiene, he shall notify said county officials, and said officials shall thereupon issue and register the warrants of said district.

NEW SECTION. Sec. 28A.87.110 -----FAILURE OF SUPERINTENDENT TO ENFORCE REQUIREMENT TO TEACH--PENALTY--DISPOSITION OF FINE--DUTY OF PROSECUTING ATTORNEY. Any county or intermediate district superintendent who shall fail or refuse to comply with the provisions of RCW 28A.87.100 shall be liable to a penalty of one hundred dollars, to be recovered in a civil action in the name of the state in any

court of competent jurisdiction, and the sum recovered shall go into the state current school fund; and it shall be the duty of the prosecuting attorneys of the several counties of the state to see that the provisions of this section are enforced.

NEW SECTION. Sec. 28A.87.120 DEFACING OR INJURING SCHOOL PROPERTY--LIABILITY OF PARENT OR GUARDIAN. Any pupil who shall deface or otherwise injure any school property, shall be liable to suspension and punishment. The parent or guardian of such pupil shall be liable for damages as otherwise provided by law.

NEW SECTION. Sec. 28A.87.130 PROPERTY, FAILURE OF OFFICERS OR EMPLOYEES TO ACCOUNT FOR--MUTILATION BY--PENALTIES. Any school district official or employee who shall refuse or fail to deliver to his qualified successor all books, papers, and records pertaining to his position, or who shall wilfully mutilate or destroy any such property, or any part thereof, shall be guilty of a misdemeanor, the penalty for which shall be a fine not to exceed one hundred dollars: PROVIDED, That for each day there is a refusal or failure to deliver to a successor books, papers and records, a separate offense shall be deemed to have occurred; said fine, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer, who shall place the same to the credit of the current school fund of the state.

NEW SECTION. Sec. 28A.87.135 DIRECTOR'S CONNIVANCE TO EMPLOY UNCERTIFIED TEACHERS--LIABILITY. Any school district director who shall aid in or give his consent to the employment of a teacher who is not the holder of a valid teacher's certificate issued under authority of chapter 28A.70 RCW authorizing him to teach in the school district by which employed shall be personally liable to his district for any loss which it may sustain by reason of the employment of such person.

NEW SECTION. Sec. 28A.87.140 TEACHER'S ABUSE OF PUPIL--PENALTY--DISPOSITION OF FINES. Any teacher who shall maltreat or abuse any pupil by administering any unreasonable punishment, or who shall

inflict punishment on the head of a pupil, upon conviction thereof shall be guilty of a misdemeanor, the penalty for which shall be a fine in any sum not exceeding one hundred dollars. Said fine, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer who shall place the same to the credit of the current school fund of the state.

NEW SECTION. Sec. 28A.87.170 DISTRICTS USING UNAUTHORIZED TEXTBOOKS, DEVIATING FROM STUDY COURSES, HIRING UNQUALIFIED TEACHERS --FUNDS WITHHELD. Any school district using textbooks other than those prescribed by lawful authority, or any district failing to comply with the course of study prescribed by the state board of education or by other lawful authority, or any district in which warrants are issued to a teacher not legally qualified to teach in the common schools of the said district, shall have withheld twenty-five percent of their school fund for that or the subsequent year, and it is hereby made the duty of the county or intermediate district superintendent to deduct said amount from the apportionment to be made to any district failing in either or all of the above requirements, and the amounts thus deducted shall be withheld until the county or intermediate district superintendent shall ascertain such situation no longer exists.

#### Chapter 28A.88

#### APPEALS FROM ACTION OR NONACTION OF SCHOOL OFFICIALS AND SCHOOL BOARDS

NEW SECTION. Sec. 28A.88.010 APPEALS- SCOPE--TIME LIMITATION. Any person, or persons, other than teachers, principals, supervisors and superintendents, either severally or collectively, aggrieved by any decision or order of any school official or school board, within thirty days after the rendition of such decision or order, or of the failure to act upon the same when properly presented, may appeal the same to the proper officer or board as hereinafter in this chapter provided. Appeals by teachers, principals, supervisors or superintendents from the actions of school boards shall be governed by the

appeal provisions of chapter 28A.58 RCW therefor.

NEW SECTION. Sec. 28A.88.020 APPEALS TO AND FROM COUNTY OR INTERMEDIATE DISTRICT SUPERINTENDENT--APPEALS TO SUPERIOR COURT. Appeals from the decision or order, or from the failure to decide or order, by a board of school directors shall be taken to the county or intermediate district superintendent of schools having jurisdiction over such school district: PROVIDED, That should such superintendent disqualify himself, such appeal shall be to the superior court. Appeals from the decision or order, or the failure to decide or order, of a county or intermediate district superintendent of schools, when relating to the operation or management of schools or to the relation with teachers, shall be taken to the superintendent of public instruction. In all other cases appeal shall be taken to the superior court of the county in which the district is situated.

NEW SECTION. Sec. 28A.88.040 SUPERINTENDENT OF PUBLIC INSTRUCTION'S DECISION FINAL, WHEN--COURT REVIEW. In decisions of appeal by the superintendent of public instruction the decision or order shall be final unless set aside by a court of competent jurisdiction in an action brought therein to review such order or decision.

NEW SECTION. Sec. 28A.88.050 BASIS OF APPEAL. The basis of appeal shall be an affidavit or affidavits of the party aggrieved, filed within the time for the taking of such appeal, setting forth in a clear and concise manner the errors complained of.

NEW SECTION. Sec. 28A.88.060 NOTICE OF APPEAL--TRANSCRIPT--NOTICE OF HEARING. Having received the basis of appeal, as set forth in RCW 28A.88.050, the officer to whom the appeal is taken within ten days shall notify in writing the party from whose action the appeal is taken of the taking of such appeal and of its nature and scope. Within twenty days after such notice the said party shall file a complete transcript, properly certified to be correct, of the record and papers and proceedings relating to the decision complained of. Upon the filing of such transcript notice shall be duly given to all interested parties and attorneys of record by the officer to



whom the appeal is taken of the time and place where the matter of the appeal shall be heard and determined.

NEW SECTION. Sec. 28A.88.070 PROCEDURE AT HEARINGS ON APPEALS. At the hearing of an appeal, properly initiated in accordance with this chapter, the county or intermediate district superintendent shall hear testimony of all parties interested, and for that purpose may administer oaths if necessary, may summon witnesses or demand records or certified copies of the same. In the case of a hearing on appeal by the superintendent of public instruction no new evidence may be admitted but in case of an appeal to the superior court, the court may hear the case de novo.

NEW SECTION. Sec. 28A.88.080 RECORD OF DECISIONS AND NOTICE. Decisions of appeal shall be made a matter of record in full, and certified copies of the same shall be made if asked for by the interested parties and attorneys of record within ten days of such decision. Notice of such decision of appeal shall be made by the officer to whom such appeal is taken in writing to interested parties and attorneys of record within five days of their rendition.

NEW SECTION. Sec. 28A.88.090 CERTIFIED COPY OF DECISION TO COUNTY ASSESSOR WHEN SCHOOL DISTRICT BOUNDARIES CHANGED. In cases of appeal resulting in the change of any school district boundaries the decision shall within five days thereafter be also certified by the proper officer to the county assessor of the county, or to the county assessors of the counties, wherein the territory may lie.

#### Chapter 28A.91

##### WASHINGTON STATE EDUCATIONAL TELEVISION COMMISSION

NEW SECTION. Sec. 28A.91.010 COMMISSION CREATED. There is created the "Washington state educational television commission", hereinafter in this chapter referred to as "the commission."

NEW SECTION. Sec. 28A.91.020 MEMBERS--APPOINTMENT--QUALIFICATIONS. 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.

NEW SECTION. Sec. 28A.91.030 MEMBERS--TERMS. 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.

NEW SECTION. Sec. 28A.91.040 VACANCIES, FILLING OF. 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.

NEW SECTION. Sec. 28A.91.050 COMMISSION OFFICES--REIMBURSEMENT OF EXPENSES OF MEMBERS. The commission shall be housed in the office of the state superintendent of public instruction. Members of the commission shall not receive compensation for their service, but shall be reimbursed for their 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.

NEW SECTION. Sec. 28A.91.060 COMMISSION DUTIES. The duties of the commission shall be to 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.

Chapter 28A.92

COMPACT FOR EDUCATION

NEW SECTION. Sec. 28A.92.010 COMPACT ENTERED INTO--TERMS.

The Compact for education is hereby entered into with all jurisdictions joining therein, in the form as follows:

COMPACT FOR EDUCATION

ARTICLE I--PURPOSE AND POLICY

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the State and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the Nation, so that the executive and legislative branches of State Government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of State and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and State initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and States.

C. The party States recognize that each of them has an interest in the quality and quantity of education furnished in each of the other States, as well as in the excellence of its own educational

systems and institutions, because of the highly mobile character of individuals within the Nation, and because the products and services contributing to the health, welfare and economic advancement of each State are supplied in significant part by persons educated in other States.

#### ARTICLE II--STATE DEFINED

As used in this Compact, "State" means a State, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

#### ARTICLE III--THE COMMISSION

- A. The Education Commission of the States, hereinafter called "the Commission", is hereby established. The Commission shall consist of seven members representing each party State. One of such members shall be the Governor; two shall be members of the State legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the Governor, unless the laws of the State otherwise provide. If the laws of a State prevent legislators from serving on the Commission, six members shall be appointed and serve at the pleasure of the Governor, unless the laws of the State otherwise provide. In addition to any other principles or requirements which a State may establish for the appointment and service of its members of the Commission, the guiding principle for the composition of the membership on the Commission from each party State shall be that the members representing such State shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the State Government, higher education, the state education system, local education, lay and professional, public and non-public educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the Governor, having responsibility for one or more programs of public education. In addition to the

- members of the Commission representing the party States, there may be not to exceed ten non-voting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.
- B. The members of the Commission shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Commission shall be only at a meeting at which a majority of the Commissioners are present. The Commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the Commission may delegate the exercise of any of its powers to the steering committee or the Executive Director, except for the power to approve budgets or request for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III(J).
- C. The Commission shall have a seal.
- D. The Commission shall elect annually, from among its members, a chairman, who shall be a Governor, a vice chairman and a treasurer. The Commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the Commission, and together with the treasurer and such other personnel as the Commission may deem appropriate shall be bonded in such amount as the Commission shall determine. The executive director shall be secretary.
- E. Irrespective of the civil service, personnel or other merit system laws of any of the party States, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the Commission, and shall fix the duties and compensation of such personnel. The Commission in its

bylaws shall provide for the personnel policies and programs of the Commission.

- F. The Commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.
- G. The Commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any State, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the Commission pursuant to this paragraph or services borrowed pursuant to paragraph (F) of this Article shall be reported in the annual report of the Commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.
- H. The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.
- I. The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party States.
- J. The Commission annually shall make to the Governor and legislature of each party State a report covering the activities of the Commission for the preceding year. The Commission may make such additional reports as it may deem desirable.

ARTICLE IV-- POWERS

In addition to authority conferred on the Commission by other provisions of the compact, the commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.
2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.
3. Develop proposals for adequate financing of education as a whole and at each of its many levels.
4. Conduct or participate in research of the types referred to in this Article in any instance where the Commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.
5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.
6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

ARTICLE V--COOPERATION WITH FEDERAL GOVERNMENT

- A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the Federal Government, the United States may be represented on the Commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to Federal law,

and may be drawn from any one or more branches of the Federal Government, but no such representative shall have a vote on the Commission.

- B. The Commission may provide information and make recommendations to any executive or legislative agency or officer of the Federal Government concerning the common educational policies of the States, and may advise with any such agencies or officers concerning any matter of mutual interest.

#### ARTICLE VI--COMMITTEES

- A. To assist in the expeditious conduct of its business when the full Commission is not meeting, the Commission shall elect a steering committee of thirty-two members which, subject to the provisions of this compact and consistent with the policies of the Commission, shall be constituted and function as provided in the bylaws of the Commission. One-fourth of the voting membership of the steering committee shall consist of Governors, one-fourth shall consist of Legislators, and the remainder shall consist of other members of the Commission. A Federal representative on the Commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the Commission shall be elected as follows: sixteen for one year and sixteen for two years. The chairman, vice chairman, and treasurer of the Commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the Commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two term limitation.



- B. The Commission may establish advisory and technical committees composed of State, local, and Federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the States concerned, be established to consider any matter of special concern to two or more of the party States.
- C. The Commission may establish such additional committees as its bylaws may provide.

## ARTICLE VII--FINANCE

- A. The Commission shall advise the Governor or designated officer or officers of each party State of its budget and estimated expenditures for such period as may be required by the laws of that party State. Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party States.
- B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the Commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party States.
- C. The Commission shall not pledge the credit of any party States. The Commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III(G) of this compact, provided that the Commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it pursuant to Article III(G) thereof, the Commission shall not incur any obligation prior to the allotment of funds by the party States adequate to meet the same.
- D. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures

established by its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the Commission.

- E. The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party States and by any persons authorized by the Commission.
- F. Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

#### ARTICLE VIII--ELIGIBLE PARTIES;

##### ENTRY INTO AND WITHDRAWAL

- A. This compact shall have as eligible parties all States, Territories, and Possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a Governor, the term "Governor", as used in this compact, shall mean the closest equivalent official of such jurisdiction.
- B. Any State or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same: provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.
- C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the Governor; provided that in the absence of enactment, adherence by the Governor shall be sufficient to make his State a party only until December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the Governor shall appoint those persons who, in addition to himself, shall serve as the members of the Commission from his State, and shall provide to the Commission

an equitable share of the financial support of the Commission from any source available to him.

- D. Except for a withdrawal effective on December 31, 1967 in accordance with paragraph C of this Article, any party State may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors of all other party States. No withdrawal shall affect any liability already incurred by or chargeable to a party State prior to the time of such withdrawal.

#### ARTICLE IX--CONSTRUCTION AND SEVERABILITY

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 State or of the United States, or the application thereof to any Government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any Government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any State participating therein, the compact shall remain in full force and effect as to the State affected as to all severable matters.

NEW SECTION. Sec. 28A.92.020 STATE REPRESENTATION ON EDUCATION COMMISSION. The seven members of the education commission of the states representing the state of Washington are designated or shall be appointed as follows: (1) The governor; (2) a member of the senate appointed by the president; (3) a member of the house of representatives appointed by the speaker; and (4) four members appointed by the governor. Appointments shall be made in accordance with the guiding principles set forth in Article III(A) of the compact.

NEW SECTION. Sec. 28A.92.030 -----TERMS OF APPOINTED MEMBERS. The term of the members appointed by the president and the

speaker shall be dependent upon continued membership in the house from which appointed and shall expire upon the adjournment sine die of the regular session of the legislature next succeeding the appointment of such member. Vacancies occurring during the term shall be filled for the unexpired term by the appointment of a successor in the same manner as for the vacating member. Members appointed by the governor shall serve at his pleasure.

NEW SECTION. Sec. 28A.92.040 -----CHAIRMAN--COOPERATION WITH OTHER ENTITIES--EMPLOYEES. The governor or a member designated by him shall be chairman of the members of the commission representing this state.

The commissioners shall cooperate with all public and private entities having an interest in educational matters.

The commissioners may employ such professional, technical and clerical assistance as may be required to aid them in carrying out their functions in this chapter prescribed.

NEW SECTION. Sec. 28A.92.050 -----PER DIEM AND EXPENSES FOR COMMISSIONERS--LIMITATIONS. Each member of the commission from the state of Washington shall be paid, from funds appropriated by the legislature of the state of Washington for that purpose, the sum of twenty-five dollars per day for each day or major part thereof devoted to the business of the commission, together with his traveling and other necessary expenses. In no event shall such commissioner's per diem payments exceed fifteen dollars in any one year. Such member may, regardless of any charter or statutory provision to the contrary, be an officer or employee holding another public position, and if he be such other public officer or employee, his per diem payment as hereinabove in this section provided shall only be such an amount as would, together with the compensation for such other public position, not exceed the sum of twenty-five dollars per day.

NEW SECTION. Sec. 28A.92.060 -----GRANT OF POWERS TO COMMISSIONERS. There is hereby granted to the commissioners representing-----

this state all the powers provided for in said compact and all powers necessary or incidental to the carrying out of said compact in every particular.

NEW SECTION. Sec. 28A.92.070 STATE OFFICERS TO AID IN IMPLEMENTATION OF COMPACT. All officers of this state are hereby authorized and directed to do all things, falling within their respective provinces and jurisdiction, necessary to or incidental to the carrying out of the compact for education in every particular. All officers, bureaus, departments and persons of and in the government or administration of this state are hereby authorized and directed, at convenient times and upon the request of the commissioners representing this state, to furnish the education commission with information and data possessed by them or any of them, and to aid the commission by any means lying within their legal powers respectively.

NEW SECTION. Sec. 28A.92.080 BYLAWS TO BE FILED WITH SECRETARY OF STATE. Pursuant to Article III(I) of the compact, the commission shall file a copy of its bylaws and any amendment thereto with the secretary of state.

#### Chapter 28A.98

#### CONSTRUCTION

NEW SECTION. Sec. 28A.98.010 REPEALS AND SAVINGS. The following acts or parts of acts are hereby repealed:

- (1) Chapter 12, Laws of 1967;
- (2) Chapter 29, Laws of 1967;
- (3) Chapter 64, Laws of 1967;
- (4) Chapter 83, Laws of 1967;
- (5) Sections 1 and 2, 4 through 10, 12 and 13, chapter 118, Laws of 1967;
- (6) Sections 1 through 4, and 6, chapter 158, Laws of 1967;
- (7) Chapter 220, Laws of 1967;
- (8) Sections 27 through 29, 41 through 43, 45, 46 and 76, chapter 8, Laws of 1967 extraordinary session;
- (9) Chapter 17, Laws of 1967 extraordinary session;

- (10) Chapter 21, Laws of 1967 extraordinary session;
- (11) Section 1, chapter 29, Laws of 1967 extraordinary session;
- (12) Chapter 56, Laws of 1967 extraordinary session;
- (13) Chapter 67, Laws of 1967 extraordinary session;
- (14) Chapter 69, Laws of 1967 extraordinary session;
- (15) Chapter 92, Laws of 1967 extraordinary session;
- (16) Chapter 140, Laws of 1967 extraordinary session;
- (17) Sections 1 through 3, and 61, chapter 149, Laws of 1967 extraordinary session;
- (18) Chapter 18, Laws of 1965;
- (19) Section 1, chapter 54, Laws of 1965;
- (20) Chapter 62, Laws of 1965;
- (21) Chapter 103, Laws of 1965;
- (22) Section 1, chapter 111, Laws of 1965;
- (23) Section 8, chapter 123, Laws of 1965;
- (24) Sections 1 through 22, and 25, chapter 139, Laws of 1965;
- (25) Chapter 143, Laws of 1965;
- (26) Chapter 49, Laws of 1965 extraordinary session;
- (27) Chapter 86, Laws of 1965 extraordinary session;
- (28) Chapter 87, Laws of 1965 extraordinary session;
- (29) Chapter 108, Laws of 1965 extraordinary session;
- (30) Sections 1 through 19, chapter 124, Laws of 1965 extraordinary session;
- (31) Chapter 129, Laws of 1965 extraordinary session;
- (32) Sections 1 through 11, and 13, chapter 154, Laws of 1965 extraordinary session;
- (33) Chapter 158, Laws of 1965 extraordinary session;
- (34) Chapter 162, Laws of 1965 extraordinary session;
- (35) Sections 1 through 3, and 5, chapter 171, Laws of 1965 extraordinary session;
- (36) Chapter 5, Laws of 1963;
- (37) Chapter 30, Laws of 1963;

- (38) Chapter 31, Laws of 1963;
- (39) Chapter 32, Laws of 1963;
- (40) Chapter 41, Laws of 1963;
- (41) Chapter 47, Laws of 1963;
- (42) Chapter 61, Laws of 1963;
- (43) Chapter 67, Laws of 1963;
- (44) Chapter 104, Laws of 1963;
- (45) Chapter 135, Laws of 1963;
- (46) Chapter 208, Laws of 1963;
- (47) Chapter 223, Laws of 1963;
- (48) Chapter 235, Laws of 1963;
- (49) Chapter 26, Laws of 1963 extraordinary session;
- (50) Chapter 47, Laws of 1961;
- (51) Section 1, chapter 66, Laws of 1961;
- (52) Chapter 98, Laws of 1961;
- (53) Chapter 116, Laws of 1961;
- (54) Chapter 123, Laws of 1961;
- (55) Section 23, chapter 130, Laws of 1961;
- (56) Section 1, chapter 224, Laws of 1961;
- (57) Chapter 237, Laws of 1961;
- (58) Chapter 238, Laws of 1961;
- (59) Chapter 241, Laws of 1961;
- (60) Section 15, chapter 268, Laws of 1961;
- (61) Chapter 305, Laws of 1961;
- (62) Chapter 3, Laws of 1961 extraordinary session;
- (63) Chapter 122, Laws of 1959;
- (64) Sections 1 and 2, chapter 169, Laws of 1959;
- (65) Chapter 208, Laws of 1959;
- (66) Sections 1, 4 through 14, and 16 through 31, chapter 216, Laws of 1959;
- (67) Sections 1 through 9, and 11, chapter 262, Laws of 1959;
- (68) Chapter 264, Laws of 1959;
- (69) Chapter 268, Laws of 1959;

- (70) Chapter 271, Laws of 1959;
- (71) Sections 1 and 3, chapter 276, Laws of 1959;
- (72) Chapter 8, Laws of 1959 extraordinary session;
- (73) Chapter 67, Laws of 1957;
- (74) Chapter 129, Laws of 1957;
- (75) Chapter 155, Laws of 1957;
- (76) Chapter 223, Laws of 1957;
- (77) Chapter 234, Laws of 1957;
- (78) Chapter 281, Laws of 1957;
- (79) Chapter 296, Laws of 1957;
- (80) Chapter 8, Laws of 1955;
- (81) Sections 2 and 3, chapter 20, Laws of 1955;
- (82) Section 11, chapter 55, Laws of 1955;
- (83) Chapter 68, Laws of 1955;
- (84) Chapter 132, Laws of 1955;
- (85) Sections 2 through 4, and 12 through 33, chapter 157,  
Laws of 1955;
- (86) Sections 2 and 9, chapter 187, Laws of 1955;
- (87) Sections 1 through 8, chapter 218, Laws of 1955;
- (88) Chapter 256, Laws of 1955;
- (89) Chapter 344, Laws of 1955;
- (90) Chapter 350, Laws of 1955;
- (91) Chapter 371, Laws of 1955;
- (92) Chapter 395, Laws of 1955;
- (93) Chapter 3, Laws of 1955 extraordinary session;
- (94) Chapter 49, Laws of 1953;
- (95) Chapter 94, Laws of 1953;
- (96) Sections 1, 2, 5 and 6, chapter 111, Laws of 1953;
- (97) Chapter 135, Laws of 1953;
- (98) Chapter 158, Laws of 1953;
- (99) Section 1, chapter 163, Laws of 1953;
- (100) Sections 1 and 3, chapter 225, Laws of 1953;
- (101) Chapter 226, Laws of 1953;



- (102) Chapter 229, Laws of 1953;
- (103) Section 1, chapter 282, Laws of 1953;
- (104) Chapter 7, Laws of 1953 extraordinary session;
- (105) Chapter 27, Laws of 1951;
- (106) Chapter 87, Laws of 1951;
- (107) Chapter 88, Laws of 1951;
- (108) Chapter 92, Laws of 1951;
- (109) Chapter 147, Laws of 1951;
- (110) Section 2, chapter 257, Laws of 1951;
- (111) Sections 1 and 2, and 5 through 12, chapter 11, Laws of 1951 first extraordinary session;
- (112) Chapter 5, Laws of 1951 second extraordinary session;
- (113) Chapter 19, Laws of 1951 second extraordinary session;
- (114) Chapter 32, Laws of 1949;
- (115) Chapter 54, Laws of 1949;
- (116) Chapter 108, Laws of 1949;
- (117) Chapter 186, Laws of 1949;
- (118) Chapter 209, Laws of 1949;
- (119) Chapter 212, Laws of 1949;
- (120) Chapter 229, Laws of 1949;
- (121) Chapter 31, Laws of 1947;
- (122) Chapter 169, Laws of 1947;
- (123) Chapter 258, Laws of 1947;
- (124) Sections 1 through 40, 42 and 43, chapter 266, Laws of 1947;
- (125) Sections 1 through 9, 11 and 12, chapter 278, Laws of 1947;
- (126) Chapter 29, Laws of 1945;
- (127) Chapter 32, Laws of 1945;
- (128) Sections 1 through 14, and 17, chapter 141, Laws of 1945;
- (129) Sections 1 and 3 through 10, chapter 247, Laws of 1945;
- (130) Sections 1, 2 and 4, chapter 51, Laws of 1943;

- (131) Chapter 120, Laws of 1943;
- (132) Chapter 220, Laws of 1943;
- (133) Chapter 12, Laws of 1941;
- (134) Chapter 102, Laws of 1941;
- (135) Chapter 187, Laws of 1941;
- (136) Chapter 202, Laws of 1941;
- (137) Section 1, chapter 203, Laws of 1941;
- (138) Chapter 251, Laws of 1941;
- (139) Chapter 160, Laws of 1939;
- (140) Sections 1 through 4, and 6, chapter 183, Laws of 1939;
- (141) Chapter 52, Laws of 1937;
- (142) Chapter 60, Laws of 1937;
- (143) Chapter 198, Laws of 1937;
- (144) Chapter 226, Laws of 1937;
- (145) Chapter 15, Laws of 1935;
- (146) Chapter 19, Laws of 1935;
- (147) Chapter 99, Laws of 1935;
- (148) Sections 1 through 15, chapter 28, Laws of 1933;
- (149) Chapter 80, Laws of 1933;
- (150) Chapter 176, Laws of 1933;
- (151) Chapter 103, Laws of 1931;
- (152) Chapter 77, Laws of 1929;
- (153) Chapter 99, Laws of 1927;
- (154) Chapter 102, Laws of 1927;
- (155) Chapter 181, Laws of 1927;
- (156) Chapter 65, Laws of 1925 extraordinary session;
- (157) Chapter 93, Laws of 1925 extraordinary session;
- (158) Chapter 134, Laws of 1925 extraordinary session;
- (159) Chapter 139, Laws of 1925 extraordinary session;
- (160) Chapter 76, Laws of 1923;
- (161) Chapter 96, Laws of 1923;
- (162) Chapter 103, Laws of 1923;
- (163) Chapter 152, Laws of 1923;

- (164) Sections 1 through 5, and 7, chapter 175, Laws of 1923;
- (165) Chapter 147, Laws of 1921;
- (166) Chapter 190, Laws of 1921;
- (167) Chapter 27, Laws of 1919;
- (168) Chapter 38, Laws of 1919;
- (169) Chapter 89, Laws of 1919;
- (170) Sections 1 through 23, chapter 91, Laws of 1919;
- (171) Sections 1 through 13, chapter 151, Laws of 1919;
- (172) Chapter 156, Laws of 1919;
- (173) Chapter 160, Laws of 1919;
- (174) Chapter 21, Laws of 1917;
- (175) Chapter 48, Laws of 1917;
- (176) Chapter 126, Laws of 1917;
- (177) Chapter 127, Laws of 1917;
- (178) Chapter 71, Laws of 1915;
- (179) Chapter 162, Laws of 1915;
- (180) Chapter 129, Laws of 1913;
- (181) Chapter 136, Laws of 1913;
- (182) Chapter 158, Laws of 1913;
- (183) Chapter 16, Laws of 1911;
- (184) Chapter 78, Laws of 1911;
- (185) Chapter 79, Laws of 1911;
- (186) Chapter 82, Laws of 1911;
- (187) Chapter 85, Laws of 1911;
- (188) Chapter 88, Laws of 1911;
- (189) Chapter 118, Laws of 1911;
- (190) Chapter 97, Title I, subchapters 1, 2 and 3, Title III, subchapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19, and Title IV, subchapter 1, sections 1 and 2, Laws of 1909;
- (191) Chapter 106, Laws of 1909;
- (192) Chapter 15, Laws of 1909 extraordinary session;
- (193) Sections 1 through 17, chapter 240, Laws of 1907;

(194) Sections 1 through 5, chapter 77, Laws of 1903;

(195) Sections 1 through 176, 180 and 181, Laws of 1897;

(196) Chapter 109, Laws of 1893;

(197) Sections 1 through 28, chapter 127, Laws of 1891;

(198) Sections 1 through 91, and 93, chapter XII, pages 348 through 385, Laws of 1889-90;

(199) Sections 1 through 32, chapter XII, pages 386 through 395, Laws of 1889-90;

(200) Sections 1 through 93, and 95, pages 3 through 28, Laws of 1886; and

(201) Sections 3154 through 3241, chapter CCXLV, Code of 1881.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor any criminal or civil proceeding instituted thereunder, nor the term of office or election or appointment or employment of any person elected, appointed or employed thereunder.

NEW SECTION. Sec. 28A.98.020 INTERMEDIATE DISTRICT BOARD MEMBER ELECTIONS. Notwithstanding the provisions of section 28A.98.010 above, at the time of the next regular school election at which any intermediate district board members are to be elected, the members from intermediate board-member districts 1, 2 and 3 shall be elected for terms of two years and until their respective successors are elected and qualified and the members from intermediate board-member districts 4 and 5 shall be elected for terms of four years and until their respective successors are elected and qualified. Thereafter the term of office for all members shall be for four years.

NEW SECTION. Sec. 28A.98.030 CONTINUATION OF EXISTING LAW. The provisions of this title, Title 28A RCW, insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. Nothing in this 1969

code revision of Title 28 RCW shall be construed as authorizing any new bond issues or new or additional appropriations of moneys but the bond issue authorizations herein contained shall be construed only as continuations of bond issues authorized by prior laws herein repealed and reenacted, and the appropriations of moneys herein contained are continued herein for historical purposes only and this 1969 act shall not be construed as a reappropriation thereof and no appropriation contained herein shall be deemed to be extended or revived hereby and such appropriation shall lapse or shall have lapsed in accordance with the original enactment: PROVIDED, That this 1969 act shall not operate to terminate, extend, or otherwise affect any appropriation for the biennium commencing July 1, 1967 and ending June 30, 1969.

NEW SECTION. Sec. 28A.98.040 PROVISIONS TO BE CONSTRUED IN PARI MATERIA. The provisions of this title, Title 28A RCW, shall be construed in pari materia even though as a matter of prior legislative history they were not originally enacted in the same statute. The provisions of this title shall also be construed in pari materia with the provisions of Title 28B RCW, and with other laws relating to education. This section shall not operate retroactively.

NEW SECTION. Sec. 28A.98.050 TITLE, CHAPTER, SECTION HEADINGS NOT PART OF LAW. Title headings, chapter headings, and section or subsection headings, as used in this title, Title 28A RCW, do not constitute any part of the law.

NEW SECTION. Sec. 28A.98.060 INVALIDITY OF PART OF TITLE NOT TO AFFECT REMAINDER. If any provision of this title, Title 28A RCW, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 28A.98.070 THIS CODE DEFINED. As used in this title, Title 28A, "this code" means Titles 28A and 28B of this 1969 act.

NEW SECTION. Sec. 28A.98.080. EFFECTIVE DATE. This act shall be effective July 1, 1970.

## TITLE 28B

## HIGHER EDUCATION

## Chapter 28B.10

## COLLEGES AND UNIVERSITIES GENERALLY

NEW SECTION. Sec. 28B.10.015 "STATE COLLEGES" AND "INSTITUTIONS OF HIGHER EDUCATION" DEFINED FOR CERTAIN PURPOSES. For the purposes of this chapter and chapter 28B.15 RCW, "state colleges" shall mean Central Washington State College at Ellensburg, Eastern Washington State College at Cheney, Western Washington State College at Bellingham and The Evergreen State College in Thurston county, and "institutions of higher education" shall mean the state universities, state colleges and community colleges.

NEW SECTION. Sec. 28B.10.020 ACQUISITION OF PROPERTY BY UNIVERSITIES AND STATE COLLEGES. The boards of regents of the University of Washington and Washington State University, respectively, and the boards of trustees of Central Washington State College, Eastern Washington State College, Western Washington State College and The Evergreen State College, respectively, shall have the power and authority to acquire by exchange, gift, purchase, lease, or condemnation in the manner provided by chapter 8.04 RCW for condemnation of property for public use, such lands, real estate and other property, and interests therein as they may deem necessary for the use of said institutions respectively.

NEW SECTION. Sec. 28B.10.030 DISPLAY OF UNITED STATES FLAG. Every board of trustees or board of regents shall cause a United States flag being in good condition to be displayed on the campus of their respective state institution of higher education during the hours of nine o'clock a.m. and four o'clock p.m. on school days, except during inclement weather.

NEW SECTION. Sec. 28B.10.040 HIGHER EDUCATIONAL INSTITUTIONS TO BE NONSECTARIAN. All institutions of higher education supported wholly or in part by state funds, and by whatsoever name so designated, shall be forever free from religious or sectarian control or

influence.

NEW SECTION. Sec. 28B.10.050 ENTRANCE REQUIREMENTS. Except as the legislature shall otherwise specifically direct, the boards of regents and the boards of trustees for the state universities and state colleges shall determine entrance requirements for their respective institutions of higher education.

NEW SECTION. Sec. 28B.10.100 "MAJOR LINE" DEFINED. The term "major line," whenever used in this code, shall be held and construed to mean the development of the work or courses of study in certain subjects to their fullest extent, leading to a degree or degrees in that subject.

NEW SECTION. Sec. 28B.10.115 MAJOR LINES COMMON TO UNIVERSITY OF WASHINGTON AND WASHINGTON STATE UNIVERSITY. The courses of instruction of both the University of Washington and Washington State University shall embrace as major lines, liberal arts, pure science, pharmacy, mining, architecture, civil engineering, electrical engineering, mechanical engineering, chemical engineering, home economics, and forest management as distinguished from forest products and logging engineering which are exclusive to the University of Washington. These major lines shall be offered and taught at said institutions only.

NEW SECTION. Sec. 28B.10.120 GRADUATE WORK. Whenever a course is authorized to be offered and taught by this code, in any of the institutions herein mentioned, as a major line, it shall carry with it the right to offer, and teach graduate work in such major lines.

NEW SECTION. Sec. 28B.10.140 TEACHERS', PRINCIPALS' AND SUPERINTENDENTS' TRAINING COURSES. The University of Washington, Washington State University, Central Washington State College, Eastern Washington State College, Western Washington State College and The Evergreen State College are each authorized to train teachers and other personnel for whom teaching certificates or special credentials prescribed by the state board of education are required, for any

grade, level, department or position of the public schools of the state, except that the training for superintendents, over and above that required for teaching certificates and principals' credentials, shall be given by the University of Washington and Washington State University only.

NEW SECTION. Sec. 28B.10.200 SCHOLARSHIPS FOR FOREIGN STUDENTS AT STATE UNIVERSITIES. The state universities shall each have the authority to award, during each academic year, not to exceed one hundred scholarships to students or graduates of universities or colleges of friendly foreign nations, and to exempt the recipients thereof from the payment of tuition, library and incidental fees for the scholarship period.

NEW SECTION. Sec. 28B.10.210 BLIND STUDENTS' ASSISTANCE AT INSTITUTIONS OF HIGHER EDUCATION--"BLIND STUDENT" DEFINED. A blind student is defined for the purpose of RCW 28B.10.210 through 28B.10.220 to be a person who (a) is unable to read because of defective eyesight and (b) is qualified for admission to an institution of higher education within the state by reason of studies previously pursued. Such blind student must have been a resident of the state of Washington for one year next preceding the date upon which he received any benefits under RCW 28B.10.210 through 28B.10.220, and must make a reasonable showing that he does not have resources with which to finance his education. Inability to read because of defective eyesight may be established for the purposes hereof by a letter from a practicing physician specializing in treatment of the eye.

NEW SECTION. Sec. 28B.10.215 -----ALLOCATION OF FUNDS. There is allocated to each and every blind student attending any institution of higher education within the state a sum not to exceed two hundred dollars per quarter, or so much thereof as may be necessary in the opinion of the state board of education, to provide said blind student with readers, books, recordings, recorders, or other means of reproducing and imparting ideas, while attending said institution of higher education: PROVIDED, That no blind student shall



be charged any tuition or laboratory fee while attending any such state institution and said institution shall notify the state board of education that it will waive tuition and laboratory fees for said blind student. The said allocation shall be made out of any moneys in the general fund not otherwise appropriated.

NEW SECTION. Sec. 28B.10.220 -----ADMINISTRATION OF FUNDS. All blind student assistance shall be distributed under the supervision of the state board of education. The moneys or any part thereof allocated in the manner referred to in RCW 28B.10.215 shall, for furnishing said books or equipment or supplying said services, be paid by said state board of education directly to the state institution of higher education, directly to such blind student, heretofore mentioned, or to his parents, guardian, or some adult person, if the blind student is a minor, designated by said blind student to act as trustee of said funds, as shall be determined by the state board of education.

The state board of education shall have power to prescribe and enforce all rules and regulations necessary to carry out the provisions of this section and RCW 28B.10.215.

NEW SECTION. Sec. 28B.10.250 BENEFITS TO CHILDREN OF DECEASED OR TOTALLY INCAPACITATED VETERANS WHEN ATTENDING INSTITUTIONS OF HIGHER EDUCATION. Matriculation fees and other incidental and special fees other than tuition, and board and room, rent and books and supplies to the extent of the appropriation therefor shall be paid for the use and benefit of persons attending a state institution of higher education who are not under sixteen and not over twenty-two years of age, and have for twelve months had their domicile in the state of Washington, and whose parents or one of them was killed or totally incapacitated from engaging in any normal employment by reason of service in the armed forces of the United States. No tuition fee shall be charged to any such person by any state institution of higher education.

NEW SECTION. Sec. 28B.10.255 -----ELIGIBILITY AND NEED--

PAYMENT OF CHARGES. The amounts due to any state institution of higher education under the provisions of RCW 28B.10.250 through 28B.10.260 shall be payable to the institution after approval by the state board of education. Said board shall determine the eligibility and need of the persons who may make application for the benefits; satisfy itself of the attendance of the persons at any such institution and of the accuracy of the charge or charges submitted to said board by the authorities of any such institution, on account of the attendance thereat of any such person. No fees shall be received for any such service.

NEW SECTION. Sec. 28B.10.260 -----LIMITATION OF ANNUAL BENEFITS. Not more than two hundred fifty dollars shall be paid under the provisions of RCW 28B.10.250 through 28B.10.260 for any one person for any one year. Any unexpended balance remaining at the end of any fiscal biennium shall revert to the general fund of the state.

NEW SECTION. Sec. 28B.10.280 STUDENT LOANS--NATIONAL DEFENSE EDUCATION ACT--UNIVERSITIES AND STATE COLLEGES. The boards of regents of the state universities and the boards of trustees of the state colleges may each create a student loan fund, and qualify and participate in the National Defense Education Act of 1958, and to that end may comply with all of the laws of the United States, and all of the rules, regulations and requirements promulgated pursuant thereto.

NEW SECTION. Sec. 28B.10.300 ACQUISITION, CONSTRUCTION, EQUIPPING AND BETTERMENT OF LANDS, BUILDINGS AND FACILITIES AT UNIVERSITIES AND STATE COLLEGES. The boards of regents of the state universities and the boards of trustees of the state colleges are severally authorized to:

(1) Enter into contracts with persons, firms or corporations for the construction, installation, equipping, repairing, renovating and betterment of buildings and facilities for the following:

- (a) dormitories
- (b) hospitals

- (c) infirmaries
  - (d) dining halls
  - (e) student activities
  - (f) services of every kind for students, including, but not limited to, housing, employment, registration, financial aid, counseling, testing and offices of the dean of students
  - (g) vehicular parking
  - (h) student, faculty and employee housing and boarding;
- (2) Purchase or lease lands and other appurtenances necessary for the construction and installation of such buildings and facilities and to purchase or lease lands with buildings and facilities constructed or installed thereon suitable for the purposes aforesaid;
- (3) Lease to any persons, firms, or corporations such portions of the campus of their respective institutions as may be necessary for the construction and installation of buildings and facilities for the purposes aforesaid and the reasonable use thereof;
- (4) Borrow money to pay the cost of the acquisition of such lands and of the construction, installation, equipping, repairing, renovating, and betterment of such buildings and facilities, including interest during construction and other incidental costs, and to issue revenue bonds or other evidence of indebtedness therefor, and to refinance the same before or at maturity and to provide for the amortization of such indebtedness from special student fees or from the rentals, fees, charges, and other income derived through the ownership, operation and use of such lands, buildings, and facilities and any other dormitory, hospital, infirmary, dining, student activities, student services, vehicular parking, housing or boarding building or facility at the institution;
- (5) Contract to pay as rental or otherwise the cost of the acquisition of such lands and of the construction and installation of such buildings and facilities on the amortization plan; the contract not to run over forty years;
- (6) Expend on the amortization plan special student fees

and/or any part of all of the fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings, and facilities of their respective institutions, heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon, and to pledge such special student fees and/or the net income derived through the ownership, operation and use of any lands, buildings or facilities of the nature described in subsection (1) hereof for the payment of part or all of the rental, acquisition, construction, and installation, and the betterment, repair, and renovation or other contract charges, bonds or other evidence of indebtedness agreed to be paid on account of the acquisition, construction, installation or rental of, or the betterment, repair or renovation of, lands, buildings, facilities and equipment of the nature authorized by this section.

NEW SECTION. Sec. 28B.10.305 -----USE OF LANDS, BUILDINGS, AND FACILITIES. The lands, buildings, facilities, and equipment acquired, constructed or installed for those purposes shall be used in the respective institutions primarily for:

- (1) dormitories
- (2) hospitals
- (3) infirmaries
- (4) dining halls
- (5) student activities
- (6) services of every kind for students, including, but not limited to housing, employment, registration, financial aid, counseling, testing and offices of the dean of students
- (7) vehicular parking
- (8) student, faculty and employee housing and boarding.

NEW SECTION. Sec. 28B.10.310 -----BONDS--SALE, INTEREST, FORM, PAYMENT, TERM, EXECUTION, NEGOTIABILITY, ETC. Each issue or series of such bonds: Shall be sold at a price which will result in

a net interest cost over the life thereof of not to exceed seven percent per annum, and no single interest or coupon rate shall be greater than seven percent per annum; may be serial or term bonds; may mature at such time or times in not to exceed forty years from date of issue; may be sold at public or private sale; may be payable both principal and interest at such place or places; may be subject to redemption prior to any fixed maturities; may be in such denominations; may be payable to bearer or to the purchaser or purchasers thereof or may be registrable as to principal or principal and interest at the option of the holder; may be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon, which may include the creation and maintenance of a reserve fund or account to secure the payment of such principal and interest and a provision that additional bonds payable out of the same source or sources may later be issued on a parity therewith, and such other terms, conditions, covenants and protective provisions safeguarding such payment, all as determined and found necessary and desirable by said boards of regents or trustees. If found reasonably necessary and advisable, such boards of regents or trustees may select a trustee for the owners and holders of each such issue or series of bonds and/or for the safeguarding and disbursements of the proceeds of their sale for the uses and purposes for which they were issued and, if such trustee or trustees are so selected, shall fix its or their rights, duties, powers, and obligations. The bonds of each such issue or series: Shall be executed on behalf of such universities or colleges by the president of the board of regents or the chairman of the board of trustees, and shall be attested by the secretary of such board, one of which signatures may be a facsimile signature; and shall have the seal of such university or college impressed, printed, or lithographed thereon, and the interest coupons attached thereto shall be executed with the facsimile signatures of said officials. The bonds of each such issue or series and each of the coupons attached thereto shall be negotiable

instruments within the provisions and intent of the negotiable instruments law of this state even though they shall be payable solely from any special fund or funds.

NEW SECTION. Sec. 28B.10.315 -----FUNDING, REFUNDING BONDS. Such boards of regents or trustees may from time to time provide for the issuance of funding or refunding revenue bonds to fund or refund at or prior to maturity any or all bonds of other indebtedness, including any premiums or penalties required to be paid to effect such funding or refunding, heretofore or hereafter issued or incurred to pay all or part of the cost of acquiring, constructing, or installing any lands, buildings, or facilities of the nature described in RCW 28B.10.300.

Such funding or refunding bonds and each of the coupons attached thereto shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state. The net interest cost over the life of such funding or refunding bonds shall not exceed seven percent per annum, and the amount of any premium or penalty paid to effect such funding or refunding shall not be considered in determining such net interest cost.

Such funding or refunding bonds may be exchanged for or applied to the payment of the bonds or other indebtedness being funded or refunded or may be sold in such manner and at such price as the boards of regents or trustees deem advisable, either at public or private sale.

The provisions of this chapter relating to the maturities, terms, conditions, covenants, interest rate, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

NEW SECTION. Sec. 28B.10.320 -----AUTHORITY TO BE LIBERALLY CONSTRUED--FUTURE ACQUISITIONS AND INSTALLATIONS MAY BE PLEDGED FOR PAYMENT. The authority granted in RCW 28B.10.300 through 28B.10.330 and 28B.15.220 shall be liberally construed and shall apply to all lands, buildings, and facilities of the nature described in RCW

28B.10.300 heretofore or hereafter acquired, constructed, or installed and to any rentals, contract obligations, bonds or other indebtedness heretofore or hereafter issued or incurred to pay part or all of the cost thereof, and shall include authority to pledge for the amortization plan the net income from any and all existing and future lands, buildings and facilities of the nature described in RCW 28B.10.300 whether or not the same were originally financed hereunder or under predecessor statutes.

NEW SECTION. Sec. 28B.10.325 -----RATE OF INTEREST ON OBLIGATIONS. The rate of interest on the principal of any obligation made or incurred under the authority granted in RCW 28B.10.300 shall not exceed seven percent per annum.

NEW SECTION. Sec. 28B.10.330 -----NONLIABILITY OF STATE. The state shall incur no liability by reason of the exercise of the authority granted in RCW 28B.10.300.

NEW SECTION. Sec. 28B.10.400 ANNUITIES AND RETIREMENT INCOME PLANS FOR UNIVERSITY FACULTY MEMBERS. The boards of regents of the state universities are authorized and empowered:

(1) To assist the faculties and such other employees of their respective institutions as the board of regents may designate in the purchase of old age annuities or retirement income plans under such rules and regulations as the regents of said institutions may prescribe. County agricultural agents, home demonstration agents, 4-H club agents, and assistant county agricultural agents paid jointly by the Washington State University and the several counties shall be deemed to be full time employees of the Washington State University for the purposes hereof;

(2) To provide, under such rules and regulations as any such board may prescribe for the institution under its supervision, for the retirement of any such faculty member or employee on account of age or condition of health, retirement on account of age to be not earlier than the sixty-fifth birthday;

(3) To pay to any such retired person, each year after his

retirement, an amount which, when added to the amount of such annuity or retirement income plan received by him in such year, will not exceed fifty percent of the average annual salary paid to such person for his last ten years of full time service at such institution.

NEW SECTION.    Sec. 28B.10.405    -----CONTRIBUTIONS BY FACULTY MEMBERS.    Members of the faculties and such other employees as are now designated by the regents shall be required after January 1, 1948, to contribute not less than five percent of their salaries during each year of full time service after the first two years of such service toward the purchase of such annuity or retirement income plan.

NEW SECTION.    Sec. 28B.10.410    -----LIMITATION ON INSTITUTION'S CONTRIBUTION.    In no case shall the regents pay in any one year towards the purchase of such annuity or retirement income plan more than half of the annual premium of any faculty member or other employee, nor an amount exceeding ten percent of such person's salary, whichever is less.

NEW SECTION.    Sec. 28B.10.415    -----LIMITATION ON ANNUITY OR RETIREMENT INCOME PLAN PAYMENT.    The regents shall not pay any amount to be added to the annuity or retirement income plan of any retired person who has served for less than eleven years in one of the state universities.    In the case of persons who have served more than ten years but less than twenty-five years no amount shall be paid in excess of four percent of the amount authorized in subdivision (3) of RCW 28B.10.400, multiplied by the number of years of full time service rendered by such person.

NEW SECTION.    Sec. 28B.10.420    -----RETIREMENT AT AGE SEVENTY.    University teaching faculty members shall be retired from teaching not later than the end of the academic year next following their seventieth birthday.

NEW SECTION.    Sec. 28B.10.450    ANNUITIES AND RETIREMENT INCOME PLANS FOR STATE COLLEGE FACULTY MEMBERS.    The board of trustees of each of the state colleges are authorized and empowered:



(1) To assist the faculties of their respective institutions in the purchase of old age annuities or retirement income plans under such rules and regulations as the trustees of said institutions may prescribe.

(2) To provide, under such rules and regulations as any such board may prescribe for the institution under its supervision, for the retirement of any such faculty member on account of length of service, age, or condition of health: PROVIDED, That retirement on account of age shall not be earlier than the sixty-fifth birthday.

(3) In addition to, and in supplementation of such old age annuity or retirement income plans, to provide for federal old age and survivors insurance and such coverage shall be provided in accordance with the provisions of chapter 41.48 RCW: PROVIDED, That prior approval by the state legislature of the proposed plan, costs and necessary structural adjustment to an existing system to conform to the proposed plan shall not be necessary.

NEW SECTION. Sec. 28B.10.455 -----CONTRIBUTIONS BY FACULTY MEMBERS. Members of the faculties of the respective state colleges providing for a retirement program under authority of RCW 28B.10.450 through 28B.10.465 shall be required to contribute not less than five percent of their salaries during each year of full time service after the first two years of such service toward the purchase of such annuity and retirement income plans and, in the event old age and survivors insurance is provided, shall pay such additional amounts as may be required of them as employees under the federal social security laws.

NEW SECTION. Sec. 28B.10.460 -----LIMITATION ON INSTITUTION'S CONTRIBUTION. In no case shall the trustees pay in any one year towards the purchase of such annuity and retirement income plans more than half of the annual premium of any faculty member, nor an amount exceeding seven and one-half percent of such person's salary, whichever is less: PROVIDED, That the seven and one-half percent factor shall, among other things, be based upon the old age and survivors

insurance employer's contributions rates as they exist on January 1, 1961 and as such contribution rates are increased by the federal government, the seven and one-half percent factor shall be increased to such percentage as will permit a continuance of the payment of the old age and survivors contributions without derogating from other retirement contributions.

NEW SECTION. Sec. 28B.10.465 -----RIGHTS AND DUTIES OF MEMBERS OF STATE TEACHERS' RETIREMENT SYSTEM. (1) A faculty member designated by the trustees of his respective state college as being subject to such annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system shall retain credit for such service in the Washington state teachers' retirement system and shall leave his accumulated contributions in the teachers' retirement fund (except as provided in subsection 2), and upon his attaining eligibility for retirement under the Washington state teachers' retirement system, such faculty member shall receive from the Washington state teachers' retirement system a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age when becoming eligible for such retirement and a pension of four dollars per month for each year of creditable service established and retained at the time of said designation. Effective July 1, 1967, anyone then receiving pension payments from the teachers' retirement system based on thirty-five years of creditable service shall thereafter receive a pension based on the total years of creditable service established with the retirement system: PROVIDED, HOWEVER, That such faculty member who, upon attainment of eligibility for retirement under the Washington state teachers' retirement system, is still engaged in public educational employment, shall not be eligible to receive benefits under the Washington state teachers' retirement system until he ceases such public educational employment. Any retired faculty member who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: PROVIDED, That

service may be rendered up to seventy-five days in a school year without reduction of pension.

(2) A faculty member designated by the trustees of his respective state college as being subject to the annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system may, at his election and at any time on and after midnight, June 10, 1959, terminate his membership in the Washington state teachers' retirement system and withdraw his accumulated contributions and interest in the teachers' retirement fund upon written application to the board of trustees of the Washington state teachers' retirement system. Faculty members who withdraw their accumulated contributions, on and after the date of withdrawal of contributions, shall no longer be members of the Washington state teachers' retirement system and shall forfeit all rights of membership, including pension benefits, theretofore acquired under the Washington state teachers' retirement system.

NEW SECTION. Sec. 28B.10.480 TAX DEFERRED ANNUITIES FOR EMPLOYEES OF INSTITUTIONS OF HIGHER EDUCATION. The regents or trustees of any of the state's institutions of higher education are authorized to provide and pay for tax deferred annuities for their respective employees in lieu of a portion of salary or wages as authorized under the provisions of 26 U.S.C., section 403(b), as amended by Public Law 87-370, 75 Stat. 796 as now or hereafter amended.

NEW SECTION. Sec. 28B.10.500 REMOVAL OF REGENTS OR TRUSTEES FROM UNIVERSITIES AND STATE COLLEGES. No regent of the state universities, or trustee of the state colleges shall be removed during the term of office for which appointed, excepting only for misconduct or malfeasance in office, and then only in the manner hereinafter provided. Before any regent or trustee may be removed for such misconduct or malfeasance, a petition for removal, stating the nature of the misconduct or malfeasance of such regent or trustee with reasonable particularity, shall be signed and verified by the governor and served upon such regent or trustee. Said petition, together with

proof of service of same upon such regent or trustee, shall forthwith be filed with the clerk of the supreme court. The chief justice of the supreme court shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of hearing, which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final and not subject to review by the supreme court. Removal of any member of the board by the tribunal shall disqualify such member for reappointment.

NEW SECTION. Sec. 28B.10.510 ATTORNEY GENERAL AS ADVISOR.

The attorney general of the state shall be the legal advisor to the presidents and the boards of regents and trustees of the state's colleges and universities and he shall institute and prosecute or defend all suits in behalf of the same.

NEW SECTION. Sec. 28B.10.520 REGENTS AND TRUSTEES FOR INSTITUTIONS OF HIGHER EDUCATION. OATHS. Each member of a university board of regents or college board of trustees of a state institution of higher education, before entering upon his duties, shall take and subscribe an oath to discharge faithfully and honestly his duties and to perform strictly and impartially the same to the best of his ability, such oath to be filed with the secretary of state.

NEW SECTION. Sec. 28B.10.525 -----EXPENSES. Each member of a university board of regents or college board of trustees of a state institution of higher education, shall be entitled to receive, in lieu of per diem or any other payment, for each day or major portion thereof in which he is actually engaged in business of the board, notwithstanding any laws to the contrary, twenty-five dollars per day, plus mileage allowance at the rate of ten cents per mile.

NEW SECTION. Sec. 28B.10.550 POLICE FORCES FOR STATE COLLEGES AND UNIVERSITIES. AUTHORIZED. The boards of regents of the state universities, 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.

NEW SECTION. Sec. 28B.10.555 -----POWERS. The members of a police force established under authority of RCW 28B.10.550, when appointed and duly sworn:

(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 the limits of such state lands, if necessary, all or any violators of the rules or regulations herein provided for.

NEW SECTION. Sec. 28B.10.560 -----ESTABLISHMENT OF TRAFFIC REGULATIONS. The boards of regents of the state universities, and the boards of trustees of the state colleges, acting independently and each on behalf of its own institution, may each establish and promulgate rule 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.

NEW SECTION. Sec. 28B.10.565 -----PENALTY. Any person violating a rule or regulation promulgated in conformity with the provisions of RCW 28B.10.560, shall be guilty of a misdemeanor and the courts of justice of the peace in the county in which the offense is committed shall have jurisdiction over such offense.

NEW SECTION. Sec. 28B.10.600 DISTRICT SCHOOLS MAY BE USED FOR TEACHER TRAINING BY UNIVERSITIES AND STATE COLLEGES. The boards of regents of the state universities are each authorized to enter into agreements with the board of directors of any school district in this state whereby one or more of the public schools operated by such

district may be used by the university for the purpose of training students at said university as teachers, supervisors, principals, or superintendents. The boards of trustees of the state colleges are authorized to enter into similar agreements for the purpose of training students at the state colleges as teachers, supervisors or principals.

NEW SECTION. Sec. 28B.10.605 -----AGREEMENT FOR FINANCING, ORGANIZATION, ETC. The financing and the method of organization and administration of such a training program operated by agreement between a university board of regents or state college board of trustees and the board of directors of any school district shall be determined by agreement between them.

NEW SECTION. Sec. 28B.10.620 AGREEMENTS FOR RESEARCH WORK BY PRIVATE NONPROFIT CORPORATIONS AT UNIVERSITIES. The boards of regents of the state universities are hereby empowered to enter into agreements with corporations organized under chapters 24.08, 24.16 or 24.20 RCW, whereby such corporations may be permitted to conduct on university property devoted mainly to medical, educational or research activities, under such conditions as the boards of regents shall prescribe, any educational, hospital, research or related activity which the boards of regents shall find will further the objects of the university.

NEW SECTION. Sec. 28B.10.625 -----FUNDS MAY BE EXPENDED IN COOPERATIVE EFFORT. The boards of regents of the state universities may expend funds available to said institutions in any cooperative effort with such corporations which will further the objects of the particular university and may permit any such corporation or corporations to use any property of the university in carrying on said functions.

NEW SECTION. Sec. 28B.10.640 STUDENT ASSOCIATIONS TO CONTRACT FOR CERTAIN PURCHASES, CONCESSIONS, PRINTING, ETC.--PROCEDURE. The associated students of the University of Washington, the associated students of Washington State University, the student associations

of the state community colleges and the student associations of the state colleges shall contract for all purchases for printing of athletic programs, athletic tickets, athletic press brochures, year-books, magazines, newspapers and letting of concessions, exceeding one thousand dollars, notice of call for bid on the same to be published in at least two newspapers of general circulation in the county wherein the institution is located two weeks prior to the award being made. The contract shall be awarded to the lowest responsible bidder, if the price bid is fair and reasonable and not greater than the market value and price, and if the bid satisfactorily covers the quality, design, performance, convenience and reliability of service of the manufacturer and/or dealer. The aforesaid student associations may require such security as they deem proper to accompany the bids submitted, and they shall also fix the amount of the bond or other security that shall be furnished by the person to whom the contract is awarded. Such student associations may reject any or all bids submitted, if for any reason it is deemed for the best interest of their organizations to do so and readvertise in accordance with the provisions of this section. The student associations may reject the bid of any person who has had a prior contract, and who did not, in its opinion, faithfully comply with its terms: PROVIDED, That nothing in this section shall apply to printing done on presses owned and operated by the associated students of the University of Washington, the associated students of Washington State University or the student associations of the state colleges or community colleges, or to printing done on presses owned or operated by their respective institutions.

NEW SECTION. Sec. 28B.10.650 SABBATICALS AND OTHER LEAVES FOR FACULTY MEMBERS OF UNIVERSITIES AND STATE COLLEGES. The boards of regents of the state universities and the boards of trustees of the state colleges may grant sabbatical and other leaves to faculty members in accordance with regulations adopted by the respective governing boards and with such remunerations as the respective boards

may prescribe.

NEW SECTION. Sec. 28B.10.660 LIABILITY, LIFE, HEALTH, ACCIDENT, DISABILITY, AND SALARY INSURANCE AUTHORIZED--PREMIUMS--INSTITUTIONS OF HIGHER EDUCATION. The regents or trustees of any of the state's institutions of higher education may make available liability, life, health, accident, disability and salary insurance or any one of, or a combination of, the enumerated types of insurance for the regents or trustees, students and employees of the institution, and their dependents. Whenever funds shall be available for these purposes, the regents or trustees of any of the state's institutions of higher education may contribute toward the cost of such life, health, accident, disability and salary insurance, including hospitalization and medical aid, for the employees of their respective institutions and their dependents in an amount not to exceed fifty percent of the premiums therefor, or ten dollars per month per employee covered, whichever is the lesser. The premiums due on such liability insurance shall be borne by the university or college. The premiums due on such life, health, accident, or disability and salary insurance shall be borne by the assenting regent, trustee or student.

NEW SECTION. Sec. 28B.10.700 PHYSICAL EDUCATION IN CURRICULUM OF INSTITUTIONS OF HIGHER EDUCATION. The state board for community college education, the boards of trustees of the state colleges, and the boards of regents of the state universities, with appreciation of the legislature's desire to emphasize physical education courses in their respective institutions, shall provide for the same, being cognizant of legislative guide lines put forth in RCW 28A.05.040 relating to physical education courses in high schools.

NEW SECTION. Sec. 28B.10.710 WASHINGTON STATE OR PACIFIC NORTHWEST HISTORY IN CURRICULUM OF INSTITUTIONS OF HIGHER EDUCATION. There shall be a one quarter or semester course in either Washington state history and government, or Pacific Northwest history and government in the curriculum of all teachers' colleges and teachers' courses in all institutions of higher education. No person shall be



graduated from any of said schools without completing said course of study, unless otherwise determined by the state board of education.

Chapter 28B.15

COLLEGE AND UNIVERSITY FEES

NEW SECTION. Sec. 28B.15.010 "RESIDENT STUDENTS" AND "NON-RESIDENT STUDENTS" DEFINED. The term "resident students" when used in this chapter shall mean students who have been domiciled in this state at least one year prior to the commencement of the quarter for which they register, federal employees and military personnel, the children and spouses of federal employees and military personnel residing within the state, and staff members of the state's colleges and universities and their children and spouses. The term "nonresident students" shall mean all students other than resident students.

NEW SECTION. Sec. 28B.15.020 "GENERAL TUITION FEES" DEFINED --USE. The term "general tuition fees" as used in this chapter shall mean the general tuition fees charged students registering at the state's colleges and universities for quarters or semesters other than the summer session, which fees are to be used as follows: At the University of Washington, solely for the purposes provided in RCW 28B.15.210; at Washington State University, solely for the purposes provided in RCW 28B.15.310; at each of the state colleges, solely for the purposes provided in RCW 28B.40.370; and at the community colleges, for the purposes provided in RCW 28A.50.320, 28A.50.360 and 28A.50.370.

NEW SECTION. Sec. 28B.15.030 "INCIDENTAL FEES" AT UNIVERSITIES DEFINED. The term "incidental fees" as used in this chapter with respect to the state's universities shall include the fees, other than general tuition fees, charged all students registering at any of the state's universities for quarters or semesters other than summer sessions but shall not include fees for short courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which universities shall have the

right to impose, laboratory, gymnasium, health and student activity fees, or fees, charges, rentals and other income derived from any or all revenue-producing lands, buildings and facilities of the universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon, or such other special fees as may be established by any university board of regents from time to time. Incidental fees shall be used as otherwise provided by law or by rule or regulation of the board of regents of each of the state's universities for their particular institution.

NEW SECTION. Sec. 28B.15.040 "INCIDENTAL FEES" AT STATE COLLEGES DEFINED. The term "incidental fees" as used in RCW 28B.15-.400, without limiting the generality thereof, should be deemed to include all building fees (except general tuition fees), student activity fees, laboratory, library, gymnasium, and health fees charged all students registering at each college.

NEW SECTION. Sec. 28B.15.050 "INCIDENTAL FEES" AT COMMUNITY COLLEGES DEFINED. The term "incidental fees" as used in RCW 28B.15-.500 shall include the fees other than general tuition fees, charged all students registering at the college for quarters other than summer sessions but shall not include fees for correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, laboratory, gymnasium, health fees, or fee charges, rentals and other income derived from any or all revenue-producing lands, buildings and facilities of the colleges heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon or such other special fees as may be established by the board of trustees from time to time.

NEW SECTION. Sec. 28B.15.100 FEES SET BY INDIVIDUAL

INSTITUTIONS--MINIMUM. The board of regents and board of trustees at each of the state's colleges and universities shall charge to and collect from each of the students registering at the particular institution such general tuition fees, incidental fees and other fees as such board shall in its discretion determine: PROVIDED, That such general tuition fees and incidental fees for quarters other than summer session shall be in at least the amounts for the respective institutions as set forth in RCW 28B.15.200, 28B.15.300, 28B.15.400 and 28B.15.500: PROVIDED FURTHER, That the fees charged by boards of trustees of community college districts shall be consistent with RCW 28B.15.500.

NEW SECTION. Sec. 28B.15.200 FEES--UNIVERSITY OF WASHINGTON. MINIMUM. Minimum general tuition fees and incidental fees at the University of Washington other than at summer quarters shall be as follows:

- (1) For schools and departments other than the schools of medicine and dentistry, for
  - (a) Full time resident students
    - (i) General tuition fee, thirty-five dollars; and
    - (ii) Incidental fees, an amount which, together with such general tuition fees, will be not less than seventy dollars: PROVIDED, That the total of the general tuition fees together with incidental fees shall not exceed an amount of three hundred dollars in any one academic year exclusive of the summer session.
  - (b) Full time nonresident students
    - (i) General tuition fee, not less than one hundred five dollars; and
    - (ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than one hundred fifty dollars.
- (2) For schools of medicine and dentistry, for
  - (a) Full time resident students except physical and occupational therapy students
    - (i) General tuition fee, not less than one hundred dollars;

and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than one hundred fifty dollars.

(b) Full time nonresident students except physical and occupational therapy students

(i) General tuition fee, not less than one hundred sixty-five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than two hundred fifty dollars.

(c) Full time resident physical and occupational therapy students

(i) General tuition fee, not less than sixty-five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than one hundred ten dollars.

(d) Full time nonresident physical and occupational therapy students

(i) General tuition fee, not less than one hundred twenty-five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than two hundred ten dollars.

NEW SECTION. Sec. 28B.15.210 -----DISPOSITION OF GENERAL TUITION FEES. Within thirty-five days from the date of collection thereof, all general tuition fees at the University of Washington, including general tuition fees to be charged students registering in the schools of medicine and dentistry, shall be paid into the state treasury and credited as follows:

One-half of the general tuition fees, or such larger portion as may be necessary to prevent a default in the payments required to be made out of the bond retirement fund, and in no event shall such one-half be less than twelve dollars and fifty cents per each resident student per quarter, and thirty-seven dollars and fifty cents per each nonresident student per quarter to the "University of Washington bond retirement fund" and the remainder thereof to the

"University of Washington building account." The sum so credited to the University of Washington building account shall be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings except for any sums transferred as authorized in RCW 28B.20.725(3). The sum so credited to the University of Washington bond retirement fund shall be used for the payment of principal of and interest on bonds outstanding as provided by chapter 28B-.20 RCW except for any sums transferred as authorized in RCW 28B.20-.725(5).

NEW SECTION. Sec. 28B.15.220 -----DISPOSITION OF SPECIAL FEES. All fees except general tuition fees shall be held by the board of regents as a revolving fund and expended for the purposes for which collected and be accounted for in accordance with law: PROVIDED, That the board of regents shall have authority to place in a separate fund or funds any or all fees or rentals exacted for the use of facilities of any dormitory, hospital, or infirmary building, and the board of regents shall have authority to pledge any or all such fees for the retirement of any bonds that may be issued for the construction of such dormitory, hospital, or infirmary building.

NEW SECTION. Sec. 28B.15.300 FEES--WASHINGTON STATE UNIVERSITY. MINIMUM. Minimum general tuition fees and incidental fees at Washington State University other than at summer semesters shall be as follows:

A. For schools, colleges and departments other than the college of veterinary medicine, for

(1) Full time resident students:

(a) General tuition fee, fifty-two dollars and fifty cents;

and

(b) Incidental fees, an amount which, together with such general tuition fees, will be not less than one hundred five dollars:

PROVIDED, That the total of the general tuition fees together with incidental fees shall not exceed an amount of three hundred dollars in any one academic year exclusive of the summer session.

(2) Full time nonresident students:

(a) General tuition fee, one hundred fifty-seven dollars and fifty cents; and

(b) Incidental fees, an amount which, together with such general tuition fee, will be not less than two hundred twenty-five dollars.

B. For the college of veterinary medicine, for

(1) Full time resident students:

(a) General tuition fee, not less than fifty-two dollars and fifty cents; and

(b) Incidental fees, an amount which, together with such general tuition fee, will be not less than one hundred fifty-five dollars.

(2) Full time nonresident students:

(a) General tuition fee, not less than one hundred fifty-seven dollars and fifty cents; and

(b) Incidental fees, an amount which, together with such general tuition fee, will be not less than three hundred twenty-five dollars.

NEW SECTION. Sec. 28B.15.310 -----DISPOSITION OF GENERAL TUITION FEES. Within thirty-five days from the date of collection thereof, all such general tuition fees shall be paid into the state treasury and credited to the Washington State University bond retirement fund, one-half of such general tuition fees or such larger portion as may be necessary to prevent a default in the payments required to be made out of such bond retirement fund; the remainder thereof to the Washington State University building account.

The sum so credited to the Washington State University building account shall be expended by the board of regents for buildings, equipment, or maintenance on the campus of Washington State University as may be deemed most advisable and for the best interests of the university, except for any sums transferred as authorized by law. Expenditures so made shall be accounted for in accordance with existing

law and shall not be expended until appropriated by the legislature.

The sum so credited to the Washington State University bond retirement fund shall be used to pay and secure the payment of the principal of and interest on tuition fee bonds issued by the university, except for any sums which may be transferred out of such fund as authorized by law.

NEW SECTION. Sec. 28B.15.380 EXEMPTION FROM PAYMENT OF FEES AT UNIVERSITIES. In addition to any other exemptions as may be provided by law, the board of regents at the universities may exempt the following classes of persons from the payment of general tuition fees or incidental fees except for individual instruction fees: (1) All honorably discharged service men or women who served in the armed forces of the United States during World War I and those who so served in World War II at any time after the sixth day of December, 1941, and prior to the first day of January, 1947, and who are no longer entitled to vocational rehabilitation under Public Law 16, 78th Congress, 1st session, approved March 24, 1943, as amended, or to education and training under section 400 of Public Law 346, 78th Congress, 2nd session, approved June 22, 1944, as amended; and all honorably discharged service men who served in the military or naval services of any of the governments associated with the United States during the said World War I and those who so served in World War II at any time after the sixth day of December, 1941, and prior to the first day of January, 1947 and who are no longer entitled to vocational rehabilitation under Public Law 16, 78th Congress, 1st session, approved March 24, 1943, as amended, or to education and training under section 400 of Public Law 346, 78th Congress, 2nd session, approved June 22, 1944, as amended, provided they were citizens of the United States at the time of their enlistment and who are again citizens at the time of their registration in the university. If any such service men have not been resident in this state for one year prior to registration said board may exempt them up to one-half of the fee payable by other nonresident students. (2) Members of the

staffs of the University of Washington and Washington State University. (3) Teachers in the public schools of the state who supervise the cadet teachers from the University of Washington.

NEW SECTION. Sec. 28B.15.390 GIVING NOTE FOR FEES AT UNIVERSITIES. In case of deserving students resident in this state or the state of Alaska who, after a quarter in residence at either of such universities have shown a marked capacity for the work done by them, the board of regents at such university, in lieu of collecting general tuition fees or incidental fees, may extend credit to said students in the amount of said fees, taking therefor the promissory note of the student, with interest at a rate the board of regents deems conscionable.

NEW SECTION. Sec. 28B.15.400 FEES--STATE COLLEGES. The boards of trustees of Eastern Washington State College, Central Washington State College, Western Washington State College and The Evergreen 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:

- (1) Full time resident students:
  - (a) General tuition fee, not less than fifteen dollars; and
  - (b) Incidental fees, an amount which, together with such general tuition fee, will be not more than eighty-eight dollars.
- (2) Full time nonresident students:
  - (a) General tuition fee, not less than forty-five dollars;
  - (b) Incidental fees, an amount which, together with such general tuition fee, will be not more than one hundred fifty-seven dollars.

NEW SECTION. Sec. 28B.15.410 -----ADDITIONAL CHARGES. In addition to those fees set forth in RCW 28B.15.400, the boards of trustees of Central Washington State College, Eastern Washington State College, Western Washington State College, and The Evergreen State College are authorized to make such charges as each board shall in its



discretion determine, for application for admission, part time instruction, summer session, 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; material, 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-producing 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, lands, or the appurtenances thereon.

NEW SECTION. Sec. 28B.15.500 FEES--COMMUNITY COLLEGES. FEES FOR REGULAR, SUMMER SCHOOL, AND PART TIME STUDENTS. General tuition fees and incidental fees charged students registered at each community college other than at summer quarters shall be as follows:

(1) Full time resident students:

- (a) General tuition fees, fifty dollars per quarter; and
- (b) Incidental fees not more than twenty dollars per quarter.

(2) Full time nonresident students:

- (a) General tuition fees, one hundred fifty dollars per quarter; and
- (b) Incidental fees, not more than twenty dollars per quarter.

Tuition and incidental fees consistent with the above schedule will be fixed by the state board for community colleges for summer school students.

The board of trustees shall charge such fees for part time students, ungraded courses, noncredit courses, and short courses as it, in its discretion, may determine, not inconsistent with the rules and regulations of the state board for community college education.

NEW SECTION. Sec. 28B.15.600 REFUNDS OF FEES AT UNIVERSITIES AND STATE COLLEGES. The boards of regents of the state's universities

and the boards of trustees of the state colleges may refund in full general tuition fees and incidental fees if the student withdraws from the university or college prior to the sixth day of instruction of the quarter or semester for which said fees have been paid. If the student withdraws on or after the sixth day of instruction, said boards of regents and trustees may refund up to one-half of said fees, provided such withdrawal occurs within the first thirty calendar days following the beginning of instruction. Said boards of regents and trustees may extend the refund period for students called into the military service of the United States.

Said boards of regents and trustees may refund other fees pursuant to such rules as they may prescribe.

NEW SECTION. Sec. 28B.15.610 VOLUNTARY FEES OF STUDENTS. The provisions of this chapter shall not apply to or affect any student fee or charge which the students voluntarily maintain upon themselves for student purposes only.

Chapter 28B.20

UNIVERSITY OF WASHINGTON

NEW SECTION. Sec. 28B.20.010 DESIGNATION. The state university located and established in Seattle, King county, shall be designated the University of Washington.

NEW SECTION. Sec. 28B.20.020 PURPOSE. The aim and purpose of the University of Washington shall be to provide a liberal education in literature, science, art, law, medicine, military science and such other fields as may be established therein from time to time by the board of regents or by law.

NEW SECTION. Sec. 28B.20.060 COURSES EXCLUSIVE TO UNIVERSITY OF WASHINGTON. The courses of instruction of the University of Washington shall embrace as exclusive major lines, law, medicine, forest products, logging engineering, commerce, journalism, library economy, marine and aeronautic engineering, and fisheries.

NEW SECTION. Sec. 28B.20.100 REGENTS. APPOINTMENT--TERMS--VACANCIES--QUORUM. The government of the University of Washington

shall be vested in a board of regents to consist of seven members who shall be appointed by the governor of the state, by and with the advice and consent of the senate, and who shall hold their offices respectively for a term of six years from the second Monday in March next succeeding their appointment and until their successors shall be appointed and shall qualify by filing their oath with the secretary of state: PROVIDED, That regents now serving upon such board shall continue as such during the terms for which they were respectively appointed. Four members of said board shall constitute a quorum for the transaction of business. Whenever there shall be a vacancy in the said board of regents, from any cause whatever, it shall be the duty of the governor to fill such office by appointment for the unexpired term of the incumbent whose position has become vacant.

NEW SECTION. Sec. 28B.20.105 -----ORGANIZATION AND CONDUCT OF BUSINESS--BYLAWS, RULES AND REGULATIONS--MEETINGS. The board shall organize by electing from its membership a president and an executive committee, of which committee the president shall be ex officio chairman. The board may adopt bylaws or rules and regulations for its own government. The board shall hold regular quarterly meetings, and during the interim between such meetings the executive committee may transact business for the whole board: PROVIDED, That the executive committee may call special meetings of the whole board when such action is deemed necessary.

NEW SECTION. Sec. 28B.20.110 -----SECRETARY--TREASURER--DUTIES--TREASURER'S BOND. The board shall appoint a secretary and a treasurer who shall hold their respective offices during the pleasure of the board and carry out such respective duties as the board shall prescribe. In addition to such other duties as the board prescribes, the secretary shall record all proceedings of the board and carefully preserve the same. The treasurer shall give bond for the faithful performance of the duties of his office in such amount as the regents may require: PROVIDED, That the university shall pay the fee for such bond.

NEW SECTION. Sec. 28B.20.130 GENERAL POWERS AND DUTIES OF REGENTS. General powers and duties of the board of regents are as follows:

(1) To have full control of the university and its property of various kinds.

(2) To employ the president of the university, his assistants, members of the faculty, and employees of the institution, who except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.

(3) Establish entrance requirements for students seeking admission to the university. Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) With the assistance of the faculty of the university, prescribe the course of study in the various colleges, schools and departments of the institution and publish the necessary catalogues thereof.

(6) Grant to students such certificates or degrees as recommended for such students by the faculty. The board, upon recommendation of the faculty, may also confer honorary degrees upon persons other than graduates of this university in recognition of their learning or devotion to literature, art or science: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

(7) Accept such gifts, grants, conveyances, bequests and devises, whether real or personal property, or both, in trust or otherwise, for the use or benefit of the university, its colleges, schools,

departments, or agencies; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests and devises. The board shall adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits and income of all gifts, grants, conveyances, bequests and devises above mentioned, and shall make full report of the same in the customary biennial report to the governor and members of the legislature, or more frequently if required by law: PROVIDED, HOWEVER, That nothing herein contained shall be construed to repeal, amend or in any way modify any of the provisions of RCW 28B.20.380.

(8) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(9) To transmit prior to the first day of January, preceding each regular session of the legislature, to the governor and members of the legislature, a printed report giving information of the receipt and expenditure of money subsequent to the last such report, furnishing an estimate of the needs of the institution, and giving such additional information as will be helpful to the state authorities in providing for the institution.

NEW SECTION. Sec. 28B.20.135 -----EMPLOYMENT OF ARCHITECTS, ENGINEERS, FOR CONSTRUCTION OF BUILDINGS AND FACILITIES. The board shall have power to employ or contract for the services of skilled architects and engineers to prepare plans and specifications, and supervise the construction of university buildings and facilities and to fix the compensation for such employees or for such services.

NEW SECTION. Sec. 28B.20.140 -----CONTRACTS FOR ERECTION OF BUILDINGS OR IMPROVEMENTS. The board of regents shall enter into such contracts with one or more contractors for the erection and construction of university buildings or improvements thereto as in their judgment shall be deemed for the best interest of the university; such contract or contracts shall be let after public notice and under

such regulations as shall be established by said board or as otherwise provided by law to the person or persons able to perform the same on the most advantageous terms: PROVIDED, That in all cases said board shall require from contractors a good and sufficient bond for the faithful performance of the work, and the full protection of the state against mechanics' and other liens: AND PROVIDED FURTHER, That the board shall not have the power to enter into any contract for the erection of any buildings or improvements which shall bind said board to pay out any sum of money in excess of the amount provided for said purpose.

NEW SECTION. Sec. 28B.20.145 -----REGENTS' SPENDING LIMITED BY INCOME. The board of regents are hereby prohibited from creating any debt or in any manner encumbering the university beyond its capacity for payment thereof from the biennial income of the university for the then current biennium.

NEW SECTION. Sec. 28B.20.200 FACULTY--COMPOSITION--GENERAL POWERS. The faculty of the University of Washington shall consist of the president of the university and the professors and the said faculty shall have charge of the immediate government of the institution under such rules as may be prescribed by the board of regents.

NEW SECTION. Sec. 28B.20.300 SCHOOLS OF MEDICINE, DENTISTRY, AND RELATED HEALTH SERVICES. AUTHORIZATION. The board of regents of the University of Washington is hereby authorized and directed forthwith to establish, operate and maintain schools of medicine, dentistry, and related health sciences at the university.

NEW SECTION. Sec. 28B.20.305 -----PURPOSE. The aim and purpose of the schools of medicine, dentistry and related health sciences shall be to provide for students of both sexes, on equal terms, all and every type of instruction in the various branches of medicine, dentistry, and related health sciences and to grant such degrees as are commonly granted by similar institutions.

NEW SECTION. Sec. 28B.20.320 MARINE BIOLOGICAL PRESERVE. ESTABLISHED AND DESCRIBED. There is hereby created an area of

preserve of marine biological materials useful for scientific purposes, except when gathered for human food, and except, also, the plant nereocystis, commonly called "kelp." Said area of preserve shall consist of the salt waters and the beds and shores of the islands constituting San Juan county and of Cypress Island in Skagit county.

NEW SECTION. Sec. 28B.20.322 -----GATHERING PERMIT. No person shall gather said marine biological materials from said area of preserve, except upon permission first granted by the director of the Friday Harbor Laboratories of the University of Washington.

NEW SECTION. Sec. 28B.20.324 -----PENALTY FOR UNLAWFUL GATHERING. Any person gathering said marine biological materials contrary to the terms of RCW 28B.20.320 and 28B.20.322 shall be guilty of a misdemeanor.

NEW SECTION. Sec. 28B.20.330 RIGHTS-OF-WAY TO RAILROADS AND STREET CAR RAILWAYS. Any railroad company now having in operation a line of railroad, or branches, sidings, or spurs thereof, upon any property in this state in use by the University of Washington for university purposes, or as a part of the grounds set aside or devoted to university purposes, may have such right-of-way confirmed to it, its successors and assigns, upon the following terms and conditions: Such railroad company shall file with the board of regents of said university a plat showing the right-of-way desired, and shall file a duplicate thereof with the commissioner of public lands; and any railroad company or street car company desiring hereafter to construct a railroad or street car line, or extensions thereof, with branches, sidings, or spurs, upon any property in this state in use by the University of Washington for university purposes, or as a part of the ground set aside or devoted to university purposes, may have such right-of-way confirmed to it, its successors and assigns, upon the following terms and conditions: Such railroad company or street car company shall file with the board of regents of said university a plat showing the right-of-way desired, and shall file a duplicate

thereof with the commissioner of public lands.

NEW SECTION. Sec. 28B.20.332 -----REGENTS TO MAKE AGREEMENT. The board of regents of said University of Washington are authorized, upon the filing of such plat with it, to agree in writing with any such railroad company or street car company, upon the boundaries and the extent of such right-of-way, the manner in which the same shall be maintained and fenced and occupied, and prescribe the number, character, and maintenance of crossings, cross-overs, and subways, and as to what sum said railroad company or street car company shall pay for the right-of-way granted.

NEW SECTION. Sec. 28B.20.334 -----FORM OF DEED--CERTIFIED COPY FILED. If such agreement is entered into, said board of regents shall transmit a certified copy thereof to the commissioner of public lands, who shall, after the full amount of money provided in such agreement shall be paid by said railroad company or street car company to the state treasurer, issue to such railroad company or street car company, in the name of the state of Washington, a deed for the right-of-way described in such agreement, which said deed shall recite and be subject to all the terms and conditions of such agreement, and certified copies of said deed shall be filed, one in the office of the commissioner of public lands, and the other with the secretary of said board of regents.

NEW SECTION. Sec. 28B.20.336 -----DEED CONVEYS CONDITIONAL EASEMENT. The conveyance herein provided for shall not be deemed to convey the fee to the land described, but an easement only thereover and for railroad or street car purposes only, and when the right-of-way granted as aforesaid shall not be used for the purposes for which it was granted, then and thereupon the easement right shall immediately become void.

NEW SECTION. Sec. 28B.20.340 UNIVERSITY SITE DEDICATED FOR STREET AND BOULEVARD PURPOSES. There is hereby dedicated to the public for street and boulevard purposes the following described lands situated in section 16, township 25 north, range 4 east, W.M., and



blocks 7 and 8 of Lake Washington shore lands, to wit: Beginning at the one-quarter ( $\frac{1}{4}$ ) corner on the north line of said section sixteen (16); thence east along the north line thereof, a distance of three hundred forty-nine and thirty-four one-hundredths (349.34) feet; thence south at right angles to the said north line, a distance of thirty-five feet to the point of beginning of this description; thence south eighty-nine degrees fifty-seven minutes and forty-three seconds (89 57' 43") east a distance of six hundred seventy-three and seventeen one-hundredths (673.17) feet; thence southwesterly along the arc of a curve to the left, having a uniform radius of one thousand (1,000) feet, said curve being tangent to the last above described line, a distance of one thousand three hundred seventy-three and six one-hundredths (1,373.06) feet to a point of tangency; thence south eleven degrees twenty-two minutes and two seconds (11 22' 02") west, a distance of five hundred fifty-six and twenty-two one-hundredths (556.22) feet to a point of tangency on the easterly margin of Montlake Boulevard as laid off and established by Ordinance No. 26332; thence along said easterly margin northerly along the arc of a curve to the left, having a uniform radius of four hundred sixty (460) feet, a distance of one hundred forty-three and forty-one one-hundredths (143.41) feet to a point of a reverse curve; thence northerly along the arc of a curve to the right having a uniform radius of four hundred sixty (460) feet, a distance of one hundred twenty and ninety-four one-hundredths (120.94) feet to a point of reverse curve; thence northerly along the arc of a curve to the left, having a uniform radius of two thousand nine hundred seventy-four and ninety-three one-hundredths (2,974.93) feet, a distance of two hundred eighty-four (284) feet; thence departing from said easterly margin north eleven degrees twenty-two minutes and two seconds (11 22' 02") east, a distance of fourteen and seventy-four one-hundredths (14.74) feet to the beginning of a curve to the right, having a uniform radius of one thousand seventy (1,070) feet; thence northeasterly along the arc of said curve, a distance of seven hundred ninety-six and thirty-three one-hundredths (796.33) feet to a

point of reverse curve; thence northeasterly, northerly and northwesterly along the arc of a curve to the left, having a uniform radius of seventy-four and forty-six one-hundredths (74.46) feet, a distance of one hundred eighty-seven and ten one-hundredths (187.10) feet to the point of beginning.

Also the following described lands, to-wit: Beginning at a point on the east line of said section, said point being distant nine hundred eighty-nine and sixty one-hundredths (989.60) feet south from the northeast corner of said section; thence south along said east line a distance of four hundred seventy-nine and fifty-three one-hundredths (479.53) feet to a point on the government meander line along the shore of Lake Washington; thence along said meander line south seventy-eight degrees thirteen minutes thirty-three seconds (78 13' 33") west, a distance of sixty-six and fifty one-hundredths (66.50) feet; thence north twenty-nine degrees forty-six minutes twenty-seven seconds (29 46' 27") west, a distance of one hundred sixty-six and ninety-two one-hundredths (166.92) feet; thence departing from said meander line north no degrees fifty-three minutes seven seconds (0 53' 07") east, a distance of three hundred fifty-four and sixty-three one-hundredths (354.63) feet; thence northwesterly along the arc of a curve to the right having a uniform radius of one hundred eighty-five (185) feet, a distance of twenty-two and two one-hundredths (22.02) feet to a point of tangency on a line which bears north twenty-nine degrees six minutes fifty-three seconds (29 06' 53") west; thence northwesterly along said line, a distance of nine hundred eighteen and sixty-five one-hundredths (918.65) feet to the beginning of a curve to the left, having a uniform radius of two hundred fifty (250) feet; thence northwesterly along the arc of said curve, a distance of two hundred sixty-five and fifty one-hundredths (265.50) feet to a point of tangency on the south margin of East Forty-fifth Street; thence east along said south margin, a distance of three hundred twenty-nine and fourteen one-hundredths (329.14) feet to a point which is distant five hundred ten and seventy-nine

one-hundredths (510.79) feet west from the east line of said section sixteen (16); thence southwesterly, southerly and southeasterly along the arc of a curve to the left having a uniform radius of sixty (60) feet a distance of one hundred twenty-four and seventy-eight one-hundredths (124.78) feet to a point of tangency; thence south twenty-nine degrees six minutes fifty-three seconds (29 06' 53") east, a distance of nine hundred twenty-four and twenty-four one-hundredths (924.24) feet to the beginning of a curve to the left having a uniform radius of one hundred fifteen (115) feet; thence southeasterly along the arc of said curve, a distance of one hundred twenty and fifty-one one-hundredths (120.51) feet to the point of beginning.

NEW SECTION. Sec. 28B.20.342 -----LOCAL ASSESSMENTS BARRED AGAINST SITE. No assessments for the opening, improvement or maintenance of any public street upon the tracts of land described in RCW 28B.20.340 shall ever be levied, assessed or collected upon any portion of section 16, township 25 north, range 4 east, W.M., or upon any portion of blocks 7 and 8 Lake Washington shore lands.

NEW SECTION. Sec. 28B.20.344 -----EMINENT DOMAIN MAY NOT BE EXERCISED AGAINST SITE. The power of eminent domain of any municipal or other corporation whatever is hereby declared not to extend to any portion of said section 16, township 25 north, range 4 east, W.M., and blocks 7 and 8 of Lake Washington shore lands.

NEW SECTION. Sec. 28B.20.350 1947 CONVEYANCE FOR ARBORETUM AND BOTANICAL GARDEN PURPOSES. There is hereby granted to the University of Washington the following described land, to wit:

Lots two (2) and three (3), Block eleven-A (11-A) of the supplemental map of Lake Washington shorelands, filed September 5, 1916 in the office of the commissioner of public lands, to be used for arboretum and botanical garden purposes and for no other purposes, except as provided in RCW 28B.20.354.

NEW SECTION. Sec. 28B.20.352 -----DEED OF CONVEYANCE. The commissioner of public lands is hereby authorized and directed to certify the lands described in RCW 28B.20.350 to the governor, and

the governor is hereby authorized and directed to execute, and the secretary of state to attest, a deed of said shorelands to the university.

NEW SECTION. Sec. 28B.20.354 -----PART MAY BE CONVEYED BY REGENTS TO CITY OF SEATTLE. (1) The board of regents of the University of Washington is hereby authorized to convey to the city of Seattle that portion of said lot three (3) of the shorelands described in RCW 28B.20.350 which is within the following described tract, to wit:

A rectangular tract of land one hundred twenty (120) feet in north-south width, and four hundred (400) feet in east-west length, with the north boundary coincident with the north boundary of the old canal right of way, and the west boundary on the southerly extension of the west line of Lot eleven (11), Block four (4), Montlake Park, according to the recorded plat thereof, approximately five hundred sixty (560) feet east of the east line of Montlake Boulevard.

(2) The board of regents is authorized to convey to the city of Seattle free of all restrictions or limitations, or to incorporate in the conveyance to the city of Seattle such provisions for reverter of said land to the university as the board deems appropriate. Should any portion of the land so conveyed to the city of Seattle again vest in the university by reason of the operation of any provisions incorporated by the board in the conveyance to the city of Seattle, the University of Washington shall hold such reverted portion subject to the reverter provisions of RCW 28B.20.356.

NEW SECTION. Sec. 28B.20.356 -----REVERSION FOR UNAUTHORIZED USE--RECONVEYANCE FOR HIGHWAY PURPOSES. In case the University of Washington should attempt to use or permit the use of such shorelands or any portion thereof for any other purpose than for arboretum and botanical garden purposes, except as provided in RCW 28B.20.354, the same shall forthwith revert to the state of Washington without suit, action or any proceedings whatsoever or the judgment of any court forfeiting the same: PROVIDED, That the board of regents of

The University of Washington is hereby authorized and directed to reconvey to the state of Washington block eleven-A (11-A) of the supplemental map of Lake Washington shorelands, filed September 5, 1916 in the office of the commissioner of public lands, or such portion thereof as may be required by the state of Washington or any agency thereof for state highway purposes. The state of Washington or any agency thereof requiring said land shall pay to the University of Washington the fair market value thereof and such moneys paid shall be used solely for arboretum purposes. Such reconveyance shall be made at such time as the state or such agency has agreed to pay the same.

NEW SECTION. Sec. 28B.20.360 1939 CONVEYANCE OF SHORELANDS TO UNIVERSITY. The commissioner of public lands of the state of Washington is hereby authorized and directed to certify in the manner now provided by law to the governor for deeding to the University of Washington all of the following described Lake Washington shorelands, to wit: Blocks sixteen (16) and seventeen (17), Lake Washington Shorelands, as shown on the map of said shorelands on file in the office of the commissioner of public lands.

NEW SECTION. Sec. 28B.20.362 -----DEED OF CONVEYANCE. The governor is hereby authorized and directed to execute, and the secretary of state to attest, a deed conveying to the University of Washington all of said shorelands.

NEW SECTION. Sec. 28B.20.364 -----GRANT FOR ARBORETUM AND BOTANICAL GARDEN PURPOSES--REVERSION FOR UNAUTHORIZED USE--RECONVEYANCE FOR HIGHWAY PURPOSES. All of the shorelands described in RCW 28B.20.360 are hereby granted to the University of Washington to be used for arboretum and botanical garden purposes and for no other purposes. In case the said University of Washington should attempt to use or permit the use of said shorelands or any portion thereof for any other purpose, the same shall forthwith revert to the state of Washington without suit, action or any proceedings whatsoever or the judgment of any court forfeiting the same: PROVIDED, That the

board of regents of the University of Washington is hereby authorized and directed to reconvey to the state of Washington blocks 16 and 17 of Lake Washington shorelands, or such portions thereof as may be required by the state of Washington or any agency thereof for state highway purposes. The state of Washington or any agency thereof requiring said land shall pay to the University of Washington the fair market value thereof and such moneys paid shall be used solely for arboretum purposes. Such reconveyance shall be made at such time as the state or such agency has agreed to pay the same.

NEW SECTION. Sec. 28B.20.370 TRANSFER OF CERTAIN LAKE UNION SHORE LANDS TO UNIVERSITY. Block 18-A, Second Supplemental Maps of Lake Union Shore Lands, as shown on the official maps thereof on file in the office of the commissioner of public lands, is hereby transferred to the University of Washington and shall be held and used for university purposes only.

NEW SECTION. Sec. 28B.20.380 DISPOSITION OF OLD UNIVERSITY GROUNDS--LIMIT OF TERM. The board of regents of the university shall not sell, renew the present lease, lease for a term in excess of sixty years, or make any other disposition for a period in excess of sixty years of that certain tract of land in the city of Seattle, commonly known as the "old university grounds," or any part thereof, until authorized and empowered to do so by statute of the legislature, and any contract of sale, renewal of the present lease, lease for a term in excess of sixty years, or any other disposition for a period in excess of sixty years, made or attempted to be made by the board of regents shall be null and void unless and until the same has been approved, ratified and confirmed by legislative act.

The board of regents shall have power to lease or demise the property or any part thereof without authorization or confirmation by the legislature when the interest so created is for a term not exceeding sixty years: PROVIDED, That the board of regents shall make a full detailed report of all leases and transactions pertaining to the metropolitan building tract to each session of the legislature.

NEW SECTION. Sec. 28B.20.390 ADDITIONAL POWERS OF REGENTS AS TO OLD UNIVERSITY GROUNDS. DEFINITIONS. For the purposes of RCW 28B.20.392, 28B.20.396 and 28B.20.398--(1) the word "board" means the board of regents of the University of Washington;

(2) the word "leasehold" and the term "leasehold interest" mean the interest of the lessee in the university tract under the lease entered into on the first day of February, 1907, between the state of Washington, as lessor, and James A. Moore, as lessee, and thereafter assigned by said lessee to the Metropolitan Building Company, a corporation;

(3) the verb "to lease" includes the power to let for a term the whole or any portions of the land or of any building or buildings or other improvements thereon or appurtenances thereto, at rentals determined upon the basis of either--

(a) an agreed amount either with or without provision for periodic adjustment therein for the term, or

(b) a percentage of sales, receipts or income for the term, or

(c) a percentage of sales, receipts or income with a guaranteed minimum rental for the term, either with or without duty on the part of the lessee or lessor to construct new buildings or other improvements or to reconstruct, alter, remodel or add to existing buildings; and

(4) the term "university tract" means the tract of land in the city of Seattle, consisting of approximately ten acres, originally known as the "old university grounds" and more recently referred to as the "Metropolitan tract," together with all buildings, improvements and facilities thereon and appurtenances thereto.

NEW SECTION. Sec. 28B.20.392 -----ENUMERATION OF. In addition to the powers conferred under the deeds of conveyance and under existing law the board is authorized, and shall have the power subject to RCW 28B.20.380,--

(1) to acquire by purchase, to sublease or to otherwise acquire, from the lessees of the university tract the unexpired portion

of the leasehold interest in said tract prior to the date of its stipulated expiration and to pay, or make provision for payment, to the holder of the leasehold such amount as may be agreed upon between the board and the holder of such leasehold interest, and

(2) upon and after either such acquisition or the expiration of the leasehold--

(a) to operate and manage or lease, in whole or in part, the university tract, such operation and management or leasing to be accomplished, at the discretion of the board, either--

(i) directly by the board, or

(ii) through an agent or agents appointed for that purpose, or

(iii) through the medium of a corporation or coporations created for that purpose; and

(b) either directly or by contract, at fixed price or upon cost-plus-a-fixed-fee basis,--

(i) to construct new buildings on, or

(ii) to raze, reconstruct, alter, remodel or add to existing buildings on, or

(iii) to otherwise improve,

the university tract, and to lease or to acquire, by purchase or gift, land and rights necessary or convenient for the maximum utilization and development of the said tract; and

(3) if the unexpired portion of the leasehold interest in the university tract is not acquired prior to the date of its stipulated expiration, in the meantime--

(a) to enter into agreements to lease the university tract, in whole or in part, for any period beginning on or after November 1, 1954, either with or without concurrent action by the holder of the unexpired portion of the leasehold interest in said tract; and

(b) to exercise any of the powers enumerated in subdivision (2) (b) of this section, upon agreement with the holder of the unexpired portion of the leasehold interest in the university tract for its improvement prior to the expiration of such leasehold term; and



(4) to borrow money required for the accomplishment of any object or purpose specified in subdivisions (1), (2) or (3) of this section and to issue warrants or bonds therefor, to provide for amortization thereof and to pay said warrants or bonds, at or prior to maturity, out of the income derived from operating, managing and leasing the university tract; and

(5)(a) to receive all rental and other income from the university tract, and

(b) to designate depositaries thereof, and

(c) to hold and invest and to pay or discharge out of the same (i) all expenses of operation, management, maintenance, repair and upkeep of said tract and (ii) any obligations incurred in conformity with the powers granted under the provisions of subdivision (4) of this section; and

(d) to apply the net proceeds therefrom to the use of the University of Washington: PROVIDED, That until the acquisition or expiration of the leasehold interest in the said tract the rental therefrom shall be applied as provided in RCW 43.79.090.

NEW SECTION. Sec. 28B.20.394 -----AGREEMENTS TO PAY CITY FOR GOVERNMENTAL SERVICES. In addition to the powers conferred upon the board of regents of the University of Washington by RCW 28B.20.392 and 28B.20.380, said board is authorized and shall have the power to enter into an agreement or agreements with the city of Seattle, Washington, to pay to said city a sum not exceeding sixty thousand dollars per annum for governmental services rendered to the university tract, as defined in RCW 28B.20.390, in connection with the leasing thereof; and any such sum so agreed upon shall be paid from the proceeds and other income from said tract as an item of expense of operation and upkeep thereof; and any provision of RCW 28B.20.392 in conflict herewith is superseded.

NEW SECTION. Sec. 28B.20.396 -----BONDS MAY BE ISSUED--FORM, TERMS, ETC. Bonds issued pursuant to the authority granted under subdivision (4) of RCW 28B.20.392--

(1) shall not constitute (a) an obligation, either general or special, of the state or (b) a general obligation of the University of Washington or of the board;

(2) shall be--

(a) either registered or in coupon form, and

(b) issued in denominations of not less than one hundred dollars;

(3) shall state--

(a) the date of issue, and

(b) the series of the issue and be consecutively numbered within the series, and

(c) that the bond is payable only out of a special fund established for the purpose, and designate the fund;

(4) shall bear interest, payable either annually, or semi-annually as the board may determine, at a rate not to exceed six percent per annum;

(5) shall be payable solely out of--

(a) revenue derived from operating, managing and leasing the university tract, and

(b) a special fund, created by the board for the purpose, consisting either of (i) a fixed proportion, or (ii) a fixed amount out of and not exceeding a fixed proportion, or (iii) a fixed amount without regard to any fixed proportion, of the revenue so derived;

(6) may contain covenants by the board in conformity with the provisions of RCW 28B.20.398(2);

(7) shall be payable at such times over a period of not to exceed thirty years, in such manner and at such place or places as the board determines;

(8) shall be executed in such manner as the board by resolution determine;

(9) shall be sold in such manner as the board deems for the best interest of the University of Washington.

NEW SECTION. Sec. 28B.20.398 ----- COVENANTS OF BONDS--

SPECIAL FUND--CONTRACTUAL NATURE OF LAW--REDEMPTION--ACTION TO COMPEL PAYMENT INTO FUND--TEMPORARY BONDS. (1) Any resolution of the board pursuant to the provisions of subdivision (4) of RCW 28B.20.392 shall provide for the creation of a special fund, in conformity with the provisions of subdivision (5) (b) of RCW 28B.20.396.

(2) Any resolution authorizing the issuance of bonds pursuant to the provisions of RCW 28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398 may contain covenants of the board to protect and safeguard the security and rights of the holders of any such bonds such as are then customary in connection with similar bonds and considered advisable in order to assure the maximum marketability for said bonds. Without limiting the generality of the foregoing, any such resolution may contain covenants as to--

(a) the creation of a special fund into which the proceeds of all bonds issued pursuant to the provisions of such resolution shall be deposited, the terms and conditions upon which payments may be made from such special fund, and for the payment of interest on bonds issued pursuant to such resolution from the moneys in said fund;

(b) maintaining rental and leasehold rates and other charges at a level sufficient at all times to provide revenue (i) to pay the interest on and principal of all bonds and other obligations payable from said revenue, (ii) to make all other payments from said revenues required under the provisions of any resolution adopted in connection with the issuance of warrants or bonds under RCW 28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398 and (iii) to pay the operating, management, maintenance, repair and upkeep costs of the university tract;

(c) collection, deposit, custody and disbursement of the revenues from the university tract or any portions thereof including (i) a specification of the depositories to be designated, and (ii) authorization of such depositories, or other banks or trust companies, to act as fiscal agent of the board for the custody of the proceeds of bonds and the moneys held in any funds created pursuant to RCW

28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398, or any resolution authorizing such bonds, and to represent bondholders in the event of a default on such bonds or in the event of a default in the performance of any duty or obligation of the board in connection therewith, with such power and duty as such resolution may provide;

(d) creation and administration of reserve and other funds for the payment, at or prior to maturity, of any indebtedness chargeable against the revenues from the university tract and for creation of working funds, depreciation funds, replacement funds, reserves for extraordinary repairs and any other fund deemed necessary or desirable to insure the continued profitable operation of the said university tract;

(e) deposit of collateral security or indemnity bonds to secure the proceeds (i) of bonds issued pursuant to the provisions of such resolution and (ii) of all revenues which are pledged to secure the repayment of bonds issued pursuant to the provisions of such resolution and (iii) of all moneys deposited in any special fund created under the authority of RCW 28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398 or any covenant thereunder;

(f) the obligation of the board to maintain the building or buildings in good condition and to operate and manage the same in an economical and efficient manner;

(g) the amount and kind of insurance to be carried by the board in connection with the building or buildings, the companies in which such insurance shall be carried, the term thereof, the application of the proceeds of any such insurance, and adjustments of losses under any such policy of insurance;

(h) limitations upon the amount of additional bonds, warrants and other obligations payable out of the revenues from the building or buildings which may be thereafter issued and the terms and conditions upon which such additional bonds, warrants or other obligations may be issued;

(i) limitations upon the creation of additional liens or

encumbrances on the building or buildings or the personal property used in connection therewith;

(j) the terms and conditions upon which the building or buildings, or any part thereof, may be sold, mortgaged, leased or otherwise disposed of, and the use or other disposition of the proceeds of any such sale, mortgage or lease;

(k) the methods of operation, management and maintenance of the building or buildings;

(l) accounting and auditing and the keeping of records, reports and audits with respect to the building or buildings;

(m) the amendment or modification of any resolution authorizing the issuance of bonds pursuant to the provisions of RCW 28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398, including the terms and conditions upon which such amendment or modification may be effected and the number, amount or percentage of assenting bonds necessary to effectuate the same;

(n) limitations upon the use of space or facilities in the building or buildings without payment therefor; and

(o) such other matters as may be necessary or desirable to insure a successful and profitable operation of the building or buildings.

(3) The term "building or buildings" as used in subdivision (2) of this section means the building or buildings or improvements upon the university tract with respect to which the revenues are pledged, under the terms of the resolution, to secure the payment of bonds issued under such resolution.

(4) The provisions of RCW 28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398 and of any resolution adopted in conformity with the provisions of this section shall constitute a contract with the holders of warrants or bonds issued pursuant thereto, and the provisions thereof shall be enforceable in any court of competent jurisdiction by any owner or holder of such warrants or bonds by mandamus or any other appropriate suit, action or proceeding at law or in equity.

(5) Bonds issued pursuant to the provisions of RCW 28B.20-.390, 28B.20.392, 28B.20.396 and 28B.20.398 may be redeemed, at the option of the board, at such time or times, upon such terms and conditions, and at such premiums as the board specifies in the resolution.

(6) If the board fails to pay the required amounts into the special fund, established in conformity with subdivision (2) of this section, the holder of any bond or bonds affected thereby may maintain an action against the board to compel compliance with the terms of the resolution in this respect.

(7) Pending the preparation and execution of any bonds the issuance of which is authorized under the provisions of subdivision (2), temporary bonds may be issued in such form as the board determines.

#### SPECIAL RESEARCH PROJECTS AND HOSPITAL

NEW SECTION. Sec. 28B.20.400 INSTITUTE OF CHILD DEVELOPMENT RESEARCH AND SERVICE. ESTABLISHED--PURPOSE. There shall be created, established and maintained at the University of Washington, a state institute of child development research and service having as its objects the best scientific methods of serving and developing the child, the dissemination of the information acquired by such investigation, and the training of students for work in such fields.

NEW SECTION. Sec. 28B.20.402 -----DIRECTOR AND ADVISORY BOARD. The management and control of such institute shall be vested in a director appointed by the board of regents of the University of Washington, and an advisory board of not more than seven members to be appointed by the president of the university from the faculty thereof.

NEW SECTION. Sec. 28B.20.410 CHILDREN'S CENTER FOR RESEARCH AND TRAINING IN MENTAL RETARDATION. ESTABLISHED. There is hereby established at the University of Washington a children's center for research and training in mental retardation and other handicapping conditions.

NEW SECTION. Sec. 28B.20.412 -----ADMINISTRATION--ADVISORY COMMITTEE. The center shall be administered by the board of regents of the University of Washington with the assistance of a nonsalaried advisory committee consisting of the dean of the school of medicine of the University of Washington; the directors of the state department of health, department of institutions, and department of public assistance; the superintendent of public instruction; the director of the division of vocational rehabilitation of the coordinating council for occupational education; and three other members approved by the president of the University of Washington.

NEW SECTION. Sec. 28B.20.414 -----PURPOSE. The general purposes of the center shall be:

(1) To provide clinical and laboratory facilities for research on the causes, diagnosis, prevention, and treatment of mental retardation and other handicapping conditions in children;

(2) To develop improved professional and in-service training programs in the various disciplines concerned with handicapped children;

(3) To provide diagnostic and consultative services to various state programs and to regional and local centers, to an extent compatible with the primary research and teaching objectives of the center.

NEW SECTION. Sec. 28B.20.420 GRADUATE SCHOLARSHIPS FOR ENGINEERING RESEARCH. In order to further the development of advance studies in engineering there shall be established in the engineering laboratories of the University of Washington, ten graduate scholarships and/or fellowships to the amount of one thousand dollars and tuition each, per academic year. These scholarships shall be in the field of engineering which can best be used to aid the industrial development of the state of Washington and its resources. This graduate work shall be done in the laboratories of the university and shall be directed along the lines of professional research and testing.

NEW SECTION. Sec. 28B.20.422 -----STUDIES PUBLISHED--

DIRECTION OF PROGRAM--QUALIFICATIONS FOR CANDIDATES. The studies and results of such scholarships shall be published as bulletins or engineering reports of the college of engineering of the university and a reasonable number of copies thereof shall be available to the public without cost. The provisions of RCW 28B.20.420 and this section shall include the cost of individual scholarships, the cost of necessary supplies and materials to be utilized, and the cost of printing and distribution of the bulletins or engineering reports. The direction of this research program shall rest in the proper department or departments and schools of the engineering college of the university and the candidates must meet the qualifications of the graduate school of the university for graduate students.

NEW SECTION. Sec. 28B.20.440 UNIVERSITY HOSPITAL. The board of regents of the University of Washington is hereby authorized to operate a hospital upon university grounds to be used in conjunction with the university's medical and dental schools, including equipping and additional construction to the same.

NEW SECTION. Sec. 28B.20.450 OCCUPATIONAL AND ENVIRONMENTAL RESEARCH FACILITY. CONSTRUCTION AND MAINTENANCE AUTHORIZED--PURPOSE. There shall be constructed and maintained at the University of Washington an occupational and environmental research facility in the school of medicine having as its objects and purposes testing, research, training, teaching, consulting and service in the fields of industrial and occupational medicine and health, the prevention of industrial and occupational disease among workmen, the promotion and protection of safer working environments and dissemination of the knowledge and information acquired from such objects and purposes.

NEW SECTION. Sec. 28B.20.454 -----SUBMISSION OF INDUSTRIAL AND OCCUPATIONAL HEALTH PROBLEMS TO FACILITY--AVAILABILITY OF INFORMATION. Any matter or problem relating to the industrial and occupational health of workmen may be submitted to the environmental research facility by any public agency or interested party. All research data and pertinent information available or compiled at such



facility related to the industrial and occupational health of workmen shall be made available and supplied without cost to any public agency or interested party.

NEW SECTION. Sec. 28B.20.456 -----ADVISORY COMMITTEE. There is hereby created an advisory committee to the environmental research facility consisting of eight members. Membership on the committee shall consist of directors of the departments of labor and industries and health, the president of Washington state labor council, president of the association of Washington industries, dean of the school of medicine of the University of Washington, dean of the school of engineering of the University of Washington, president of the Washington state medical association, or their representatives, and the chairman of the department of preventive medicine of the University of Washington, who shall be ex officio chairman of the committee without vote. Such committee shall meet at least semi-annually at the call of the chairman. Members shall serve without compensation. It shall consult, review and evaluate policies, budgets, activities and programs of the facility relating to industrial and occupational health to the end that the facility will serve in the broadest sense the health of the workman as it may be related to his employment.

NEW SECTION. Sec. 28B.20.458 -----ACCEPTANCE OF LOANS, GIFTS, ETC.--PRESENTMENT OF VOUCHERS FOR PAYMENTS FROM ACCIDENT AND MEDICAL AID FUNDS. The University of Washington may accept and administer loans, grants, funds, or gifts, conditional or otherwise, in furtherance of the objects and purposes of RCW 28B.20.450 through 28B.20.458, from the federal government and from other sources public or private. For the purpose of securing payment from the accident fund and medical aid fund as funds are required, vouchers shall be presented to the department of labor and industries.

FINANCING BUILDINGS AND FACILITIES--1957 ACT

NEW SECTION. Sec. 28B.20.700 CONSTRUCTION, REMODELING, IMPROVEMENT, FINANCING, ETC., AUTHORIZED. The board of regents of the University of Washington is empowered, in accordance with the provisions

of this chapter, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature for the use of the university and to finance the payment thereof by bonds payable out of a special fund from revenues hereafter derived from the payment of general tuition fees, gifts, bequests or grants, and such additional funds as the legislature may provide.

NEW SECTION. Sec. 28B.20.705 DEFINITIONS. The following terms, whenever used or referred to in this chapter, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise:

(1) The word "board" means the board of regents of the University of Washington.

(2) The words "general tuition fees" mean the general tuition fee charged students registering at the university.

(3) The words "bond retirement fund" mean the special fund created by chapter 254, Laws of 1957, to be known as the University of Washington bond retirement fund.

(4) The word "bonds" means the bonds payable out of the bond retirement fund.

(5) The word "projects" means the construction, completion, reconstruction, remodeling, rehabilitation, or improvement of any building or other facility of the university authorized by the legislature at any time and to be financed by the issuance and sale of bonds.

NEW SECTION. Sec. 28B.20.710 CONTRACTS, ISSUANCE OF EVIDENCES OF INDEBTEDNESS, ACCEPTANCE OF GRANTS. In addition to the powers conferred under existing law, the board is authorized and shall have the power:

(1) To contract for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of such buildings or other facilities of the university as are and which may hereafter be authorized by the legislature.

(2) To finance the same by the issuance of bonds secured by the pledge of any or all of the revenues and receipts of the bond retirement fund.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or any public or private corporation, association, or person to aid in defraying the costs of any such projects.

NEW SECTION. Sec. 28B.20.715 BONDS--ISSUANCE, SALE, FORM, TERM, INTEREST, ETC.--COVENANTS--DEPOSIT OF PROCEEDS. For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state; or

(b) A general obligation of the University of Washington or of the board;

(2) Shall be

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the university by the president of the board, attested by the secretary of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered

within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed six percent per annum over the life thereof, and no single interest or coupon rate shall exceed six percent per annum;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner as the board may prescribe; but never at a price at which the net interest cost over the life thereof shall exceed six percent per annum;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with this chapter, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the general tuition fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts

be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the University of Washington building account to the bond retirement fund when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the University of Washington building account and shall be used solely for paying the costs of the projects.

NEW SECTION. Sec. 28B.20.720 UNIVERSITY OF WASHINGTON BOND RETIREMENT FUND--COMPOSITION--PLEDGE OF GENERAL TUITION FEES. For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to a special trust fund to be known as the University of Washington bond retirement fund, the following:

(1) One-half of such general tuition fees as the board may from time to time determine, or such larger portion as may be necessary to prevent default in the payments required to be made out of the bond retirement fund, and in no event shall such one-half be less than twelve dollars and fifty cents per each resident student per quarter and less than thirty-seven dollars and fifty cents per each nonresident student per quarter;

(2) Any gifts, bequests, or grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all

moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof except as provided in RCW 28B.20.725(5). As a part of the contract of sale of such bonds, the board undertakes to charge and collect general tuition fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay the principal of, and interest on all such bonds outstanding.

NEW SECTION. Sec. 28B.20.721 REVENUES DERIVED FROM CERTAIN UNIVERSITY LANDS DEPOSITED IN UNIVERSITY OF WASHINGTON BOND RETIREMENT FUND. All moneys received from the lease or rental of lands set apart by the enabling act for university purposes; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel, or other valuable material thereon; and all moneys received as interest on deferred payments on contracts for the sale of such lands shall be deposited in the "University of Washington bond retirement fund" to be expended for the purposes set forth in RCW 28B.20.720.

NEW SECTION. Sec. 28B.20.725 ADDITIONAL POWERS OF BOARD--ISSUANCE OF BONDS, INVESTMENTS, TRANSFER OF FUNDS, ETC. The board is hereby empowered:

- (1) To reserve the right to issue bonds later on a parity with any bonds being issued;
- (2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;
- (3) To authorize the transfer of money from the University of Washington building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;
- (4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;
- (5) To authorize the transfer to the University of Washington building account of any money on deposit in the bond retirement fund

in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund.

NEW SECTION. Sec. 28B.20.730 REFUNDING BONDS. The board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by this chapter for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the University of Washington or the board. The net interest cost to maturity on such refunding bonds shall not exceed six percent per annum nor shall any single interest or coupon rate exceed six percent per annum. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner as it deems for the best interest of the university.

NEW SECTION. Sec. 28B.20.735 BONDS NOT GENERAL OBLIGATIONS-- LEGISLATURE MAY PROVIDE ADDITIONAL MEANS OF PAYMENT. The bonds authorized to be issued pursuant to the provisions of RCW 28B.20.700 through 28B.20.740 shall not be general obligations of the state of Washington, but shall be limited obligation bonds payable only from the special fund created for their payment derived from the general tuition fees as herein provided. The legislature may provide additional means for raising money for the payment of interest and principal of said bonds. RCW 28B.20.700 through 28B.20.740 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section to provide additional means for raising money is permissive, and shall not in any way be construed as a pledge of the general credit of the state of Washington.

NEW SECTION. Sec. 28B.20.740 RCW 28B.20.700 THROUGH 28B.20- .740 AS CONCURRENT WITH OTHER LAWS. RCW 28B.20.700 through 28B.20- .740 is to be construed as concurrent with other legislation with

reference to providing funds for the construction of buildings at the University of Washington, and is not to be construed as limiting any other provision of law with reference thereto.

NEW SECTION. Sec. 28B.20.745 VALIDATION--1959 ACT. Any covenants of the bonds issued by the University of Washington under the authority of chapter 254, Laws of 1957 not expressly authorized by said chapter but authorized in chapter 193, Laws of 1959 are hereby declared to be legal and binding in all respects.

NEW SECTION. Sec. 28B.20.800 REVENUES DERIVED FROM CERTAIN UNIVERSITY LANDS AND INCOME FROM UNIVERSITY PERMANENT FUND DEPOSITED IN UNIVERSITY OF WASHINGTON BOND RETIREMENT FUND--COVENANT. 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 28B.20.720. 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.

NEW SECTION. Sec. 28B.20.805 -----RATIFICATION OF PREVIOUS TRANSFERS. The transfers heretofore made of all moneys from the



sources described in RCW 28B.20.800 and 43.79.201 into the University of Washington bond retirement fund and permanent fund are in all respects ratified and confirmed.

NEW SECTION. Sec. 28B.20.810 -----TRANSFERS OF CERTAIN FUNDS AND INVESTMENTS FROM UNIVERSITY PERMANENT FUND TO UNIVERSITY OF WASHINGTON BOND RETIREMENT FUND AND UNIVERSITY OF WASHINGTON BUILDING ACCOUNT. 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 28B.20.720 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 RCW 28B.20.800. 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.

NEW SECTION. Sec. 28B.20.820 -----RCW 79.64.040 NOT AFFECTED. Nothing contained in RCW 28B.20.800 through 28B.20.820 and 43.79.201 is intended to amend or modify RCW 79.64.040 (section 4, chapter 178, Laws of 1961).

Chapter 28B.30

WASHINGTON STATE UNIVERSITY

NEW SECTION. Sec. 28B.30.010 DESIGNATION. The state university located and established in Pullman, Whitman county, shall be designated Washington State University.

NEW SECTION. Sec. 28B.30.015 PURPOSE. The aid and the purpose of Washington State University shall be to provide a higher education in such fields as may be established therein from time to time by the board of regents or by law, including instruction in agriculture or other industrial pursuits, mechanical arts and the natural sciences.

NEW SECTION. Sec. 28B.30.060 COURSES EXCLUSIVE TO WASHINGTON STATE UNIVERSITY. The courses of instruction of Washington State University shall embrace as exclusive major lines, agriculture in all its branches and subdivisions, veterinary medicine, and economic science in its application to agriculture and rural life.

NEW SECTION. Sec. 28B.30.065 EXCLUSIVE INSTRUCTION IN AGRICULTURE. Work and instruction in agriculture in all its branches and subdivisions shall be offered and taught in Washington State University exclusively.

NEW SECTION. Sec. 28B.30.095 MANAGEMENT. The management of Washington State University and its experiment stations, the care and preservation of all property of which the institution shall become possessed, the erection and construction of all buildings necessary for the use of said university and stations, and the disbursement and expenditure of all money provided for said university, shall be vested in the board of regents, constituted as provided in RCW 28B.30.100; said regents and their successors in office shall have the right to cause all things to be done necessary to carry out the provisions of this chapter or as otherwise provided by law.

NEW SECTION. Sec. 28B.30.100 REGENTS. APPOINTMENT--TERMS--BOND. The seven members of the board of regents of Washington State University shall be appointed by the governor, by and with the consent

of the senate: PROVIDED, That all appointments made to fill vacancies caused by death, resignation or otherwise, shall be for the unexpired term of the incumbent whose place shall have become vacant: AND PROVIDED FURTHER, That regents now serving upon such board shall continue as such during the term for which they were respectively appointed. Except as otherwise in this section provided, all appointments shall be for the term of six years and until the appointment and qualification by filing his oath with the secretary of state of a successor to each appointee.

Each regent shall, before entering upon the discharge of his respective duties as such, execute a good and sufficient bond to the state of Washington, with two or more sufficient sureties, residents of the state, or with a surety company licensed to do business within the state, in the penal sum of not less than five thousand dollars, conditioned for the faithful performance of his duties as such regent: PROVIDED, That the university shall pay any fees incurred for any such bonds for their board members.

NEW SECTION. Sec. 28B.30.105 -----GOVERNOR EX OFFICIO ADVISORY MEMBER. The governor of the state shall be ex officio advisory member of the board of Washington State University regents, but shall not have the right to vote, nor be eligible to office therein.

NEW SECTION. Sec. 28B.30.120 -----MEETINGS--QUORUM--VACANCY NOT TO AFFECT RIGHTS OF REMAINING MEMBERS. Meetings of the board of regents may be called in such manner as the board may prescribe, and a full meeting of the board shall be called at least once a year. A majority of said board shall constitute a quorum for the transaction of business but a less number may adjourn from time to time. No vacancy in said board shall impair the rights of the remaining members of the board.

NEW SECTION. Sec. 28B.30.125 -----BOARD ORGANIZATION--PRESIDENT--PRESIDENT'S DUTIES--BYLAWS, LAWS. The board of regents shall meet and organize by the election of a president from their own number on or as soon as practicable after the first Wednesday in April

of each year.

The board president shall be the chief executive officer of the board and shall preside at all meetings thereof, except that in his absence the board may appoint a chairman pro tempore. The board president shall sign all instruments required to be executed by said board other than those for the disbursement of funds.

The board may adopt bylaws for its own organizational purposes and enact laws for the government of the university and its properties.

NEW SECTION. Sec. 28B.30.130 -----TREASURER OF BOARD--BOND --DISBURSEMENT OF FUNDS BY. The board of regents shall appoint a treasurer who shall be the financial officer of the board and who shall hold office during the pleasure of the board. The treasurer shall render a true and faithful account of all moneys received and paid out by him, and shall give bond for the faithful performance of the duties of his office in such amount as the regents require: PROVIDED, That the university shall pay the fee for such bond.

The treasurer shall make disbursements of the funds in his hands on the order of the board, which order shall be countersigned by the secretary of the board, and shall state on what account the disbursement is made.

NEW SECTION. Sec. 28B.30.135 -----UNIVERSITY PRESIDENT AS SECRETARY OF BOARD--DUTIES--BOND. The president of the university shall be secretary of the board of regents but he shall not have the right to vote; as such he shall be the recording officer of said board, shall attest all instruments required to be signed by the board president, shall keep a true record of all the proceedings of the board, and shall perform all the duties pertaining to the office and do all other things required of him by the board. The secretary shall give a bond in the penal sum of not less than five thousand dollars conditioned for the faithful performance of his duties as such officer: PROVIDED, That the university shall pay the fee for such bond.

NEW SECTION. Sec. 28B.30.140 -----EMPLOYEES, BOARD MEMBERS, TO HAVE NO INTEREST IN CONTRACTS. No employee or member of the university board of regents shall be interested pecuniarily, either directly or indirectly, in any contract for any building or improvement at said university, or for the furnishing of supplies for the same.

NEW SECTION. Sec. 28B.30.150 -----GENERAL POWERS AND DUTIES OF REGENTS. The regents of Washington State University, in addition to other duties prescribed by law, shall:

- (1) Have full control of the university and its property of various kinds.
- (2) Employ the president of the university, his assistants, members of the faculty, and employees of the university, who, except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.
- (3) Establish entrance requirements for students seeking admission to the university. Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant, at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.
- (4) Establish such colleges, schools or departments necessary to carry out the purpose of the university and not otherwise prescribed by law.
- (5) With the assistance of the faculty of the university, prescribe the courses of instruction in the various colleges, schools and departments of the institution and publish the necessary catalogues thereof.
- (6) Collect such information as the board deems desirable as to the schemes of technical instruction adopted in other parts of the United States and foreign countries.
- (7) Provide for holding agricultural institutes including farm marketing forums.

(8) Provide that instruction given in the university, as far as practicable, be conveyed by means of laboratory work and provide in connection with the university one or more physical, chemical, and biological laboratories, and suitably furnish and equip the same.

(9) Provide training in military tactics for those male students electing to participate therein.

(10) Establish a department of elementary science and in connection therewith provide instruction in elementary mathematics, including elementary trigonometry, elementary mechanics, elementary and mechanical drawing and land surveying.

(11) Establish a department of agriculture and in connection therewith provide instruction in physics with special application of its principles to agriculture, chemistry with special application of its principles to agriculture, morphology and physiology of plants with special reference to common grown crops and fungus enemies, morphology and physiology of the lower forms of animal life, with special reference to insect pests, morphology and physiology of the higher forms of animal life and in particular of the horse, cow, sheep and swine, agriculture with special reference to the breeding and feeding of livestock and the best mode of cultivation of farm produce, and mining and metallurgy, appointing demonstrators in each of these subjects to superintend the equipment of a laboratory and to give practical instruction therein.

(12) Establish agricultural experiment stations in connection with the department of agriculture, including at least one in the western portion of the state, and appoint the officers and prescribe regulations for their management.

(13) Grant to students such certificates or degrees, as recommended for such students by the faculty.

(14) Confer honorary degrees upon persons other than graduates of the university in recognition of their learning or devotion to literature, art or science when recommended thereto by the faculty: PROVIDED, That no degree shall ever be conferred in consideration of

the payment of money or the giving of property of whatsoever kind.

(15) Adopt plans and specifications for university buildings and facilities or improvements thereto and employ skilled architects and engineers to prepare such plans and specifications and supervise the construction of buildings or facilities which the board is authorized to erect, and fix the compensation for such services. The board shall enter into contracts with one or more contractors for such suitable buildings, facilities or improvements as the available funds will warrant, upon the most advantageous terms offered at a public competitive letting, pursuant to public notice under regulations established by the board. The board shall require of all persons with whom they contract for construction and improvements a good and sufficient bond for the faithful performance of the work and full protection against all liens.

(16) Except as otherwise provided by law, direct the disposition of all money appropriated to or belonging to the state university.

(17) Receive and expend the money appropriated under the act of congress approved May 8, 1914, entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and Acts supplemental thereto and the United States Department of Agriculture" and organize and conduct agricultural extension work in connection with the state university in accordance with the terms and conditions expressed in the acts of congress.

(18) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(19) Acquire by lease, gift, or otherwise, lands necessary to further the work of the university or for experimental or demonstrational purposes.

(20) Establish and maintain at least one agricultural experiment station in an irrigation district to conduct investigational work

upon the principles and practices of irrigational agriculture including the utilization of water and its relation to soil types, crops, climatic conditions, ditch and drain construction, fertility investigations, plant disease, insect pests, marketing, farm management, utilization of fruit byproducts and general development of agriculture under irrigation conditions.

(21) Supervise and control the agricultural experiment station at Puyallup.

(22) Establish and maintain at Wenatchee an agricultural experiment substation for the purpose of conducting investigational work upon the principles and practices of orchard culture, spraying, fertilization, pollenization, new fruit varieties, fruit diseases and pests, byproducts, marketing, management and general horticultural problems.

(23) Accept such gifts, grants, conveyances, devises and bequests, whether real or personal property, in trust or otherwise, for the use or benefit of the university, its colleges, schools or departments; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests and devises; adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits and income of all gifts, grants, conveyances, bequests and devises, and make full report thereof in a biennial report to the governor and members of the legislature.

(24) Construct when the board so determines a new foundry and a mining, physical, technological building and fabrication shop at the university, or add to the present foundry and other buildings, in order that both instruction and research be expanded to include permanent molding and die casting with a section for new fabricating techniques, especially for light metals, including magnesium and aluminum; purchase equipment for the shops and laboratories in mechanical, electrical, and civil engineering; establish a pilot plant for



the extraction of alumina from native clays and other possible light metal research; purchase equipment for a research laboratory for technological research generally; and purchase equipment for research in electronics, instrumentation, energy sources, plastics, food technology, mechanics of materials, hydraulics and similar fields.

(25) Make and transmit to the governor and members of the legislature a printed report prior to the first day of January preceding each regular session of the legislature, including information on all receipts and disbursements of university moneys, an estimate of the needs of the institution, and such additional information as will be helpful to the state authorities in providing for the institution.

NEW SECTION. Sec. 28B.30.200 MORRILL ACT FUNDS ALLOTTED TO UNIVERSITY. All funds granted by the United States government under the Morrill act, passed by congress and approved July 2, 1892, together with all acts amendatory thereof and supplementary thereto, for the support and in aid of colleges of agriculture and mechanic arts, as well as experiment stations and farms and extension work in agriculture and home economics in connection with colleges of agriculture and mechanic arts are hereby allotted to Washington State University.

NEW SECTION. Sec. 28B.30.210 ACCEPTANCE OF FEDERAL AID--1907 ACT. The state of Washington hereby assents to the purposes, terms, provisions and conditions of the grant of money provided in an act of congress approved March 16, 1906, said act being entitled "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," and having for its purpose the more complete endowment and maintenance of agricultural experiment stations theretofore or thereafter established under an act of congress approved March 2, 1887.

NEW SECTION. Sec. 28B.30.215 -----FEDERAL AID APPROPRIATED TO UNIVERSITY. Said annual sum appropriated and granted to the state of Washington in pursuance of said act of congress approved March 16,

1906, shall be paid as therein provided to the treasurer or other officer duly appointed by the board of regents of Washington State University at Pullman, Washington; and the board of regents of such university are hereby required to report to the secretary of agriculture on or before the first day of September of each year a detailed statement of the amount so received and of its disbursements on schedules prescribed by the secretary of agriculture.

NEW SECTION. Sec. 28B.30.220 ACCEPTANCE OF FEDERAL AID--1925 ACT. The assent of the legislature of the state of Washington to the provisions of the act of congress approved February 24, 1925, entitled "An Act to authorize the more complete endowment of agricultural experiment stations and for other purposes," is hereby given.

NEW SECTION. Sec. 28B.30.250 UNIVERSITY DESIGNATED AS RECIPIENT OF ALL FEDERAL AID TO AGRICULTURAL EXPERIMENT STATIONS. The agricultural experiment stations in connection with Washington State University shall be under the direction of said board of regents of said university for the purpose of conducting experiments in agriculture according to the terms of section one of an act of congress approved March 2, 1887, and entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several states, under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto." The said university and experiment stations shall be entitled to receive all the benefits and donations made and given to similar institutions of learning in other states and territories of the United States by the legislation of the congress of the United States now in force, or that may be enacted, and particularly to the benefits and donations given by the provisions of an act of congress entitled "An Act donating public lands to the several states and territories which may provide colleges for the benefit of agricultural and mechanic arts," approved July 2, 1862, and all acts supplementary thereto, including the acts entitled "An Act to establish agricultural experiment stations in connection with colleges established in the several states under the

provisions of an act approved July 2, 1862, and of the acts supplementary thereto," which said last entitled act was approved March 2, 1887; also, "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of congress approved July 2, 1862," which said last mentioned act was approved August 30, 1890.

NEW SECTION. Sec. 28B.30.255 -----ASSENT TO CONGRESSIONAL GRANTS TO UNIVERSITY. The assent of the legislature of the state of Washington is hereby given, in pursuance of the requirements of section nine of said act of congress, approved March 2, 1887, to the granting of money therein made to the establishment of experiment stations in accordance with section one of said last mentioned act, and assent is hereby given to carry out, within the state of Washington, every provision of said act.

NEW SECTION. Sec. 28B.30.270 STATE TREASURER RECEIVING AGENT OF CERTAIN FEDERAL AID. The state treasurer is designated as agent of the state of Washington to receive all federal appropriations for the land grant colleges in accordance with the following federal acts:

- (1) Second Morrill act, approved August 30, 1890 (26 Stat. L. 417).
- (2) Nelson amendment to the Morrill act making appropriations for the department of agriculture for the fiscal year ending June 30, 1908, approved March 4, 1907 (34 Stat. L. 1281).
- (3) Title II, section 22 of the Bankhead-Jones act, approved June 29, 1935 (49 Stat. L. 436).
- (4) Any subsequent federal act appropriating funds to the state of Washington or to Washington State University for a similar or related purpose.

NEW SECTION. Sec. 28B.30.275 -----MORRILL FUND. Upon receipt of the federal grant pursuant to federal statutes, the treasurer shall deposit the same in a special trust fund to be designated "Morrill Fund" which is hereby created for the use of the designated

land grant college in the teaching of agriculture and mechanic art.

NEW SECTION.    Sec. 28B.30.280    -----WITHDRAWALS.    The board of regents of Washington State University may authorize the treasurer or comptroller of Washington State University to withdraw such federal grants for the use of the university for the purposes of such grant and in accordance with state law.

NEW SECTION.    Sec. 28B.30.285    -----TRUST FUNDS NOT SUBJECT TO APPROPRIATION.    All federal grants received by the state treasurer pursuant to RCW 28B.30.270 shall be deemed trust funds under the control of the state treasurer and not subject to appropriation by the legislature.

NEW SECTION.    Sec. 28B.30.300    STATE TREASURER TO REPORT ANNUALLY ON SECURITIES OF UNIVERSITY.    It shall be the duty of the state treasurer to make a report to the board of regents of Washington State University on or as soon as practicable after the first Monday of April of each year, which shall contain a complete detailed statement:

(1) Of all stocks, bonds or other securities belonging to the agricultural college, the school of science, or other colleges of the university, which may have been deposited with said treasurer during the year next preceding said report, together with all other securities belonging to said university which may be in his custody, setting forth in separate statements those which have been derived from the sale or lease of agricultural college lands and those which have been derived from the sale or lease of the scientific school lands or other university lands.

(2) Of all interest received during the year next preceding said report, on all stocks, bonds or other securities belonging to the agricultural college, the school of science, or other colleges of the university which may be or may have been in the custody of said treasurer, and of all premiums which may have been received on securities sold or redeemed during the aforesaid period.

(3) Of all stocks, bonds or other securities belonging to the

agricultural college, the school of science, or other colleges of the university, which may have been paid, redeemed or sold during the year next preceding such report, together with the principal sum or sums remaining in the hands of said treasurer uninvested.

NEW SECTION. Sec. 28B.30.310 LAND COMMISSIONER TO REPORT ANNUALLY ON PUBLIC LANDS ASSIGNED TO UNIVERSITY. It shall be the duty of the state land commissioner to make a report to the board of regents of Washington State University on or as soon as practicable after the first Monday in April of each year, which shall contain a complete detailed statement:

(1) Of all lands which have been selected under an act of congress approved July 2, 1862, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," and all acts supplementary thereto, and under the act of congress of February 22, 1889, entitled "An act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments and to be admitted to the union on an equal footing with the original states, and to make donations of public lands to institutions," which said selections have been approved by the secretary of the interior, for the use and support of agricultural colleges and for a scientific school, which statement shall set forth the lands set apart for the agricultural college and for the school of science in distinct and separate lists: PROVIDED, That the land commissioner shall not be required to include in such annual report a statement of approved selections and locations made in any previous annual report: AND PROVIDED FURTHER, That when the entire amount of the one hundred and ninety thousand acres of land set apart for the use and support of the agricultural college and school of science shall have been selected, located, and approved by the secretary of the interior, and included in any annual report or reports to the said board of regents, that thereafter the land commissioner shall not be required to make

such annual report.

(2) Of all lands belonging to the agricultural college and likewise to the school of science, or other colleges of the university, sold prior to the first Monday in April during the year next preceding said report, which statement shall accurately describe the lands sold, the price received for the same and all moneys received from the sale or lease of said lands or from the sale of timber, stone, hay or other valuable material from said lands and the disposition thereof: PROVIDED, That the land commissioner shall not be required to include in such annual report a statement of lands sold or moneys received which shall have been included in any previous annual report.

NEW SECTION. Sec. 28B.30.320 REGENTS TO INSPECT LAND FORMING GRANT--REPORTS--EXPENSES. To the end that the endowments of the agricultural college, the school of science and other colleges of the university may be conserved and increased, the board of regents of Washington State University may inspect or cause to be inspected the lands set apart for the use and support of the agricultural college, the school of science, and other colleges of the university, and gather or cause to be gathered such information relative to the character, condition and true value of said lands as may be conducive to a wise and advantageous disposition of the same, and collect and distribute such information as shall facilitate the sale or lease of such lands, as provided by law, and furnish such information to the land commissioner when called for: PROVIDED, That the expense of collecting and distributing such information shall be paid from the maintenance fund of the college: PROVIDED FURTHER, That a report of the doings of the board of regents in the collecting and distributing of information and facilitating the sale or lease of said lands, together with the expenses incurred therein shall be included in the report of the board of regents to the governor and legislature.

NEW SECTION. Sec. 28B.30.350 MEDICAL, HEALTH AND HOSPITAL SERVICE. AUTHORIZED. The board of regents of Washington State

University is hereby granted authority to enter into such contracts, leases, or agreements as may be necessary to provide adequate medical, health, and hospital service for students of Washington State University and the people of the surrounding community and to provide adequate practice facilities for students enrolled in nursing courses.

NEW SECTION. Sec. 28B.30.355 -----LEASES, CONTRACTS AND AGREEMENTS. The board of regents may lease lands, buildings, or other facilities from or to nonprofit corporations or associations, and may enter into such contracts and agreements with such units, agencies, corporations, or associations as will promote the intents and purposes of RCW 28B.30.350.

NEW SECTION. Sec. 28B.30.370 FOREST TREE NURSERY. ESTABLISHMENT--PURPOSES. The board of regents of Washington State University is hereby authorized to establish and maintain at or near Pullman, Washington, a forest tree nursery for the production, distribution and exchange of forest planting stock and seeds for industrial reforestation, for experimental work and research, and for educational purposes.

NEW SECTION. Sec. 28B.30.375 -----LOCATION. The forest tree nursery may be located on the university farm or at such place in or near Pullman as the board of regents may determine.

NEW SECTION. Sec. 28B.30.380 -----DISPOSITION OF RECEIPTS --REVOLVING FUND. All receipts from the sale and exchange of such planting stock and seeds shall be deposited in a forest tree nursery revolving fund to be maintained by the board of regents, which is hereby authorized to use such fund for the maintenance of such forest tree nursery and for other purposes authorized by RCW 28B.30.370 through 28B.30.380.

NEW SECTION. Sec. 28B.30.400 ELECTRICAL RESEARCH EXPERIMENT STATION NEAR COLUMBIA RIVER. The board of regents of Washington State University is authorized to establish and maintain an electrical research experiment station at a suitable place at or near an existing hydroelectric facility along 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.

FINANCING BUILDINGS AND FACILITIES--1961 ACT

NEW SECTION. Sec. 28B.30.700 CONSTRUCTION, REMODELING, IMPROVEMENT, FINANCING THROUGH BONDS, AUTHORIZED. The board of regents of Washington State University is empowered, in accordance with the provisions of RCW 28B.30.700 through 28B.30.780, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature for the use of the university and to finance the payment thereof by bonds payable out of a special fund from revenues hereafter derived from the payment of general tuition fees, gifts, bequests or grants, and such additional funds as the legislature may provide.

NEW SECTION. Sec. 28B.30.710 DEFINITIONS. The following terms, whenever used or referred to in RCW 28B.30.700 through 28B.30.780, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise:

(1) The word "board" means the board of regents of Washington State University.

(2) The words "general tuition fees" mean the general tuition fee charged students registering at the university, but shall not mean special tuition or other fees charged such students or fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings, and facilities of the university, heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon.

(3) The words "bond retirement fund" mean the special fund created by RCW 28B.30.700 through 28B.30.780, to be known as the



Washington State University bond retirement fund.

(4) The word "bonds" means the bonds payable out of the bond retirement fund.

(5) The word "projects" means the construction, completion, reconstruction, remodeling, rehabilitation, or improvement of any building or other facility of the university authorized by the legislature at any time and to be financed by the issuance and sale of bonds.

NEW SECTION. Sec. 28B.30.720 CONTRACTS, ISSUANCE OF EVIDENCES OF INDEBTEDNESS, BONDS, ACCEPTANCE OF GRANTS. In addition to the powers conferred under existing law, the board is authorized and shall have the power:

(1) To contract for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of such buildings or other facilities of the university as are or may be authorized by the legislature.

(2) To finance the same by the issuance of bonds secured by the pledge of any or all of the revenues and receipts of the bond retirement fund.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or any public or private corporation, association, or person to aid in defraying the costs of any such projects.

NEW SECTION. Sec. 28B.30.730 BONDS--ISSUANCE, SALE, FORM, TERM, INTEREST, ETC.--COVENANTS--DEPOSIT OF PROCEEDS. For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state; or

(b) A general obligation of Washington State University or of

the board;

(2) Shall be

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the university by the president of the board, attested by the secretary of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed six percent per annum over the life thereof, and no single interest or coupon rate shall exceed six percent per annum;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner as the board may prescribe, but never at a price at which the net interest cost over the life thereof shall exceed six percent per annum;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.30.700 through 28B.30.780, and as found to be necessary by the board for the most advantageous sale thereof; which may include but not be limited to:

(a) A covenant that the general tuition fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the Washington State University building account to the bond retirement fund when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the Washington State University building account and shall be used solely for paying the costs of the projects.

NEW SECTION. Sec. 28B.30.740 WASHINGTON STATE UNIVERSITY BOND RETIREMENT FUND--COMPOSITION--PLEDGE OF GENERAL TUITION FEES. For the

purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to a special trust fund to be known as the Washington State University bond retirement fund, which fund is hereby created in the state treasury, the following:

(1) One-half of such general tuition fees as the board may from time to time determine, or such larger portion as may be necessary to prevent default in the payments required to be made out of the bond retirement fund;

(2) Any grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remain unpaid, be available solely for the payment thereof except as provided in subdivision (5) of RCW 28B.30.750. As a part of the contract of sale of such bonds, the board shall undertake to charge and collect general tuition fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay the principal of, and interest on all such bonds outstanding..

NEW SECTION.    Sec. 28B.30.741    -----DISPOSITION OF CERTAIN REVENUES FROM SCIENTIFIC SCHOOL LANDS. All moneys received from the lease or rental of lands set apart by the enabling act for a scientific school; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel or other valuable material thereon; and all moneys received as interest on deferred payments on contracts for the sale of such lands shall be deposited in the "Washington State University bond retirement fund" to be expended for the purposes set forth in RCW 28B.30.740.

NEW SECTION.    Sec. 28B.30.742    -----DISPOSITION OF CERTAIN

REVENUES FROM AGRICULTURAL COLLEGE LANDS. Whenever federal law shall permit, but in no event prior to July 1, 1967, all moneys received from the lease or rental of lands set apart by the enabling act for an agricultural college, all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel or other valuable material thereon; and all moneys received as interest on deferred payments on contracts for the sale of such lands shall be deposited in the Washington State University bond retirement fund to be expended for the purposes set forth in RCW 28B-.30.740.

NEW SECTION. Sec. 28B.30.750 ADDITIONAL POWERS OF BOARD--ISSUANCE OF BONDS, INVESTMENTS, TRANSFER OF FUNDS, ETC. The board is hereby empowered:

- (1) To reserve the right to issue bonds later on a parity with any bonds being issued;
- (2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;
- (3) To authorize the transfer of money from the Washington State University building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;
- (4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;
- (5) To authorize the transfer to the Washington State University building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund.

NEW SECTION. Sec. 28B.30.760 REFUNDING BONDS. The board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds

being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by RCW 28B-.30.700 through 28B.30.780 for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of Washington State University or the board. The net interest cost to maturity on such refunding bonds shall not exceed six percent per annum nor shall any single interest or coupon rate exceed six percent per annum. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner as it deems for the best interest of the university.

NEW SECTION. Sec. 28B.30.770 BONDS NOT GENERAL OBLIGATIONS--LEGISLATURE MAY PROVIDE ADDITIONAL MEANS OF PAYMENT. The bonds authorized to be issued pursuant to the provisions of RCW 28B.30.700 through 28B.30.780 shall not be general obligations of the state of Washington, but shall be limited obligation bonds payable only from the special fund created for their payment. The legislature may provide additional means for raising money for the payment of interest and principal of said bonds. RCW 28B.30.700 through 28B.30.780 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section to provide additional means for raising money is permissive, and shall not in any way be construed as a pledge of the general credit of the state of Washington.

NEW SECTION Sec. 28B.30.780 OTHER LAWS NOT REPEALED OR LIMITED. RCW 28B.30.700 through 28B.30.780 is concurrent with other legislation with reference to providing funds for the construction of buildings at Washington State University, and is not to be construed as repealing or limiting any existing provision of law with reference thereto.

Chapter 28B.40  
STATE COLLEGES

NEW SECTION. Sec. 28B.40.010 DESIGNATION. The state colleges shall be located and designated as follows: At Bellingham, Western Washington State College; at Cheney, Eastern Washington State College; at Ellensburg, Central Washington State College; in Thurston county, The Evergreen State College.

NEW SECTION. Sec. 28B.40.100 TRUSTEES. APPOINTMENT AND TERM. The government of each of the state colleges shall be vested in a board of trustees consisting of five members. They shall be appointed by the governor with the consent of the senate and shall hold their offices for a term of six years from the second Monday in March next succeeding their appointment and until their successors are appointed and qualified. In case of a vacancy the governor shall fill the vacancy for the unexpired term of the trustee whose office has become vacant.

The trustees incumbent as of July 30, 1967 shall serve during the term of their original appointment.

The term of the first appointees under this 1967 amendatory act shall commence upon the expiration of the term of the particular incumbent for which the appointment is made and shall expire six years from the second Monday of March next succeeding the effective date of the appointment.

To assure that no more than the terms of two members will expire simultaneously on the second Monday of March in any one year, the term of not more than one trustee incumbent on July 30, 1967 shall be extended by the governor for one year at which time an appointment shall be made for a term expiring six years from the second Monday in March next succeeding the effective date of that appointment.

NEW SECTION. Sec. 28B.40.105 -----ORGANIZATION AND OFFICERS OF BOARD--QUORUM. Each board of state college trustees shall elect one of its members chairman, and it shall elect a secretary, who may or may not be a member of the board. Each board shall have power to adopt bylaws for its government and for the government of the school, which bylaws shall not be inconsistent with law, and to prescribe the

duties of its officers, committees and employees. A majority of the board shall constitute a quorum for the transaction of all business.

NEW SECTION. Sec. 28B.40.110 -----MEETINGS OF BOARD. Each board of state college trustees shall hold at least two regular meetings each year, at such times as may be provided by the board. Special meetings shall be held as may be deemed necessary, whenever called by the chairman or by a majority of the board. Public notice of all meetings shall be given in accordance with chapter 42.32 RCW.

NEW SECTION. Sec. 28B.40.115 -----JOINT TRUSTEES' MEETINGS. The several boards of state college trustees shall hold at least one meeting each year, at a time and at a place agreed upon by the several boards, for the purpose of discussing state college policies, and to agree upon the best means for general betterment. The presidents of the several state colleges or their designees shall attend such meetings and make such reports and offer such suggestions as will enable the trustees to determine the greatest needs of these institutions.

NEW SECTION. Sec. 28B.40.120 -----GENERAL POWERS AND DUTIES OF BOARD. In addition to any other powers and duties prescribed by law, each board of trustees of the respective state colleges:

(1) Shall have full control of the state college and its property of various kinds.

(2) Shall employ the president of the state college, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the state college, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the state board of education shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.



(4) Establish such divisions, schools or departments necessary to carry out the purposes of the college and not otherwise prescribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the college.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the college.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to college purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the college programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the college.

NEW SECTION. Sec. 28B.40.125 ----- PECUNIARY INTEREST IN CERTAIN CONTRACTS FORBIDDEN--PENALTY. No state college trustee shall be awarded any contract for the erection, repair or the furnishing of any building belonging to any state college or for the furnishing of supplies or materials for the same, and no such trustee shall act as

agent for any publishing house proposing to furnish books for such college. Any trustee who shall violate any provision of this section shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars, and his office as such trustee shall be declared vacant.

NEW SECTION. Sec. 28B.40.130 -----REPORTS BY BOARD. Each board of state college trustees, prior to each regular session of the legislature, through its secretary, shall make a biennial report to the governor of the state, for his use and for the use of the legislature, which report shall contain such information as the board may deem advisable for informing the governor and legislature of their college's program and needs.

NEW SECTION. Sec. 28B.40.200 BACHELOR DEGREES AUTHORIZED. The degree of bachelor of arts or the degree of bachelor of science and/or the degree of bachelor of arts in education may be granted to any student who has completed a four-year course of study or the equivalent thereof in Central Washington State College, Eastern Washington State College, Western Washington State College or The Evergreen State College.

NEW SECTION. Sec. 28B.40.210 MASTER DEGREES IN EDUCATION, ARTS OR SCIENCE AUTHORIZED. In addition to all other powers and duties given to them by law, Central Washington State College, Eastern Washington State College, Western Washington State College or The Evergreen State College are hereby authorized to grant the degree of master of education to any student who has completed a course of at least one year in graduate study in education or the equivalent thereof and may grant the degree of master of arts, or master of science to any student who has completed a course of at least one year in graduate study or the equivalent thereof.

NEW SECTION. Sec. 28B.40.220 NURSING DEGREES AUTHORIZED. In addition to all other powers and duties given to them by law, the boards of trustees of Central Washington State College, Eastern Washington State College, Western Washington State College, and The

Evergreen State College may grant an associate degree in nursing to any student who has satisfactorily completed a two-year course of study or the equivalent thereof approved by the proper accrediting state agency.

NEW SECTION. Sec. 28B.40.230 CERTIFICATES, DIPLOMAS--SIGNING --CONTENTS. Every diploma issued by a state college shall be signed by the chairman of the board of trustees and by the president of the state college issuing the same, and sealed with the appropriate seal. In addition to the foregoing, teaching certificates shall be countersigned by the state superintendent of public instruction. Every certificate shall specifically state what course of study the holder has completed and for what length of time such certificate is valid in the schools of the state.

NEW SECTION. Sec. 28B.40.300 MODEL SCHOOLS AND TRAINING DEPARTMENTS--PURPOSE. A model school or schools or training departments may be provided for each state college, in which students, before graduation, may have actual practice in teaching or courses relative thereto under the supervision and observation of critic teachers. All schools or departments involved herewith shall organize and direct their work being cognizant of public school needs.

NEW SECTION. Sec. 28B.40.305 -----TRUSTEES TO ESTIMATE NUMBER OF PUPILS REQUIRED. The board of trustees of any state college having a model school or training department as authorized by RCW 28B.40.300, shall, on or before the first Monday of September of each year, file with the board of the school district or districts in which such state college is situated, a certified statement showing an estimate of the number of public school pupils who will be required to make up such model school and specifying the number required for each grade for which training for students is required.

NEW SECTION. Sec. 28B.40.310 -----REQUISITIONING OF PUPILS --PRESIDENT MAY REFUSE ADMISSION. It shall thereupon be the duty of the board of the school district or districts with which such statement has been filed, to apportion for attendance to the said model

school or training department, a sufficient number of pupils from the public schools under the supervision of said board as will furnish to such state college the number of pupils required in order to maintain such facility: PROVIDED, That the president of said state college may refuse to accept any such pupil as in his judgment would tend to reduce the efficiency of said model school or training department.

NEW SECTION.    Sec. 28B.40.315    -----REPORT OF ATTENDANCE. Annually, on or before the date for reporting the school attendance of the school district in which said model school or training department is situated, for the purpose of taxation for the support of the common schools, the board of trustees of each such state college having supervision over the same shall file with the board of the school district or districts, in which such model school or training department is situated, a report showing the number of common school pupils at each such model school or training department during the school year last passed, and the period of their attendance in the same form that reports of public schools are made. Any superintendent of the school district so affected shall, in reporting the attendance in said school district, segregate the attendance at said model school or training department, from the attendance in the other schools of said district: PROVIDED, That attendance shall be credited, if credit be given therefor, to the school district in which the pupil resides.

NEW SECTION.    Sec. 28B.40.350    SUSPENSION AND EXPULSION. Any student may be suspended or expelled from any state college who is found to be immoral or guilty of an infraction of the regulations of the institution.

NEW SECTION.    Sec. 28B.40.370    DISPOSITION OF GENERAL TUITION FEES AND NORMAL SCHOOL FUND REVENUES--BOND PAYMENTS--BOND RETIREMENT FUNDS--CAPITAL PROJECTS ACCOUNTS FOR CONSTRUCTION, EQUIPMENT, MAINTENANCE OF BUILDINGS, ETC. Within thirty-five days from the date of collection thereof all general tuition fees of each state college shall be paid into the state treasury and these together with such

normal school fund revenues as provided in RCW 28B.40.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each college issuing bonds payable out of its general tuition fees and above described normal school fund revenues shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each college shall be a prior lien and charge against all general tuition fees and above described normal school fund revenues of such college. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington State College bond retirement fund, the Central Washington State College bond retirement fund, the Western Washington State College bond retirement fund, or The Evergreen State College bond retirement fund respectively, which funds are hereby created in the state treasury. The amounts deposited in the respective bond retirement funds shall be used exclusively to pay and secure the payment of the principal of and interest on the tuition fee bonds issued by such colleges as authorized by law. If in any twelve month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding general tuition fee and above described normal school fund revenue bonds of its college, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All general tuition fees and above described normal school fund revenue not needed for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of general tuition fee or above described normal school fund revenue bond principal or interest shall be deposited in the Eastern Washington State College capital projects account, the Central Washington

State College capital projects account, the Western Washington State College capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the general fund of the state treasury. The sums deposited in the respective capital projects accounts shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law.

NEW SECTION. Sec. 28B.40.380 EXTENSION DEPARTMENTS. In order to assist teachers in service, candidates for certificates, and others, each state college shall establish and maintain an extension department. The work of the department may supplement the previous training of teachers in service and comprise subjects included in the state college curriculum, or otherwise.

In order to prevent overlapping of territory in connection with this extension work, the state board of education shall district the state making a definite assignment of territory to each institution: PROVIDED, That such assignments of territory shall not preclude any other contractual arrangements initiated by a state college to carry out its duties under this section. The head of the extension department of each state college, after being assigned specific territory, shall cooperate with the several educational executive officers of the affected counties in making public the courses or seminars available for each year, such information being forwarded by the head of the extension department to the state superintendent of public instruction.

A report of the work accomplished by any such extension department during the preceding school year shall be made by the board of trustees upon request of the governor or any member of the legislature.

NEW SECTION. Sec. 28B.40.390 DUTIES OF PRESIDENT. The

president of each state college shall have general supervision of the college and see that all laws and rules of the board of trustees are observed.

NEW SECTION. Sec. 28B.40.400 MEETINGS OF PRESIDENTS. It shall be the duty of the presidents of the several state colleges to meet at least once annually to consult with each other relative to the management of the state colleges.

FINANCING BUILDINGS AND FACILITIES--1961 ACT

NEW SECTION. Sec. 28B.40.700 CONSTRUCTION, REMODELING, IMPROVEMENT, FINANCING, ETC., AUTHORIZED. The boards of trustees of the state colleges are empowered in accordance with the provisions of RCW 28B.40.700 through 28B.40.790, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature for the use of the aforementioned colleges and to finance the payment thereof by bonds payable out of special funds from revenues hereafter derived from the payment of general tuition fees, gifts, bequests or grants and such additional funds as the legislature may provide.

NEW SECTION. Sec. 28B.40.710 -----DEFINITIONS. The following terms, whenever used or referred to in RCW 28B.40.700 through 28B.40.790, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise:

(1) The word "boards" means the boards of trustees of the state colleges.

(2) The words "general tuition fees" mean the general tuition fees charged students registering at each college, but shall not mean the special tuition or other fees charged such students or fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings, and facilities of the respective colleges, heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon.

(3) The words "bond retirement funds" shall mean the special funds created by law and known as the Eastern Washington State College bond retirement fund, Central Washington State College bond retirement fund, Western Washington State College bond retirement fund, and The Evergreen State College bond retirement fund.

(4) The word "bonds" means the bonds payable out of the bond retirement funds.

(5) The word "projects" means the construction, completion, reconstruction, remodeling, rehabilitation, or improvement of any building or other facility of any of the aforementioned colleges authorized by the legislature at any time and to be financed by the issuance and sale of bonds.

NEW SECTION. Sec. 28B.40.720 -----CONTRACTS, ISSUANCE OF EVIDENCES OF INDEBTEDNESS, BONDS, ACCEPTANCE OF GRANTS. In addition to the powers conferred under existing law, each of the boards is authorized and shall have the power:

(1) To contract for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of such buildings or other facilities of the college as are authorized by the legislature to be financed by the issuance and sale of bonds.

(2) To finance the same by the issuance of bonds secured by the pledge of any or all of the general tuition fees.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects.

NEW SECTION. Sec. 28B.40.730 -----BONDS--ISSUANCE, SALE, FORM, TERM, INTEREST, ETC.--COVENANTS--DEPOSIT OF PROCEEDS. For the purpose of financing the cost of any projects, each of the boards is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:



- (1) Shall not constitute
  - (a) An obligation, either general or special, of the state; or
  - (b) A general obligation of the college or of the board;
- (2) Shall be
  - (a) Either registered or in coupon form; and
  - (b) Issued in denominations of not less than one hundred dollars; and
  - (c) Fully negotiable instruments under the laws of this state; and
  - (d) Signed on behalf of the college by the chairman of the board, attested by the secretary of the board, have the seal of the college impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;
- (3) Shall state
  - (a) The date of issue; and
  - (b) The series of the issue and be consecutively numbered within the series; and
  - (c) That the bond is payable both principal and interest solely out of the bond retirement fund;
- (4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed six percent per annum over the life thereof, and no single interest or coupon rate shall exceed six percent per annum;
- (5) Shall be payable both principal and interest out of the bond retirement fund;
- (6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;
- (7) Shall be sold in such manner as the board may prescribe, but never at a price at which the net interest cost over the life

thereof shall exceed six percent per annum;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.40.700 through 28B.40.790, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the general tuition fee shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the capital projects account of the college issuing the bonds to the bond retirement fund of such college when ordered by the board of trustees in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college issuing the bonds and shall be used solely for paying the costs of the projects.

NEW SECTION.    Sec. 28B.40.750    -----FUNDS PAYABLE INTO BOND

RETIREMENT FUNDS--PLEDGE OF GENERAL TUITION FEES. For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to the respective bond retirement fund of each college issuing bonds, the following:

(1) Amounts derived from general tuition fees as the board shall certify as necessary to prevent default in the payments required to be paid into such bond retirement fund;

(2) Any grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of such bonds, the board shall undertake to charge and collect general tuition fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay and secure the payment of the principal of, and interest on all such bonds outstanding.

NEW SECTION. Sec. 28B.40.751 -----DISPOSITION OF CERTAIN NORMAL SCHOOL FUND REVENUES. All moneys received from the lease or rental of lands set apart by the enabling act for state normal schools purposes; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel, or other valuable material thereon; and all moneys received as interest on deferred payments on contracts for the sale of such lands, shall from time to time be paid into the state treasury and credited to the Eastern Washington State College, Central Washington State College, Western Washington State College and The Evergreen State College accounts as herein provided to be expended for capital projects, and bond retirement purposes as set forth in RCW 28B.40.750, as now or hereafter amended. Eastern Washington State College, Central

Washington State College, Western Washington State College, and The Evergreen State College shall be credited with one-fourth of the total amount: PROVIDED, That Eastern Washington State College, Central Washington State College and Western Washington State College shall each be credited with one-third of the total amount for so long as there remain unpaid and outstanding any bonds which are payable in whole or in part out of the moneys, interest or income described in this section.

NEW SECTION. Sec. 28B.40.760 -----ADDITIONAL POWERS OF BOARD--ISSUANCE OF BONDS, INVESTMENTS, TRANSFER OF FUNDS, ETC. The board of any such college is hereby empowered:

- (1) To reserve the right to issue bonds later on a parity with any bonds being issued;
- (2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;
- (3) To authorize the transfer of money from the college's capital projects account to the college's bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;
- (4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds.

NEW SECTION. Sec. 28B.40.770 -----REFUNDING BONDS. Each board of trustees is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by RCW 28B.40.700 through 28B.40.790 for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the college of Washington issuing the bonds or the board thereof. The net interest

cost to maturity on such refunding bonds shall not exceed six percent per annum nor shall any single interest or coupon rate exceed six percent per annum. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner as it deems for the best interest of the college.

NEW SECTION. Sec. 28B.40.780 -----BONDS NOT GENERAL OBLIGATION--LEGISLATURE MAY PROVIDE ADDITIONAL MEANS OF PAYMENT. The bonds authorized to be issued pursuant to the provisions of RCW 28B.40.700 through 28B.40.790 shall not be general obligations of the state of Washington, but shall be limited obligation bonds payable only from the special funds created for their payment. The legislature may provide additional means for raising money for the payment of interest and principal of said bonds. RCW 28B.40.700 through 28B.40.790 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section to provide for additional means for raising money is permissive, and shall not in any way be construed as a pledge of the general credit of the state of Washington.

NEW SECTION. Sec. 28B.40.790 -----OTHER LAWS NOT REPEALED OR LIMITED. RCW 28B.40.700 through 28B.40.790 is concurrent with other legislation with reference to providing funds for the construction of buildings at the state colleges and is not to be construed as repealing or limiting any existing provision of law with reference thereto.

NEW SECTION. Sec. 28B.40.810 THE EVERGREEN STATE COLLEGE. ESTABLISHED. There is hereby established in Thurston county a state college, The Evergreen State College.

NEW SECTION. Sec. 28B.40.820 -----TRUSTEES--APPOINTMENT--TERMS. The terms of office and date of commencement thereof of the five member board of trustees of The Evergreen State College appointed by the governor prior to August 1, 1967, shall be the same as prescribed by law for trustees of state colleges under RCW 28B.40.100, as now or hereafter amended, except that initial appointments shall

be for terms as follows: One for two years, one for three years, one for four years, one for five years, and one for six years.

NEW SECTION. Sec. 28B.40.830 -----TRUSTEES, POWERS AND DUTIES--EXISTING STATUTES AS APPLICABLE TO COLLEGE--FEDERAL BENEFITS AND DONATIONS. The board of trustees of The Evergreen State College shall have all the powers and duties as are presently or may hereafter be granted to existing state colleges by law. All statutes pertaining to the existing state colleges shall have full force and application to The Evergreen State College.

The Evergreen State College is hereby deemed entitled to receive and share in all the benefits and donations made and given to similar institutions by the enabling act or other federal law to the same extent as other state colleges are entitled to receive and share in such benefits and donations.

Chapter 28B.50

COMMUNITY COLLEGE ACT OF 1967

NEW SECTION. Sec. 28B.50.010 SHORT TITLE. This chapter shall be known as and may be cited as the Community college act of 1967.

NEW SECTION. Sec. 28B.50.020 PURPOSE. The purpose of this chapter is to provide for the dramatically increasing number of students requiring high standards of education either as a part of the continuing higher education program or for occupational training, by creating a new, independent system of community colleges which will:

(1) Offer an open door to every citizen, regardless of his academic background or experience, at a cost normally within his economic means;

(2) Ensure that each community college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining, with equal emphasis, high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature;

(3) Provide administration by state and local boards which will avoid unnecessary duplication of facilities or programs; and which will encourage efficiency in operation and creativity and imagination in education, training and service to meet the needs of the community and students;

(4) Allow for the growth, improvement, flexibility and modification of the community colleges and their education, training and service programs as future needs occur;

(5) Establish firmly that community colleges are, for purposes of academic training, two year institutions, and are an independent, unique, and vital section of our state's higher education system, separate from both the common school system and other institutions of higher learning, and never to be considered for conversion into four-year liberal arts colleges.

NEW SECTION. Sec. 28B.50.030 DEFINITIONS. As used in this chapter, unless the context requires otherwise, the term;

(1) "System" shall mean the state system of community colleges, which shall be a system of higher education;

(2) "College board" shall mean the state board for community college education created by this chapter;

(3) "Director" shall mean the administrative director for the state system of community colleges;

(4) "District" shall mean any one of the community college districts created by this chapter;

(5) "Board of trustees" shall mean the local community college board of trustees established for each community college district within the state;

(6) "Council" shall mean the coordinating council for occupational education;

(7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree;

(8) "K-12 system" shall mean the public school program

including kindergarten through the twelfth grade;

(9) "Common school board" shall mean the public school district board of trustees;

(10) "Community college" shall include where applicable, vocational-technical and adult education programs conducted by community colleges and vocational-technical institutes whose major emphasis is in post-high school education.

NEW SECTION. Sec. 28B.50.040 COMMUNITY COLLEGE DISTRICTS ENUMERATED. The state of Washington is hereby divided into twenty-two community college districts as follows:

(1) The first district shall encompass the counties of Clallam and Jefferson;

(2) The second district shall encompass the counties of Grays Harbor and Pacific;

(3) The third district shall encompass the counties of Kitsap and Mason;

(4) The fourth district shall encompass the counties of San Juan, Skagit and Island;

(5) The fifth district shall encompass Snohomish county except for the Northshore common school district;

(6) The sixth district shall encompass the present boundaries of the common school districts of Seattle and Vashon Island, King county;

(7) The seventh district shall encompass the present boundaries of the common school districts of Shoreline in King county and Northshore in King and Snohomish counties;

(8) The eighth district shall encompass the present boundaries of the common school districts of Lake Washington, Bellevue, Issaquah, Lower Snoqualmie, Mercer Island, Skykomish and Snoqualmie, King county;

(9) The ninth district shall encompass the present boundaries of the common school districts of Federal Way, Highline and South Central, King county;



(10) The tenth district shall encompass the present boundaries of the common school districts of Auburn, Black Diamond, Renton, Enumclaw, Kent, Lester and Tahoma, King county;

(11) The eleventh district shall encompass all of Pierce county, except for the present boundaries of the common school districts of Tacoma and Peninsula;

(12) The twelfth district shall encompass the counties of Lewis and Thurston;

(13) The thirteenth district shall encompass the counties of Cowlitz, and Wahkiakum;

(14) The fourteenth district shall encompass the counties of Clark, Skamania and that portion of Klickitat county not included in the sixteenth district;

(15) The fifteenth district shall encompass the counties of Chelan, Douglas and Okanogan;

(16) The sixteenth district shall encompass the counties of Kittitas, Yakima, and that portion of Klickitat county included in United States census divisions 1 through 4;

(17) The seventeenth district shall encompass the counties of Ferry, Lincoln (except consolidated school district 105-157-166J), Pend Oreille, Spokane, Stevens and Whitman;

(18) The eighteenth district shall encompass the counties of Adams and Grant, and that portion of Lincoln county comprising consolidated school district 105-157-166J;

(19) The nineteenth district shall encompass the counties of Benton and Franklin;

(20) The twentieth district shall encompass the counties of Asotin, Columbia, Garfield and Walla Walla;

(21) The twenty-first district shall encompass Whatcom county;

(22) The twenty-second district shall encompass the present boundaries of the common school districts of Tacoma and Peninsula, Pierce county.

NEW SECTION. Sec. 28B.50.050 STATE BOARD FOR COMMUNITY

COLLEGE EDUCATION--CREATED--MEMBERS--APPOINTMENT--TERMS--QUALIFICATIONS--PER DIEM AND MILEAGE--REMOVAL. There is hereby created the "state board of community college education", to consist of seven members, one from each congressional district, who shall be appointed by the governor, with the consent of the senate. The terms of the initial members shall be as follows: Two members shall serve for a term of one year, two members shall serve for a term of two years, two members shall serve for a term of three years, and one member shall serve for a term of four years, respectively, following April 3, 1967. The successors of the members initially appointed shall be appointed for terms of four years except that any persons appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor. All members shall be citizens and bona fide residents of the state. No member of the college board shall be, during his term of office, also a member of the state board of education or a member of a K-12 board, or be employed by the common school system, or have any direct pecuniary interest in education within this state.

No member of the college board shall receive any salary for his services, but shall receive the sum of twenty-five dollars per diem for each day actually spent in attending to his duties as a member of the college board, and mileage at the rate of ten cents per mile.

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

NEW SECTION. Sec. 28B.50.060 DIRECTOR OF THE STATE SYSTEM OF COMMUNITY COLLEGES--APPOINTMENT--TERM--QUALIFICATIONS--SALARY AND EXPENSES--DUTIES. A director of the state system of community colleges shall be appointed by the college board and shall serve at the pleasure of the college board. He shall be appointed with due regard to his fitness and background in education, by his knowledge of and

recent practical experience in the field of educational administration particularly in institutions beyond the high school level. The college board may also take into consideration an applicant's proven management background even though not particularly in the field of education.

The director shall devote his entire time to the duties of his office and shall not be actively engaged or employed in any other business, vocation or employment, nor shall he have any direct pecuniary interest in or any stock or bonds of any business connected with or selling supplies to the field of education within this state.

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

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

Subject to the provisions of chapter 41.06 RCW, the state civil service law, the director shall, with the approval of the college board, appoint and employ such field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the college board and for whose services funds have been appropriated. All employees of the state board of education who are governed by the provisions of chapter 41.06 RCW, and who are employed exclusively or principally in performing the

powers and duties and functions transferred by this chapter to the state board for community college education, and who are transferred to the state board for community college education, shall continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law, without any loss of rights granted by said law.

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

NEW SECTION.    Sec. 28B.50.070    STATE BOARD FOR COMMUNITY COLLEGE EDUCATION--ORGANIZATION--MEETINGS--QUORUM--ANNUAL REPORT--FISCAL YEAR.    The governor shall, within thirty days after April 3, 1967, make the appointments to the college board.

The college board shall, within thirty days after its appointment, organize, adopt a seal, and adopt bylaws for its administration, not inconsistent herewith, as it may deem expedient and may from time to time amend such bylaws. At such organizational meeting it shall elect from among its members a chairman and a vice chairman, each to serve for one year, and annually thereafter shall elect such officers; all to serve until their successors are appointed and qualified. The college board shall at its initial meeting fix a date and place for its regular meeting. Four members shall constitute a quorum, and no meeting shall be held with less than a quorum present, and no action shall be taken by less than a majority of the college board.

After organization, the first order of business for the college board shall be to assist the district college boards in the assumption of administration, control and occupancy of the various community college and such other vocational facilities as are covered by this chapter which are now under the administration, control and occupancy of the common school boards.

Special meetings may be called as provided by its rules and regulations. Regular meetings shall be held at the college board's established offices in Olympia, but whenever the convenience of the

public or of the parties may be promoted, or delay or expenses may be prevented, it may hold its meetings, hearings or proceedings at any other place designated by it. The college board shall transmit a report in writing to the governor before December 1st of each year which report shall contain a summary of its proceedings during the preceding fiscal year, a detailed and itemized statement of all revenue and all expenditures made by or on behalf of the college board, such other information as it may deem necessary or useful and any other additional information which may be requested by the governor. The fiscal year of the college board shall conform to the fiscal year of the state.

NEW SECTION. Sec. 28B.50.080 -----OFFICES AND OFFICE EQUIPMENT, INCLUDING NECESSARY EXPENSES. Suitable offices and office equipment shall be provided by the state for the college board in the city of Olympia, and the college board may incur the necessary expense for office furniture, stationery, printing, incidental expenses, and other expenses necessary for the administration of this chapter.

NEW SECTION. Sec. 28B.50.090 -----POWERS AND DUTIES GENERALLY. The college board shall have general supervision and control over the state system of community colleges. In addition to the other powers and duties imposed upon the college board by this chapter, the college board shall be charged with the following powers, duties and responsibilities:

(1) Review the budgets prepared by the community college boards of trustees, prepare a single budget for the support of the state system of community colleges, and submit this budget to the governor as provided in RCW 43.88.090; the coordinating council shall assist with the preparation of the community college budget that has to do with vocational education programs;

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for maintenance and operation and capital support of the community college districts in conformance with the state and district budgets, and in conformance with chapter

43.88 RCW;

(3) Ensure, through the full use of its authority,

(a) that each community college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining, with equal emphasis, high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature: PROVIDED, That notwithstanding any other provisions of this chapter, a community college shall not be required to offer a program of vocational-technical training, when such a program is approved by the coordinating council for occupational education is already operating in the district;

(b) that each community college district shall maintain an open-door policy, to the end that no student will be denied admission because of the location of his residence or because of his educational background or ability; that, insofar as is practical in the judgment of the college board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of a community college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, he would not be competent to profit from the curriculum offerings of the community college, or would, by his presence or conduct, create a disruptive atmosphere within the community college not consistent with the purposes of the institution;

(4) Prepare a comprehensive master plan for the development of community college education and training in the state; and assist the state census board in the preparation of enrollment projections to support plans for providing adequate community college facilities in all areas of the state;

(5) Define and administer criteria and guidelines for the establishment of new community colleges or campuses within the existing districts;

(6) Establish and administer criteria and procedures for modifying district boundary lines;

(7) Establish minimum standards to govern the operation of the community colleges with respect to:

(a) qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the state plan for vocational education,

(b) internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW,

(c) the content of the curriculums and other educational and training programs, and the requirements, degrees and diplomas awarded by the colleges,

(d) standard admission policies.

(8) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various community college districts;

(9) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

(10) Exercise any other powers, duties and responsibilities necessary to carry out the purposes of this chapter.

The college board shall have the power of eminent domain.

NEW SECTION. Sec. 28B.50.100 COMMUNITY COLLEGE BOARDS OF TRUSTEES--CREATED--MEMBERS--APPOINTMENT--TERMS--QUALIFICATIONS--RESTRICTIONS ON OTHER SERVICE--CHAIRMAN, ELECTION OF--SEAL--BYLAWS, RULES AND REGULATIONS--QUORUM--SECRETARY. There is hereby created a community college board of trustees for each community college district as set forth in this chapter. Each community college board of

trustees shall be composed of five trustees, who shall be appointed by the governor from a list of nominees submitted by the nominating committee in accordance with RCW 28B.50.110.

The initial appointees to the board of trustees shall draw lots at the first meeting thereof to determine their respective initial terms. One trustee shall serve for one year, one for two years, one for three years, one for four years, and one for five years.

Thereafter, until July 1, 1969, the successors of the trustees initially appointed shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of the term.

Every trustee shall be a resident and qualified elector of his community college district. No trustee may serve as a member of the board of directors of any school district, or as an elected officer or member of the legislative authority of any municipal corporation.

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

NEW SECTION. Sec. 28B.50.110 -----NOMINATING COMMITTEES FOR INITIAL TRUSTEES--CHAIRMAN--MEETING--PER DIEM AND EXPENSES. In each community college district of the state there is hereby created a nominating committee to select no less than five nominees for consideration by the governor for the initial trustees. The nominating committee shall be composed of each member of the state legislature residing within the boundaries of the community college district to be



served.

The senior legislator on each committee shall serve as chairman of the committee and shall call the meeting at some conveniently located place and shall set the time of the meeting.

The members of the nominating committee shall be entitled to per diem and expenses as provided in RCW 44.04.120 and such payments shall be a proper charge to the college board.

NEW SECTION. Sec. 28.50.120 -----NOMINATING COMMITTEES FOR INITIAL TRUSTEES--SUBMISSION OF LIST, CONSIDERATIONS WHEN PREPARING--APPOINTMENT UPON COMMITTEE FAILURE TO SUBMIT LIST. Within forty-five days after April 3, 1967, each nominating committee shall submit a list of no less than five nominees, who shall be residents of the community college district, to the governor for selection of the community college district board of trustees for that district. In preparing the list of names to be submitted to the governor, the members of the committee shall give consideration to geographical exigencies, and the interests of labor, industry, agriculture and the professions. In the event that the nominating committee from any district fails to submit a list of nominees to the governor by the prescribed date, he shall appoint the trustees for that district from registered voters registered within that district, observing the same considerations as prescribed for the committee in making its nominations.

NEW SECTION. Sec. 28.50.130 -----ORGANIZATION--BYLAWS, RULES AND REGULATIONS--CHAIRMAN, VICE CHAIRMAN, ELECTION AND TERM--SECRETARY--QUORUM--ANNUAL REPORT--FISCAL YEAR. Within thirty days of their appointment or July 1, 1967, whichever is sooner, the various district boards of trustees shall organize, adopt bylaws for its own government, and make such rules and regulations not inconsistent with this chapter as they deem necessary. At such organizational meeting it shall elect from among its members a chairman and a vice chairman, each to serve for one year, and annually thereafter shall elect such officers to serve until their successors are appointed or qualified.

The chief executive officer of the community college district shall serve as secretary of the board. Three trustees shall constitute a quorum, and no action shall be taken by less than a majority of the trustees of the board. The first order of business after organization shall be to prepare for the orderly assumption of the duties and responsibilities of the administration and management of the community college district and the facilities thereof. The district boards shall transmit a report in writing to the college board before October 1st of each year which report shall contain a summary of its proceedings during the preceding fiscal year, a detailed and itemized statement of all revenue and all expenditures made by or on behalf of the district boards, such other information as it may deem necessary or useful, and any other additional information which may be requested by the college board. The fiscal year of the district boards shall conform to the fiscal year of the state.

NEW SECTION. Sec. 28B.50.140 -----POWERS AND DUTIES. Each community college board of trustees:

- (1) Shall operate all existing community colleges and vocational-technical institutes in its district;
- (2) Shall create comprehensive programs of community college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3);
- (3) Shall employ for a period to be fixed by the board a college president for each community college, a director for each vocational-technical institute or school operated by a community college, a district president in the event there is more than one college and/or separated institute or school located in the district, members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties;
- (4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand;

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community college;

(6) May, with the approval of the college board, issue and sell revenue bonds for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of 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 college board; 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;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the community college district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community college or colleges under its control, and notwithstanding any other provision of law, publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate;

(13) Shall enforce the rules and regulations prescribed by the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board; and

(16) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

NEW SECTION. Sec. 28B.50.150 OUT-OF-DISTRICT RESIDENCE NOT TO AFFECT ENROLLMENT FOR STATE RESIDENT. Any resident of the state may enroll in any program or course maintained or conducted by a community college district upon the same terms and conditions regardless of the district of his residence.

NEW SECTION. Sec. 28B.50.160 COORDINATING COUNCIL FOR OCCUPATIONAL EDUCATION--CREATED--PURPOSE--POWERS AND DUTIES. In order to facilitate the greatest possible coordination and cooperation between the agencies of the state and the federal government, and to carry out the purposes and intent of this chapter and the acts of Congress relating to distribution of federal funds for the support of vocational education and vocational rehabilitation, there is hereby created the coordinating council for occupational education to serve as the sole agency of the state for the receipt of federal funds made available by acts of Congress for vocational education and for vocational rehabilitation within this state.

Consistent with the requirements of Public Law 88-210, and other acts of Congress dealing with vocational education, and to the extent necessary to comply therewith the coordinating council shall have power to supervise the administration of the state plan for vocational education in the community college system; and, subject to the supervisory powers of the state superintendent of public instruction, the coordinating council shall have the power to administer the state plan for vocational education in the public schools of the state.

NEW SECTION. Sec. 28B.50.170 -----MEMBERS--APPOINTMENT--TERMS--QUALIFICATIONS AND RESTRICTIONS AS TO GOVERNOR'S APPOINTEES--PER DIEM AND MILEAGE. The coordinating council for occupational

education shall consist of nine members, who shall be chosen by July 1, 1967. Three of the members shall be selected by the state board of education from its membership; and they shall serve at the pleasure of the state board of education. Three members shall be selected by the community college state board from its membership; and they shall serve at the pleasure of the state board for community college education. Three members shall be appointed by the governor, one of whom shall represent the field of labor, and one of whom shall represent the field of management, both of whom shall have had recent actual experience in or association with the fields of management and labor within the state to assure their familiarity with the vocational education needs of management and labor within the state. The governor's appointees shall serve at his pleasure. No member appointed by the governor shall, during the time he serves on the council, be a member of any other education board, state or local.

No member of the council shall receive any salary for his services, but shall receive the sum of twenty-five dollars per diem for each day actually spent in attending to his duties as a member of the council, and mileage at the rate of ten cents per mile.

NEW SECTION. Sec. 28B.50.180 -----ORGANIZATION--BYLAWS--CHAIRMAN AND VICE CHAIRMAN, ELECTION OF, TERMS--MEETINGS--QUORUM--ANNUAL REPORT--FISCAL YEAR. The council shall, within thirty days after is appointment, organize, and adopt such bylaws for its own administration, not inconsistent herewith, as it may deem expedient, and may from time to time amend such bylaws. At such organizational meeting it shall elect from among its members a chairman and vice chairman, to serve for one year, and annually thereafter shall elect such officers who are to serve until their successors are appointed and qualified or until their term expires, whichever is sooner. The council shall at its initial meeting fix a date and place for its regular meeting. Five members shall constitute a quorum, and no action shall be taken by less than a majority of the council. Special meetings may be called as provided by its bylaws. Regular meetings

shall be held in the city of Olympia, but whenever the convenience of the public may be better served, or delay or expense may be prevented, it may hold its meetings, hearings or proceedings at any other place in the state of Washington. The council shall transmit a report in writing to the state board of education and the state board for community college education before October 1st of each year, which report shall contain a summary of its proceedings during the preceding fiscal year, a detailed and itemized statement of all moneys allocated to the council either by the state or by a branch of the federal government, and all expenditures made by or on behalf of the council, budget projections for the next fiscal year, such other information as is necessary and useful, and any other additional information which may be requested by the boards. The fiscal year of the council shall conform to the fiscal year of the state.

NEW SECTION. Sec. 28B.50.190 -----DIVISIONS CREATED--PURPOSES. There is hereby established under the direction and control of the coordinating council for occupational education, a division for vocational education and a division for vocational rehabilitation. The purpose of the division of vocational education is to furnish staff services to the coordinating council in carrying out its duties with respect to vocational education under the state plan for vocational education. The purpose of the division of vocational rehabilitation is to furnish staff services to the coordinating council in carrying out its duties with respect to vocational rehabilitation in the state.

NEW SECTION. Sec. 28B.50.200 -----DIVISION OF VOCATIONAL EDUCATION--DIRECTOR--APPOINTMENT--TERM--QUALIFICATIONS--DUTIES--SALARY AND EXPENSES. A director of the division of vocational education shall be appointed by the coordinating council and shall serve at the pleasure of the coordinating council. He shall be appointed with due regard to his fitness and background in education, by his knowledge of and recent practical experience in the field of vocational educational administration. The council may also take into

consideration an applicant's proven management background even though not particularly in the field of education.

The director shall devote his entire time to the duties of his office and shall not be actively engaged or employed in any other business, vocation or employment, nor shall he have any direct pecuniary interest in or any stock or bonds of any business connected with or selling supplies in the field of education in the state.

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

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

The director shall, subject to the approval of the coordinating council, pursuant to chapter 41.06 RCW, the state civil service law, appoint such field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the division of vocational education. All employees of the former state board for vocational education who are employed exclusively or principally in performing the powers, duties and functions transferred by this chapter to the division of vocational education shall, upon April 3, 1967, be transferred to the division of vocational education. All such employees so transferred shall



continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law, without any loss of rights granted by said law. The coordinating council, in cooperation with the state board of education and the state board for community college education shall prepare a study for the forty-first legislature evaluating the effectiveness and efficiency of the division of vocational education, including a study of the permanent placement of the employees of the former state board for vocational education.

The coordinating council may, by written order filed in its office, delegate to the director any of the powers and duties relating to vocational education vested in or imposed upon it by this chapter and the federal vocational education acts. Such delegated powers and duties may be exercised by the director in the name of the council. The coordinating council shall have the power to cooperate with all agencies of government, local, state, and federal, in the promulgation and conducting of public service training with particular reference to fire training and law enforcement training.

NEW SECTION. Sec. 28B.50.210 -----DIVISION OF VOCATIONAL REHABILITATION--DIRECTOR--APPOINTMENT--TERM--QUALIFICATIONS--DUTIES--SALARY AND EXPENSES. A director of the division of vocational rehabilitation shall be appointed by the coordinating council and shall serve at the pleasure of the council. He shall be appointed with due regard to his knowledge of, and recent practical experience in, the field of vocational rehabilitation. The coordinating council may also take into consideration an applicant's proven management background even though not particularly in the field of vocational rehabilitation.

The director shall devote his entire time to the duties of his office and shall not be actively engaged or employed in any other business, vocation or employment, nor shall he have any direct pecuniary interest in or any stock or bonds of any business connected with the field of vocational rehabilitation within the state.

He shall receive a salary to be fixed by the coordinating

council and shall be reimbursed for all traveling and other expenses incurred by him in the discharge of his official duties in accordance with RCW 43.03.050 and 43.03.060, as now or hereafter amended.

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

The director shall, subject to the approval of the coordinating council, pursuant to chapter 41.06 RCW, the state civil service law, appoint such field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the division of vocational rehabilitation and for whose services funds have been appropriated. All employees of the former division of vocational rehabilitation of the state board for vocational education who are employed exclusively or principally in performing the powers, duties and functions transferred by this chapter to the division of vocational rehabilitation of the coordinating council shall, upon April 3, 1967, be transferred to the division of vocational rehabilitation of the coordinating council. All such employees so transferred shall continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law, without any loss of rights granted by said law. The state board of education, the state board for community college education and the coordinating council shall prepare a study for the forty-first legislature for the permanent placement of the employees of the former division of

vocational rehabilitation of the state board for vocational education.

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

NEW SECTION. Sec. 28B.50.220 -----ADDITIONAL POWERS AND DUTIES. In addition to its other powers and duties, the coordinating council shall have the following powers and duties:

(1) To prepare, adopt and certify the state plan for vocational education and the state plan for vocational rehabilitation;

(2) To adopt necessary rules and regulations and do such other acts not forbidden by law necessary to carry out the provisions of this chapter and the federal acts: PROVIDED, That the coordinating council shall meet, consult and cooperate with the office of the state superintendent of public instruction on all matters falling within his constitutional supervisory powers in advance of exercising any of the powers or duties granted to the council by this section;

(3) To carry out the aims and purposes of the acts of Congress pertaining to vocational education and vocational rehabilitation.

NEW SECTION. Sec. 28B.50.230 -----PREPARATION OF STATE PLAN FOR VOCATIONAL EDUCATION BY, CONSIDERATIONS--ALLOCATION OF FUNDS, STANDARD. (1) The coordinating council in preparing the state plan for vocational education shall give consideration to the following:

(a) Vocational education for persons attending high school;

(b) Vocational education for persons who have completed or left high school and who are available for full time study in preparation for entering the labor market;

(c) Vocational education for persons (other than persons who are receiving training allowances under the Manpower Development and Training Act of 1962, Public Law 87-415, the Area Redevelopment Act, Public Law 87-27, or the Trade Expansion Act of 1962, Public Law 87-794) who have already entered the labor market and who need

training or retraining to achieve stability or advancement in employment;

(d) Vocational education for persons who have academic, socio-economic, or other handicaps that prevent them from succeeding in the regular vocational education program;

(e) Construction of area vocational educational school facilities, as authorized by the state board for community colleges and the state board of education; and

(f) Ancillary services and activities to assure quality in all vocational education programs, such as teacher training and supervision, program evaluation, special demonstrations and experimental programs, development of instructional materials, and state administration and leadership, including periodic evaluation of state and local vocational education programs and services in the light of information regarding current and projected manpower needs and job opportunities.

(2) In determining the allocation of funds, the council shall comply with federal statute.

NEW SECTION. Sec. 28B.50.240 SCHOOL DISTRICT VOCATIONAL EDUCATION PROGRAMS--SCOPE. The state board of education shall have the power to authorize the school districts to offer vocational education programs which are a part of the high school curriculum and to offer adult education and post-high school vocational educational programs which are not in conflict with community college programs, as determined by the coordinating council.

NEW SECTION. Sec. 28B.50.250 VOCATIONAL EDUCATION AND COMMUNITY SERVICES PROGRAMS WHEN NOT A PART OF HIGH SCHOOL CURRICULUM. The state board for community college education is hereby authorized to cooperate with the state board of education to permit, on an ad hoc basis, the common school districts to conduct a program of vocational education and community service of an educational, recreational or cultural nature which is not a part of the high school curriculum when such program will not conflict with existing programs of the same

nature and in the same geographical area conducted by the community college districts.

NEW SECTION. Sec. 28B.50.260 COORDINATING COUNCIL TO CONDUCT DIVISION BUSINESS SEPARATELY--DIRECTOR AS SECRETARY. The council shall conduct business for the division of vocational education separately from its business for the division of vocational rehabilitation, and when so separately considered, the director of the appropriate division shall be the secretary of the council for the conduct of such business.

NEW SECTION. Sec. 28B.50.300 TITLE TO OR ALL INTEREST IN REAL ESTATE, CHOSE IN ACTION AND ASSETS OBTAINED FOR COMMUNITY COLLEGE OR VOCATIONAL EDUCATIONAL PURPOSES BY SCHOOL DISTRICTS TO PASS, WHEN--EXCEPTIONS--PROCEDURE--APPEALS. Title to or all interest in real estate, choses in action and all other assets, including but not limited to assignable contracts, cash, deposits in county funds (including any interest or premiums thereon), equipment, buildings, facilities, and appurtenances thereto held as of the date of passage of this act by or for a school district and obtained identifiably with federal, state or local funds appropriated for community college purposes or post-high school vocational educational purposes, or used or obtained with funds budgeted for community college purposes or post-high school vocational educational purposes, or used or obtained primarily for community college or vocational education purposes, shall, on the date on which the first board of trustees of each district takes office, vest in or be assigned to the state board for community college education: PROVIDED, That cash, funds, accounts or other deposits obtained or raised by a school district to pay for indebtedness, bonded or otherwise, contracted on or before April 3, 1967 for community college purposes shall remain with and continue to be, after April 3, 1967, an asset of the school district: AND PROVIDED FURTHER, That any option acquired by the school district to purchase real property which in the judgment of the school district will be used in the common school program may remain with the school district

notwithstanding that such option was obtained in consideration of the purchase by such school district of other property for community college purposes: AND PROVIDED FURTHER, That unexpended funds of a common school district derived from the sale, prior to July 1, 1967, of bonds authorized for any purpose which includes community college purposes and not committed for any existing construction contract, shall remain with and continue to be an asset of such common school district, unless within thirty days after said date such common school district determines to transfer such funds to the board of trustees.

For the purposes of this section and to facilitate the process of allocating the assets, the board of directors of each school district in which a community college is located, and the president of each community college, shall each submit to the state board of education, and the state board for community college education within sixty days of April 3, 1967, an inventory listing all real estate, personal property choses in action and other assets, held by a school district which, under the criteria of this section, will become the assets of the state board for community college education: PROVIDED, That assets used "primarily" for community college purposes shall include, but not be limited to, all assets currently held by school districts which have been used on an average of at least seventy-five percent of the time during the school year 1965-1966, or if acquired subsequent to July 1, 1966, since its time of acquisition, for community college purposes: PROVIDED, FURTHER, That the ultimate decision and approval with respect to the allocation and disposition of the assets under this section shall be made by the governor, or an advisory committee appointed by him for that purpose. The decision of the governor or his advisory committee may be appealed within sixty days after such decision is issued by appealing to the district court of Thurston county. The decision of the superior court may be appealed to the supreme court of the state in accordance with the provision of the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION. Sec. 28B.50.120 --- ---AMOUNT TO BE DEPOSITED---

AUDIT OF--DEPOSITORY, REQUIREMENTS OF--DISBURSEMENT- SURETY BONDS FOR PERSONS AUTHORIZED TO SIGN CHECKS. Sixty percent of all general tuition fees, all incidental fees, and all other income which the trustees are authorized to impose shall be deposited as the trustees may direct. Such sums of money shall be subject to the budgetary and audit provisions of law applicable to state agencies. The depository selected by the trustees shall conform to the collateral requirements required for deposit of other state funds.

Disbursement shall be made by check signed by the president of the community college or his designee appointed in writing, and such other person as may be designated by the board of trustees of the community college district. Each person authorized to sign as provided above, shall execute a surety bond in the sum of not less than the average amount on deposit in the fund during the preceding six months, or ten thousand dollars, whichever is greater. Said bonds shall be filed in the state auditor's office.

NEW SECTION. Sec. 28B.50.330 CONSTRUCTION, RECONSTRUCTION, EQUIPPING AND DEMOLITION OF COMMUNITY COLLEGE FACILITIES AND ACQUISITION OF PROPERTY THEREFOR--AUTHORIZED--FINANCING BY REVENUE BONDS-- BID PROCEDURE. The boards of trustees of community college districts are empowered in accordance with the provisions of this chapter to provide for the construction, reconstruction, erection, equipping, demolition and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances for the use of the aforementioned colleges as authorized by the college board in accordance with RCW 28B.50.140; to be financed by bonds payable out of special funds from revenues hereafter derived from income received from such facilities, gifts, bequests or grants, and such additional funds as the legislature may provide, and payable out of a bond retirement fund to be established by the respective district boards in accordance with rules and regulations of the state board. With respect to building, improvements or repairs, or other work, the trustees shall have and be subject to the

same powers or duties as are authorized and imposed upon school directors by the provisions of RCW 28A.58.135 as now or hereafter amended.

NEW SECTION. Sec. 28B.50.340 CONSTRUCTION, RECONSTRUCTION, EQUIPPING AND DEMOLITION OF COMMUNITY COLLEGE FACILITIES AND ACQUISITION OF PROPERTY THEREFOR--FINANCING BY BONDS SECURED BY PLEDGE OF GENERAL TUITION FEES, GRANTS. In addition to the powers conferred under RCW 28B.50.090, the community college state board is authorized and shall have the power:

(1) To permit the district boards of trustees to contract for the construction, reconstruction, erection, equipping, maintenance, demolition and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances of the college as approved by the community college state board.

(2) To finance the same by the issuance of bonds secured by the pledge of up to forty percent of the general tuition fees.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects.

NEW SECTION. Sec. 28B.50.350 -----BONDS--FORM, TERM, ISSUANCE, SALE, PAYMENT OF PRINCIPAL AND INTEREST ON, DISPOSITION OF PROCEEDS FROM SALE OF. For the purpose of financing the cost of any projects, the college board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable.

Said bonds:

- (1) Shall not constitute
  - (a) an obligation, either general or special, of the state; or
  - (b) a general obligation of the college or of the college

board;



- (2) Shall be
  - (a) either registered or in coupon form; and
  - (b) issued in denominations of not less than one hundred dollars; and
  - (c) fully negotiable instruments under the laws of this state; and
  - (d) signed on behalf of the college board with the manual or facsimile signature of the chairman of the board, attested by the secretary of the board, have the seal of the college board impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;
- (3) Shall state
  - (a) the date of issue; and
  - (b) the series of the issue and be consecutively numbered within the series; and
  - (c) that the bond is payable both principal and interest solely out of the bond retirement fund created for retirement thereof;
- (4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed six percent per annum over the life thereof, and no single interest or coupon rate shall exceed six percent per annum;
- (5) Shall be payable both principal and interest out of the bond retirement fund;
- (6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;
- (7) Shall be sold in such manner as the board may prescribe;
- (8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and

protective provisions safeguarding such payment, not inconsistent with RCW 28B.50.330 through 28B.50. 400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(b) A covenant that sufficient moneys may be transferred from the capital projects account of the college board issuing the bonds to the bond retirement fund of the college board when ordered by the board in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(c) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college board and shall be used solely for paying the costs of the projects, and for the purposes set forth in (8)(b) above;

(9) Shall constitute a prior lien and charge against forty percent of all general tuition fees of the community colleges.

NEW SECTION. Sec. 28B.50.360 -----COMMUNITY COLLEGE BOND RETIREMENT FUND--CREATED--GENERAL TUITION FEE FUNDS TO GO INTO--USE--COMMUNITY COLLEGE CAPITAL PROJECTS ACCOUNT--CREATED--USE. There is hereby created in the state treasury a community college bond retirement fund. Within thirty-five days from the date of start of each quarter forty percent of all general tuition fees of each such community college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if

issuing bonds payable out of general tuition fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community college bond retirement fund which fund as required, is hereby created in the state treasury. The amounts deposited in the bond retirement fund shall be used exclusively to pay and secure the payment of the principal of and interest on the tuition fee bonds issued by the college board as authorized by this chapter. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding general tuition fee bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) That portion of the forty percent of all general tuition fees not required for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of any of the bonds as provided in subsection (1) above shall be deposited in the community college capital projects account which account is hereby created in the general fund of the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes.

NEW SECTION Sec. 28B.50.370 -----BONDS--SOURCES FOR PAYMENT OF PRINCIPAL AND INTEREST ON--FUNDS CREDITED TO BOND RETIREMENT

FUND--PLEDGE TO COLLECT GENERAL TUITION FEES. For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to the bond retirement fund of the state board for community college education, the following:

(1) Amounts derived from up to forty percent of all general tuition fees as are necessary to pay the principal of and interest on the bonds and to secure the same;

(2) Any grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of such bonds, the college board shall charge and collect general tuition fees as established by this chapter and deposit up to forty percent of such fees in the bond retirement fund in amounts which will be sufficient to pay and secure the payment of the principal of, and interest on all such bonds outstanding.

NEW SECTION. Sec. 28B.50.380 -----BONDS--ADDITIONAL POWERS INCIDENT TO BOND AUTHORIZATION. In accordance with the provisions of RCW 28B.50.340 the college board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the college board's capital projects account to the bond retirement fund when necessary to prevent a default in the payments required to be made; and

(4) To create a reserve account or accounts in the bond

retirement fund to secure the payment of the principal of and interest on any bonds.

NEW SECTION. Sec. 28B.50.390 -----REFUNDING BONDS--AUTHORIZED--FORM, TERM, ISSUANCE, ETC.--EXCHANGE OR SALE. The college board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by RCW 28B.50.330 through 28B.50.400 for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the college board. The effective interest cost to maturity on such refunding bonds shall not exceed six percent per annum nor shall any single interest or coupon rate exceed six percent per annum. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner as it deems for the best interest of the college.

NEW SECTION. Sec. 28B.50.400 -----BONDS AS LIMITED OBLIGATION BONDS--ADDITIONAL MEANS TO PAY PRINCIPAL AND INTEREST ON. The bonds authorized to be issued pursuant to the provisions of RCW 28B.50.330 through 28B.50.400 shall not be general obligations of the state of Washington, but shall be limited obligation bonds payable only from the special funds created for their payment. The legislature may specify additional means for providing funds for the payment of principal and interest of said bonds. RCW 28B.50.330 through 28B.50.400 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section to provide for additional means for raising money is permissive, and shall not in any way be construed as a pledge of the general credit of the state of Washington.

NEW SECTION. Sec. 28B.50.440 CONSTRUCTION OF ACT WHEN PART THEREOF IN CONFLICT WITH FEDERAL REQUIREMENTS WHICH ARE CONDITION

PRECEDENT TO ALLOCATION OF FEDERAL FUNDS. If any part of this chapter shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict, and such findings or determination shall not affect the operation of the remainder of this chapter.

NEW SECTION. Sec. 28B.50.520 FEDERAL FUNDS, RECEIPT OF AUTHORIZED. The state board for community college education or any community college board of trustees is authorized to receive federal funds made available for the assistance of community colleges, and providing physical facilities, maintenance or operation of schools, or for any educational purposes, according to the provisions of the acts of congress making such funds available.

NEW SECTION. Sec. 28B.50.530 AGREEMENTS FOR USE OF SERVICES OR FACILITIES BETWEEN DISTRICT BOARDS OF TRUSTEES AND SCHOOL BOARDS. The district boards of trustees and the common school boards are hereby authorized to enter into agreements for the use by either of the other's services, facilities or equipment and for the presentation of courses of either for students of the other where such agreements are deemed to be in the best interests of the education of the students involved.

NEW SECTION. Sec. 28B.50.540 CONDITIONS INCIDENT TO EXISTING TEACHERS' CONTRACTS TO CONTINUE--TEACHER TENURE PLAN REPORT. The provisions of RCW 28A.67.070 applicable to existing teacher contracts between the common school boards and the various teachers in the various community colleges and vocational-technical institutes shall continue to apply with equal effect after the college district boards assume control and supervision of the said community colleges and vocational-technical institutes pursuant to the provisions of this chapter.

The state board for community college education is hereby directed to prepare a study report on teacher tenure agreements and to

recommend legislation to effectuate the best possible teacher tenure plan consistent with the best interests of the state. The study report and proposed legislation shall be presented to the members of the forty-first legislature no later than November 30, 1968.

NEW SECTION. Sec. 28B.50.550 SICK LEAVE CREDIT PLANS TO CONTINUE FOR FACULTY AND NONACADEMIC PERSONNEL--LEAVE PROVISIONS GENERALLY. When the college district boards assume control and supervision of the respective community colleges and vocational-technical institutes, the teachers and nonacademic personnel shall be deemed to remain an employee of the common school board for the purposes of any sick leave credit plan of the common school board until the district board has established a sick leave credit plan for its employees, whereupon the district board shall place to the credit of the employee the sick leave credits standing to his credit in the plan of such common school board. Where applicable, the prior vacation with pay rights of the employees shall be treated in the same manner as above.

The provisions of this section also include the leave provisions of RCW 28A.58.100.

NEW SECTION. Sec. 28B.50.560 HEALTH CARE SERVICE CONTRACTS OR HOSPITALIZATION CONTRACTS TO CONTINUE FOR FACULTY AND NONACADEMIC PERSONNEL--PREMIUM PAYMENTS--FUTURE CONTRACTS. (1) When the college district boards assume administration, control and occupancy of the respective community colleges and vocational-technical institutes, the faculty and nonacademic personnel employed therein shall be deemed to remain an employee of the common school board for the purpose of any health care service contract or hospitalization insurance contract provided as a benefit for such faculty or nonacademic personnel, and shall continue to be entitled to all rights thereunder as if they had remained an employee of the common school board.

Until the state board for community college education adopts a new hospitalization insurance contract or health care service contract for all employees in the community college system, the district college boards shall deduct from the remuneration of such employee

the amount which such employee is or may be required to pay in accordance with the provisions of any existing hospitalization insurance or health care service contract and the district college boards shall pay to the hospitalization insurance company or health care service contractor the employer's share required to be paid under the provisions of such existing plans by the employer and the employee.

(2) The state board for community college education is hereby directed to secure the best possible health care service plan available under the provisions of RCW 41.04.180 as now or hereafter amended.

NEW SECTION. Sec. 28B.50.570 PENSION PLANS TO CONTINUE FOR FACULTY AND NONACADEMIC PERSONNEL--PAYMENTS FOR--OPTION FOR NEW FACULTY--STUDY REPORT FOR PENSION PLANS FOR FACULTY. When the college district boards assume administration control and occupancy of the respective community colleges and vocational-technical institutes, the faculty and nonacademic personnel employed therein shall be deemed to remain an employee of the common school board for the purpose of any pension plan of such employees, and shall continue to be entitled to all rights and benefits thereunder as if they had remained employed by the common school board.

Until the legislature adopts a new pension plan for such employees, the district boards shall deduct from the remuneration of such employee the amount which such employee is or may be required to pay in accordance with the provisions of the pension plan of the Washington state teachers retirement system and the district boards shall pay to the retirement system any amounts required to be paid under the provisions of such plan by the employer and the employee.

(2) Faculty hired by the college district boards after April 3, 1967, who are members of a teachers' pension plan in operation in the state of Washington or who are members of a nation-wide teachers' pension plan, may continue to retain membership in such plan if they so elect and if the election is not inconsistent with the regulations of such retirement plan.



Until the legislature adopts a new pension plan for such employees, the district boards shall deduct from the remuneration of such employee the amount which such employee is or may be required to pay in accordance with the provisions of the pension plan he has elected to continue and the college district boards shall pay to the pension plan any amounts required to be paid under the provisions of such plan by the employer and the employee.

(3) The state board for community college education is hereby directed to consult with the public pension commission and prepare a study report on pension plans for faculty and to recommend legislation to adopt a plan for the best interests of the state. The study report shall be presented to the members of the forty-first legislature no later than November 30, 1968.

NEW SECTION. Sec. 28B.50.580 PROFESSIONAL NEGOTIATIONS LAW, APPLICATION AFTER APRIL 3, 1967--STUDY ON APPLICABILITY TO STATE SYSTEM OF COMMUNITY COLLEGES. Whenever the provisions of the professional negotiations law, chapter 28A.72 RCW, as now or hereafter amended, applies to the faculty and staff of the said community colleges and vocational-technical institutes, it shall continue to apply after April 3, 1967, but negotiations and appeals shall be conducted with the respective board and the director of the state board for community college education.

The state board for community colleges shall prepare a study for presentation to the members of the forty-first legislature with respect to the applicability of such law to the state system of community colleges.

NEW SECTION. Sec. 28B.50.590 SHARING OF SINGLE FACILITY BY COMMUNITY COLLEGE PROGRAM AND K-12 PROGRAM--ADMINISTRATION AND CONTROL--SHARE OF EXPENSES, ARBITRATION OF. Whenever, prior to April 3, 1967, the use of a single building facility is being shared between an existing community college program and a K-12 program, hereafter the respective boards shall continue to share the use of the facility until such time as it is convenient to remove one of the two programs

to another facility. The determination of convenience shall be based solely upon the best interests of the students involved.

Whenever a community college district board and a common school district board are sharing the use of a single facility, the program occupying the majority of the space of such facility, exclusive of space utilized equally by both, shall determine which board will be charged with the administration and control of such facility. The determination of occupancy shall be based upon the space occupied as of January 1, 1967.

The board which is charged with the administration and control of such facility may share expenses with the other board for the use of the facility.

In the event that the two boards are unable to agree upon which board is to administer and control the facility or upon a fair share of expenses for the use of the facility, the governor shall appoint an arbitrator to settle the matter. The decisions of the arbitrator shall be final and binding upon both boards. The expenses of the arbitration shall be divided equally by each board.

NEW SECTION. Sec. 28B.50.600 SCHOOL DISTRICT BONDS--REDEMPTION OF BY SCHOOL DISTRICT TO CONTINUE THROUGH FACILITY UNDER CONTROL OF COMMUNITY COLLEGE DISTRICT BOARD. Whenever a common school board has contracted to redeem general obligation bonds used for the construction or acquisition of facilities which are now to be under the administration, control and occupancy of the community college district board, the common school board shall continue to redeem the bonds in accordance with the provisions of the bonds.

NEW SECTION. Sec. 28B.50.610 TRANSFER OF RECORDS, EQUIPMENT OR PROPERTY AND PENDING BUSINESS OF ABOLISHED AGENCIES OR AGENCIES WHOSE POWERS AND DUTIES TRANSFERRED--GOVERNOR TO SETTLE DISPUTES. In all cases where an existing office, board, commission, bureau, or department of the state is abolished by this chapter, or where the powers and duties vested in, and required to be performed by, any existing officer, board, commission, common school district board,

bureau, or department, are transferred to, vested in and required to be performed by, an existing or a newly created department, council, district board, state board, or a state officer, all books, papers, maps, charts, plans, records, and all other equipment or property in the possession of such existing officer, board, commission, common school district board, bureau or department or any officer or member thereof, and pending business in any way pertaining to the powers and duties of such office, board, commission, bureau, or department abolished by this chapter, shall be delivered and transferred to the administrative and executive head of the department, the council, district board, state board, or state officer to which his or its powers and duties are transferred. In case such powers and duties are divided between two or more departments, councils, district boards, state boards, committees, or state officers, each shall receive such books, papers, maps, charts, plans, records, other equipment and property, and pending business as pertain to the powers and duties transferred to that department, council, district board, state board, or officer. In all cases where any question shall arise as to the proper custody of any such books, papers, maps, charts, plans, records, other equipment and property, and pending business, the governor shall settle the dispute.

All parties to such transfer are hereby directed to cooperate to the extent that the changeover shall be accomplished in the best interest of education and the people served by such state board, department, council, or district board.

NEW SECTION. Sec. 28B.50.620 -----PENDING PROCEEDINGS  
SAVED--COMPLETION. All petitions, hearings, and other proceedings pending before any existing officer, board, commission, bureau, common school district board, or department which is abolished by this chapter, or the powers and duties of which are vested in, and required to be performed by, an existing or newly created department, or state officer, and all prosecutions, legal or other proceedings and investigations begun by any such officer, board, commission, bureau,

or department, and not completed at the time of the taking effect of this chapter, shall continue and remain in full force and effect notwithstanding the passage of this chapter, and may be completed before or by the department, board, council or district board, or officer which succeeds to the powers and duties of such office, board, commission, bureau, or department.

NEW SECTION. Sec. 28B.50.630 -----ORDERS, RULES AND REGULATIONS SAVED--EFFECTIVE UNTIL REVOKED OR MODIFIED. All orders, rules, and regulations made by any existing officer, board, commission, bureau, common school district board, or department which is abolished by this chapter, or the powers and duties of which are vested in, and required to be performed by, an existing or newly created department, board, council, or district board, or a state officer, shall remain in full force and effect until revoked, or modified in accordance with law by the department, board, council, or district board, or officer which succeeds to the powers and duties of such existing office, board, commission, district board, bureau, or department.

NEW SECTION. Sec. 28B.50.640 -----CONTRACTS AND OBLIGATIONS SAVED--TO BE PERFORMED BY SUCCESSOR AGENCIES. All existing contracts and obligations of the officers, boards, commissions, bureaus, departments, common school district boards, abolished by this chapter, or the powers and duties of which are vested in, and required to be performed by, an existing or newly created department, council, board, district board, or a state officer, shall remain in full force and effect, and shall be performed by the respective departments, council, board, district board, or state officers to which the powers and duties of such existing office, board, commission, bureau, department or district board are transferred.

NEW SECTION. Sec. 28B.50.650 -----REPORTS REQUIRED BY LAW TO BE MADE TO BE PERFORMED BY SUCCESSOR AGENCIES. All reports required by law to be made by any existing office, board, commission, bureau, department, district board, abolished by this chapter, or the

powers and duties of which are vested in, and required to be performed by, an existing or newly created department, board, council, district board, created by this chapter, or a state officer, shall hereafter be made by the executive and administrative head of the department, or board, council, district board or officer to which the powers and duties of such existing office, board, commission, bureau, department or district board are transferred.

NEW SECTION. Sec. 28B.50.660 -----AGENCY DUTY TO PROVIDE INFORMATION OR SERVICES TO OTHER STATE AGENCY. In all cases where by this chapter power is vested in a department or officer to inspect, examine, secure data or information from or procure assistance from, another department or officer, it shall be the duty of such other department or officer to submit to such inspection or examination, and to furnish the data, information, or assistance required.

NEW SECTION. Sec. 28B.50.670 -----TRANSFER OF POWERS AND DUTIES, VESTING OF--LEGAL EFFECT--OBLIGATIONS, DUTIES AND RIGHTS SAME. In all cases where any powers and duties, which have heretofore been vested in, or performed by, any existing officer, board, commission, common school district board, bureau or department, or any deputy or subordinate officer thereof, are by this chapter transferred, either in whole or in part, to, or vested in and required to be performed by, an existing or newly created department, or state officer, such powers and duties shall be vested in, and shall be performed by, the department, council, board, district board, or officer to which the same are hereby transferred, and not otherwise. And every act done in the exercise of such powers and duties shall have the same legal effect as if done by the former officer, board, commission, bureau, common school district board, or department or any deputy or subordinate officer thereof. Every person and corporation shall be subject to the same obligations and duties, and shall have the same rights arising from the exercise of such powers and the performance of such duties, as if such powers and duties were exercised and performed by the officer, board, commission, bureau, district board, or department,

or any deputy or subordinate officer thereof, designated in the respective laws which are to be administered by the departments, council, board, district boards, or state officers to which such powers and duties are transferred.

NEW SECTION. Sec. 28B.50.680 -----TEACHERS AND OTHER EMPLOYEES TO CONTINUE PERFORMING USUAL DUTIES UNTIL REMOVED, APPOINTED TO OTHER POSITIONS, OR FURTHER TRANSFERRED. In all cases where an existing office, board, commission, bureau, department, or common school district board is abolished by this chapter, or where the powers and duties vested in, and required to be performed by, any existing officer, board, commission, bureau, department or district board are transferred to, vested in, and required to be performed by an existing or newly created department, council, state board, or district board, or a state officer, all teachers and other employees of such office, board, common school district board, commission, bureau, or department so abolished, or the powers and duties of which are so transferred, as the director of the department or council, state board, or district board, or officer to which the powers and duties of such office, board, commission, bureau, district board, or department are transferred may select, shall continue to perform their usual duties upon the same terms and conditions as heretofore, until removed, or appointed to positions in accordance with the provisions of this chapter relative to such department, board, or district board or transferred to some other department, board, or district board. In all cases where the powers and duties of any such existing office, board, commission, bureau, district board, or department are divided between departments, boards, council, district boards, or state officers, each of such departments, committees, or officers shall receive, on the above terms and conditions, such of the employees of said office, board, commission, bureau, or department as are selected by the respective directors of the department, or by the council, state board, or district board, or state officer to which the functions thereof are by this chapter transferred.

NEW SECTION. Sec. 28B.50.690 TRANSFER OF APPROPRIATIONS. The appropriations made to the state board for vocational education abolished by this chapter shall be transferred to and made available to the coordinating council for occupational education in accordance with the powers, duties and functions assigned to it by this chapter. Appropriations for the exercise of powers, duties and functions transferred to the state board for community college education from the state board of education shall be transferred to and made available to the state board for community college education in accordance with the provisions of RCW 28B.50.700.

NEW SECTION. Sec. 28B.50.700 TRANSFERS FROM STATE BOARD OF EDUCATION TO STATE BOARD FOR COMMUNITY COLLEGE EDUCATION--APPORTIONMENT PROCEDURE--CERTIFICATION OF APPORTIONMENTS. The transfer of equipment, funds and appropriations from the state board of education to the state board for community college education, as provided in RCW 28B.50.590 through 28B.50.700, shall be accomplished in accordance with apportionments among the several agencies by the director of the budget, who shall have due consideration to the total of the appropriations to the several agencies, the size and nature of the functions to be transferred and the feasibility of segregating such equipment to the various functions. The director of the budget shall certify such apportionments to the agencies affected and to the state auditor, the state treasurer and department of general administration, each of whom shall make the appropriate transfers and adjustments in their funds and appropriation accounts and equipment records in accordance with such certification.

NEW SECTION. Sec. 28B.50.710 COMMUNITY COLLEGE SPECIAL SERVICE REVOLVING FUNDS--DISBURSEMENT OF--TRANSFER. All funds remaining to the credit of the various special service revolving funds created pursuant to RCW 28.84.290 (herein repealed) shall be disbursed in accordance with the provisions of RCW 28.84.290 until July 1, 1967, thereafter such funds shall be transferred to the community college district boards of trustees.

NEW SECTION. Sec. 28B.50.740 SCHOOL DISTRICT BONDS--THOSE ISSUED FOR COMMUNITY COLLEGE FACILITIES NOT CONSIDERED INDEBTEDNESS UNDER STATUTORY LIMITATIONS ON. Notwithstanding any other statutory provision relating to indebtedness of school districts, bonds heretofore issued by any common school district for the purpose of providing funds for community college facilities shall not be considered as indebtedness in determining the maximum allowable indebtedness under any statutory limitation of indebtedness when the sum of all indebtedness therein does not exceed the maximum constitutional allowable indebtedness applied to the value of the taxable property contained in such school district: PROVIDED, That nothing contained herein shall be construed to affect the distribution of state funds under any applicable distribution formula.

NEW SECTION. Sec. 28B.50.750 CONTRACTS AND OBLIGATIONS OF SCHOOL DISTRICT FOR COMMUNITY COLLEGE FACILITIES--COMPLETION--DUTIES AND RESPONSIBILITIES RELATING TO COMMUNITY COLLEGES TO CONTINUE IN SCHOOL DISTRICTS UNTIL ASSUMED. Until the community college district board has actually assumed the duties and responsibilities of the administration, management, or development of existing or authorized community college facilities, those duties and responsibilities shall continue to be discharged by the common school district operating or developing such community college facilities on April 3, 1967.

Where contracts have been let by the common school board pursuant to present law for the purpose of acquisition, construction, repair or modification of an existing community college facility such projects shall be completed under the administration of the common school board, superintendent of public instruction and/or the state board of education, and payments thereto shall be made from such funds as are allocated thereto.

NEW SECTION. Sec. 28B.50.770 SCHOOL DISTRICTS MAY ELECT TO HAVE VOCATIONAL-TECHNICAL INSTITUTES REMAIN A PART OF SCHOOL DISTRICT --RELINQUISHMENT OF ADMINISTRATIVE CONTROL OVER. Notwithstanding any other provisions of this chapter, the board of directors of any public



school district wherein there is an existing vocational-technical institute, may elect to have such vocational-technical institute remain a part of the public school system rather than have such institute become a part of the state community college system: PROVIDED, That within thirty days after April 3, 1967, any school district operating a vocational-technical institute which operates independently of any existing community college as of January 1, 1967 may elect to remain independent of any community college by resolution of the board of directors of such district: AND PROVIDED FURTHER, That any public school district may relinquish administrative control over a vocational-technical institute at the beginning of any fiscal biennium if by resolution dated before the preceding January 1st it shall so inform the state board of education and the state and district community college boards.

NEW SECTION. Sec. 28B.50.780 FUNDS FOR COMMUNITY COLLEGES AUTHORIZED IN 1965 ACT. It is the intent of this legislature that the college board provide for the four community colleges authorized by section 3, chapter 159, Laws of 1965 extraordinary session, and for which local funds for construction have been voted as of April 3, 1967, funds equivalent to those that would have been provided by matching ratios and construction costs in effect on January 1, 1967.

NEW SECTION. Sec. 28B.50.790 PERFORMANCE OF POWERS AND DUTIES DURING TRANSITIONAL PERIOD. Notwithstanding any other provision of law, during the transitional period between the time the Community College Act of 1967 (chapter 8, Laws of 1967 first extraordinary session) became effective and the time when the coordinating council for occupational education and the state board for community college education and the respective community college district boards of trustees have been appointed and organized, the powers and duties transferred to such agencies by this act (chapter 8, Laws of 1967 first extraordinary session) shall continue to be performed, and the necessary disbursements, allotments and apportionments of state funds in connection therewith shall continue to be made as if this act

(chapter 8, Laws of 1967 first extraordinary session) had not been enacted.

NEW SECTION. Sec. 28B.50.910 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.

Chapter 28B.60

COMMUNITY COLLEGE DEVELOPMENT DISTRICTS

NEW SECTION. Sec. 28B.60.010 AUTHORIZED--QUALIFICATIONS. Any area served by a community college district which also contains extensive buildings, facilities and property suitable for meeting the needs of the district, which are available to the district because of the closure of a major United States Air Force base formerly used by the strategic air command of the United States Air Force, shall be eligible to become a community college development district (hereinafter in this chapter referred to as "development district" or "district").

NEW SECTION. Sec. 28B.60.020 BENEFITS RECOGNIZED AS PROPER FOR ASSESSMENT PURPOSES. Education has long been recognized as a means of advancing not only the cultural standards of the community, but also to raise the economic standards as well. The development of community college facilities located within a reasonable distance of the lands of the development district and designed to meet the economic needs of the development district, has a direct economic benefit to property values of such district, as well as to the people living within the district. Because the philosophy of the community college is directly geared to meet the needs of the community and because of the aforesaid special benefit to property, it is proper to allow the area served by the development district to provide some of the funds needed for development and operation through assessments on property located within the district by means of the petitioning and voting procedures described in this chapter.

NEW SECTION. Sec. 28B.60.030 TITLE HOLDERS NECESSARY TO

PROPOSE DISTRICT ORGANIZATION--POWERS UPON ORGANIZATION. Whenever fifty of the holders of title to, or of evidence of title to land that could be benefited by the services and facilities, training and information that could be supplied by a development district, desire to organize a development district for any or all of the purposes mentioned in chapter 28B.50 RCW, they may propose the organization of a community college development district in the manner provided herein; and when so organized such district shall have all the powers that may now or hereafter be conferred by law.

NEW SECTION. Sec. 28B.60.040 PURPOSES FOR DISTRICT ORGANIZATION AND MAINTENANCE. A development district may be organized or maintained for any or all of the following purposes:

(1) To provide funds to help enable any community college located within the district to develop and operate buildings, facilities and property acquired from the United States of America when the federal government has closed down a major United States Air Force base formerly operated by the strategic air command.

(2) The performance of all things necessary to enable the district to exercise the powers herein expressly or impliedly granted.

NEW SECTION. Sec. 28B.60.050 PETITION TO ORGANIZE--CONTENTS--BOND FOR COSTS--PRESENTATION OF PETITION, NOTICE OF--INVESTIGATION AND REPORT BY COMMUNITY COLLEGE OFFICIAL. For the purpose of organizing a development district, a petition, signed by the required number of holders of title or evidence of title to land within the proposed district, shall be presented to the board of county commissioners of the county in which the proposed district or the greater portion thereof, is situated, which petition shall contain the following:

(1) A description of the lands to be included in the operation of the district, in legal subdivisions or fractions thereof, and the name of the county or counties in which said lands are situated.

(2) The signature and post office address of each petitioner, together with the legal description of the particular lands within the proposed district owned by said respective petitioners.

(3) A general statement of the probable location of the community college facilities, either existing or planned, and a brief outline of the plan of improvements contemplated by the organization of the district.

(4) A statement of the number of directors, either three or five, desired for the administration of the district and of the name by which the petitioners desire the district to be designated.

(5) Any other matter deemed material.

(6) A prayer requesting the board to take the steps necessary to organize the district.

The petition must be accompanied by a good and sufficient bond, to be approved by the board of county commissioners, in double the amount of the probable cost of organizing the district, and conditioned that the bondsmen will pay all of the costs in case such organization shall not be effected. Said petition shall be presented at a regular meeting of the said board, or at any special meeting ordered to consider and act upon said petition, and shall be published at least once a week during the three weeks (three issues) before the time at which the same is to be presented, in some newspaper of general circulation printed and published in the county or counties where said petition is to be presented, together with a notice signed by the clerk of the board of county commissioners stating the time of the meeting at which the same will be presented. The board shall, in addition to publishing as provided herein, cause a copy of the notice to be mailed to the address for each parcel of property located within the district as set forth in the property rolls of each county treasurer's office servicing land within the district. However, failure to receive actual notice shall not exempt any land or property from being included in the district.

In the event that the boundaries of the contemplated development district lie within more than one county, the petition shall be presented in the same manner before the board of county commissioners of each county and the procedures for notice and publication

prescribed for one county shall be followed in each county. However, the time of hearing shall be arranged so that the county commissioners from the county which has the smallest area of the proposed district may attend the hearing in the other county, if they should so desire. The said notice, together with a map of the district, shall also be served by registered mail at least thirty days before the said hearing upon the chief educational officer for community colleges at Olympia, Washington, who shall, at the expense of the district in case it is later organized, otherwise at the expense of the petitioners' bondsmen, make such investigation of the proposed plans of the community college development district as he may deem necessary, and file a report of his findings together with a statement of his costs, with the board of county commissioners at or prior to the time or times set for said hearing or hearings.

NEW SECTION. Sec. 28B.60.055 HEARING ON PETITION AND DETERMINATION--DISTRICT BOUNDARIES, NAME--ELECTION ON, NOTICE OF. When the petition is presented, the board of county commissioners of the county containing the largest area of the proposed district shall hear the same, shall receive such evidence as it may deem material, and may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing shall, if it deems it advisable, establish and define the boundaries of the district along such lines as in the judgment of the board will best benefit the lands involved and enter an order to that effect: PROVIDED, That no lands shall be included in the district which in the judgment of the board will not be benefited. At said final hearing, the board shall also give the district a name and shall order that an election be held therein for the purpose of determining whether or not the district shall be organized under the provisions of this chapter, and for the purpose of electing directors.

The clerk of the board of county commissioners shall then give notice of the election ordered to be held as aforesaid, which notice shall describe the district boundaries as established, and shall give

the name by which said proposed district has been designated, and shall state the purposes and objects of said election, and shall be published once a week during the three weeks (three issues) prior to said election, in a newspaper of general circulation published in the county or counties where the petition aforesaid was presented; and if any portion of said proposed district lies within another county or counties, then said notice shall be published by the clerk of each board of county commissioners in a newspaper within each of said counties. Said election notice shall also require the electors to cast ballots which shall contain the words "Community College Development District-Yes", and "Community College Development District-No", and also the names of persons to be voted for as directors of the district: PROVIDED, That where in this chapter publication is required to be made in a newspaper of any county, the same may be made in a newspaper of general circulation in such county, selected by the person or body charged with making the publication and such newspaper shall be the official paper for such purpose. After the district boundaries have been established by the board of county commissioners, the commissioners shall, in addition to publishing as provided herein, cause a copy of the notice to be mailed to the address for each parcel of property located within the proposed district as set forth in the property rolls of each county treasurer's office servicing land within the district. However, failure to receive actual notice shall not exempt any land or property from being included in the district.

NEW SECTION. Sec. 28B.60.060 ELECTION PROCEDURE. All elections on the question of organizing development districts, whether general or special, for any district purpose and in any county of the state, shall be called, noticed, and conducted in accordance with the laws of the state relating to the elections of the boards of county commissioners except that the specific requirements as to electors in RCW 28B.60.080 shall determine who shall be eligible to vote.

If the proposed district boundaries lie in more than one county, the majority of county commissioners in each county may call

for a joint election, and thereafter the election shall be called, noticed and conducted and the votes canvassed, jointly.

NEW SECTION. Sec. 28B.60.070 -----MAJORITY OF ELECTORS CASTING BALLOTS DECIDE ISSUES. Any question as to the formation of a district, or the election of directors, or any other question brought up for a vote, shall be decided by a majority vote of the electors actually casting their ballots at the time of the election:

NEW SECTION. Sec. 28B.60.080 -----PERSONS ENTITLED TO VOTE --OPENING OF REGISTRATION BOOKS PRIOR TO ELECTION--EVIDENCE OF TITLE OF AND OATH OF ELIGIBLE ELECTOR--AUDITOR TO CONDUCT ELECTION, RECEIVE COMPENSATION. Only owners of real property shall be entitled to vote. The owner shall be deemed to be the person who has, or is acquiring title to real property located in the district, and who would be required to pay any assessments levied, to avoid losing his title to the property. Owners of property shall be entitled to register with the county auditor of the county or counties having land included in the petition for organization, or, for later voting, shall have land within the district. The county auditor or auditors shall open the registration books sixty days prior to the date of any election called by the county commissioners, or later, by the directors of the district, once the district is formed. The county auditor or auditors shall keep the registration books open during regular business hours for a period of thirty days and close said books at least twenty-eight days prior to the date of the election. Each person registering as an elector eligible to vote in any district election shall bring some evidence of title of land owned, and including a description of the property owned. The county auditor shall note the name and land described and cause the person registering to sign an oath that he has, or is, acquiring title to said described real estate and is entitled to vote thereon. The county auditor shall be entitled to rely on the sworn information provided, without checking the chain of title. The person so registering shall be entitled to vote at the election called for the organization of a development

district. A like registration shall be held at any future election called for such purpose. The county auditor shall conduct any such election and shall be given reasonable compensation for his, or their, services by the bondsmen, or the district, if it is formed.

NEW SECTION. Sec. 28B.60.090 DURATION OF DISTRICT--ELECTION TO CONTINUE OR ABOLISH, PROCEDURE, NOTICE OF. The development district shall continue for four years if voted into existence by a majority of the electors in the proposed boundaries. After four years, the county auditors in the county or counties who conducted the first election shall call and conduct new elections and shall give notice by publishing and mailing a notice of election as was done for the original election. If a majority of the electors then vote against continuance of the district, the district shall be abolished. If a majority of the electors vote for continued existence of the district, the district shall continue indefinitely with all of its rights, duties, and powers, unless abolished at an election called, noticed, and conducted as the organizational election.

NEW SECTION. Sec. 28B.60.100 DIRECTORS OF COMMUNITY COLLEGE DISTRICT AS DEVELOPMENT DISTRICT DIRECTORS--POWERS AND DUTIES. The directors of the development district shall be the same as the directors of any community college district which may be formed within all or any part of the land included in the development district. The directors shall retain all prior rights and authority heretofore granted to them, or hereafter granted to them, as directors of the community college district, under any law of the state of Washington now passed, or passed in the future. The directors of the development district shall also have the authority to build, repair, improve, replace, and operate any buildings, facilities or equipment located on land acquired from the United States government and which had formerly been used as a United States Air Force base by the strategic air command of the United States Air Force. In particular, the directors shall be enabled to use said buildings, property, and facilities, for classrooms, dormitories, eating facilities, and any other purpose



suitable for carrying out the development district's program.

NEW SECTION. Sec. 28B.60.110 SPECIAL ASSESSMENT, LIMITATIONS ON--COLLECTION--EXCESS LEVY AUTHORIZATION, ELECTION ON, PROCEDURE.

The directors of the development district shall be empowered to specially assess land located in the district for the benefits there-to, taking as a base the last equalized assessment for county purposes: PROVIDED, That such assessment shall not exceed one mill upon said assessed valuation without securing authorization by vote of the electors of the district in an election held for that purpose. The directors shall give notice of such an election, for the time and in the manner and form provided, for development district elections. The manner of conducting the voting at such an election, opening and closing the polls, canvassing the votes, certifying the returns, and declaring the results, shall be the same as the elections for the board of county commissioners, except as specifically modified by law.

The special assessment provided for herein shall be due and payable at such time and in such amounts as designated by the district directors, which designation shall be made to the county auditor in writing, and the amount so designated shall be added to the general taxes and entered upon the assessment rolls in his office and collected therewith.

NEW SECTION. Sec. 28B.60.120 CHAPTER NOT TO CHANGE STATUS OF COMMUNITY COLLEGE DISTRICT NOR ALLOW AGREEMENTS PREVENTING CHANGE IN BOUNDARIES OF ANY SUCH DISTRICT. Nothing in this chapter shall be construed as causing a community college district to become a taxing district or a municipal corporation, and nothing herein shall be construed to allow any contractual agreements which would prevent any change in the boundaries of any community college district.

#### Chapter 28B.70

#### WESTERN REGIONAL HIGHER EDUCATION COMPACT

NEW SECTION. Sec. 28B.70.010 RATIFICATION OF COMPACT. The western regional higher education compact, recommended by the western governors' conference on November 10, 1950, for adoption by the

states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska and Hawaii, is hereby ratified and approved and the adherence of this state to the provisions of this compact, upon its ratification and approval by any four or more of such states or territories in addition to this state, is hereby declared.

NEW SECTION.    Sec. 28B.70.020    TERMS AND PROVISIONS OF COMPACT.    The terms and provisions of the compact referred to in RCW 28B.70.010 are as follows:

WESTERN REGIONAL HIGHER EDUCATION COMPACT

Article I

WHEREAS, The future of this Nation and of the Western States is dependent upon the quality of the education of its youth; and

WHEREAS, Many of the Western States individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all the essential fields of technical, professional and graduate training, nor do all of the states have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

WHEREAS, It is believed that the Western States, or group of such states within the Region, cooperatively can provide acceptable and efficient educational facilities to meet the needs of the Region and of the students thereof;

NOW, THEREFORE, The States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, and the Territories of Alaska and Hawaii, do hereby covenant and agree as follows:

Article II

Each of the compacting states and territories pledge to each of the other compacting states and territories faithful cooperation in carrying out all the purposes of this compact

Article III

The compacting states and territories hereby create the Western Interstate Commission for Higher Education, hereinafter called the Commission. Said Commission shall be a body corporate of each compacting state and territory and an agency thereof. The Commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states and territories.

#### Article IV

The Commission shall consist of three resident members from each compacting state or territory. At all times one commissioner from each compacting state or territory shall be an educator engaged in the field of higher education in the state or territory from which he is appointed.

The commissioners from each state and territory shall be appointed by the governor thereof as provided by law in such state or territory. Any commissioner may be removed or suspended from office as provided by the law of the state or territory from which he shall have been appointed.

The term of each commissioner shall be four years: PROVIDED; HOWEVER, That the first three commissioners shall be appointed as follows: one for two years, one for three years, and one for four years. Each commissioner shall hold office until his successor shall be appointed and qualified. If any office becomes vacant for any reason, the governor shall appoint a commissioner to fill the office for the remainder of the unexpired term.

#### Article V

Any business transacted at any meeting of the Commission must be by affirmative vote of a majority of the whole number of compacting states and territories.

One or more commissioners from a majority of the compacting states and territories shall constitute a quorum for the transaction of business.

Each compacting state and territory represented at any meeting of the Commission is entitled to one vote.

#### Article VI

The Commission shall elect from its number a chairman and a vice-chairman, and may appoint, and at its pleasure dismiss or remove, such officers, agents and employees as may be required to carry out the purpose of this compact; and shall fix and determine their duties, qualifications and compensation, having due regard for the importance of the responsibilities involved.

The commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the Commission.

#### Article VII

The Commission shall adopt a seal and bylaws and shall adopt and promulgate rules and regulations for its management and control.

The Commission may elect such committees as it deems necessary for the carrying out of its functions.

The Commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The chairman may call such additional meetings and upon the request of a majority of the commissioners of three or more compacting states or territories shall call additional meetings.

The Commission shall submit a budget to the governor of each compacting state and territory at such time and for such period as may be required.

The Commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the Region.

On or before the fifteenth day of January of each year, the Commission shall submit to the governors and legislatures of the compacting states and territories a report of its activities for the

preceding calendar year.

The Commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the governor of any compacting state or territory or his designated representative. The Commission shall not be subject to the audit and accounting procedure of any of the compacting states or territories. The Commission shall provide for an independent annual audit.

#### Article VIII

It shall be the duty of the Commission to enter into such contractual agreements with any institutions in the Region offering graduate or professional education and with any of the compacting states or territories as may be required in the judgment of the Commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states or territories. The Commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

For this purpose the Commission may enter into contractual agreements

(a) with the governing authority of any educational institution in the Region, or with any compacting state or territory to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties and

(b) with the governing authority of any educational institution in the Region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the Region providing the desired services and facilities, upon such terms and conditions as the Commission may prescribe.

It shall be the duty of the Commission to undertake studies of needs for professional and graduate educational facilities in the Region, the resources of meeting such needs, and the long-range

effects of the compact on higher education; and from time to time prepare comprehensive reports on such research for presentation to the Western Governors' Conference and to the legislatures of the compacting states and territories. In conducting such studies, the Commission may confer with any national or regional planning body which may be established. The Commission shall draft and recommend to the governors of the various compacting states and territories, uniform legislation dealing with problems of higher education in the Region.

For the purposes of this compact the word "Region" shall be construed to mean the geographical limits of the several compacting states and territories.

#### Article IX

The operating costs of the Commission shall be apportioned equally among the compacting states and territories.

#### Article X

This compact shall become operative and binding immediately as to those states and territories adopting it whenever five or more the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska and Hawaii have duly adopted it prior to July 1, 1955. This compact shall become effective as to any additional states or territories thereafter at the time of such adoption.

#### Article XI

This compact may be terminated at any time by consent of a majority of the compacting states or territories. Consent shall be manifested by passage and signature in the usual manner of legislation expressing such consent by the legislature and governor of such terminating state. Any state or territory may at any time withdraw from this compact by means of appropriate legislation to that end. Such withdrawal shall not become effective until two years after written notice thereof by the governor of the withdrawing state or territory accompanied by a certified copy of the requisite legislative action is received by the Commission. Such withdrawal shall not relieve

the withdrawing state or territory from its obligations hereunder accruing prior to the effective date of withdrawal. The withdrawing state or territory may rescind its action of withdrawal at any time within the two-year period. Thereafter the withdrawing state or territory may be reinstated by application to and the approval by a majority vote of the Commission.

#### Article XII

If any compacting state or territory shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder, shall be suspended from the effective date of such default as fixed by the commission.

Unless such default shall be remedied within a period of two years following the effective date of such default, this compact may be terminated with respect to such defaulting state or territory by affirmative vote of three-fourths of the other member states or territories.

Any such defaulting state may be reinstated by (a) performing all acts and obligations upon which it has heretofore defaulted, and (b) application to and the approval by a majority vote of the Commission.

NEW SECTION. Sec. 28B.70.030 FORMAL RATIFICATION. Upon ratification and approval of the western regional higher education compact by any four or more of the specified states or territories in addition to this state, the governor of this state is authorized and directed to execute said compact on behalf of this state and to perform any other acts which may be deemed requisite to its formal ratification and promulgation.

NEW SECTION. Sec. 28B.70.040 APPOINTMENT, REMOVAL OF COMMISSIONERS. (1) The governor, with the advice and consent of the senate, shall appoint the members, for this state, of the Western Interstate Commission for Higher Education, which is created under the

provisions of Article III of the western regional higher education compact.

(2) The qualifications and terms of office of the members of the commission for this state shall conform with the provisions of Article IV of said compact.

(3) The commissioners shall serve without compensation and they shall be reimbursed for their actual and necessary expenses by the Western Interstate Commission for Higher Education.

(4) The governor may remove a member of the commission in conformity with the provisions of RCW 43.06.070, 43.06.080 and 43.06-.090.

NEW SECTION. Sec. 28B.70.050 NONRESIDENT TUITION FEES--EXEMPTION. When said compact becomes operative the governing board of each institution of higher learning in this state, to the extent necessary to conform with the terms of the contractual agreement, may exempt from payment of tuition fees established by law for nonresident students any student admitted to such institution under the terms of a contractual agreement entered into with the commission in accord with the provisions of Article VIII (a) of the compact.

#### Chapter 28B.75

#### HIGHER EDUCATION FACILITIES COMMISSION

NEW SECTION. Sec. 28B.75.010 "COMMISSION" DEFINED. As used in this chapter "commission" means the higher education facilities commission of the state of Washington.

NEW SECTION. Sec. 28B.75.020 COMMISSION CREATED. There is hereby created the "higher education facilities commission" of the state of Washington.

NEW SECTION. Sec. 28B.75.030 MEMBERS--APPOINTMENT, QUALIFICATIONS--TERMS--COMMISSION CHAIRMAN. 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.

NEW SECTION. Sec. 28B.75.040 COMMISSION POWERS AND DUTIES.

The higher education facilities commission shall:

(1) Prepare plans of participation as required by Title I of the Higher Education Facilities Act of 1963 and Title VI of the Higher Education Act of 1965. The plans 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 and for the purchase of undergraduate instructional equipment 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 Title VI of the Higher Education Act of 1965 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.

(5) Supervise the federal program of low interest insured loans to students in institutions of higher education as provided by Title IV B of the Higher Education Act of 1965.

NEW SECTION. Sec. 28B.75.050 EMPLOYEES. The commission may employ an executive secretary and such clerical and other assistance

as it finds necessary or appropriate.

NEW SECTION. Sec. 28B.75.060 MEMBERS--COMPENSATION AND EXPENSES OF. 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.

NEW SECTION. Sec. 28B.75.070 FEDERAL FUNDS. The commission is authorized to receive and expend federal funds.

#### Chapter 28B.98

#### CONSTRUCTION

NEW SECTION. Sec. 28B.98.010 REPEALS AND SAVINGS. The following acts or parts of acts are each repealed:

- (1) Chapter 14, Laws of 1967;
- (2) Sections 2, 3, and 5 through 17, chapter 47, Laws of 1967;
- (3) Chapter 103, Laws of 1967;
- (4) Section 2, chapter 135, Laws of 1967;
- (5) Section 4, chapter 151, Laws of 1967;
- (6) Chapter 231, Laws of 1967;
- (7) Chapter 5, Laws of 1967 extraordinary session;
- (8) Sections 1 through 26, 30 through 40, 44, 50, 52 through 72, 74, 75, and 77 through 79, chapter 8, Laws of 1967 extraordinary session;
- (9) Chapter 58, Laws of 1967 extraordinary session;
- (10) Chapter 107, Laws of 1967 extraordinary session;
- (11) Section 2, chapter 54, Laws of 1965;
- (12) Chapter 76, Laws of 1965;
- (13) Chapter 77, Laws of 1965;
- (14) Section 23, chapter 139, Laws of 1965;
- (15) Chapter 16, Laws of 1965 extraordinary session;
- (16) Section 1, chapter 89, Laws of 1965 extraordinary session;
- (17) Chapter 128, Laws of 1965 extraordinary session;
- (18) Sections 1, and 3 through 6, chapter 135, Laws of 1965

extraordinary session;

(19) Chapter 139, Laws of 1965 extraordinary session;

(20) Section 1, chapter 146, Laws of 1965 extraordinary session;

(21) Chapter 147, Laws of 1965 extraordinary session;

(22) Chapter 23, Laws of 1963;

(23) Chapter 33, Laws of 1963;

(24) Chapter 71, Laws of 1963;

(25) Section 1, chapter 89, Laws of 1963;

(26) Chapter 109, Laws of 1963;

(27) Chapter 143, Laws of 1963;

(28) Sections 1, and 3 through 10, chapter 151, Laws of 1963;

(29) Chapter 167, Laws of 1963;

(30) Chapter 180, Laws of 1963;

(31) Chapter 181, Laws of 1963;

(32) Chapter 182, Laws of 1963;

(33) Chapter 193, Laws of 1963;

(34) Chapter 216, Laws of 1963;

(35) Chapter 224, Laws of 1963;

(36) Sections 5, 12, and 14, chapter 2, Laws of 1963 extraordinary session;

(37) Chapter 25, Laws of 1961;

(38) Chapter 62, Laws of 1961;

(39) Chapter 71, Laws of 1961;

(40) Section 5, chapter 198, Laws of 1961;

(41) Chapter 202, Laws of 1961;

(42) Sections 1 through 9, chapter 229, Laws of 1961;

(43) Chapter 10, Laws of 1961 extraordinary session;

(44) Sections 1 and 2, chapter 11, Laws of 1961 extraordinary session;

(45) Chapter 12, Laws of 1961 extraordinary session;

(46) Chapter 13, Laws of 1961 extraordinary session;

(47) Chapter 14, Laws of 1961 extraordinary session;

- (48) Section 1, chapter 20, Laws of 1961 extraordinary session;
- (49) Chapter 77, Laws of 1959;
- (50) Chapter 96, Laws of 1959;
- (51) Chapter 155, Laws of 1959;
- (52) Chapter 164, Laws of 1959;
- (53) Chapter 186, Laws of 1959;
- (54) Chapter 187, Laws of 1959;
- (55) Chapter 191, Laws of 1959;
- (56) Chapter 193, Laws of 1959;
- (57) Chapter 76, Laws of 1957;
- (58) Chapter 147, Laws of 1957;
- (59) Chapter 212, Laws of 1957;
- (60) Chapter 254, Laws of 1957;
- (61) Chapter 256, Laws of 1957;
- (62) Chapter 66, Laws of 1955;
- (63) Chapter 123, Laws of 1955;
- (64) Chapter 175, Laws of 1955;
- (65) Chapter 214, Laws of 1955;
- (66) Chapter 229, Laws of 1955;
- (67) Chapter 346, Laws of 1955;
- (68) Chapter 69, Laws of 1953;
- (69) Chapter 101, Laws of 1953;
- (70) Chapter 97, Laws of 1951;
- (71) Sections 1, 2, and 4, chapter 34, Laws of 1949;
- (72) Chapter 55, Laws of 1949;
- (73) Chapter 73, Laws of 1949;
- (74) Chapter 115, Laws of 1949;
- (75) Chapter 123, Laws of 1949;
- (76) Chapter 152, Laws of 1949;
- (77) Chapter 182, Laws of 1949;
- (78) Chapter 210, Laws of 1949;
- (79) Chapter 232, Laws of 1949;

- (80) Chapter 45, Laws of 1947;
- (81) Chapter 46, Laws of 1947;
- (82) Chapter 86, Laws of 1947;
- (83) Chapter 95, Laws of 1947;
- (84) Chapter 104, Laws of 1947;
- (85) Chapter 108, Laws of 1947;
- (86) Chapter 109, Laws of 1947;
- (87) Chapter 223, Laws of 1947;
- (88) Chapter 224, Laws of 1947;
- (89) Chapter 243, Laws of 1947;
- (90) Sections 1 through 5, and 7, chapter 284, Laws of 1947;
- (91) Chapter 15, Laws of 1945;
- (92) Chapter 187, Laws of 1945;
- (93) Chapter 236, Laws of 1945;
- (94) Chapter 241, Laws of 1945;
- (95) Chapter 48, Laws of 1943;
- (96) Chapter 59, Laws of 1943;
- (97) Chapter 262, Laws of 1943;
- (98) Chapter 17, Laws of 1939;
- (99) Chapter 60, Laws of 1939;
- (100) Chapter 156, Laws of 1939;
- (101) Chapter 176, Laws of 1939;
- (102) Chapter 193, Laws of 1939;
- (103) Chapter 181, Laws of 1937;
- (104) Chapter 203, Laws of 1937;
- (105) Chapter 223, Laws of 1937;
- (106) Sections 1 and 2, chapter 154, Laws of 1935;
- (107) Section 1, chapter 185, Laws of 1935;
- (108) Chapter 13, Laws of 1933;
- (109) Chapter 169, Laws of 1933;
- (110) Chapter 48, Laws of 1931;
- (111) Chapter 49, Laws of 1931;
- (112) Chapter 227, Laws of 1927;

- (113) Chapter 182, Laws of 1925 extraordinary session;
- (114) Chapter 74, Laws of 1923;
- (115) Sections 1, 2, 5, and 6, chapter 139, Laws of 1921;
- (116) Section 1, chapter 163, Laws of 1921;
- (117) Sections 1, 2, and 4, chapter 164, Laws of 1921;
- (118) Sections 1 and 2, chapter 63, Laws of 1919;
- (119) Sections 1, 3, 4, and 6 through 11, chapter 10, Laws of 1917;
  
- (120) Section 2, chapter 11, Laws of 1917;
- (121) Chapter 128, Laws of 1917;
- (122) Sections 2, 3, and 8, chapter 66, Laws of 1915;
- (123) Chapter 24, Laws of 1913;
- (124) Chapter 33, Laws of 1909;
- (125) Chapter 97, Title II, subchapters 1, 2 and 3, Laws of 1909;
  
- (126) Chapter 248, Laws of 1909;
- (127) Chapter 198, Laws of 1907;
- (128) Section 1, chapter 53, Laws of 1905;
- (129) Chapter 9, Laws of 1899;
- (130) Sections 182 through 227, chapter 118, Laws of 1897;
- (131) Section 1, chapter 145, Laws of 1891; and
- (132) Sections 1 through 21, pages 395 through 399, Laws of 1889-90.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor any criminal or civil proceeding instituted thereunder, nor the term of office or election or appointment or employment of any person elected, appointed or employed thereunder.

NEW SECTION. Sec. 28B.98.020 MONEYS TRANSFERRED. All moneys in the Southwestern Washington State College bond retirement fund and the Southwestern Washington State College capital projects account are hereby transferred to The Evergreen State College bond retirement fund and The Evergreen State College capital projects account respectively, which latter fund and account are created in section 28B-.40.370 of this act.

NEW SECTION. Sec. 28B.98.030 CONTINUATION OF EXISTING LAW. The provisions of this title, Title 28B RCW, insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as re-statements and continuations, and not as new enactments. Nothing in this 1969 code revision of Title 28 RCW shall be construed as authorizing any new bond issues or new or additional appropriations of moneys but the bond issue authorizations herein contained shall be construed only as continuations of bond issues authorized by prior laws herein repealed and reenacted, and the appropriations of moneys herein contained are continued herein for historical purposes only and this 1969 act shall not be construed as a reappropriation thereof and no appropriation contained herein shall be deemed to be extended or revived hereby and such appropriation shall lapse or shall have lapsed in accordance with the original enactment: PROVIDED, That this 1969 act shall not operate to terminate, extend, or otherwise affect any appropriation for the biennium commencing July 1, 1967 and ending June 30, 1969.

NEW SECTION. Sec. 28B.98.040 PROVISIONS TO BE CONSTRUED IN PARI MATERIA. The provisions of this title, Title 28B RCW, shall be construed in pari materia even though as a matter of prior legislative history they were not originally enacted in the same statute. The provisions of this title shall also be construed in pari materia

with the provisions of Title 28A RCW, and with other laws relating to education. This section shall not operate retroactively.

NEW SECTION. Sec. 28B.98.050 TITLE, CHAPTER, SECTION HEADINGS NOT PART OF LAW. Title headings, chapter headings, and section or subsection headings, as used in this title, Title 28B RCW, do not constitute any part of the law.

NEW SECTION. Sec. 28B.98.060 INVALIDITY OF PART OF TITLE NOT TO AFFECT REMAINDER. If any provision of this title, Title 28B RCW, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 28B.98.070 THIS CODE DEFINED. As used in this title, Title 28B RCW, "this code" means Titles 28A and 28B of this 1969 act.

NEW SECTION. Sec. 28B.98.080 EFFECTIVE DATE. This act shall take effect on July 1, 1970.

Passed by the House May 2, 1969.  
Passed by the Senate May 2, 1969.  
Approved by the Governor May 12, 1969.  
Filed in office of Secretary of State May 12, 1969.



CHAPTER 224  
[Engrossed Substitute House Bill No. 344]  
PROPERTY TAXES--GROUNDS FOR REFUNDS--  
SENIOR CITIZENS' EXEMPTION

AN ACT Relating to property taxes; amending section 2, chapter 132, Laws of 1967 ex. sess., and RCW 84.36.129; amending section 84.69.020, chapter 15, Laws of 1961 and RCW 84.69.020; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 84.69.020, chapter 15, Laws of 1961 and RCW 84.69.020 are each amended to read as follows:

On order of the board of county commissioners ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once; or
- (2) Paid as a result of manifest error in description; or
- (3) Paid as a result of a clerical error in extending the tax rolls; or
- (4) Paid as a result of other clerical errors in listing property; or
- (5) Paid with respect to improvements which did not exist on assessment date; or
- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional; or
- (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.129: PROVIDED, That a claim for such refund is made on or before October 30 of the year for which the taxes have been paid; or
- (8) Overpaid as a result of mistake, inadvertence, or lack of knowledge by any person paying the same: PROVIDED, That a claim for such refund is made on or before October 30 of the year for which the taxes have been overpaid; or
- (9) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the

board: PROVIDED, That the amount refunded shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order.

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsection (9).

Sec. 2. Section 2, chapter 132, Laws of 1967 ex. sess. and RCW 84.36.129 are each amended to read as follows:

For the purposes of RCW 84.36.128:

(1) The term "residence" shall mean a single family dwelling, including the lot on which the dwelling stands. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080, 84.04.090, or RCW 84.40.250, such a residence shall be deemed real property.

(2) The term "preceding calendar year" shall mean the calendar year preceding the year in which the property taxes for which the exemption is claimed are due and payable.

All claims for exemption shall be made and signed by the person entitled to the exemption, by his or her attorney in fact or, in the event the residence of such person is under mortgage or purchase contract requiring accumulation of reserves out of which the holder of the mortgage or contract is required to pay real estate taxes, by such holder, 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 perjury.

Claims for exemption shall be made annually and filed between February 15 and April 30 of the year in which the taxes are payable and solely upon forms as prescribed and furnished by the department of revenue.

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 May 2, 1969  
Passed the Senate April 28, 1969  
Approved by the Governor May 12, 1969  
Filed in office of Secretary of State May 12, 1969

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CHAPTER 225  
[House Bill No. 542]  
TAXATION--MOBILE HOMES AND TRAVEL TRAILERS

AN ACT Relating to revenue and taxation; amending section 82.50.190, chapter 15, Laws of 1961 as amended by section 57, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.190; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 82.50.190, chapter 15, Laws of 1961 as amended by section 57, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.190 are each amended to read as follows:

No mobile home or travel trailer which is a part of the inventory of mobile homes or travel trailers held for sale by a dealer in the course of his business and no mobile home or travel trailer with respect to which the excise tax imposed by this chapter is payable shall be listed and assessed for ad valorem taxation.

NEW SECTION. Sec. 2. This 1969 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 2, 1969  
Passed the Senate May 2, 1969  
Approved by the Governor May 12, 1969  
Filed in office of Secretary of State May 12, 1969

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CHAPTER 226  
[Engrossed Senate Bill No. 113]  
PROSECUTING ATTORNEYS--COMPENSATION--  
PRIVATE PRACTICE

AN ACT Relating to counties; amending section 36.17.020, chapter 4, Laws of 1963, as last amended by section 2, chapter 77, Laws of 1967 ex. sess. and RCW 36.17.020; and amending section 36.27-

.060, chapter 4, Laws of 1963 and RCW 36.27.060.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 36.17.020, chapter 4, Laws of 1963, as last amended by section 2, chapter 77, Laws of 1967 ex.sess. and RCW 36.17.020 are each amended to read as follows:

(1) The salaries of the following county officers of class A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum respectively as follows:

Class A counties: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, coroner, thirteen thousand eight hundred dollars; (~~prosecuting attorney, sixteen thousand two hundred dollars~~)

Counties of the first class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, twelve thousand five hundred dollars; (~~prosecuting attorney, fourteen thousand eight hundred dollars~~) coroner, six thousand two hundred dollars;

Counties of the second class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, ten thousand six hundred dollars; (~~prosecuting attorney, twelve thousand five hundred dollars~~) coroner, three thousand six hundred dollars (~~(--PROVIDED--That-the-prosecuting-attorneys-of-counties-of-the-second-class-shall-not-engage-in-the-private-practise-of-law)~~);

Counties of the third class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, members of board of county commissioners, (~~prosecuting attorney~~) nine thousand five hundred dollars; coroner, two thousand four hundred dollars;

Counties of the fourth class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, eight thousand four hun-

dred dollars; prosecuting attorney, ten thousand dollars; members of the board of county commissioners (~~(and-prosecuting-attorney)~~), seven thousand seven hundred dollars;

Counties of the fifth class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, seven thousand seven hundred dollars; members of the board of county commissioners (~~(and-prosecuting-attorney)~~), six thousand six hundred dollars;

Counties of the sixth class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, seven thousand dollars; (~~(prosecuting-attorney, four-thousand-two-hundred-dollars)~~) members of the board of county commissioners, two thousand three hundred dollars;

Counties of the seventh class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, six thousand eight hundred dollars; (~~(prosecuting-attorney, four-thousand-two-hundred-dollars)~~) members of the board of county commissioners, two thousand three hundred dollars;

Counties of the eighth class: Auditor, treasurer, assessor, sheriff, six thousand dollars; clerk, four thousand two hundred dollars; superintendent of schools, four thousand dollars; (~~(prosecuting attorney, three-thousand-six-hundred-dollars)~~) members of board of county commissioners, one thousand eight hundred dollars;

Counties of the ninth class: Auditor-clerk, sheriff, treasurer-assessor, five thousand six hundred dollars; superintendent of schools, three thousand four hundred dollars; (~~(prosecuting-attorney, two-thousand-six-hundred-dollars)~~) members of the board of county commissioners, eighteen dollars per diem.

(2) The salaries of the following county officers in counties with a population over five hundred thousand shall be per annum respectively as follows: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, coroners, eighteen thousand dollars (~~(prosecuting-attorney, twenty thousand-three-hundred-dollars)~~).

(3) The salaries of prosecuting attorneys who are not forbidden under section 2 of this 1969 amendatory act to engage in the private practice of law shall be six thousand dollars and an additional five hundred dollars for each judge of the superior court in the county's judicial district. The salaries of prosecuting attorneys who are forbidden under section 2 of this 1969 amendatory act to engage in the private practice of law shall be twenty thousand dollars and an additional five hundred dollars for each judge of the superior court in the county's judicial district: PROVIDED, That no prosecuting attorney's salary shall exceed the salary of a superior court judge. One half the salary of each prosecuting attorney shall be paid by the state.

In addition to the compensation provided for herein, county commissioners of counties of the sixth, seventh, eighth and ninth class shall be entitled to additional compensation for the performance of additional duties not a part of their regular duties as provided in RCW 36.32.320, as now law or hereafter amended.

Sec. 2. Section 36.27.060, chapter 4, Laws of 1963 and RCW 36.27.060 are each amended to read as follows:

The prosecuting attorneys (~~of class A counties and counties of the first class~~) and their deputies of class three counties and counties with population larger than class three counties shall serve full time and shall not engage in the private practice of law: PROVIDED, That in counties of the third class the effective date of the foregoing prohibition against engaging in the private practice of law and the compensation for third class counties as set forth in section 1, subsection (3) of this 1969 amendatory act shall be the second Monday in January, 1971: PROVIDED FURTHER, That from the effective date of this 1969 amendatory act that prosecuting attorneys in counties of the third class shall receive ten thousand five hundred dollars per annum until the second Monday in January, 1971: PROVIDED FURTHER, That deputy prosecuting attorneys in counties of the second class and third class may serve part time and engage in the private

practice of law if the board of county commissioners so provides.

Passed the Senate April 2, 1969  
Passed the House April 22, 1969  
Approved by the Governor April 30, 1969, with the exception of  
a certain item in section 1(3) which is vetoed  
Filed in office of Secretary of State May 14, 1969

NOTE: Governor's explanation of partial veto is as follows:  
"...This bill raises the salaries of the county  
prosecutors and requires full time prosecuting  
attorneys for nine more counties.

The legal affect of section 1(3) of the bill is  
to provide that the salaries of part-time  
prosecutors in all but fourth class counties  
will receive a basic salary of \$6,000.00 and an  
additional \$500.00 for each judge of the  
superior court in the county's judicial district.  
The practical affect is that two part-time  
prosecutors, one for a fifth class county and  
one for a ninth class county, will receive  
\$7,000.00. Except for fourth class counties,  
these two salaries are substantially higher  
than the salaries of part-time prosecutors of  
any other county, many who represent more people  
than the prosecutors of the single fifth and  
single ninth class county. I have, therefore,  
vetoed the item in section 1(3) establishing a  
formula for determining the salaries of part-  
time prosecutors. This will set the salary  
for all part-time prosecutors for counties  
other than fourth class counties at \$6,500.00.  
Under section 1(1), prosecutors in fourth class  
counties will receive \$10,000.00 per year.

I urge the legislature to consider the status  
and salaries of part-time prosecutors at the  
earliest opportunity at the next session.  
Every effort should be made to provide every  
county with the services of a full-time pros-  
ecutor.

With the exception of that certain item in  
section 1(3) which I have vetoed, the remainder  
of Engrossed Senate Bill 113 is approved."

CHAPTER 227  
[Engrossed Senate Bill No. 143]  
FIREARMS

AN ACT Relating to firearms; amending section 9, chapter 172, Laws of  
1935, as amended by section 7, chapter 124, Laws of 1961 and  
RCW 9.41.090; amending section 11, chapter 172, Laws of 1935,  
as last amended by section 1, chapter 163, Laws of 1963 and  
RCW 9.41.110; and adding new sections to chapter 172, Laws of  
1935, and to chapter 9.41 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 9, chapter 172, Laws of 1935, as amended by section 7, chapter 124, Laws of 1961 and RCW 9.41.090 are each amended to read as follows:

~~((Sales-by-dealers-shall-be-regulated-as-hereinafter-provided))~~

In addition to the other requirements of RCW sections 9.41.010 through 9.41.150 as now or hereinafter amended, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and, when delivered, said pistol shall be securely wrapped and shall be unloaded.

At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application containing his full name, address, occupation, place of birth, race, and the date and hour of the application; and a description of the weapon including, the make, model, caliber and manufacturer's number; and a statement that he has never been convicted in this state or elsewhere of a crime of violence, drug addiction or habitual drunkenness, or is legally judged to be of unsound mind. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police of the municipality or the sheriff of the county of which the seller is a resident. The seller shall deliver the pistol to the purchaser following seventy-two hours thereafter unless the seller is notified in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser has been convicted in this state or elsewhere of a crime of violence, drug addiction, or habitual drunkenness, or is legally judged to be of unsound mind. The chief of police of the municipality or the county sheriff shall maintain a file containing the original of the application to purchase a pistol.

NEW SECTION. Sec. 2. There is added to chapter 172, Laws of



1935, and to chapter 9.41 RCW a new section to read as follows:

The following shall be exempt from the provisions of section 9.41.090 RCW as now or hereinafter amended: sales by wholesalers to dealers; and the sale of antique pistols exempted by the provisions of RCW 9.41.150, as amended.

NEW SECTION. Sec. 3. There is added to chapter 172, Laws of 1935, and to chapter 9.41 RCW a new section to read as follows:

Any person whose application to purchase a pistol as provided in section 9.41.090 as now or hereinafter amended is denied shall have a right to appeal to the legislative body of the municipality or of the county, whichever is applicable, for a review of the denial at a public hearing to be conducted within fifteen days after denial. It shall be the duty of the law enforcement officer recommending the denial to appear at such hearing and to present proof relating to the grounds for denial. In the event that the evidence so presented does not sustain one of the grounds for denial enumerated in RCW 9.41.090, the legislative authority shall authorize the sale.

Any person aggrieved by a determination of the appropriate legislative body not to permit the sale of such weapon is entitled to judicial review by the superior court in the appropriate county.

Sec. 4. Section 11, chapter 172, Laws of 1935, as last amended by section 1, chapter 163, Laws of 1963, and RCW 9.41.110 are each amended to read as follows:

The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue permitting the licensee to sell pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in RCW 9.41.010 through 9.41.160.

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing

authority, shall be displayed on the premises where it can easily be read.

(3) No pistol shall be sold (a) in violation of any provisions of RCW 9.41.010 through 9.41.160, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(4) A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the director of licenses and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, ((color)) race and place of birth of the purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the director of licenses; the triplicate the dealer shall retain for six years.

(5) This section shall not apply to sales at wholesale.

(6) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses.

(7) Except as provided in RCW 9.41.090 as now or hereinafter amended, every city, town and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

The fee paid for issuing said license shall be five dollars

which fee shall be paid into the state treasury.

Passed the Senate March 14, 1969  
Passed the House April 21, 1969  
Approved by the Governor April 29, 1969, with the exception of  
certain items in section 1 and section 4 which are vetoed  
Filed in office of Secretary of State May 14, 1969

NOTE: Governor's explanation of partial veto is as follows:  
"...This bill requires a seventy-two hour waiting period before a pistol may be delivered to a purchaser. In Section 1, the purchaser is required to sign an application stating his name, address, occupation, place of birth and race.

A licensed dealer is required in section 4 of the bill to maintain records stating the race of the purchaser.

These provisions are contrary to the policy of the state as defined in RCW 43.01.100 which prohibits the inclusion of any question relative to an applicant's race or religion in any application blank or for a license. I am confident that the legislature did not intend to change this stated policy without giving further consideration to the existing state law. I have therefore vetoed the provisions requiring a statement of race on an application to purchase a pistol or requiring a dealer to maintain a record of the purchaser's race as a condition to the dealer's license.

With the exception of certain items in section 1 and section 4(4) which I have vetoed, the remainder of Engrossed Senate Bill 143 is approved."

CHAPTER 228

[Engrossed Substitute Senate Bill No. 174]  
PRIVATE EMPLOYMENT AGENCIES--  
REGULATION--ADVISORY BOARD

AN ACT Relating to private employment agencies; adding a new chapter to Title 18 RCW; providing an effective date; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. This act shall be known and cited as "The Employment Agency Act".

NEW SECTION. Sec. 2. Unless a different meaning is clearly required by the context, the following words and phrases, as hereinafter used in this chapter, shall have the following meanings:

- (1) "Employment agency" is synonymous with "agency" and shall

mean any business in which any part of the business's gross or net income is derived from a fee received from applicants, and in which any of the following activities are engaged in:

(a) The offering, promising, procuring or attempting to procure employment for applicants; or

(b) The giving of information regarding where and from whom employment may be obtained.

In addition the term "employment agency" shall mean and include any person, bureau, organization or school which for profit, by advertisement or otherwise, offers, as one of its main objects or purposes, to procure employment for any person who pays for its services, or which collects tuition, or charges for service of any nature, where the main object of the person paying the same is to secure employment. The term "employment agency" shall not include labor union organizations, temporary service contractors proprietary schools or the Washington state employment agency.

(2) "Temporary service contractors" shall mean any person, firm, association, or corporation conducting a business which consists of employing individuals directly for the purpose of furnishing such individuals on a part time or temporary help basis to others.

(3) "Employer" means any person, firm, corporation, partnership, or association employing or seeking to enter into an arrangement to employ a person through the medium or service of an employment agency.

(4) "Applicant", except when used to describe an applicant for an employment agency license, means any person, whether employed or unemployed, seeking or entering into any arrangement for his employment or change of his employment through the medium or service of an employment agency.

(5) "Person" includes an individual, a firm, a corporation, partnership or association.

(6) "Director" shall mean the director of the department of motor vehicles.

NEW SECTION. Sec. 3. Each employment agency shall keep records of all services rendered employers and applicants. These records shall contain the name and address of the employer by whom the services were solicited; the name and address of the applicant; kind of position ordered by the employer; kind of position accepted by the applicant; probable duration of the employment, if known; rate of wage or salary to be paid the applicant; amount of the employment agency's fee; dates and amounts of refund if any, and reason for such refund; and the contract agreed to between the agency and applicant.

The director shall have authority to demand and to examine, at the employment agency's regular place of business, all books, documents, and records in its possession for inspection. Unless otherwise provided by rules or regulation adopted by the director, such records shall be maintained for a period of three years from the date in which they are made.

NEW SECTION. Sec. 4. An employment agency shall provide each applicant with a copy of the contract between the applicant and employment agency. Such contract shall contain the following:

(1) The name, address, and telephone number of the employment agency;

(2) Trade name if any;

(3) The date of the contract;

(4) The name of the applicant;

(5) The amount of the fee to be charged the applicant, or the method of computation of the fee, and the time and method of payments: PROVIDED, HOWEVER, That if any service charge is to be charged, the contract shall conform to the requirements of chapter 63.14 RCW, as now or hereafter amended;

(6) A notice in eight-point bold face type or larger directly above the space reserved in the contract for the signature of the buyer. The caption, "NOTICE TO APPLICANT - READ BEFORE SIGNING" shall precede the body of the notice and shall be in ten-point bold

face type or larger. The notice shall read as follows:

"This is a contract. If you accept employment with any employer through [name of employment agency] you will be liable for the payment of the fee as set out above. Do not sign this contract before you read it or if any spaces intended for the agreed terms are left blank. You are entitled to a copy of this contract at the time you sign it."

NEW SECTION. Sec. 5. Prior to using any contract or fee schedule in the transaction of its business with applicants, each employment agency shall obtain the director's approval for the use of such contract or fee schedule. The director shall disapprove any proposed contract or fee schedule which either tends to be or is vague, deceitful, misrepresentative or in violation of this act.

NEW SECTION. Sec. 6. No employment agency shall send any applicant on an interview with a prospective employer without having first obtained, either orally or in writing, a bona fide request from such employer for the interview.

NEW SECTION. Sec. 7. (1) The director shall administer the provisions of this act and shall issue from time to time reasonable rules and regulations for enforcing and carrying out the provisions and purposes of this act.

(2) The director shall have power to compel the attendance of witnesses by the issuance of subpoenas, to administer oaths, and to take testimony and proofs concerning all matters pertaining to the administration of this act.

(3) The director shall have supervisory and investigative authority over all employment agencies. Upon receiving a complaint against any employment agency, the director shall have the right to examine all books, documents, or records in its possession. In addition, the director may examine the office or offices where business is or shall be conducted by such agency.

NEW SECTION. Sec. 8. It shall be a misdemeanor for any person to conduct an employment agency business in this state unless he

has an employment agency license issued pursuant to the provisions of this act.

NEW SECTION. Sec. 9. Before conducting any business as an employment agency each licensee shall file with the director a surety bond in the sum of two thousand dollars running to the state of Washington, for the benefit of any person injured or damaged as a result of any violation by the licensee or his agent of any of the provisions of this act or of any rule or regulation adopted by the director pursuant to section 7(1) of this act.

In lieu of the surety bond required by this section the license applicant may file with the director a cash deposit or other negotiable security acceptable to the director: PROVIDED, HOWEVER, If the license applicant has filed a cash deposit, the director shall deposit such funds in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from such account.

NEW SECTION. Sec. 10. (1) Every applicant for an employment agency's license or a renewal thereof shall file with the director a written application stating the name and address of the applicant; the street and number of the building in which the business of the employment agency is to be conducted; the name of the person who is to have the general management of the office; the name under which the business of the office is to be carried on; whether or not the applicant is pecuniarily interested in the business to be carried on under the license; shall be signed by the applicant and sworn to before a notary public; and shall identify anyone holding over twenty percent interest in the agency. If the applicant is a corporation, the application shall state the names and addresses of the officers and directors of the corporation, and shall be signed and sworn to by the president and secretary thereof. If the applicant is a partnership, the application shall also state the names and addresses of all partners therein, and shall be signed and sworn

to by all of them. The application shall also state whether or not the applicant is, at the time of making the application, or has at any previous time been engaged in or interested in or employed by anyone engaged in the business of an employment agency.

(2) All applications for employment agency licenses shall be accompanied by a copy of the form of contract and fee schedule to be used between the employment agency and the applicant.

NEW SECTION. Sec. 11. An employment agency license shall expire June 30th.

NEW SECTION. Sec. 12. No license granted pursuant to this act shall be transferable without the consent of the director. No employment agency shall permit any person not mentioned in the license application to become connected with the business as an owner, member, officer, or director without the consent of the director. Consent may be withheld for any reason for which an original application for a license might have been rejected, if the person in question had been mentioned therein.

NEW SECTION. Sec. 13. In accordance with the provisions of chapter 34.04 RCW as now or as hereafter amended, the director may by order deny, suspend or revoke the license of any employment agency if he finds that the applicant or licensee:

(1) Was previously the holder of a license issued under this act, which was revoked for cause and never reissued by the director, or which license was suspended for cause and the terms of the suspension have not been fulfilled;

(2) Has been found guilty of any felony within the past five years involving moral turpitude, or for any misdemeanor concerning fraud or conversion, or suffering any judgment in any civil action involving wilful fraud, misrepresentation or conversion;

(3) Has made a false statement of a material fact in his application or in any data attached thereto;

(4) Has violated any provisions of this act, or failed to comply with any rule or regulation issued by the director pursuant



to this act.

NEW SECTION. Sec. 14. The following fees shall be charged by the director to those parties licensed as employment agencies: Original applications, one hundred dollars; renewal per year, one hundred dollars; branch license, both original and renewal, twenty-five dollars; transfer of license, fifteen dollars; approval of amended or new contracts and/or fee schedules, fifteen dollars per contract or fee schedule.

NEW SECTION. Sec. 15. No employment agency shall charge or accept a fee or other consideration from an applicant without complying with the terms of a written contract as specified in section 4 of this act, and then only after such agency has been responsible for referring such job applicant to an employer or such employer to a job applicant and where as a result thereof such job applicant has been employed by such employer.

NEW SECTION. Sec. 16. Any employment agency which collects, receives, or retains a fee or other payment contrary to the provisions of this act or to the rules and regulations adopted pursuant to this act shall return the excessive portion of the fee within seven days after receiving a demand therefor from the director.

NEW SECTION. Sec. 17. (1) If an applicant accepts employment by agreement with an employer and thereafter never reports for work, the gross fee charged to the applicant shall not exceed: (a) Ten percent of what the first month's salary or wages would be, if known; (b) ten percent of the first month's drawing account. If the employment was to have been on a commission basis without any drawing account, then no fee may be charged in the event that the applicant never reports for work.

(2) If an applicant accepts employment on a commission basis without any drawing account, then the gross fee charged such applicant shall be a percentage of his commissions actually earned.

(3) If an applicant accepts employment and if within ninety

days of his reporting for work the employment is terminated without his fault, then the gross fee charged such applicant shall not exceed ten percent of the gross salary, wages or commission received by him.

NEW SECTION. Sec. 18. Each licensee shall post the following in a conspicuous place in each office in which it conducts business: (1) The substance of sections 15 through 17 of this act; and (2) a name and address provided by the director, in a form prescribed by him, of a person to whom complaints concerning possible violation of this act may be made. All words required to be posted pursuant to this section shall be printed in ten point bold face type.

NEW SECTION. Sec. 19. In addition to the other provisions of this act the following rules shall govern each and every employment agency:

(1) Every license or a verified copy thereof shall be displayed in a conspicuous place in each office of the employment agency;

(2) No fee shall be solicited or accepted as an application or registration fee by any employment agency solely for the purpose of being registered as an applicant for employment;

(3) No licensee or agent of the licensee shall solicit, persuade, or induce an employee to leave any employment in which the licensee or agent of the licensee has placed the employee; nor shall any licensee or agent of the licensee persuade or induce or solicit any employer to discharge any employee;

(4) No employment agency shall knowingly cause to be printed or published a false or fraudulent notice or advertisement for obtaining work or employment. All advertising by a licensee shall signify that it is an employment agency solicitation;

(5) No licensee shall fail to state in any advertisement, proposal or contract for employment that there is a strike or lockout at the place of proposed employment, if he has knowledge that such condition exists;

(6) No licensee or agent of a licensee shall directly or in-

directly split, divide, or share with an employer any fee, charge, or compensation received from any applicant who has obtained employment with such employer or with any other person connected with the business of such employer;

(7) When an applicant is referred to the same position by two licensees, the fee shall be paid to the licensee who first contacted the applicant concerning the specific opening: PROVIDED, That he has given the name of the employer to the applicant and has arranged an interview or submitted a resume to the employer within ten days of such contact.

NEW SECTION. Sec. 20. (1) There is hereby created a board to be known as the employment agency advisory board whose duty shall be to advise the director as to the administration of the provisions of this act and the issuance of reasonable rules and regulations for enforcing and carrying out the provisions and purposes of this act. Such board shall consist of eight members, seven members thereof to be appointed by the governor, five from among those persons owning or managing employment agencies, the sixth member shall be a representative of employers, and appointed from a list of at least three names submitted to the director by a recognized state-wide organization of employers, representing a majority of employers, the seventh shall be a representative of the majority of workmen employed in the state and selected from a list of not less than three names submitted to the director by an organization state-wide in scope, which through its affiliates embraces a cross-section and a majority of organized labor of the state. The attorney general or his designee shall serve as a nonvoting ex officio member of the board.

(2) Each member of the board shall hold office for four years and until his successor is appointed, except that with respect to the first board two members shall be appointed for four years, two members for three years, three members for two years;

(3) Any member of the board shall be removed by the director for suspension or revocation of any license issued to him under this

act. Vacancies in the membership of the board shall be filled by appointment by the director for the unexpired term;

(4) The board shall meet at the call of the director and consult with him on the issuance of any proposed rules and regulations for enforcing and carrying out the provisions and purposes of this act. The decision of the director, after such consultation, shall be final. The board is also authorized to conduct its own meetings at the call of its chairman;

(5) The board shall elect annually from its members a chairman, vice chairman and secretary;

(6) The board members shall be compensated pursuant to RCW 43.24.060 as now or hereafter amended.

NEW SECTION. Sec. 21. The director may refer such evidence as may be available to him concerning violations of this act or of any rule or regulation adopted hereunder to the attorney general or the prosecuting attorney of the county wherein the alleged violation arose, who may, in their discretion, with or without such a reference, in addition to any other action they might commence, bring an action in the name of the state against any person to restrain and prevent the doing of any act or practice prohibited by this act: PROVIDED, That this act shall be considered in conjunction with chapters 9.04 and 19.86 RCW, as now or hereafter amended, and the powers and duties of the attorney general and the prosecuting attorney as they may appear in the aforementioned chapters, shall apply against all persons subject to this act.

NEW SECTION. Sec. 22. In the enforcement of this act, the attorney general and/or any said prosecuting attorney may accept an assurance of discontinuance from any person deemed in violation of any provisions of this act. Any such assurance shall be in writing and shall be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his principal place of business, or in Thurston county.

NEW SECTION. Sec. 23. Any person who violates the terms of

any court order or temporary or permanent injunction issued pursuant to this act, shall forfeit and pay a civil penalty of not more than five thousand dollars. For the purpose of this section the superior court issuing any injunction shall retain continuing jurisdiction and in such cases the attorney general and/or the prosecuting attorney acting in the name of the state may petition for the recovery of civil penalties.

NEW SECTION. Sec. 24. Personal service of any process in an action under this act may be made upon any person outside the state if such person has engaged in conduct in violation of this act which conduct has had impact in this state which this act reprehends. Such person shall be deemed to have thereby submitted himself to the jurisdiction of the courts of this state within the meaning of RCW 4.28-.180 and 4.28.185, as now or hereafter amended.

NEW SECTION. Sec. 25. (1) The provisions of this act relating to the regulation of private employment agencies shall be exclusive.

(2) This act shall not be construed to affect or reduce the authority of any political subdivision of the state of Washington to provide for the licensing of private employment agencies solely for revenue purposes.

NEW SECTION. Sec. 26. The administration of this act shall be governed by the provisions of the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended.

NEW SECTION. Sec. 27. If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby.

NEW SECTION. Sec. 28. This act shall become effective July 1, 1969.

Passed the Senate March 20, 1969

Passed the House April 9, 1969

Approved by the Governor April 19, 1969, with the exception of certain items in section 5 and section 20 (1) which are vetoed  
Filed in office of Secretary of State May 14, 1969

NOTE: Governor's explanation of partial veto is as follows:  
"...This bill is a comprehensive act licensing and regulating private employment agencies. The Director of the Department of Motor Vehicles is given supervisory and investigative authority over all private employment agencies and is directed to issue reasonable rules and regulations for enforcing and carrying out the purposes of the act.

Section 5 provides that each employment agency must obtain the director's approval prior to using an employment contract or fee schedule. The second sentence of section 5 provides that any proposed contract or fee schedule shall be disapproved by the director if it is vague, deceitful, misrepresentative or in violation of the act. There is no specific reference made in the second sentence of section 5 to disapproval because of charging excessive fees even though the intent of the proponents of this bill was to authorize the director of the Department of Motor Vehicles through rules and regulations to prohibit excessive fees.

Local ordinances presently regulate the fees which may be charged by employment agencies. By the terms of this bill, the state is assuming exclusive jurisdiction over the regulation of private employment agencies. Since there may be some question as to whether this bill specifically authorizes the Department of Motor Vehicles through its rules and regulations to prohibit the charging of excessive fees, I have vetoed the second sentence of section 5 so that it will be clear that the director does have the authority to disapprove contracts or fee schedules on the ground that the fees charged are excessive.

Section 20 (1) creates an employment agency advisory board to advise the director as to the administration of the provisions of the act and the issuance of reasonable rules and regulations. The board is to consist of eight members, one to be the Attorney General or his designee and seven to be appointed by the Governor. Of those to be appointed by the Governor, five shall be persons owning or managing employment agencies and the sixth and seventh shall be representatives of employers and the majority of workmen employed in the state. In selecting the employer and employee representatives the Governor may only select from lists submitted respectively by a

recognized statewide organization of employers and an organization statewide in scope representing a majority of organized labor in the state.

While the designation of a representative of employers and a representative of employees is acceptable, the requirement that these representatives be designated from lists submitted by employer and employee organizations is unduly restrictive. Therefore, I have vetoed in section 20 (1) those items so restricting the appointing authority.

With these exceptions, the remainder of substitute Senate Bill No. 174 is approved."

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CHAPTER 229  
[Engrossed Senate Bill No. 186]  
MOBILE HOMES AND TRAVEL TRAILERS--  
EQUIPMENT STANDARDS--ADVISORY BOARD

AN ACT Relating to mobile homes and travel trailers, amending section 1, chapter 157, Laws of 1967 and RCW 43.22.340; amending section 4, chapter 157, Laws of 1967 and RCW 43.22.370; adding new sections to chapter 8, Laws of 1965 and to chapter 43.22 RCW; and providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 157, Laws of 1967 and RCW 43.22-.340 are each amended to read as follows:

The director of labor and industries shall prescribe and enforce rules and regulations governing safety and the installation of plumbing, heating, and electrical equipment in mobile homes and/or travel trailers. Such rules and regulations shall be reasonably consistent with recognized and accepted principles of safety and for plumbing, heating, and electrical installations, in order to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe plumbing, heating, electrical, and other equipment and shall correlate with and, so far as practicable, conform to the then current standards and specifications of the American Standards Association standards A119.1 for mobile homes and A119.2 for travel trailers. It shall be unlawful for any person to lease, sell or offer for sale, within this state, any mobile homes

and/or travel trailers, manufactured after January 1, 1968, containing plumbing, heating, electrical, or other equipment, unless such equipment meets the requirements of the rules and regulations provided herein.

Sec. 2. Section 4, chapter 157, Laws of 1967 and RCW 43.22-.370 are each amended to read as follows:

Any mobile home and/or travel trailer leased or sold in Washington and manufactured prior to July 1, 1968, which has not been inspected prior to its sale and which does not meet the requirements prescribed will not be required to comply with said requirements except for alterations or installations referred to in RCW 43.22.360.

NEW SECTION. Sec. 3. There is added to chapter 8, Laws of 1965 and to chapter 43.22 RCW, a new section to read as follows:

There is hereby created a mobile home and travel trailer advisory board consisting of seven members to be appointed by the governor with the advice of the director of labor and industries as herein provided. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including but not limited to standards of plumbing, heating and electrical installations, minimum inspection procedures, the adoption of rules and regulations pertaining to the manufacture of mobile homes and travel trailers:

PROVIDED, HOWEVER, That no rules or regulations shall be amended or repealed until the mobile home and travel trailer advisory board has first had an opportunity to consider any proposed amendments or repeals and has an opportunity to make recommendations to the director relative thereto.

The members of the mobile home and travel trailer advisory board shall be selected and appointed as follows: One member shall be an employee or officer of a mobile home manufacturing company; one member shall be an employee or officer of a travel trailer manufacturing company; one member shall be an employee, officer or distributor of a company engaged in the manufacture of component parts affecting the plumbing apparatus and equipment; one member shall be an employee, officer or distributor of



a company engaged in the manufacture of electrical material, equipment or appliances; one member shall be a distributor or manufacturer of heating equipment, material or devices; and one member shall represent that segment of the general public owning or leasing mobile homes and/or travel trailers. The chief supervisor for the mobile home and travel trailer section within the department of labor and industries shall be a member of the advisory board and shall act as secretary.

Each of the members except the chief supervisor shall be appointed by the governor from among a list of individuals nominated by nonprofit organizations or associations representing individuals, corporations or firms engaged in the business classification from which such members shall be selected.

The regular term of each member shall be four years: PROVIDED, HOWEVER, The original board shall be appointed for the following terms: The first term of the member representing a manufacturer of mobile homes and of the member representing the general public shall be four years; the member representing the manufacturer of travel trailers shall serve three years; the member representing the manufacturer or distributor of plumbing component parts shall serve three years; the member representing the manufacturer or distributor of electrical apparatus and equipment shall serve two years; the manufacturer or distributor of heating equipment and appliances shall serve one year. The governor shall fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The board, at this first meeting shall elect one of its members to serve as chairman. The chief supervisor or any person acting as chief supervisor for the mobile home and travel trailer section shall serve as secretary of the board during his tenure as chief. Meetings of the board shall be called at the discretion of the director of labor and industries. Each member of the board shall be paid per diem of twenty-five dollars for each day or portion thereof that the board is in session and each

member shall receive in addition thereto his necessary and reasonable transportation and other expenses recognized by the state of Washington which shall be paid out of the appropriation to the department of labor and industries, upon vouchers approved by the director of labor and industries.

NEW SECTION. Sec. 4. There is added to chapter 8, Laws of 1965 and to chapter 43.22 RCW a new section to read as follows:

Any person violating the provisions of RCW 43.22.340 as amended by this 1969 amendatory act shall be guilty of a misdemeanor. Each day upon which a violation occurs shall constitute a separate violation.

Passed the Senate April 19, 1969

Passed the House April 11, 1969

Approved by the Governor April 25, 1969, with the exception of two items in section 3 which are vetoed

Filed in office of Secretary of State May 14, 1969

NOTE: Governor's explanation of partial veto is as follows:  
"...Section 3 of the bill establishes the Mobile Home and Travel Trailer Advisory Board consisting of seven members to be appointed by the Governor. Of the seven members, one member represents the mobile home manufacturers, one member represents the travel trailer manufacturers, one member represents the plumbing apparatus and equipment suppliers, one member represents the electrical material, equipment or appliance suppliers, one member represents the heating equipment suppliers, one member represents the general public, and one member is the chief supervisor for the mobile home and travel trailer section of the Department of Labor and Industries.

Under the terms of section 3, no rule or regulation may be amended or repealed until the advisory board has first had the opportunity to consider the amendment or repeal and to make recommendations to the director.

The group is advisory in nature and will be of assistance to the Director of Labor and Industries. In my judgment, however, it serves no useful purpose for the rule-making responsibility of the director to be limited by requiring the committee to meet on every amendment or repeal. Under the wording of the bill, inability of the board to hold a meeting, or lack of a quorum, would prevent any change in the rules. One of the chief purposes of the rule-making power is to deal with emergency conditions. In order to preserve the emergency power of the director, I have vetoed the item requiring the committee to meet on any amendment or repeal of the rules of

the department. In practice, my veto will not change the role of the advisory board.

In appointing the representatives to the board, the Governor may only select from lists submitted by nonprofit organizations or associations representing individuals, corporations or associations engaged in the business classification from which such members shall be selected.

While the designation of a representative of the designated groups is acceptable, the requirement that these representatives be selected only from lists submitted by specific organizations is unduly restrictive. I have therefore vetoed in section 3 those items restricting the appointing authority.

With these exceptions, the remainder of Engrossed Senate Bill No. 186 is approved."

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CHAPTER 230  
[Senate Bill No. 318]  
DEPOSIT OF PUBLIC FUNDS IN BANKS CLAIMING  
TAX EXEMPTIONS

AN ACT Relating to depositaries and deposits of public funds; adding new sections to chapter 8, Laws of 1965 and to chapter 43.85-RCW; adding new sections to chapter 4, Laws of 1963 and to chapter 36.48 RCW; adding new sections to chapter 7, Laws of 1963 and to chapter 35.38 RCW; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 8, Laws of 1965 and to chapter 43.85 RCW a new section to read as follows:

The state finance committee shall not approve, designate or select as a depositary for any state funds any bank which claims exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state. The director of revenue shall notify the state finance committee on or before July 1, 1969, and quarterly on the first day of October, January, April and July thereafter of the names and addresses of any banks which have claimed exemption from the payment of any of said taxes.

NEW SECTION. Sec. 2. There is added to chapter 8, Laws of 1965 and to chapter 43.85 RCW a new section to read as follows:

The state treasurer or any other state officer shall not deposit state moneys in any bank which claims exemption from the pay-

ment of any sales or compensating use or ad valorem taxes under the laws of this state. The director of revenue shall notify the state treasurer on or before July 1, 1969, and quarterly on the first day of October, January, April and July thereafter of the names and addresses of any banks which have claimed exemption from the payment of any said taxes.

NEW SECTION. Sec. 3. There is added to chapter 4, Laws of 1963 and to chapter 36.48 RCW a new section to read as follows:

A county treasurer shall not approve, designate or select as a depository for any public funds any bank which claims exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state.

NEW SECTION. Sec. 4. There is added to chapter 4, Laws of 1963 and to chapter 36.48 RCW a new section to read as follows:

A county treasurer shall not deposit public moneys in any bank which claims exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state.

NEW SECTION. Sec. 5. There is added to chapter 4, Laws of 1963 and to chapter 36.48 RCW a new section to read as follows:

The director of revenue shall notify each county treasurer on or before July 1, 1969, and quarterly on the first day of October, January, April and July thereafter of the names and addresses of any banks which have claimed exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state.

NEW SECTION. Sec. 6. There is added to chapter 7, Laws of 1965 and to chapter 35.38 RCW a new section to read as follows:

A city or town treasurer shall not approve, designate or select as a depository for any public funds any bank which claims exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state.

NEW SECTION. Sec. 7. There is added to chapter 7, Laws of 1963 and to chapter 35.38 RCW a new section to read as follows:

A city or town treasurer shall not deposit public moneys in

any bank which claims exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state.

NEW SECTION. Sec. 8. There is added to chapter 7, Laws of 1965 and to chapter 35.38 RCW a new section to read as follows:

The director of revenue shall notify each city and town treasurer on or before July 1, 1969, and quarterly on the first day of October, January, April and July thereafter of the names and addresses of any banks which have claimed exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state.

NEW SECTION. Sec. 9. There is added to chapter 8, Laws of 1965 and to chapter 43.85 RCW a new section to read as follows:

Nothing contained in sections 1 through 8 of this 1969 act shall be construed or interpreted to impair the obligation of any contract. Sections 1 through 8 of this 1969 act shall be construed to limit the obligations of the state, any county, or any city or town on any existing contract or agreement for the deposit of public moneys or funds to that which is specifically provided in any such contract to the shortest term or period of time authorized by such contract. All options of the state, a county, or city or town to terminate in any manner whatsoever any agreement in conflict with the provisions of sections 1 through 8 of this 1969 act shall be and hereby are exercised. Every officer, board, commission and employee administering any of the affairs or matters of the state, a county, or city or town and having the right to exercise such an option is hereby directed to exercise such option under penalty of removal -V  
from office or public service.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, -V

v- and shall take effect immediately.

Passed the Senate March 18, 1969

Passed the House April 11, 1969

Approved by the Governor April 18, 1969, with the exception of a certain item in section 9 and all of section 10 which are vetoed

Filed in office of Secretary of State May 14, 1969

NOTE: Governor's explanation of partial veto is as follows:  
"...Senate Bill No. 318 would prohibit the State Finance Committee, the State Treasurer or other state officers, county treasurers or city or town treasurers from selecting or designating as a depository for state, county or city funds any bank that claims exemption from the retail sales tax, the use tax or ad valorem taxes.

Banks are not exempt from these taxes under the state law. However, the United States Supreme Court last June affirmed that under federal law, national banks are exempt from state sales and use taxes. This case interpreted an 1864 statute, setting limits on how national banks may be taxed. A bill has been introduced in the present Congress to make federally chartered banks subject to state sales and use taxes.

The national banks of the State of Washington have paid the sales tax and use tax throughout the history of the revenue act and have not claimed exemption in any case that has come to the attention of the Department of Revenue. However, the publicity given to the Supreme Court decision has raised the possibility that national bank officers could be pressured by their stockholders to refuse to pay these taxes.

The first eight sections prohibit state and local officers from depositing public funds with institutions that claim exemption from state sales, use and ad valorem taxes.

Section 9 states that the act is not to be construed to impair existing contracts for the deposit of public funds, but is to be construed to limit the obligations under any existing contracts with banks claiming exemptions to the shortest possible term or period of time authorized by such contracts. The act specifically exercises all options to terminate existing contracts for the deposit of public funds that are inconsistent with the terms of the act. Further, all public officers are directed to exercise such options on penalty of removal from office.

Removal from office is properly reserved for serious misconduct of public officials. Under Senate Bill No. 318, a clerical error resulting in the failure to exercise an option to terminate a deposit agreement would require the removal of all public officials responsible. This is an unnecessarily harsh penalty, particularly since Senate Bill No. 318 itself exercises all options

to terminate deposit agreements with banks which claim exemption from state taxes. I have therefore vetoed the penalty provision.

Section 10 is an emergency clause. No national bank has claimed an exemption from these state taxes. An emergency clause denies the right of referendum. Under our Constitution, an emergency clause should be used only under circumstances dictating a recognizable emergency. No emergency has been demonstrated in this case. I have therefore vetoed Section 10.

With the exception of a certain item in Section 9 and all of Section 10 which I have vetoed, the remainder of Senate Bill No. 318 is approved."

CHAPTER 231  
[Engrossed Senate Bill No. 474]  
MIGRANT FARM WORKERS--  
HOUSING AND SANITATION STANDARDS

AN ACT Relating to public health; establishing housing and sanitation standards for migrant farm workers and their families; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. (1) All housing, without exclusion

on account of the number of units or their location and without regard to whether the housing is publicly or privately owned, together with the land areas appurtenant thereto, heretofore and now provided by employers, growers, management, and any other persons, for occupancy by workers or by workers and their dependents, in agriculture, shall be governed as to health and sanitation standards by the rules and regulations for the regulation of labor camps as promulgated by the state board of health, effective March 11, 1960.

(2) All new housing and new construction together with the land areas appurtenant thereto which shall be started on and after the effective date of this act, and is to be provided by employers, growers, management, or any other persons, for occupancy by workers or by workers and their dependents, in agriculture, shall comply with the rules and regulations of the state board of health pertaining to labor camps, filed with the office of the code reviser on November 20, 1968 and future amendments and revisions thereof.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 25, 1969

Passed the House April 11, 1969

Approved by the Governor May 3, 1969, with the exception of subsection 1 of section 1 which is vetoed

Filed in office of Secretary of State May 14, 1969

NOTE: Governor's explanation of partial veto is as follows:  
"...This bill provides that all housing for agricultural workers and their dependents now existing shall be governed by the rules and regulations for the regulation of labor camps promulgated by the state board of health effective March 11, 1960. It further provides that all new housing constructed for agricultural workers and their dependents after the effective date of the act must comply with the rules and regulations of the state board of health for labor camps filed with the office of the code reviser on November 20, 1968, and future amendments and revisions thereof.

The effect of this bill is to except existing housing for agricultural workers from the provisions of the regulations of the board of health filed on November 20, 1968, but to extend the coverage of the 1960 regulations to all existing housing for agricultural workers.

If approved, this bill would actually discourage the replacement of obsolete housing since those who provide such housing would be penalized if they should wish to upgrade their facilities. There does not appear to be any desirability in approving legislation which would actually deter the upgrading of housing to the higher standards of the 1968 regulations.

The effect of subsection 1 of section 1 would be to prevent any future modification of the 1960 regulations applicable to existing housing until such time as that subsection would be repealed by the legislature. For example, the board of health would forever be prevented from requiring that running water be installed in pre-1960 housing or to require many other improvements needed in existing housing. At the same time, subsection 2 of section 1 authorizes future amendments and revisions of the 1968 regulations applicable to new housing. The prohibition against future modification of the regulations applicable to existing housing would apply irrespective of whether the standards were to be raised or lowered. This prohibition of any further amendment of the 1960 regulations would emasculate the administrative machinery of the board of health and the board would be prevented from being able to respond to changing circumstances with respect



to housing constructed prior to the effective date of this act.

To prevent placing such limitations upon the board of health and to safeguard the board's authority to regulate both existing housing under present law and new construction, I have vetoed subsection 1 of section one of the bill.

The 1968 labor camp regulations adopted by the board of health apply both to existing housing and new construction but contain provisions whereby existing housing may be upgraded over a five-year period. In adopting the new 1968 regulations it is understandable that technical and substantive modifications to those regulations would be required after consideration of their impact upon both employers and employees and upon the quality and quantity of housing available.

There has now been an opportunity for such consideration as well as extensive legislative debate. Therefore; it would appear appropriate for the board of health to review the 1968 regulations for the purpose of possible amendment. Accordingly, I am requesting the board of health to consider this matter further at its June 5 meeting.

With the exception of the one item of subsection 1 of section 1, the remainder of Engrossed Senate Bill 474 is approved."

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CHAPTER 232  
[Engrossed Senate Bill No. 560]  
PUBLIC OBLIGATIONS--  
PERMISSIBLE MAXIMUM RATE OF INTEREST

AN ACT Relating to interest rates on obligations of the state and various political subdivisions thereof; amending section 1, chapter 53, Laws of 1957 and RCW 14.08.112; amending section 2, chapter 53, Laws of 1957 and RCW 14.08.114; amending section 2, chapter 59, Laws of 1955 and RCW 27.12.223; amending section 1, page 324, Laws of 1909, as last amended by section 1, chapter 163, Laws of 1953 and RCW 28.51.010; amending section 7, chapter 229, Laws of 1961 and RCW 28.76.192; amending section 8, chapter 229, Laws of 1961 and RCW 28.76.194; amending section 4, chapter 229, Laws of 1961 and RCW 28.76.200; amending section 3, chapter 284, Laws of 1947 and RCW 28.77.370; amending section 4, chapter 254, Laws of 1957, as amended by section 4, chapter 193, Laws of 1959 and RCW 28.77.530; amending section

8, chapter 193, Laws of 1959 and RCW 28.77.547; amending section 4, chapter 12, Laws of 1961 ex. sess. and RCW 28.80.530; amending section 7, chapter 12, Laws of 1961 ex. sess. and RCW 28.80.560; amending section 7, chapter 1, Laws of 1931 and RCW 54.24.018; amending section 35.41.030, chapter 7, Laws of 1965 and RCW 35.41.030; amending section 35.58.450, chapter 7, Laws of 1965 as amended by section 13, chapter 105, Laws of 1967 and RCW 35.58.450; amending section 35.58.460, chapter 7, Laws of 1965 as amended by section 14, chapter 105, Laws of 1967 and RCW 35.58.460; amending section 35.58.470, chapter 7, Laws of 1965, and RCW 35.58.470; amending section 35.61.170, chapter 7, Laws of 1965 and RCW 35.61.170; amending section 35.67.080, chapter 7, Laws of 1965 and RCW 35.67.080; amending section 35.81.100, chapter 7, Laws of 1965 and RCW 35.81.100; amending section 35.82.140, chapter 7, Laws of 1965 and RCW 35.82.140; amending section 35.89.020, chapter 7, Laws of 1965 and RCW 35.89.020; amending section 35.92.080, chapter 7, Laws of 1965 as last amended by section 1, chapter 107, Laws of 1967 and RCW 35.92.080; amending section 35.92.100, chapter 7, Laws of 1965 as amended by section 25, chapter 52, Laws of 1967 and RCW 35.92.100; amending section 36.62.070, chapter 4, Laws of 1963 and RCW 36.62.070; amending section 3, chapter 142, Laws of 1965 and RCW 36.67.530; amending section 6, chapter 142, Laws of 1965 and RCW 36.67.560; amending section 36.76.090, chapter 4, Laws of 1963 and RCW 36.76.090; amending section 36.76.140, chapter 4, Laws of 1963 and RCW 36.76.140; amending section 2, chapter 170, Laws of 1895 and RCW 39.52.020; amending section 43.21.340, chapter 8, Laws of 1965 and RCW 43.21.340; amending section 47.56.140, chapter 13, Laws of 1961 as amended by section 45, chapter 3, Laws of 1963 ex. sess. and RCW 47.56.140; amending section 47.60.060, chapter 13, Laws of 1961 and RCW 47.60.060; amending section 35, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.350; amending section 39, chapter 8, Laws

of 1967 ex. sess. and RCW 28.85.390; amending section 4, chapter 59, Laws of 1957 as amended by section 3, chapter 183, Laws of 1959 and RCW 53.40.030; amending section 9, chapter 122, Laws of 1949 as amended by section 6, chapter 183, Laws of 1959 and RCW 53.40.110; amending section 8, chapter 122, Laws of 1949 as amended by section 7, chapter 183, Laws of 1959 and RCW 53.40.130; amending section 5, chapter 24, Laws of 1951 2nd ex. sess. and RCW 52.16.100; amending section 1, chapter 151, Laws of 1965 ex. sess. and RCW 79.24.610; amending section 2, chapter 151, Laws of 1965 ex. sess. and RCW 79.24.612; amending section 30, chapter 117, Laws of 1895 and RCW 85.05.300; amending section 194, chapter 72, Laws of 1937 and RCW 86.09.580; amending section 200, chapter 72, Laws of 1937 and RCW 86.09.598; amending section 15, page 679, Laws of 1889-90, as last amended by section 2, chapter 68, Laws of 1963 and RCW 87.03.200; amending section 35, chapter 8, Laws of 1909 ex. sess., as last amended by section 8, chapter 46, Laws of 1913 and RCW 91.04.490; amending section 46, chapter 23, Laws of 1911 and RCW 91.08.480; amending section 6, chapter 264, Laws of 1945, as last amended by section 7, chapter 164, Laws of 1967 and RCW 70.44.060; amending section 1, chapter 156, Laws of 1913 and RCW 85.05.480; amending section 27, chapter 115, Laws of 1895 and RCW 85.06.270; amending section 1, chapter 174, Laws of 1927 and RCW 85.06.321; amending section 2, chapter 103, Laws of 1935 and RCW 85.07.070; amending section 13, chapter 26, Laws of 1949 and RCW 85.16.180; amending section 3, chapter 161, Laws of 1923 and RCW 87.19.030; amending section 20, chapter 120, Laws of 1929 as amended by section 3, chapter 42, Laws of 1931 and RCW 87.22.150; amending section 21, chapter 120, Laws of 1929 and RCW 87.22.160; amending section 2, chapter 57, Laws of 1949 and RCW 87.28.020; amending section 6, chapter 57, Laws of 1949 and RCW 87.28.070; amending section 10, chapter 236, Laws of 1907 and RCW 88.32.140;

amending section 140, chapter 254, Laws of 1927 and RCW 89.30-.418; amending section 174, chapter 254, Laws of 1927 and RCW 89.30.520; amending section 1, chapter 106, Laws of 1967 and RCW 90.50.010; amending section 11, chapter 154, Laws of 1915 as amended by section 1, chapter 115, Laws of 1925 ex. sess. and RCW 8.12.400; amending section 26, chapter 153, Laws of 1957 and RCW 17.28.260; amending section 12, page 329, Laws of 1909 as amended by section 1, chapter 32, Laws of 1945 and RCW 28.51.180; amending section 5, page 333, Laws of 1909 and RCW 28.52.050; amending section 6, page 334, Laws of 1909 and RCW 28.52.055; amending section 4, chapter 14, Laws of 1961 ex. sess. and RCW 28.81.530; amending section 8, chapter 14, Laws of 1961 ex. sess. and RCW 28.81.570; amending section 35.67-.140, chapter 7, Laws of 1965 and RCW 35.67.140; amending section 36.76.010, chapter 4, Laws of 1963 and RCW 36.76.010; amending section 36.88.200, chapter 4, Laws of 1963 and RCW 36.88.200; amending section 3, chapter 4, Laws of 1917 and RCW 37.16.020; amending section 4, chapter 4, Laws of 1917 and RCW 37.16.030; amending section 1, chapter 30, Laws of 1933 ex. sess. and RCW 39.48.010; amending section 33, chapter 181, Laws of 1961 and RCW 47.57.550; amending section 47.58.040, chapter 13, Laws of 1961 as amended by section 1, chapter 102, Laws of 1961 and RCW 47.58.040; amending section 3, chapter 236, Laws of 1959 and RCW 53.34.030; amending section 4, chapter 236, Laws of 1959 and RCW 53.34.040; amending section 6, chapter 236, Laws of 1959 and RCW 53.34.060; amending section 3, chapter 218, Laws of 1941 and RCW 53.39.030; amending section 4, chapter 182, Laws of 1941 as amended by section 7, chapter 218, Laws of 1959 and RCW 54.24.060; amending section 8, chapter 182, Laws of 1941 as amended by section 10, chapter 218, Laws of 1959 and RCW 54.24.090; amending section 18, chapter 210, Laws of 1941, as last amended by section 13, chapter 250, Laws of 1953 and RCW 56.16.040; amending section 19, chap-

ter 210, Laws of 1941 as amended by section 8, chapter 103, Laws of 1959 and RCW 56.16.060; amending section 11, chapter 114, Laws of 1929, as last amended by section 12, chapter 251, Laws of 1953 and RCW 57.20.010; amending section 3, chapter 128, Laws of 1939 as amended by section 11, chapter 108, Laws of 1959 and RCW 57.20.020; amending section 3, chapter 176, Laws of 1953 as amended by section 2, chapter 134, Laws of 1955, and RCW 52.16.061; amending section 45, chapter 34, Laws of 1939 and RCW 52.20.060; amending section 2, chapter 239, Laws of 1947 and RCW 53.44.020; amending section 13, chapter 264, Laws of 1945 and RCW 70.44.120; amending section 3, chapter 151, Laws of 1923 as last amended by section 3, chapter 74, Laws of 1965 ex. sess. and RCW 39.44.030; amending section 28B.10.310, chapter ..., Laws of 1969 (HB 58) and RCW 28B.10.310; amending section 28B.10.315, chapter ..., Laws of 1969 (HB 58) and RCW 28B.10.315; amending section 28B.10.325, chapter ..., Laws of 1969 (HB 58) and RCW 28B.10.325; amending section 28B.20.396, chapter ..., Laws of 1969 (HB 58) and RCW 28B.20.396; amending section 28B.20.715, chapter ..., Laws of 1969 (HB 58) and RCW 28B.20.715; amending section 28B.20.730, chapter ..., Laws of 1969 (HB 58) and RCW 28B.20.730; amending section 28B.30.730, chapter ..., Laws of 1969 (HB 58) and RCW 28B.30.730; amending section 28B.30.760, chapter ..., Laws of 1969 (HB 58) and RCW 28B.30.760; amending section 28B.40.730, chapter ..., Laws of 1969 (HB 58) and RCW 28B.40.730; amending section 28B.40.770, chapter ..., Laws of 1969 (HB 58) and RCW 28B.40.770; amending section 28B.50.350, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.350; amending section section 28B.50.390, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.390, thus providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW or of Titles 28A and 28B RCW if such titles shall be enacted; declaring an emergency; and providing and effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. Because market conditions are such that the state, state agencies, state colleges and universities, and the political subdivisions, municipal corporations and quasi municipal corporations of this state are finding it increasingly difficult and, in some cases, impossible to market bond issues at the maximum permissible rate of interest payable on such bonds, it is the purpose of this 1969 amendatory act to increase the permissible maximum rate of interest payable on such bonds to eight percent per annum.

Sec. 2. Section 1, chapter 53, Laws of 1957 and RCW 14.08-.112 are each amended to read as follows:

Municipalities, including any governmental subdivision which may be hereafter authorized by law to own, control and operate an airport or other air navigation facility, are hereby authorized to issue revenue bonds to provide part or all of the funds required to accomplish the powers granted them by chapter 14.08 RCW, and to construct, acquire by purchase or condemnation, equip, add to, extend, enlarge, improve, replace and repair airports, facilities and structures thereon including but not being limited to facilities for the servicing of aircraft and for the comfort and accommodation of air travelers, and other properties incidental to the operation of airports and to pay all costs incidental thereto.

The legislative body of the municipality shall create a special fund for the sole purpose of paying the principal of and interest on the bonds of each issue, into which fund the legislative body shall obligate the municipality to pay an amount of the gross revenue derived from its ownership, control, use and operation of the airport and all airport facilities and structures thereon and used and operated in connection therewith, including but not being limited to fees charged for all uses of the airport and facilities, rentals derived from leases of part or all of the airport, buildings and any or all air navigation facilities thereon, fees derived from concessions granted, and proceeds of sales of part or all of the airport

and any or all buildings and structures thereon or equipment therefor, sufficient to pay the principal and interest as the same shall become due, and to maintain adequate reserves therefor if necessary. Revenue bonds and the interest thereon shall be payable only out of and shall be a valid claim of the holder thereof only as against the special fund and the revenue pledged to it, and shall not constitute a general indebtedness of the municipality.

Each revenue bond and interest coupon attached thereto shall name the fund from which it is payable and state upon its face that it is only payable therefrom; however, all revenue bonds and interest coupons issued under RCW 14.08.112 and 14.08.114 shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state. Each issue of revenue bonds may be bearer coupon bonds or may be registered either as to principal only or as to principal and interest; shall be in the denomination or denominations the legislative body of the municipality shall deem proper; shall be payable at the time or times and at the place or places as shall be determined by the legislative body; shall bear interest over the life of the issue at a net interest cost to the municipality of not to exceed (~~six~~) eight percent per annum and no semiannual interest on any bonds shall be greater than (~~six~~) eight percent: PROVIDED, HOWEVER, That the amount of premium, if any, to be paid on the redemption of bonds prior to their maturity shall not be considered in determining the net interest cost; shall be signed on behalf of the municipality by the chairman of the board of county commissioners, mayor of the city or town, president of the port commission, and similar officer of any other municipality, shall be attested by the county auditor, the clerk or comptroller of the city or town, the secretary of the port commission, and similar officer of any other municipality, one of which signatures may be a facsimile signature, and shall have the seal of the municipality impressed thereon; each of the interest coupons attached thereto shall be signed by the facsimile signatures of said officials. Revenue bonds

shall be sold in the manner as the legislative body of the municipality shall deem best, either at public or private sale.

The municipality at the time of the issuance of revenue bonds may provide covenants as it may deem necessary to secure and guarantee the payment of the principal thereof and interest thereon, including but not being limited to covenants to create a reserve fund or account and to authorize the payment or deposit of certain moneys therein for the purpose of securing or guaranteeing the payment of the principal and interest, to establish and maintain rates, charges, fees, rentals and sales prices sufficient to pay the principal and interest and to maintain an adequate coverage over annual debt service, to appoint a trustee for the bondholders and a trustee for the safeguarding and disbursing of the proceeds of sale of the bonds and to fix the powers and duties of the trustee or trustees, and to make any and all other covenants as the legislative body may deem necessary to its best interest and that of its inhabitants to accomplish the most advantageous sale possible of the bonds. The legislative body may also provide that revenue bonds payable out of the same source or sources may later be issued on a parity with revenue bonds being issued and sold.

The legislative body of the municipality may include an amount for working capital and an amount necessary for interest during the period of construction of the airport or any facilities plus six months, in the principal amount of any revenue bond issue; if it deems it to the best interest of the municipality and its inhabitants, it may provide in any contract for the construction or acquisition of an airport or facilities that payment therefor shall be made only in revenue bonds at the par value thereof.

If the municipality or any of its officers shall fail to carry out any of its or their obligations, pledges or covenants made in the authorization, issuance and sale of bonds, the holder of any bond or the trustee may bring action against the municipality and/or said officers to compel the performance of any or all of the covenants.



Sec. 3. Section 2, chapter 53, Laws of 1957, and RCW 14.08-.114 are each amended to read as follows:

When any municipality has outstanding revenue bonds or warrants payable solely from revenues derived from the ownership, control, use and operation of the airport and all its facilities and structures thereon used and operated in connection therewith, the legislative body thereof may provide for the issuance of funding or refunding bonds to fund or refund outstanding warrants or bonds or any part thereof at or before maturity, and may combine various outstanding warrants and various series and issues of outstanding bonds in the amount thereof to be funded or refunded and may issue funding or refunding bonds to pay any redemption premium and interest payable on the outstanding revenue warrants or bonds being funded or refunded. The legislative body of the municipality shall create a special fund for the sole purpose of paying the principal of and interest on funding or refunding bonds, into which fund the legislative body shall obligate the municipality to pay an amount of the gross revenue derived from its ownership, control, use and operation of the airport and all airport facilities and structures thereon as provided in RCW 14.08.112, sufficient to pay the principal and interest as the same shall become due, and to maintain adequate reserves therefor if necessary. Bonds and the interest thereon shall be payable only out of and shall be a valid claim of the holder thereof only as against the special fund and the revenue pledged to it, and shall not constitute a general indebtedness of the municipality.

The net interest cost to maturity on funding or refunding bonds shall not exceed (~~six~~) eight percent per annum: PROVIDED, HOWEVER, That the amount of premium, if any, to be paid on the redemption of funding or refunding bonds prior to their maturity shall not be considered in determining net interest cost.

The municipality may exchange funding or refunding bonds at par for the warrants or bonds which are being funded or refunded, or it may sell the funding or refunding bonds in the manner as it shall

deem for the best interest of the municipality and its inhabitants, either at public or private sale. Funding or refunding bonds shall be governed by and issued under and in accordance with the provisions of RCW 14.08.112 with respect to revenue bonds unless there is a specific provision to the contrary in this section.

Sec. 4. Section 2, chapter 59, Laws of 1955, and RCW 27.12-.223 are each amended to read as follows:

Bonds authorized by RCW 27.12.222 shall be serial in form and maturity and numbered from one upward consecutively. Only bond No. 1 of any issue shall be of a denomination other than a multiple of one hundred dollars. The resolution authorizing the issuance of the bonds shall fix the rate of interest the bonds shall bear at not to exceed ((six)) eight percent per annum, and the place and date of payment of principal and interest. The bonds shall be signed by the chairman of the board of library trustees and attested by the secretary. Coupons in lieu of being signed may bear the facsimile signature of such officers. Bonds shall be sold in such manner as the board of library trustees deems for the best interests of the district. All such bonds shall be legal securities for any bank or trust company for deposit with the state treasurer or any county or city treasurer as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys.

Sec. 5. Section 1, page 324, Laws of 1909, as last amended by section 1, chapter 163, Laws of 1953, and RCW 28-.51.010 are each amended to read as follows:

The board of directors of any school district may borrow money and issue negotiable coupon bonds therefor for the purpose of:

- (1) Funding outstanding indebtedness or bonds theretofore issued; or
- (2) For the purchase of schoolhouse sites for buildings or playgrounds authorized by law; or
- (3) For erecting buildings authorized by law and providing the necessary furniture, apparatus, or equipment; or

(4) For any or all of these purposes.

Neither the amount of money borrowed nor bonds issued therefor shall exceed five percent of the assessed valuation of the taxable property in such district, as shown by the last assessment roll for county and state purposes previous to the incurring of such indebtedness, except that in cities incorporated under special charter the valuation shall be taken from the last assessment for city purposes: PROVIDED, That any school district may become indebted to a larger amount but not exceeding five percent additional for capital outlays.

Bonds may be issued only when authorized by the vote of the district.

The bonds so issued shall bear a rate of interest not to exceed ~~((six))~~ eight percent per annum, interest payable annually or semiannually, payable and redeemable at such time as may be designated in the bonds. All school district bonds shall be payable within a period of not to exceed twenty-three years from date, except when issued by districts of the first class for the purpose of acquiring buildings or playground sites, or for erecting buildings of a permanent character, in which case they shall be made payable in semiannual or annual installments, beginning the third year over any period not exceeding forty years from date: AND PROVIDED FURTHER, That from and after July 1, 1919, all bonds issued by any school district shall be issued in serial form.

Sec. 6. Section 7, chapter 229, Laws of 1961 and RCW 28.76-.192 are each amended to read as follows:

Each issue or series of such bonds: Shall be sold at a price which will result in a net interest cost over the life thereof of: not to exceed ~~((seven))~~ eight percent per annum, and no single interest or coupon rate shall be greater than ~~((seven))~~ eight percent per annum; may be serial or term bonds; may mature at such time or times in not to exceed forty years from date of issue; may be sold at public or private sale; may be payable both principal and interest at such place or places; may be subject to redemption prior to any fixed

maturities; may be in such denominations; may be payable to bearer or to the purchaser or purchasers thereof or may be registrable as to principal or principal and interest at the option of the holder; may be issued under and subject to such terms, conditions, and covenants providing for the payment of the principal thereof and interest thereon, which may include the creation and maintenance of a reserve fund or account to secure the payment of such principal and interest and a provision that additional bonds payable out of the same source or sources may later be issued on a parity therewith, and such other terms, conditions, covenants and protective provisions safeguarding such payment, all as determined and found necessary and desirable by said boards of regents or trustees. If found reasonably necessary and advisable, such boards of regents or trustees may select a trustee for the owners and holders of each such issue or series of bonds and/or for the safeguarding and disbursements of the proceeds of their sale for the uses and purposes for which they were issued and, if such trustee or trustees are so selected, shall fix its or their rights, duties, powers, and obligations. The bonds of each such issue or series: Shall be executed on behalf of such universities or colleges by the president of the board of regents or the chairman of the board of trustees, and shall be attested by the secretary of such board, one of which signatures may be a facsimile signature; and shall have the seal of such university or college impressed, printed, or lithographed thereon, and the interest coupons attached thereto shall be executed with the facsimile signatures of said officials. The bonds of each such issue or series and each of the coupons attached thereto shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state even though they shall be payable solely from any special fund or funds.

Sec. 7. Section 8, chapter 229, Laws of 1961 and RCW 28.76-.194 are each amended to read as follows:

Such boards of regents or trustees may from time to time provide for the issuance of funding or refunding revenue bonds to fund

or refund at or prior to maturity any or all bonds of other indebtedness, including any premiums or penalties required to be paid to effect such funding or refunding, heretofore or hereafter issued or incurred to pay all or part of the cost of acquiring, constructing, or installing any lands, buildings, or facilities of the nature described in RCW 28.76.180.

Such funding or refunding bonds and each of the coupons attached thereto shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state. The net interest cost over the life of such funding or refunding bonds shall not exceed ((seven)) eight percent per annum, and the amount of any premium or penalty paid to effect such funding or refunding shall not be considered in determining such net interest cost.

Such funding or refunding bonds may be exchanged for or applied to the payment of the bonds or other indebtedness being funded or refunded or may be sold in such manner and at such price as the boards of regents or trustees deem advisable, either at public or private sale.

The provisions of this chapter relating to the maturities, terms, conditions, covenants, interest rate, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

Sec. 8. Section 4, chapter 229, Laws of 1961 and RCW 28.76-.200 are each amended to read as follows:

The rate of interest on the principal of any obligation made or incurred under the authority granted in RCW 28.76.180 shall not exceed ((seven)) eight percent per annum.

Sec. 9. Section 3, chapter 284, Laws of 1947 and RCW 28.77-.370 are each amended to read as follows:

Bonds issued pursuant to the authority granted under subdivision (4) of RCW 28.77.360--

(1) shall not constitute (a) an obligation, either general or

special, of the state or (b) a general obligation of the University of Washington or of the board:

(2) shall be--

(a) either registered or in coupon form, and

(b) issued in denominations of not less than one hundred dollars;

(3) shall state--

(a) the date of issue, and

(b) the series of the issue and be consecutively numbered within the series, and

(c) that the bond is payable only out of a special fund established for the purpose, and designate the fund;

(4) shall bear interest, payable either annually or semi-annually as the board may determine, at a rate not to exceed ~~((six))~~ eight percent per annum;

(5) shall be payable solely out of --

(a) revenue derived from operating, managing and leasing the university tract, and

(b) a special fund, created by the board for the purpose, consisting either of (i) a fixed proportion, or (ii) a fixed amount out of and not exceeding a fixed proportion, or (iii) a fixed amount without regard to any fixed proportion, of the revenue so derived.

(6) may contain covenants by the board in conformity with the provisions of RCW 28.77.380(2);

(7) shall be payable at such times over a period of not to exceed thirty years; in such manner and at such place or places as the board determines;

(8) shall be executed in such manner as the board by resolution determines;

(9) shall be sold in such manner as the board deems for the best interest of the University of Washington.

Sec. 10. Section 4, chapter 254, Laws of 1957, as amended by section 4, chapter 193, Laws of 1959, and RCW 28.77.530

are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state; or

(b) A general obligation of the University of Washington or of the board;

(2) Shall be

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the university by the president of the board, attested by the secretary of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed ~~((six))~~ eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed ~~((six))~~ eight percent per annum;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner as the board may prescribe, but never at a price at which the net interest cost over the life thereof shall exceed (~~six~~) eight percent per annum;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with this chapter, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the general tuition fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the University of Washington building account to the bond retirement fund when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;



(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the University of Washington building account and shall be used solely for paying the costs of the projects.

Sec. 11. Section 8, chapter 193, Laws of 1959 and RCW 28.77-.547 are each amended to read as follows:

The board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by this chapter for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the University of Washington or the board. The net interest cost to maturity on such refunding bonds shall not exceed (~~six~~) eight percent per annum nor shall any single interest or coupon rate exceed (~~six~~) eight percent per annum. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner as it deems for the best interest of the university.

Sec. 12. Section 4, chapter 12, Laws of 1961, first extraordinary session, and RCW 28.80.530 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state; or  
(b) A general obligation of Washington State University or of the board;

(2) Shall be

(a) Either registered or in coupon form; and  
(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the university by the president of the board, attested by the secretary of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;

(3) Shall state

(a) The date of issue; and  
(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed ((six)) eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed ((six)) eight percent per annum;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner as the board may prescribe,

but never at a price at which the net interest cost over the life thereof shall exceed (~~six~~) eight percent per annum;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28.80.500 through 28.80.580, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the general tuition fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the Washington State University building account to the bond retirement fund when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the Washington State University building account and shall be used solely for paying the costs of the projects.

Sec. 13. Section 7, chapter 12, Laws of 1961 extraordinary session, and RCW 28.80.560 are each amended to read as follows:

The board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by RCW 28.80.500 through 28.80.580 for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of Washington State University or the board. The net interest cost to maturity on such refunding bonds shall not exceed (~~six~~) eight percent per annum nor shall any single interest or coupon rate exceed (~~six~~) eight percent per annum. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner as it deems for the best interest of the university.

Sec. 14. Section 7, chapter 1, Laws of 1931, and RCW 54.24-.018 are each amended to read as follows:

Whenever the commission shall deem it advisable that the public utility district purchase, purchase and condemn, acquire, or construct any such public utility, or make any additions or betterments thereto, or extensions thereof, the commission shall provide therefor by resolution, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as near as may be, and specify whether general or utility indebtedness is to be incurred, the amount of such indebtedness, the amount of interest and the time in which all general bonds (if any) shall be paid, not to exceed thirty years. In the event the proposed general indebtedness to be incurred will bring the indebtedness of the public utility district to an amount exceeding one and one-half percent of the taxable property of the public utility district, the proposition of incurring such in-

debtedness and the proposed plan or system shall be submitted to the qualified electors of said public utility district for their assent at the next general election held in such public utility district.

Whenever the commission (or a majority of the qualified voters of such public utility district, voting at said election, when it is necessary to submit the same to said voters) shall have adopted a system or plan for any such public utility, as aforesaid, and shall have authorized indebtedness therefor by a three-fifths vote of the qualified voters of such district, voting at said election, general or public utility bonds may be used as hereinafter provided. Said general bonds shall be serial in form and maturity and numbered from one upwards consecutively. The various annual maturities shall commence not later than the tenth year after the date of issue of such bonds. The resolution authorizing the issuance of the bonds shall fix the rate of interest the bonds shall bear, said interest not to exceed ((six)) eight percent, and the place and date of the payment of both principal and interest. The bonds shall be signed by the president of the commission, attested by the secretary of the commission, and the seal of the public utility district shall be affixed to each bond but not to the coupon: PROVIDED, HOWEVER, That said coupon, in lieu of being so signed, may have printed thereon a facsimile of the signature of such officers. The principal and interest of such general bonds shall be paid from the revenue of such public utility district after deducting costs of maintenance, operation, and expenses of the public utility district, and any deficit in the payment of principal and interest of said general bonds shall be paid by levying each year a tax upon the taxable property within said district sufficient to pay said interest and principal of said bonds, which tax shall be due and collectible as any other tax. Said bonds shall be sold in such manner as the commission shall deem for the best interest of the district. All bonds and warrants issued under the authority of this act shall be legal securities, which may be used by any bank or trust company for deposit with the state treasurer, or any county

or city treasurer, as security for deposits, in lieu of a surety bond, under any law relating to deposits of public moneys. When the commission shall not desire to incur a general indebtedness in the purchase, condemnation and purchase, acquisition, or construction of any such public utility, or addition or betterment thereto, or extension thereof, it shall have the power to create a special fund or funds for the sole purpose of defraying the cost of such public utility, or addition or betterment thereto, or extension thereof, into which special fund or funds it may obligate and bind the district to set aside and pay a fixed proportion of the gross revenues of such public utility, or any fixed amount out of, and not exceeding a fixed proportion of, such revenues, or a fixed amount without regard to any fixed proportion, and to issue and sell bonds or warrants bearing interest not exceeding ~~((six))~~ eight percent per annum, payable semiannually, executed in such manner, and payable at such times and places as the commission shall determine, but such bonds or warrants and the interest thereon, shall be payable only out of such special fund or funds. In creating any such special fund or funds, the commission shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenues previously pledged as a fund for the payment of bonds or warrants, and shall not set aside into such special fund or funds a greater amount or proportion of the revenues and proceeds than, in its judgment, will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenues so previously pledged. Any such bonds or warrants, and interest thereon, issued against any such fund, as herein provided, shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state on its face that it is payable from a special fund, naming such fund and the resolution creating it. Said bonds and warrants

shall be sold in such manner as the commission shall deem for the best interests of the district, and the commission may provide in any contract for the construction and acquisition of a proposed improvement or utility that payment therefor shall be made only in such bonds or warrants at the par value thereof. In all other respects, the issuance of such utility bonds or warrants and payment therefor shall be governed by the public utility laws for cities and towns.

Sec. 15. Section 35.41.030, chapter 7, Laws of 1965, and RCW 35.41.030 are each amended to read as follows:

If the legislative body of a city or town deems it advisable to purchase, lease, condemn, or otherwise acquire, construct, develop, improve, extend, or operate any land, building, facility, or utility, and adopts an ordinance authorizing such purchase, lease, condemnation, acquisition, construction, development, improvement and to provide funds for defraying all or a portion of the cost thereof from the proceeds of the sale of revenue bonds, and such ordinance has been ratified by the voters of the city or town in those instances where the original acquisition, construction, or development of such facility or utility is required to be ratified by the voters, such city or town may issue revenue bonds against the special fund or funds created solely from revenues. The revenue bonds so issued shall:

- (1) Be registered or coupon bonds;
- (2) Be issued in denominations of not less than one hundred dollars nor more than one thousand dollars;
- (3) Be numbered from one upwards consecutively;
- (4) Bear the date of their issue;
- (5) Be serial or term bonds and the final maturity thereof shall not extend beyond the reasonable life expectancy of the facility or utility;
- (6) Bear interest not exceeding the rate of (~~six~~) eight percent per annum, payable annually or semiannually with interest coupons attached unless such bonds are registered as to interest, in which case no interest coupons need be attached;

(7) Be payable as to principal and interest at such place as may be designated therein;

(8) State upon their face that they are payable from a special fund, naming it, and the ordinance creating it, and that they do not constitute a general indebtedness of the city or town;

(9) Be signed by the mayor and bear the seal of the city or town and be attested by the clerk: PROVIDED, That the facsimile signatures of the mayor and clerk may be used when the ordinance authorizing the issuance of such bonds provides for the signatures thereof by an authenticating officer; and

(10) Be printed upon good bond paper.

Sec. 16. Section 35.58.450, chapter 7, Laws of 1965, as amended by section 13, chapter 105, Laws of 1967, and RCW 35.58.450 are each amended to read as follows:

Notwithstanding the limitations of chapter 39.36 RCW and any other statutory limitations otherwise applicable and limiting municipal debt, a metropolitan municipal corporation shall have the power to authorize and to issue general obligation bonds and to pledge the full faith and credit of the corporation to the payment thereof, for any authorized capital purpose of the metropolitan municipal corporation: PROVIDED, That a proposition authorizing the issuance of such bonds shall have been submitted to the electors of the metropolitan municipal corporation at a special election and assented to by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said metropolitan municipal corporation at the last preceding state general election. Such general obligation bonds may be authorized in any total amount in one or more propositions and the amount of such authorization may exceed the amount of bonds which could then lawfully be issued. Such bonds may be issued in one or more series from time to time out of such authorization but at no time shall the total general indebtedness of the met-



ropolitan municipal corporation exceed five percent of the actual value of the taxable property therein to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness. Both principal of and interest on such general obligation bonds shall be payable from annual tax levies to be made upon all the taxable property within the metropolitan municipal corporation in excess of the forty mill tax limit and may also be made payable from any otherwise unpledged revenue which may be derived from the ownership or operation of properties or facilities incident to the performance of the authorized function for which such bonds are issued. The metropolitan council may include in the principal amount of such bond issue an amount for engineering, architectural, planning, financial, legal, urban design and other services incident to acquisition or construction solely for authorized capital purposes and may include an amount to establish a guaranty fund for revenue bonds issued solely for capital purposes.

General obligation bonds shall bear interest at a rate of not to exceed (~~six~~) eight percent per annum and shall mature in not to exceed forty years from the date of issue. The various annual maturities shall commence not more than five years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies.

Such bonds shall be signed by the chairman and attested by the **secretary** of the metropolitan council, one of which signatures may be a facsimile signature and the seal of the metropolitan corporation shall be impressed thereon. Each of the interest coupons shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities of the first class and at a price not less than par and accrued interest.

Sec. 17. Section 35.58.460, chapter 7, Laws of 1965, as amended by section 14, chapter 105, Laws of 1967, and RCW 35.58.460

are each amended to read as follows:

A metropolitan municipal corporation may issue revenue bonds to provide funds to carry out its authorized metropolitan sewage disposal, water supply, garbage disposal or transportation purposes, without submitting the matter to the voters of the metropolitan municipal corporation. The metropolitan council shall create a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the metropolitan council may obligate the metropolitan municipal corporation to pay such amounts of the gross revenue of the particular utility constructed, acquired, improved, added to, or repaired out of the proceeds of sale of such bonds, as the metropolitan council shall determine. The principal of, and interest on, such bonds shall be payable only out of such special fund or funds, and the owners and holders of such bonds shall have a lien and charge against the gross revenue of such utility.

Such revenue bonds and the interest thereon issued against such fund or funds shall be a valid claim of the holders thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the metropolitan municipal corporation.

Each such revenue bond shall state upon its face that it is payable from such special fund or funds, and all revenue bonds issued under this chapter shall be negotiable securities within the provisions of the law of this state. Such revenue bonds may be registered either as to principal only or as to principal and interest, or may be bearer bonds, shall be in such denominations as the metropolitan council shall deem proper; shall be payable at such time or times and at such places as shall be determined by the metropolitan council; shall bear interest at such rate or rates as shall be determined by the metropolitan council, shall be signed by the chairman and attested by the secretary of the metropolitan council, one of which signatures may be a facsimile signature, and the seal of

the metropolitan municipal corporation shall be impressed thereon; each of the interest coupons shall be signed by the facsimile signatures of said officials.

Such revenue bonds shall be sold in such manner as the metropolitan council shall deem to be for the best interests of the metropolitan municipal corporation, either at public or private sale. The aggregate interest cost to maturity of the money received for such revenue bonds shall not exceed (~~seven~~) eight percent per annum.

The metropolitan council may at the time of the issuance of such revenue bonds make such covenants with the purchasers and holders of said bonds as it may deem necessary to secure and guarantee the payment of the principal thereof and the interest thereon, including but not being limited to covenants to set aside adequate reserves to secure or guarantee the payment of such principal and interest, to maintain rates sufficient to pay such principal and interest and to maintain adequate coverage over debt service, to appoint a trustee or trustees for the bondholders to safeguard the expenditure of the proceeds of sale of such bonds and to fix the powers and duties of such trustee or trustees and to make such other covenants as the metropolitan council may deem necessary to accomplish the most advantageous sale of such bonds. The metropolitan council may also provide that revenue bonds payable out of the same source may later be issued on a parity with revenue bonds being issued and sold.

The metropolitan council may include in the principal amount of any such revenue bond issue an amount to establish necessary reserves, an amount for working capital and an amount necessary for interest during the period of construction of any such metropolitan facilities plus six months. The metropolitan council may, if it deems it to the best interest of the metropolitan municipal corporation, provide in any contract for the construction or acquisition of any metropolitan facilities or additions or improvements thereto or

replacements or extensions thereof that payment therefor shall be made only in such revenue bonds at the par value thereof.

If the metropolitan municipal corporation shall fail to carry out or perform any of its obligations or covenants made in the authorization, issuance and sale of such bonds, the holder of any such bond may bring action against the metropolitan municipal corporation and compel the performance of any or all of such covenants.

Sec. 18. Section 35.58.470, chapter 7, Laws of 1965, and RCW 35.58.470 are each amended to read as follows:

The metropolitan council may, by resolution, without submitting the matter to the voters of the metropolitan municipal corporation, provide for the issuance of funding or refunding general obligation bonds to refund any outstanding general obligation bonds or any part thereof at maturity, or before maturity if they are by their terms or by other agreement subject to prior redemption, with the right in the metropolitan council to combine various series and issues of the outstanding bonds by a single issue of funding or refunding bonds, and to issue refunding bonds to pay any redemption premium payable on the outstanding bonds being refunded. The funding or refunding general obligation bonds shall, except as specifically provided in this section, be issued in accordance with the provisions of this chapter with respect to general obligation bonds.

The metropolitan council may, by resolution, without submitting the matter to the voters of the metropolitan municipal corporation, provide for the issuance of funding or refunding revenue bonds to refund any outstanding revenue bonds or any part thereof at maturity, or before maturity if they are by their terms or by agreement subject to prior redemption, with the right in the metropolitan council to combine various series and issues of the outstanding bonds by a single issue of refunding bonds, and to issue refunding bonds to pay any redemption premium payable on the outstanding bonds being refunded. The funding or refunding revenue bonds shall be payable only out of a special fund created out of the gross revenue of the

particular utility, and shall be a valid claim only as against such special fund and the amount of the revenue of the utility pledged to the fund. The funding or refunding revenue bonds shall, except as specifically provided in this section, be issued in accordance with the provisions of this chapter with respect to revenue bonds.

The net interest cost to maturity on funding or refunding bonds issued under this chapter shall not exceed ((seven)) eight percent per annum. The amount of premium, if any, to be paid on the redemption of such funding or refunding bonds prior to the maturity thereof shall not be considered in determining such net interest cost. The metropolitan council may exchange the funding or refunding bonds at par for the bonds which are being funded or refunded, or it may sell them in such manner as it deems for the best interest of the metropolitan municipal corporation.

Sec. 19. Section 35.61.170, chapter 7, Laws of 1965, and RCW 35.61.170 are each amended to read as follows:

Metropolitan park district bonds shall be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer, in not more than twenty years from date of issue, and bear interest at a rate not exceeding ((five)) eight percent per annum, payable annually, with coupons attached, for each interest payment. They shall be numbered from one consecutively and shall be payable in the order of their number beginning with bond numbered one. The bonds shall be payable as therein designated in any city of the United States having a national bank.

The bonds and each coupon shall be signed by the president of the board of park commissioners and shall be attested by the clerk of the board. The bonds shall be printed, engraved, or lithographed on good bond paper, and the bond shall state on its face that it is issued in accordance, and in strict compliance, with an act of the legislature of the state of Washington, entitled: "An act authorizing the formation of metropolitan park districts, providing for park of-

officials, fixing their powers and duties, and declaring an emergency," approved March 11, 1907, and reenacted on March 22, 1943.

Sec. 20. Section 35.67.080, chapter 7, Laws of 1965, and RCW 35.67.080 are each amended to read as follows:

The bonds shall: (1) Be registered or coupon bonds, (2) be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, (3) be numbered from one upwards consecutively, (4) bear the date of their issue, (5) be serial in form finally maturing not more than thirty years from date, (6) bear interest not exceeding ((six)) eight percent per annum, payable annually or semiannually, with interest coupons attached, and the principal and interest shall be made payable at such place as may be designated.

Sec. 21. Section 35.81.100, chapter 7, Laws of 1965, and RCW 35.81.100 are each amended to read as follows:

(1) A municipality shall have the power to issue bonds from time to time in its discretion to finance the undertaking of any urban renewal project under this chapter, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans for urban renewal projects, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall not pledge the general credit of the municipality and shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from, or held in connection with, its undertaking and carrying out of urban renewal projects under this chapter: PROVIDED, That payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the federal government or other source, in aid of any urban renewal projects of the municipality under this chapter.

(2) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and shall not be subject to the pro-

visions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under the provisions of this chapter are declared to be issued for an essential public and governmental purpose, and together with interest thereon and income therefrom, shall be exempted from all taxes.

(3) Bonds issued under this section shall be authorized by resolution or ordinance of the local governing body and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, not exceeding ~~((six))~~ eight percent per annum, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(4) Such bonds may be sold at not less than ninety-eight percent of par at public or private sale, or may be exchanged for other bonds on the basis of par: PROVIDED, That such bonds may be sold to the federal government at private sale at not less than par and, in the event less than all of the authorized principal amount of such bonds is sold to the federal government, the balance may be sold at public or private sale at not less than ninety-eight percent of par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the federal government.

(5) The municipality may annually pay into a fund to be established for the benefit of such bonds any and all excess of the taxes received by it from the same property over and above the average of the annual taxes authorized without vote for a five-year period immediately preceding the acquisition of the property by the

municipality for renewal purposes, such payment to continue until such time as all bonds payable from the fund are paid in full. Any other taxing unit in a municipality is authorized to allocate a like amount of such excess taxes to the municipality or municipalities in which it is situated.

(6) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this chapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

(7) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this chapter or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with the provisions of this chapter.

Sec. 22. Section 35.82.140, chapter 7, Laws of 1965, and RCW 35.82.140 are each amended to read as follows:

Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding ~~((six))~~ eight percent per annum, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.



The bonds may be sold at public or private sale at not less than par.

In case any of the commissioners or officers of the authority whose signatures appear on any bond or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

In any suit, action or proceedings involving the validity or enforceability of any bond of an authority or the security therefor, any such bond reciting in substance that it has been issued by the authority to aid in financing a housing project to provide dwelling accommodations for persons of low income shall be conclusively deemed to have been issued for a housing project of such character and said project shall be conclusively deemed to have been planned, located and constructed in accordance with the purposes and provisions of this chapter.

Sec. 23. Section 35.89.020, chapter 7, Laws of 1965, and RCW 35.89.020 are each amended to read as follows:

Water redemption bonds shall be in denominations of not more than one thousand nor less than one hundred dollars each, and shall bear interest at a rate of not to exceed (~~six~~) eight percent per annum, payable semiannually, and shall bear a serial number and shall be signed by the mayor of the city or town and shall be otherwise executed in such manner and payable at such time and place not exceeding twenty years after the date of issue as the city or town council shall determine and such bonds shall be payable only out of the special fund created by authority of this chapter and shall be a valid claim of the holder thereof only against that fund and the fixed portion or amount of the revenues of the water system pledged to the fund, and shall not constitute an indebtedness of the city or town.

Sec. 24. Section 35.92.080, chapter 7, Laws of 1965, as last amended by section 1, chapter 107, Laws of 1967, and RCW 35.92.080 are each amended to read as follows:

When the voters have adopted a proposition for any public utility and have authorized a general indebtedness, general city or town bonds may be issued. The bonds shall be registered or coupon bonds; numbered from one up consecutively; bear the date of their issue; and bear interest not exceeding (~~six~~) eight percent per year, payable semiannually, with interest coupons attached, and the principal and interest shall be made payable at such place as may be designated. Except as otherwise provided in RCW 39.44.100, the bonds and each coupon shall be signed by the mayor and attested by the clerk under the seal of the city or town.

There shall be levied each year a tax upon the taxable property of the city or town sufficient to pay the interest and principal of the bonds then due, which taxes shall become due and collectible as other taxes: PROVIDED, That it may pledge to the payment of such principal and interest the revenue of the public utility being acquired, constructed, or improved out of the proceeds of sale of such bonds. Such pledge of revenue shall constitute a binding obligation, according to its terms, to continue the collection of such revenue so long as such bonds or any of them are outstanding, and to the extent that revenues are insufficient to meet the debt service requirements on such bonds,, the governing body of the municipality shall provide for the levy of taxes sufficient to meet such deficiency.

The bonds shall be printed and engraved, or lithographed, on good bond paper. The bonds shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town. A register shall be kept of all the bonds, which shall show the number, date, amount, interest, to whom delivered--if coupon bonds--and the name of the payee--if registered bonds; and when and where payable, and each bond issued or sold.

Sec. 25. Section 35.92.100, chapter 7, Laws of 1965, as amended by section 25, chapter 52, Laws of 1967, and RCW 35.92.100 are each amended to read as follows:

When the voters of a city or town, or the corporate authorities thereof, have adopted a proposition for any public utility and either no general indebtedness has been authorized or the corporate authorities do not desire to incur a general indebtedness, and when the corporate authorities are authorized to exercise any of the powers conferred by this chapter without submitting the proposition to a vote, the corporate authorities may create a special fund for the sole purpose of defraying the cost of the public utility or addition, betterment, or extension thereto, into which special fund they may obligate and bind the city or town to set aside and pay a fixed proportion of the gross revenues of the utility, or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion, and issue and sell bonds or warrants bearing interest not exceeding (~~six~~) eight percent per year, payable semiannually, executed in such manner and payable at such times and places as the corporate authorities shall determine, but the bonds or warrants and the interest thereon shall be payable only out of the special fund and shall be a lien and charge against payments received from any utility local improvement district assessments pledged to secure such bonds. Such bonds shall be negotiable instruments within the meaning of the negotiable instruments law, Title 62, or Title 62A, notwithstanding same are made payable out of a particular fund contrary to the provisions of RCW 62.01.003 or 62A.3-105.

When corporate authorities deem it necessary to construct any sewage disposal plant, it may be considered as a part of the waterworks department of the city or town and the cost of construction and maintenance thereof may be chargeable to the water fund of the municipality, or to any other special fund which the corporate authorities may by ordinance designate.

In creating a special fund, the corporate authorities shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants, or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Rates shall be maintained adequate to service such bonds and to maintain the utility in sound financial condition.

The bonds or warrants and interest thereon issued against any such fund shall be a valid claim of the holder thereof only as against the special fund and its fixed proportion or amount of the revenue pledged thereto, and shall not constitute an indebtedness of the city or town within the meaning of constitutional provisions and limitations. Each bond or warrant shall state upon its face that it is payable from a special fund, naming it and the ordinance creating it. The bonds and warrants shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town, and they may provide in any contract for the construction and acquirement of the proposed improvement that payment therefor shall be made only in such bonds and warrants at par value thereof.

When a special fund is created and any such obligation is issued against it, a fixed proportion, or a fixed amount out of and not exceeding such fixed proportion, or a fixed amount without regard to any fixed proportion, of revenue shall be set aside and paid into such fund as provided in the ordinance creating it, and in case the city or town fails to thus set aside and pay such fixed proportion or amount, the holder of any bond or warrant against the fund may bring action against the city or town and compel such setting aside and payment: PROVIDED, That whenever the corporate authorities of any

city or town shall so provide by ordinance then all such bonds thereafter issued shall be on a parity, without regard to date of issuance or authorization and without preference or priority of right or lien with respect to participation of special funds in amounts from gross revenues for payment thereof.

Sec. 26. Section 36.62.070, chapter 4, Laws of 1963, and RCW 36.62.070 are each amended to read as follows:

Should a majority of all the votes cast upon the proposition be in favor of establishing the hospital, the board of county commissioners shall proceed to issue bonds of the county not to exceed the amount specified in the proposition, in denominations of not less than one hundred dollars nor more than one thousand dollars, bearing interest at a rate not to exceed ((six)) eight percent per year, and payable annually or semiannually. The bonds shall be serial bonds finally maturing in twenty years from date of issuance.

Sec. 27. Section 3, chapter 142, Laws of 1965, and RCW 36.67-.530 are each amended to read as follows:

When revenue bonds are issued for authorized purposes, said bonds shall be either registered as to principal only or shall be bearer bonds; shall be in such denominations, shall be numbered, shall bear such date, shall be payable at such time or times up to a maximum period of not to exceed thirty years and payable at the office of the county treasurer, and such other places as determined by the county commissioners of the county; shall bear interest payable semiannually and evidence to maturity by coupons attached to said bonds bearing a coupon interest rate not to exceed ((six)) eight percent per annum; shall be executed by the chairman of the board of county commissioners, and attested by the clerk of the board, and the seal of such board shall be affixed to each bond, but not to the coupon; and may have facsimile signatures of the chairman and the clerk imprinted on the interest coupons in lieu of original signatures.

Sec. 28. Section 6, chapter 142, Laws of 1965, and RCW 36.67-.560 are each amended to read as follows:

The board of county commissioners of any county may by resolution, from time to time, provide for the issuance of funding or refunding revenue bonds to fund or refund any outstanding revenue bonds and any premiums due thereon, and matured coupons evidencing interest upon any such bonds at or before the maturity of such bonds, and parts or all of various series and issues of outstanding revenue bonds and matured coupons in the amount thereof to be funded or refunded.

The board shall create a special fund for the sole purpose of paying the principal of and interest on such funding or refunding revenue bonds, into which fund the commission shall obligate and bind the county to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the revenue of the facility of the county sufficient to pay such principal and interest as the same shall become due, and if deemed necessary to maintain adequate reserves therefor.

Such funding or refunding bonds shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state, and the tax revenue of the county may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds. The net interest cost to maturity on such funding or refunding bonds shall not exceed (~~six~~) eight percent per annum and the amount of any premium to be paid to effect the redemption of outstanding revenue bonds shall not be considered in determining such net interest cost.

The county may exchange such funding or refunding bonds for the bonds, and coupons being funded or refunded, or it may sell such funding or refunding bonds in the manner and at such price as the board shall deem to be for the best interest of the county and its inhabitants, either at public or private sale.

The provisions of this chapter relating to the terms, conditions, covenants, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

Sec. 29. Section 36.76.090, chapter 4, Laws of 1963, and RCW 36.76.090 are each amended to read as follows:

The election may be held at such times and in the manner provided for holding general elections in this state, or it may be held as a special election at such time as the board may designate. The ballots used must contain the words, "Bonds, Yes," and "Bonds, No." If three-fifths of the legal ballots cast on the question of issuing bonds for the improvement contemplated in RCW 36.76.080 are in favor of bonds, the board must issue negotiable bonds in due and legal form, and negotiate them in such manner as they may deem to the best advantage of the county, at not less than par value. The bonds authorized by this section shall be issued in the name of the county, in denominations of not less than one hundred nor more than one thousand dollars; they shall be payable either (1) to some person or corporation (named therein) or the bearer, or (2) simply to the bearer, at such time as shall be stated therein, not more than twenty years after the date of issue and bear interest at a rate not exceeding ~~((six))~~ eight percent per year, payable semiannually. They may be made payable in any city of the United States containing a national bank. They shall bear the signature of the chairman of the board, and be countersigned by the county auditor of the county with the seal of the county thereunto attached, and the interest coupons shall be signed by said chairman and said county auditor, and each bond so issued must be registered in the office of the county treasurer in a book provided for that purpose, which must show the date, number and amount of the bond, date of maturity, rate of interest, and the name and address of the person to whom issued. The county seal need not be affixed to the coupons. Each coupon must show the number of the bond to which it belongs. The bonds and coupons shall be printed, engraved or lithographed on good bond paper.

Sec. 30. Section 36.76.140, chapter 4, Laws of 1963, and RCW 36.76.140 are each amended to read as follows:

The board of a county may, by majority vote, and by submission

to the voters under the same procedure required in RCW 36.76.090 and 36.76.100, issue general obligation bonds for the purpose of contributing money, or the bonds themselves, to the Washington toll bridge authority to help finance the construction of toll bridges across topographical formations constituting boundaries between the county and an adjoining county, or a toll bridge across topographical formation located wholly within an adjoining county, which in the discretion of the board, directly or indirectly benefits the county. Such bonds may be transferred to the Washington toll bridge authority to be sold by the authority for the purposes outlined herein ((:)) . Such bonds may bear interest at a rate not to exceed eight percent per annum: PROVIDED, That in no event shall bonds be issued in excess of the limitations in chapter 36.67.

Sec. 31. Section 2, chapter 170, Laws of 1895, and RCW 39-.52.020 are each amended to read as follows:

Funding bonds authorized to be issued by this chapter shall be in denominations of not less than one hundred dollars, nor more than one thousand dollars, and shall be signed by the following corporate authorities: When issued by a county, the chairman of the board of county commissioners, countersigned by the county treasurer and attested by the county auditor, who shall affix his official seal; when issued by a city or town, by its mayor, countersigned by its treasurer and attested by its clerk, who shall affix his official seal. They shall bear interest at a rate not to exceed ((seven)) eight percent per annum, payable semiannually, which interest shall be evidenced by proper coupons attached to each bond. Such corporate authorities shall, by ordinance or resolution, provide for the manner of issuing and the form of said bonds, and the time or times when the same shall be made payable; but no bonds issued under this chapter shall be issued for a longer period than twenty years, and when they shall be made payable at different periods within said twenty years, they shall be divided into series not to exceed twenty in number, but there shall be as many series as there are different



times of payment, and all bonds included in each series shall be made payable at the same time. The principal and interest may be made payable at any place in the United States designated by the corporate authorities of such county, city or town. Such bonds shall not be issued to an aggregate amount in excess of the warrants or other outstanding indebtedness proposed to be funded thereby. They may be exchanged at not less than their par value for such warrants or other outstanding indebtedness, or may be sold at not less than their par value, and the proceeds used exclusively for the purpose of retiring and canceling such warrants and interest thereon or other indebtedness: PROVIDED, That nothing in this chapter contained shall be deemed to authorize the issuing of any funding bonds which, other than that proposed to be funded under the provisions of this chapter, shall exceed any constitutional limitation of indebtedness, or any indebtedness which might be incurred with the assent of three-fifths of the voters of such county, city or town voting at an election to be held for that purpose.

Sec. 32. Section 43.21.340, chapter 8, Laws of 1965, and RCW 43.21.340 are each amended to read as follows:

All bonds issued under or by authority of RCW 43.21.250 through 43.21.410 shall be sold to the highest and best bidder after such advertising for bids as the state finance committee may deem proper. The state finance committee may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the state finance committee may deem most advantageous to its own interests. The aggregate interest cost to maturity of the money received for such an issue shall not exceed ~~((six))~~ eight percent per annum.

Sec. 33. Section 47.56.140, chapter 13, Laws of 1961, as amended by section 45, chapter 3, Laws of 1963, extraordinary session, and RCW 47.56.140 are each amended to read as follows:

The revenue bonds may be issued and sold by the authority from time to time and in such amounts as it deems necessary to pro-

vide sufficient funds for the construction of the bridge, and to pay interest on outstanding bonds issued for its construction during the period of actual construction and for six months after completion thereof.

The authority shall determine the form, conditions, and denominations of the bonds, and the maturity dates which the bonds to be sold shall bear and the interest rate thereon, which shall not exceed ~~((six))~~ eight percent per year. All bonds of the same issue need not bear the same interest rate. Principal and interest of the bonds shall be payable at such place as determined by the authority, and may contain provisions for registration as to principal or interest, or both. They shall be in coupon form with interest payable at such times as determined by the authority, and shall mature at such times and in such amounts as the authority prescribes. The authority may provide for the retirement of the bonds at any time prior to maturity, and in such manner and upon payment of such premiums as it may determine in the resolution providing for the issuance of the bonds. All such bonds shall be signed by the state auditor and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state auditor. The countersignature of the governor on such bonds and the signature of the state auditor on such coupons may be their printed or lithographed facsimile signatures. Successive issues of such bonds within the limits of the original authorization shall have equal preference with respect to the redemption thereof and the payment of interest thereon. The authority may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization. The bonds shall be negotiable instruments under the law merchant. All bonds issued and sold hereunder shall be sold on sealed bids to the highest and best bidder after such advertising for bids as the authority deems proper. The authority may reject any and all bids and may thereafter sell the bonds at private sale under such terms and conditions as it deems most advantageous to its own interests; but not at a price below that

of the best bid which was rejected. The authority may contract loans and borrow money through the sale of bonds of the same character as those herein authorized, from the United States or any agency thereof, upon such conditions and terms as may be agreed to and the bonds shall be subject to all the provisions of this chapter, except the requirement that they be first offered at public sale.

Temporary or interim bonds, certificates, or receipts, of any denomination, and with or without coupons attached, signed by the state auditor, may be issued and delivered until bonds are executed and available for delivery.

Sec. 34. Section 47.60.060, chapter 13, Laws of 1961, and RCW 47.60.060 are each amended to read as follows:

For the purpose of paying the cost of acquiring by lease, charter, contract, purchase, condemnation or construction all or any part of such Puget Sound ferry system, including toll bridges, approaches and roadways incidental thereto, and for rehabilitating, rebuilding, enlarging or improving all or any part of said system, the authority is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the authority and shall be payable solely and only from all or such part of the revenues from the operation of the system as may be provided in and by such resolution.

Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the state of Washington.

The authority is hereby empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations and conditions as may be deemed necessary with respect to the continued use and application of the income and revenues from the undertaking.

Such revenue bonds may bear such date or dates, may mature at

such time or times as the authority shall determine, may bear interest at such rate or rates not exceeding ((five)) eight percent per annum, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is nonnegotiable each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the member of the authority who is state auditor and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state auditor: PROVIDED, That the countersignature of the governor on such bonds and the signature of the state auditor on such coupons may be their printed or lithographed facsimile signatures.

Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomination and with or without coupons attached may be issued as may be provided by said resolution.

Sec. 35. Section 35, chapter 8, Laws of 1967, extraordinary session, and RCW 28.85.350 are each amended to read as follows:

For the purpose of financing the cost of any projects, the college board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

- (1) Shall not constitute
  - (a) an obligation, either general or special, of the state;

or

- (b) a general obligation of the college or of the college board;

- (2) Shall be
  - (a) either registered or in coupon form; and
  - (b) issued in denominations of not less than one hundred dollars; and
  - (c) fully negotiable instruments under the laws of this state; and
  - (d) signed on behalf of the college board with the manual or facsimile signature of the chairman of the board, attested by the secretary of the board, have the seal of the college board impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;
- (3) Shall state
  - (a) the date of issue; and
  - (b) the series of the issue and be consecutively numbered within the series; and
  - (c) that the bond is payable both principal and interest solely out of the bond retirement fund created for retirement thereof;
- (4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed ~~((six))~~ eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed ~~((six))~~ eight percent per annum;
- (5) Shall be payable both principal and interest out of the bond retirement fund;
- (6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;
- (7) Shall be sold in such manner as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28.85.330 through 28.85.400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(b) A covenant that sufficient moneys may be transferred from the capital projects account of the college board issuing the bonds to the bond retirement fund of the college board when ordered by the board in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(c) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college board and shall be used solely for paying the costs of the projects, and for the purposes set forth in (8) (b) above;

(9) Shall constitute a prior lien and charge against forty percent of all general tuition fees of the community colleges.

Sec. 36. Section 39, chapter 8, Laws of 1967, extraordinary session, and RCW 28.85.390 are each amended to read as follows:

The college board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may

be issued in the manner and on terms and conditions and with the covenants permitted by RCW 28.85.330 through 28.85.400 for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the college board. The effective interest cost to maturity on such refunding bonds shall not exceed (~~six~~) eight percent per annum nor shall any single interest or coupon rate exceed (~~six~~) eight percent per annum. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner as it deems for the best interest of the college.

Sec. 37. Section 4, chapter 59, Laws of 1957, as amended by section 3, chapter 183, Laws of 1959, and RCW 53.40.030 are each amended to read as follows:

The port commission shall determine the form, conditions, and denominations of all such bonds, the maturity date or dates which the bonds so sold shall bear, and the interest rate thereon, which shall not exceed (~~six~~) eight percent per year. It shall not be necessary that all bonds of the same authorized issue bear the same interest rate. Principal and interest of the bonds shall be payable at such place or places as may be fixed and determined by the port commission. The bonds may contain provisions for registration thereof as to principal only or as to both principal and interest. The bonds shall be issued in coupon form with interest payable at such time or times as may be determined by the port commission and in such amounts as it may prescribe. The port commission may provide for retirement of bonds issued under this chapter at any time or times prior to their maturity, and in such manner and upon the payment of such premiums as may be fixed and determined by resolution of the port commission.

Sec. 38. Section 9, chapter 122, Laws of 1949, as amended by section 6, chapter 183, Laws of 1959, and RCW 53.40.110 are each amended to read as follows:

The bonds issued pursuant to the provisions of this chapter shall bear interest at a net interest cost to the port district over the life of the issue at not to exceed ((six)) eight percent per annum and no semiannual interest shall be, nor shall any coupon evidence, interest at a rate greater than ((six)) eight percent; shall be signed on behalf of the port district by the president of the port commission and shall be attested by the secretary of the port commission, one of which signatures may be a facsimile signature, and shall have the seal of the port district impressed thereon; each of the interest coupons attached thereto shall be signed by the facsimile signatures of said officials. Such bonds shall be sold in the manner and at such price as the port commission shall deem best, either at public or private sale.

The port commission may provide such covenants as it may deem necessary to secure the payment of the principal of and interest on such bonds and may but shall not be required to include covenants to create a reserve fund or account and to authorize the payment or deposit of certain moneys therein for the purpose of securing the payment of such principal and interest; to establish, maintain, and collect tariffs, rates, charges, fees, rentals, and sales prices on facilities and services the income of which is pledged for the payment of such bonds, sufficient to pay or secure the payment of such principal and interest and to maintain an adequate coverage over annual debt service; and to make any and all other covenants not inconsistent with the provisions of this chapter which will increase the marketability of such bonds. The port commission may also provide that revenue bonds payable out of the same source or sources may later be issued on a parity with any revenue bonds being issued and sold. The provisions of this chapter and any resolution or resolutions providing for the authorization, issuance, and sale of such bonds shall constitute a contract with the holders of such bonds, and the provisions thereof shall be enforceable by any owner or holder of such bonds by mandamus or any appropriate suit, action or proceeding at



law or in equity in any court of competent jurisdiction.

Sec. 39. Section 8, chapter 122, Laws of 1949, as amended by section 7, chapter 183, Laws of 1959, and RCW 53.40.130 are each amended to read as follows:

The port commission of any port district may by resolution, from time to time, provide for the issuance of funding or refunding revenue bonds to fund or refund any outstanding revenue warrants, bonds, and any premiums due thereon, and matured coupons evidencing interest upon any such bonds at or before the maturity of such warrants or bonds, and may combine various outstanding revenue warrants and parts or all of various series and issues of outstanding revenue bonds and matured coupons in the amount thereof to be funded or refunded.

The port commission shall create a special fund for the sole purpose of paying the principal of and interest on such funding or refunding revenue bonds, into which fund the commission shall obligate and bind the port district to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the gross revenue of the port district sufficient to pay such principal and interest as the same shall become due, and if deemed necessary to maintain adequate reserves therefor.

Such funding or refunding bonds shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state, and the tax revenue of the port district may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds. The net interest cost to maturity on such funding or refunding bonds shall not exceed (~~six~~) eight percent per annum and the amount of any premium to be paid to effect the redemption of outstanding revenue warrants or bonds shall not be considered in determining such net interest cost.

The port district may exchange such funding or refunding bonds for the warrants, bonds, and coupons being funded or refunded, or it may sell such funding or refunding bonds in the manner and at such

price as the port commission shall deem to be for the best interest of the district and its inhabitants, either at public or private sale.

The provisions of this chapter relating to the terms, conditions, covenants, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

Sec. 40. Section 5, chapter 24, Laws of 1951, 2nd extraordinary session, and RCW 52.16.100 are each amended to read as follows:

Bonds shall be serial in form and maturity and numbered from one up consecutively. They shall bear interest at a rate of not to exceed (~~six~~) eight percent per annum, payable semiannually from date of said bonds until the principal thereof is paid with interest coupons evidencing such interest to be attached thereto. The first annual maturity shall be two years from the date of issue of said bonds and the various annual maturities shall be as nearly as practicable in such amounts as will, together with the interest on all outstanding bonds, be met by equal annual tax levies for the payment of the principal and interest of said bonds. Bonds issued under this act may not run for more than twenty years from the date of issue and except for bond No. 1, may only be in multiples of one hundred dollars.

Sec. 41. Section 1, chapter 151, Laws of 1965, extraordinary session, and RCW 79.24.610 are each amended to read as follows:

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~~) eight 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.

Sec. 42. Section 2, chapter 151, Laws of 1965 extra-ordinary session, and RCW 79.24.612, are each amended to read as follows:

Such bonds may be sold in such manner and in such amounts, in such denominations and at 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)) eight percent.

Sec. 43. Section 30, chapter 117, Laws of 1895, and RCW 85-.05.300 are each amended to read as follows:

Said bonds shall be numbered from one upwards, consecutively, and be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than ten years nor less than five years from the date of their issue, and bear interest at a rate not exceeding ((seven)) eight percent per annum, payable annually, with coupons attached for each interest payment. The bonds and each coupon shall be signed by the chairman of the board of di-king commissioners, and shall be attested by the secretary of said board, and the seal of such district shall be affixed to each bond, but not to the coupons.

Sec. 44. Section 194, chapter 72, Laws of 1937, and RCW 86-.09.580 are each amended to read as follows:

Said bonds shall bear the date of their issue, shall be made payable to bearer with interest at a rate not exceeding ((six)) eight percent per annum, payable semiannually on the first day of January and of July in each year until paid and with coupons at-tached, for each interest payment.

Sec. 45. Section 200, chapter 72, Laws of 1937, and RCW 86-.09.598 are each amended to read as follows:

Said bonds shall be numbered consecutively, shall mature in series amortized in a definite schedule during a period not to exceed twenty years from the date of their issuance, shall be in such denominations and form and shall be payable, with annual or semiannual interest not exceeding ((six)) eight percent at such place as the state director shall provide.

Sec. 46. Section 15, page 679, Laws of 1889-90, as last amended by section 2, chapter 68, Laws of 1963, and RCW 87.03.200 are each amended to read as follows:

At such election shall be submitted to the electors of said district possessing the qualifications prescribed by law the question of whether or not the bonds of said district in the amount and of the maturities determined by the board of directors shall be issued. Bonds issued under the provisions of this act shall be serial bonds payable in ((gold-coin)) legal currency of the United States in such series and amounts as shall be determined and declared by the board of directors in the resolution calling the election: PROVIDED, That the first series shall mature not later than ten years and the last series not later than forty years from the date thereof: PROVIDED FURTHER, That bonds, authorized by a special election held in the district under the provisions of a former statute, which has subsequent to said authorization been amended, but not issued prior to the amendment of said former statute, may be issued in the form provided in said former statute, and any such bonds heretofore or hereafter so issued and sold are hereby confirmed and validated.

Notice of such bond election must be given by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least two weeks (three times). Such notices must specify the time of holding the election, and the amount and maturities of bonds proposed to be issued; and said election must be

held and the results thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of law governing the election of the district officers: PROVIDED, That no informality in conducting such election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds Yes" and "Bonds No," or words equivalent thereto. If a majority of the votes cast are cast "Bonds Yes," the board of directors shall thereupon have authority to cause bonds in said amount and maturities to be issued. If the majority of the votes cast at any bond election are "Bonds No," the result of such election shall be so declared and entered of record; but if contract is made or is to be made with the United States as in RCW 87.03.140 provided, and bonds are not to be deposited with the United States in connection with such contract, the question submitted at such special election shall be whether contract shall be entered into with the United States. The notice of election shall state under the terms of what act or acts of congress contract is proposed to be made, and the maximum amount of money payable to the United States for construction purposes exclusive of penalties and interest. The ballots for such election shall contain the words "Contract with the United States Yes" and "Contract with the United States No," or words equivalent thereto. And whenever thereafter said board, in its judgment, deems it for the best interest of the district that the question of issuance of bonds for said amount, or any amount, or the question of entering into a contract with the United States, shall be submitted to said electors, it shall so declare, by resolution recorded in its minutes, and may thereupon submit such question to said electors in the same manner and with like effect as at such previous election. All bonds issued under this act shall bear interest at such rate not exceeding ~~((six))~~ eight percent per annum as the board of directors may determine, payable semiannually on the first day of January and of July of each year. The principal and interest shall be payable at the office of the

county treasurer of the county in which the office of the board of directors is situated, or if the board of directors shall so determine at the fiscal agency of the state of Washington in New York City, said place of payment to be designated in the bond. Said bonds shall be each of the denomination of not less than one hundred nor more than one thousand dollars; shall be negotiable in form, signed by the president and secretary, and the seal of the district shall be affixed thereto. The county treasurer shall register said bonds before the issuance thereof in a book kept for that purpose, and shall certify on each thereof under his seal that it has been so registered, and that the signatures thereon are the genuine signatures of the president and secretary respectively and that the seal attached is the seal of the district. Whenever the electors shall vote to authorize the issuance of bonds of the district such authorization shall nullify and cancel all unsold bonds previously authorized, and if the question is submitted to and carried by the electors at the bond election, any bond issue may be exchanged in whole or in part, at par, for any or all of a valid outstanding bond issue of the district when mutually agreeable to the owner or owners thereof and the district, and the amount of said last bond issue in excess, if any, of that required for exchange purposes, may be sold as in the case of an original issue. The bonds of any issue authorized to be exchanged in whole or in part for outstanding bonds shall state on their face the amount of such issue so exchanged, and shall contain a certificate of the treasurer of the district as to the amount of the bonds exchanged, and that said outstanding bonds have been surrendered and canceled: PROVIDED FURTHER, That where bonds have been authorized and unsold, the board of directors may submit to the qualified voters of the district the question of canceling said previous authorization, which question shall be submitted upon the same notice and under the same regulations as govern the submission of the original question of authorizing a bond issue. At such election the ballots shall contain the words "Cancellation Yes," and

"Cancellation No," or words equivalent thereto. If at such election a majority of the votes shall be "Cancellation Yes," the said issue shall be thereby canceled and no bonds may be issued thereunder. If the majority of said ballots shall be "Cancellation No," said original authorization shall continue in force with like effect as though said cancellation election had not been held: PROVIDED, That bonds deposited with the United States in payment or in pledge may call for the payment of such interest not exceeding (~~six~~) eight percent per annum, may be of such denominations, and call for the repayment of the principal at such times as may be agreed upon between the board and the secretary of the interior.

Each issue shall be numbered consecutively as issued, and the bonds of each issue shall be numbered consecutively and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the president of the board and the secretary. The signatures of the president and secretary may, however, appear by lithographic facsimile. Said bonds shall express upon their face that they were issued by authority of this act, stating its title and date of approval, and shall also state the number of issue of which such bonds are a part. The secretary shall keep a record of bonds sold, their number, the date of sale, the price received and the name of the purchaser. In case the money received by the sale of all bonds issued be insufficient for the completion of plans of the canals and works adopted, and additional bonds be not voted, or a contract calling for additional payment to the United States be not authorized and made, as the case may be, it shall be the duty of the board of directors to provide for the completion of said plans by levy of assessments therefor. It shall be lawful for any irrigation districts which have heretofore issued and sold bonds under the law then in force, to issue in place thereof an amount of bonds not in excess of such previous issue, and to sell the same, or any part thereof, as hereinafter provided, or exchange the same, or any part thereof, with the holders of such previously issued bonds which may

be outstanding, upon such terms as may be agreed upon between the board of directors of the district and the holders of such outstanding bonds: PROVIDED, That the question of such reissue of bonds shall have been previously voted upon favorably by the legally qualified electors of such district, in the same manner as required for the issue of original bonds, and the said board shall not exchange any such bonds for a less amount in par value of the bonds received; all of such old issue in place of which new bonds are issued shall be destroyed whenever lawfully in possession of said board. Bonds issued under the provisions of this section may, when so authorized by the electors, include a sum sufficient to pay the interest thereon for a period not exceeding the first four years. Whenever an issue of bonds shall have been authorized pursuant to law, and any of the earlier series shall have been sold, and the later series, or a portion thereof, remain unsold, the directors may sell such later series pursuant to law, or such portion thereof as shall be necessary to pay the earlier series, or said directors may exchange said later series for the earlier series at not less than the par value thereof, said sale or exchange to be made not more than six months before the maturity of said earlier series and upon said exchange being made the maturing bonds shall be disposed of as hereinbefore provided in the case of bonds authorized to be exchanged in whole or in part for outstanding bonds.

Sec. 47. Section 35, chapter 8, Laws of 1909 extraordinary session, as last amended by section 8, chapter 46, Laws of 1913, and RCW 91.04.490 are each amended to read as follows:

Said bonds shall be numbered from one upwards, consecutively, and be in denominations of not less than one hundred dollars, nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than ten years nor less than five years from the date of their issue, and bear interest at a rate not exceeding ((seven)) eight percent per annum, payable semiannually, with coupons attached for each interest payment. The



bonds and each coupon shall be signed by the chairman of the board of waterway commissioners, and shall be attested by the secretary of the board, and the seal of such district shall be affixed to each bond, but not to the coupons: PROVIDED, HOWEVER, That said coupons in lieu of being so signed may have printed thereon a facsimile of the signatures of such officers.

Sec. 48. Section 46, chapter 23, Laws of 1911, and RCW 91.08-.480 are each amended to read as follows:

Such bonds shall be issued pursuant to an order made by the board and by their terms shall be made payable on or before a date not to exceed ten years from and after the date of their issue, which latter date shall also be fixed by such order. They shall bear interest at the rate of ((seven)) eight percent per annum, which interest shall be payable semiannually at periods named; shall have attached thereto interest coupons for each interest payment; shall be of such denomination as shall be provided in the order directing the issue, but not less than one hundred dollars nor more than one thousand dollars; shall be numbered from one upward consecutively and each bond shall be signed by the president of the board and attested by its clerk: PROVIDED, HOWEVER, That said coupons may, in lieu of being so signed, have printed thereon facsimile signatures of said officers. Each bond shall in the body thereof refer to the improvement to pay for which the same is issued; shall provide that the principal sum therein named and the interest thereon shall be payable out of the fund created for the payment of the cost and expense of said improvement, and not otherwise; and shall not be issued in an amount which, together with the assessments already paid, will exceed the cost and expense of the said condemnation and improvement.

Sec. 49. Section 6, chapter 264, Laws of 1945, as last amended by section 7, chapter 164, Laws of 1967, and RCW 70.44.060 are each amended to read as follows:

All public hospital districts organized under the provisions of this chapter shall have power:

(1) To make a survey of existing hospital facilities within and without such district.

(2) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital facilities and systems for the maintenance of hospitals, buildings, structures and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, That no public hospital district shall have the right of eminent domain and the power of condemnation against any hospital clinic or sanatorium operated as a charitable, nonprofit establishment or against a hospital clinic or sanatorium operated by a religious group or organization: AND PROVIDED, FURTHER, That no hospital district organized and existing in districts having more than twenty-five thousand population have any of the rights herein enumerated without the prior written consent of all existing hospital facilities within the boundaries of such hospital district.

(3) To lease existing hospital and equipment and/or other property used in connection therewith, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital service for residents of said district in hospitals located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations or individuals for the services provided by said hospital district; and they may further re-

ceive in said hospital and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available facilities of said hospitals, at rates set by the district commissioners.

(4) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospital.

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and to issue bonds therefor, bearing interest at a rate not exceeding ~~((six))~~ eight percent per annum, payable semiannually, said bonds not to be sold for less than par and accrued interest; and to assign or sell hospital accounts receivable for collection with or without recourse.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed three mills or such further amount as has been or shall be authorized by a vote of the people: PROVIDED FURTHER, That the public hospital districts are hereby authorized to levy such a general tax in excess of said three mills when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies commonly known as the forty mill tax limitation. The said board of district commissioners is hereby authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition to levy a tax in excess of the three

mills herein specifically authorized. The commissioner shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate of not to exceed six percent per annum.

V — (7) To enter into any contract with the United States government or any state, municipality or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter.

(8) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located.

(9) To make contracts, employ superintendents, attorneys,

and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature and to do all other things necessary to carry out the provisions of this chapter.

- V

Sec. 50. Section 1, chapter 156, Laws of 1913, and RCW 85-.05.480 are each amended to read as follows:

Whenever by reason of any extraordinary occurrence or other casualty there occur such changes in conditions as to warrant, in the opinion of the commissioners of any diking district, an estimate for making repairs and improvements, including the yearly maintenance expense in an amount equal to twenty-five percent of the estimated cost of the original improvements, as provided for in RCW 85-.05.090 the funds therefor may be provided by the issuance of bonds of said diking district, payable in not to exceed ten years, and to pay the same, such commissioners shall make a levy extending over such period of time and in such amount as shall be necessary to take care of such bonds and interest, and such levy when made shall state the year for which it is made and the amount thereof, and thereafter, the county auditor shall each year extend such levy without any further orders from said commissioners: PROVIDED, HOWEVER, That if or any cause whatsoever, said levy shall not be sufficient to take care of said bonds and interest or pay said fixed estimate a further levy shall be made for that purpose. Said bonds shall be sold at not less than par and shall bear interest not to exceed ((seven)) eight percent per annum, and the proceeds thereof shall be used in such repairs, improvements or maintenance or warrants issued in payment therefor and for no other purpose: PROVIDED, HOWEVER, That such bonds shall only be issued when they are presented to and filed with such commissioners and shall become a part of their record, a petition of property owners owning at least sixty percent of all the acreage in such district requesting the issuance of such bonds.

Sec. 51. Section 27, chapter 115, Laws of 1895, and RCW 85-

.06.270 are each amended to read as follows:

Said bonds shall be numbered from one upwards, consecutively, and be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than ten years nor less than five years from the date of their issue, and bear interest at a rate not exceeding ((seven)) eight percent per annum, payable annually, with coupons attached for each interest payment. The bonds and each coupon shall be signed by the chairman of the board of drainage commissioners, and shall be attested by the secretary of said board, and the seal of such district shall be affixed to each bond, but not to the coupons.

Sec. 52. Section 1, chapter 174, Laws of 1927, and RCW 85.06-.321 are each amended to read as follows:

If any default shall have occurred in the payment of interest or principal of bonds of a drainage district and the board of drainage commissioners finds that any considerable number of owners of assessed lands are not and will not be able to pay assessments sufficient to meet without further default the principal of bonds still outstanding, the district, with the assent of the holders of all outstanding bonds not yet callable for payment, may issue refunding bonds pursuant to the plan prescribed in RCW 85.06.321 through 85-.06.329, and use the proceeds, together with money derived from assessments, to pay the outstanding bonds. The maturity date of refunding bonds shall be either twelve or seventeen years from their date, as the board shall determine, but they may be paid before maturity as hereinafter provided. Bonds shall be numbered consecutively from one up, be in denominations of one hundred, five hundred or one thousand dollars, be dated the first day of the month in which they are issued, be payable to bearer, draw interest evidenced by coupons payable semiannually at not more than ((seven)) eight percent per annum, and be executed in the name and under the seal of the district by the president and the secretary of the board. Inter-

est shall be payable on the first days of January and July of each year except that the first interest payment date shall be July first of the year following that in which the bonds were issued.

Sec. 53. Section 2, chapter 103, Laws of 1935, and RCW 85-.07.070 are each amended to read as follows:

Said bonds shall be numbered consecutively from one upwards and shall be in denominations of not less than one hundred dollars nor more than one thousand dollars each. They shall bear the date of issue, shall be made payable to the bearer in not more than ten years from the date of their issue, and shall bear interest at a rate not exceeding ~~((six))~~ eight percent per annum, payable annually, with coupons attached for each interest payment. The bonds and each coupon shall be signed by the chairman of the board of commissioners of each district and shall be attested by the secretary of said board. The seal, if any, of such district shall be affixed to each bond, but it need not be affixed to the coupon.

Sec. 54. Section 13, chapter 26, Laws of 1949, and RCW 85.16-.180 are each amended to read as follows:

The board shall thereupon enter an order authorizing the contemplated extraordinary maintenance work to be done and authorizing the issuance of temporary construction warrants to pay the cost of said work as it progresses, which warrants may bear interest at such rate of interest as the board shall determine but not in excess of ~~((six))~~ eight percent per annum. Bonds or warrants to pay the costs of such extraordinary maintenance may be issued and sold at one time or from time to time and in such series and amounts as may be found practicable and as determined by the board.

Sec. 55. Section 3, chapter 161, Laws of 1923, and RCW 87.19-.030 are each amended to read as follows:

Said bonds shall be issued in series and in denominations of not less than one hundred dollars nor more than one thousand dollars. The first series shall mature not later than ten years and the last series not later than forty years. Each series shall be numbered

from one, up consecutively, shall bear the date of their issue, and shall bear interest at any rate not exceeding ((six)) eight percent per annum, payable semiannually on the first day of January and July of each year, with interest coupons attached and the principal and interest shall be made payable at the office of the county treasurer of the county in which the office of the board of directors is situated, or at any fiscal agency of the state of Washington. Said bonds shall be negotiable in form and the bonds and interest coupons shall be signed by the president and secretary of the board of directors of said district and the seal of said district, affixed. The signatures of the president and secretary may, however, appear by lithographic facsimile.

Sec. 56. Section 20, chapter 120, Laws of 1929, as amended by section 3, chapter 42, Laws of 1931, and RCW 87.22.150 are each amended to read as follows:

Said refunding bonds shall be issued in such denominations as the board shall determine, but in the same denominations so far as practicable as the bonds to be refunded and shall mature at the date specified in the notice of election but not in any event later than thirty years from the date thereof, and shall be payable in minimum annual installments specified on a percentage basis and amortized to provide for full payment of the bonds with interest at maturity: PROVIDED, That in lieu of the annual payments of principal and semi-annual payments of interest as provided in this chapter; the court may prescribe the form, manner of payment, and interest rate (not exceeding ((six)) eight percent per annum) of the refunding bonds, in the decree determining maximum benefits and irrigable acreage; and said decree may grant the district the right to pay at the date of any annual or semiannual payment, one or more next accruing annual or semiannual installments less the interest on that part of the principal thus paid in advance: AND PROVIDED, In all cases in which the court determines the form, manner of payment, and interest rate of the refunding bonds in the decree determining maximum benefits,



all notices provided in this chapter and any other provision thereof, shall be given and construed in conformity with the terms and conditions of said bond prescribed in said decree.

Sec. 57. Section 21, chapter 120, Laws of 1929, and RCW 87-.22.160 are each amended to read as follows:

All unpaid installments on account of the principal of said refunding bonds shall bear interest from the date of the bonds at a rate not exceeding (~~six~~) eight percent per annum until paid. Different installments of the principal of said bonds may bear different rates of interest not exceeding (~~six~~) eight percent per annum in any case if it is so provided in the bond plan. Interest shall be payable semiannually on the first day of January and July of each year.

Sec. 58. Section 2, chapter 57, Laws of 1949, and RCW 87-.28.020 are each amended to read as follows:

Said bonds shall be in such form as the board of directors shall determine and shall be payable to bearer, shall be in denominations of not less than one hundred dollars nor more than one thousand dollars, shall be numbered from one and up consecutively; shall bear the date of their issue, shall be payable serially up to a maximum period of not to exceed twenty years; shall bear interest at a rate not to exceed (~~six~~) eight percent per annum payable semiannually on January 1st and July 1st of each year, evidenced by coupons attached to said bonds; shall be payable at the office of the county treasurer of the county in which the principal office of the district is located or at such other place as the board of directors shall provide and specify in the bonds; shall be executed by the president of the board of directors and attested and sealed by the secretary thereof and may have facsimile signatures of the president and secretary imprinted on the interest coupons in lieu of original signatures. Said bonds may provide that the same or any part thereof at the option of the board of directors may be redeemed in advance of maturity on any interest payment date.

Sec. 59. Section 6, chapter 57, Laws of 1949, and RCW 87.28-.070 are each amended to read as follows:

Such revenue bonds shall be sold in such manner as the board of directors shall deem for the best interests of the irrigation district, either at public or at private sale and at any price but not at a price where the cost of the money to the district shall exceed (~~seven~~) eight percent per annum, but if the board of directors shall dispose of said bonds in exchange for construction of improvements or for materials, such bonds shall not be disposed of for less than par for value received by the district.

Sec. 60. Section 10, chapter 236, Laws of 1907, and RCW 88-.32.140 are each amended to read as follows:

In all cases, the county, as the agent of the local improvement district, shall, by resolution of its board of county commissioners, cause to be issued in the name of the county, the bonds for such local improvement district for the whole estimated cost of such improvement, less such amounts as shall have been paid within the thirty days provided for redemption, as hereinabove specified. Such bonds shall be called "Local Improvement Bonds, District No. . . . ., County of . . . . ., State of Washington", and shall be payable not more than ten years after date, and shall be subject to annual call by the county treasurer, in such manner and amounts as he may have cash on hand to pay the same in the respective local improvement fund from which such bonds are payable, interest to be paid at the office of the county treasurer. Such bonds shall be issued and delivered to the contractor for the work from month to month in such amounts as the engineer of the government, in charge of the improvement, shall certify to be due on account of work performed, or, if said board of county commissioners resolve so to do, such bonds may be offered for sale after thirty days public notice thereof given, to be delivered to the highest bidder therefor, but in no case shall such bonds be sold for less than par, the proceeds to be applied in payment for such improvement: PROVIDED, That unless the

contractor for the work shall agree to take such bonds in payment for his work at par, such work shall not be begun until the bonds shall have been sold and the proceeds shall have been paid into a fund to be called "Local Improvement Fund No. ...., County of .....", and the holder or holders of such bonds shall look only to such fund for the payment of either the principal or interest of such bonds.

Such bonds shall be issued in denominations of one hundred dollars each, and shall be substantially in the following form:

"Local Improvement Bond, District Number ..... of the County of ....., State of Washington.

No. .... N.B. .... \$.....

This bond is not a general debt of the county of ..... and has not been authorized by the voters of said county as a part of its general indebtedness. It is issued in pursuance of an act of the legislature of the state of Washington, passed the ..... day of ..... A.D. 1907, and is a charge against the fund herein specified and its issuance and sale is authorized by the resolution of the board of county commissioners, passed on the ..... day of ..... A.D. 1907. The county of ....., a municipal corporation of the state of Washington, hereby promises to pay to ....., or bearer, one hundred dollars, lawful money of the United States of America, out of the fund established by resolution of the board of county commissioners on the ..... day of ..... A.D. 19....., and known as local improvement fund district number ..... of ..... county, and not otherwise.

"This bond is payable ten years after date, and is subject to annual call by the county treasurer at the expiration of any year before maturity in such manner and amounts as he may have cash on hand to pay the same in the said fund from which the same is payable, and shall bear interest at the rate of ((seven)) eight percent per annum, payable semiannually; both principal and interest payable at the of-

office of the county treasurer. A coupon is hereto attached for each installment of interest to accrue thereon, and said interest shall be paid only on presentation and surrender of such coupon to the county treasurer, but in case this bond is called for payment before maturity each and every coupon representing interest not accrued at the expiration of the call shall be void. The board of county commissioners of said county, as the agent of said local improvement district No. ...., established by resolution No. ...., has caused this bond to be issued in the name of said county, as the bond of said local improvement district, the proceeds thereof to be applied in part payment of so much of the cost of the improvement of the rivers, lakes, canals or harbors of ..... county, under resolution No. ...., as is to be borne by the owners of property in said local improvement district, and the said local improvement fund, district No. .... of ..... county, has been established by resolution for said purpose; and the holder or holders of this bond shall look only to said fund for the payment of either the principal or interest of this bond.

"The call for the payment of this bond or any bond, issued on account of said improvement, may be made by the county treasurer by publishing the same in an official newspaper of the county for ten consecutive issues, beginning not more than twenty days before the expiration of any year from date hereof, and if such call be made, interest on this bond shall cease at the date named in such call.

"This bond is one of a series of ..... bonds, aggregating in all the principal sum of ..... dollars, issued for said local improvement district, all of which bonds are subject to the same terms and conditions as herein expressed.

"In witness whereof the said county of ..... has caused these presents to be signed by its chairman of its board of county commissioners, and countersigned by its county auditor and sealed with its corporate seal, attested by its county clerk, this ..... day of ....., in the year of our Lord one thou-

sand nine hundred and .....

The County of .....

By.....

Chairman Board of County Commissioners.

Countersigned, ..... County Auditor.

Attest, ..... Clerk."

There shall be attached to each bond such number of coupons, not exceeding twenty, as shall be required to represent the interest thereon, payable semiannually, for the term of said bonds, which coupon shall be substantially in the following form:

"Number ..... \$.....

On the ..... day of ..... A. D. 19....., the county of ....., Washington, promises to pay to the bearer at the office of its county treasurer ..... dollars, being one-half year's interest due that day on Bond No. .... of the bonds of 'local improvement district No. ....,' the same being payable only from the fund of said district known as 'Local Improvement Fund, District No. .... of ..... county,' and not otherwise: PROVIDED, That this coupon is subject to all the terms and conditions contained in the bond to which it is annexed, and if said bond be called for payment before maturity hereof, then this coupon shall be void.

.....

County Auditor."

Sec. 61. Section 140, chapter 254, Laws of 1927, and RCW 89-.30.418 are each amended to read as follows:

Said bonds shall bear the date of their issue, shall be made payable to bearer with interest at a rate not exceeding ((six)) eight percent per annum, payable semiannually on the first day of January and of July in each year, with coupons attached, for each interest payment.

Sec. 62. Section 174, chapter 254, Laws of 1927, and RCW 89-.30.520 are each amended to read as follows:

Bonds issued under the provisions of this chapter shall be negotiable, serial bonds, in such series, maturities and denominations as the board shall determine, payable in ~~((gold-coin))~~ legal currency of the United States, at such place as the board shall provide, from funds derived from the levy and collection of special assessments against the benefited lands within the operation of the general improvement or divisional district and shall draw interest at a rate not to exceed ~~((six))~~ eight percent per annum.

Sec. 63. Section 1, chapter 106, Laws of 1967, and RCW 90-.50.010 are each amended to read as follows:

For the purpose of providing state matching funds to assist public bodies in the construction and improvement of water pollution control facilities the state finance committee is hereby authorized to issue any time prior to January 1, 1971 general obligation bonds of the state of Washington in the sum of twenty-five million dollars to be paid and discharged within twenty years of the date of issuance.

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))~~ eight 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 interest and principal when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

Sec. 64. Section 11, chapter 154, Laws of 1915, as amended by section 1, chapter 115, Laws of 1925, extraordinary session, and RCW 8.12.400 are each amended to read as follows:

Such bonds shall be issued only in pursuance of ordinances of the city directing the issuance of the same, and by their terms shall be made payable on or before a date not to exceed twelve years from and after their date, which latter date may be fixed by resolution or ordinance by council or other legislative body of said city and shall bear interest not exceeding eight percent per annum, which interest shall be payable annually, or semiannually, as may be provided by resolution or ordinance, and each bond shall have attached thereto interest coupons for each interest payment: PROVIDED, That the legislative body of any city of the first class having a population of three hundred thousand inhabitants, or more, issuing any bonds hereunder may by ordinance, passed by unanimous vote, authorize the issuance of such bonds payable on or before a date not to exceed twenty-two years from and after the date of the issue of such bonds, and shall in such ordinance provide that said bonds shall be sold at not less than par and shall bear interest at not to exceed ((six)) eight percent per annum.

Such bonds shall be in such denominations as shall be provided in the resolution or ordinance authorizing their issuance and shall be numbered from one upwards, consecutively, and each bond and coupon shall be signed by the mayor and attested by the clerk or comptroller of such city: PROVIDED, HOWEVER, That said coupons may in lieu of being so signed have printed thereon a facsimile of the signature of said officers and each bond shall have the seal of such city affixed thereto and shall refer to the improvement to pay for which the same shall be issued and to the ordinance authorizing the same. Each bond shall provide that the principal sum therein named, and the interest thereon, shall be payable out of the local improvement fund created for the payment of the cost and expense of such improvement, and not otherwise. Such bonds shall not be issued in any amount in excess of the cost and expense of the improvement.

Sec. 65. Section 26, chapter 153, Laws of 1957, and RCW 17-.28.260 are each amended to read as follows:

A mosquito control district shall have the power to issue general obligation bonds and to pledge the full faith and credit of the district to the payment thereof, for any authorized purpose or purposes of the mosquito control district: PROVIDED, That a proposition authorizing the issuance of such bonds shall have been submitted to the electors of the mosquito control district at a special or general election and assented to by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said mosquito control district at the last preceding county or state general election.

General obligation bonds shall bear interest at a rate of not to exceed (~~six~~) eight percent per annum. The various annual maturities shall commence not more than two years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies.

Such bonds shall never be issued to run for a longer period than ten years from the date of issue.

The bonds shall be signed by the presiding officer of the board of trustees of the district and shall be attested by the secretary of the board, one of which signatures may be a facsimile signature and the seal of the mosquito control district shall be impressed thereon. Each of the interest coupons shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities of the first class and at a price not less than par and accrued interest.

There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy in excess of the forty mill tax limitation sufficient to meet the annual or semiannual payments



of the principal and interest on the said bonds maturing as herein provided upon all taxable property within the mosquito control district.

Sec. 66. Section 12, page 329, Laws of 1909, as amended by section 1, chapter 32, Laws of 1945, and RCW 28.51.180 are each amended to read as follows:

Whenever any bonds lawfully issued by any school district under the provisions of this act shall reach maturity and shall remain unpaid, or may be paid under any option provided in the bonds, the board of directors thereof shall have the power without any vote of the school district to fund the same by issuing coupon bonds conformable to the requirements of this act and sell the same at not less than their par value and use the proceeds exclusively for the purpose of retiring and canceling such outstanding bonds as aforesaid, or the said directors may in their discretion exchange such refunding bonds par for par for such outstanding bonds: PROVIDED, That such bonds shall be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, shall be redeemable within twenty years from the date of issue, and shall draw a rate of interest not to exceed ((~~six~~)) eight percent per annum.

Sec. 67. Section 5, page 333, Laws of 1909, and RCW 28.52-.050 are each amended to read as follows:

If the indebtedness of such school district is validated and ratified, as provided in this chapter, by three-fifths of the voters voting at such election, the board of directors of such school district, without any further vote, may borrow money and issue negotiable coupon bonds therefor. Bonds so issued shall bear a rate of interest not to exceed ((~~six~~)) eight percent per annum, interest payable semiannually, payable and redeemable at such time and place as designated in the bonds, but not exceeding twenty years from date of issue. The bonds and coupons shall be in such form as the board of directors shall prescribe, and payable at such place as may be designated therein. In all school districts of the second or third

class, said bonds, with the coupons, must be signed by the board of directors and countersigned by the clerk of the school district. In school districts of the first class said bonds, with the coupons, must be signed in the corporate name of the district, by the president of the board of directors thereof.

.Sec. 68. Section 6, page 334, Laws of 1909, and RCW 28.52-.055 are each amended to read as follows:

When authorized to issue bonds, as provided in this chapter, the board of directors shall, at a meeting of such board, by resolution provide for the issuing of such bonds, prescribing their number, amount and term, and shall deliver a copy of said resolution to the county treasurer of the county in which such school district is situated or to which it belongs as provided in this act, who shall immediately advertise for sale said bonds, and the law relating to other school bonds shall govern, control and apply to bonds issued or sold under this chapter, except that bonds issued under this chapter shall not bear a greater rate of interest than ~~((six))~~ eight percent per annum, and they may be sold in such amounts or blocks as the board of directors may direct, and such board may also require all persons bidding for said bonds, except the state of Washington, to deposit one percent of the par value of the bonds bid for on depositing with the treasurer their bids, and if the bidder fails to take and pay for the bonds for which he bid, in case of their sale to him, the amount so deposited shall be forfeited to the school district, otherwise to be returned to such bidder, and a resale of such bonds so refused to be taken may be made as if the bid for the same had been rejected, and the money arising from the sale of the bonds issued under this chapter shall be applied as provided in RCW 28.52-.050.

Sec. 69. Section 4, chapter 14, Laws of 1961 first extraordinary session, and RCW 28.81.530 are each amended to read as follows:

For the purpose of financing the cost of any projects, each

of the boards is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state;

or

(b) A general obligation of the college or of the board;

(2) Shall be

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the college by the chairman of the board, attested by the secretary of the board, have the seal of the college impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed ((six)) eight percent per annum over the life thereof; and no single interest or coupon rate shall exceed ((six)) eight percent per annum;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner as the board may prescribe, but never at a price at which the net interest cost over the life thereof shall exceed (~~six~~) eight percent per annum;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28.81.500 through 28.81.590, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the general tuition fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the capital projects account of the college issuing the bonds to the bond retirement fund of such college when ordered by the board of trustees in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college issuing the bonds and shall be used solely for paying the costs of the projects.

Sec. 70. Section 8, chapter 14, Laws of 1961 first extraordinary session, and RCW 28.81.570 are each amended to read as follows:

Each board of trustees is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by RCW 28.81.500 through 28.81.590 for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the college of Washington issuing the bonds or the board thereof. The net interest cost to maturity on such refunding bonds shall not exceed ((~~six~~)) eight percent per annum nor shall any single interest or coupon rate exceed ((~~six~~)) eight percent per annum. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner as it deems for the best interest of the college.

Sec. 71. Section 35.67.140, chapter 7, Laws of 1965, and RCW 35.67.140 are each amended to read as follows:

A city may issue revenue bonds against the special fund or funds created solely from revenues. The revenue bonds so issued shall: (1) Be registered or coupon bonds, (2) be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, (3) be numbered from one upwards consecutively, (4) bear the date of their issue, (5) be serial in form finally maturing not more than thirty years from their date, (6) bear interest not exceeding the rate of ((~~six~~)) eight percent per annum, payable annu-

ally or semiannually, with interest coupons attached, (7) be payable as to principal and interest at such place as may be designated therein, and (8) shall state upon their face that they are payable from a special fund, naming it and the ordinance creating it.

Sec. 72. Section 36.76.010, chapter 4, Laws of 1963, and RCW 36.76.010 are each amended to read as follows:

The board of any county may, whenever a majority thereof so decides, submit to the voters of their county the question whether the board shall be authorized to issue coupon bonds in an amount not exceeding five percent of the assessed valuation of the taxable property in the county, bearing a rate of interest not exceeding ~~((six))~~ eight percent per year, and payable and redeemable at a time fixed by the board, for the purpose of making a new road or roads, or bridge or bridges, or improving established roads or bridges within the county.

Sec. 73. Section 36.88.200, chapter 4, Laws of 1963, and RCW 36.88.200 are each amended to read as follows:

Such bonds shall be numbered from one upwards consecutively, shall be in such denominations as may be provided by the board of county commissioners in the resolution authorizing their issuance, shall mature on or before a date not to exceed twenty-two years from and after their date, shall bear interest not to exceed ~~((six))~~ eight percent per annum payable annually or semiannually as may be provided by the board, shall be signed by the chairman of the board and attested by the county auditor, shall have the seal of the county affixed thereto, shall be payable at the office of the county treasurer or elsewhere as may be designated by the board, shall have attached thereto interest coupons for each interest payment which said coupons shall be signed by the chairman of the board and attested by the auditor or in lieu thereof may bear the printed or engraved facsimile signatures of said officials.

Such bonds shall refer to the improvement for which they are issued and to the resolution creating the road improvement district

therefor.

Sec. 74. Section 3, chapter 4, Laws of 1917, and RCW 37.16-.020 are each amended to read as follows:

Whenever the board of county commissioners of any county shall submit to the voters of such county at an election to be held under the provisions of RCW 37.16.010, the question of issuing bonds to procure money for such purposes and three-fifths of the voters of such county voting on the question have assented thereto, and the amount of such bonds, together with the already existing indebtedness will not exceed five percent of the taxable property of such county, to be ascertained as provided in RCW 37.16.010, then the board of county commissioners of such county is authorized and empowered to issue its negotiable bonds in the name of the county for the purposes for which such election was held. It being hereby declared that such purposes are purposes for which, under legislative authority, the county availing itself of the provisions of this chapter may lawfully incur indebtedness. Such bonds to be negotiable bonds of such county, payable in not more than twenty years, with interest not exceeding ((five)) eight percent per annum, payable annually.

Sec. 75. Section 4, chapter 4, Laws of 1917, and RCW 37.16-.030 are each amended to read as follows:

Said bonds shall be in denominations of not less than one hundred nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than twenty years from date of issue, and bear interest at a rate not to exceed ((five)) eight percent per annum, payable annually, with coupons attached, for each interest payment. The bonds shall be signed by the chairman of the board of county commissioners and be attested by the clerk of such board and the seal of such board shall be affixed to each bond. The coupons shall bear the lithographed signature of the chairman and clerk of the board but need not be impressed with the seal. Such bonds shall be printed, engraved or

lithographed on good bond paper and the bond shall state on its face that it is issued in compliance with the laws of the state of Washington. Such bonds shall be payable in any city containing a bank organized under the laws of the United States and may be sold by the county commissioners at not less than their par value, and their proceeds shall be applied only to the purposes for which such bonds were issued.

Sec. 76. Section 1, chapter 30, Laws of 1933, extraordinary session, and RCW 39.48.010 are each amended to read as follows:

Bonds and securities of all kinds heretofore or hereafter authorized, issued by any issuing corporation or district (hereinafter called the "issuer" and as hereinafter specified), whether such bonds and securities be issued for such issuer itself or for any other taxing or assessment district within its limits, and whether payable in whole or in part out of and from general taxes or payable in whole or in part out of and from the earnings to be derived from any utility, system, construction, work, or works, belonging to or operated by any such issuer, or payable in whole or in part out of and from "local" or "benefit" assessments upon lands within any assessment district or assessment subdivision within any such issuer, may be sold to the United States government or to any department, corporation or agency thereof by private sale without giving any prior notice thereof by publication or otherwise and in such manner as the governing authority of such issuer may provide: PROVIDED, Only that no bonds or other securities sold at private sale under the authority of this chapter shall bear interest at a rate in excess of ((six)) eight percent per annum and that all bonds and securities sold and issued under the authority of this chapter shall be sold, if now required by existing law, at not less than par and accrued interest.

Sec. 77. Section 33, chapter 181, Laws of 1961, and RCW 47-57.550 are each amended to read as follows:

Bonds authorized by RCW 47.57.530 shall be serial in form



and maturity and numbered from one upward consecutively. Only bond No. 1 of any issue shall be of a denomination other than a multiple of one hundred dollars. The proposition authorizing the issuance of the bonds shall fix the rate of interest the bonds shall bear at not to exceed (~~six~~) eight percent per annum, and the place and time (from date of sale) of payment of principal and interest, the bonds shall be signed by the chairman of the board of directors of the district and attested by the executive secretary. Coupons in lieu of being signed may bear the facsimile signature of such officers.

All district bonds shall be payable within a period not to exceed twenty-three years from the date of their sale.

Sec. 78. Section 47.58.040, chapter 13, Laws of 1961, as amended by section 1, chapter 102, Laws of 1961, and RCW 47.58-.040 are each amended to read as follows:

For the purpose of paying the cost of all or any part of such improvement and reconstruction work and the construction of any such additional bridge, approaches thereto and connecting highways, the authority is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the authority and shall be payable from any funds available, except that portion of the motor vehicle fund allocated by law to the Washington state highway commission, and except revenue from the general fund, including but not limited to the revenues and income from the operation of the bridge or bridges constituting the project as may be provided in and by such resolution. Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the state of Washington. Such revenue bonds may bear such date or dates, may mature at such time or times as the authority shall determine, may bear interest at such rate or rates not exceeding (~~five~~) eight percent per annum, may be in such denomination or denominations, may be in such form, either coupon or reg-

istered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is nonnegotiable each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the member of the authority who is state auditor and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state auditor: PROVIDED, That the counter-signature of the governor on such bonds and the signature of the state auditor on such coupons may be their printed or lithographed facsimile signatures. Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomination and with or without coupons attached may be issued as may be provided by said resolution. All bonds issued under or by authority of this chapter shall be sold to the highest and best bidder at such price or prices that the net interest cost to the authority shall not be greater than ~~((six))~~ eight percent per annum, computed to maturity according to standard tables of bond values and after such advertising for bids as the authority may deem proper: PROVIDED, That the authority may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the authority may deem advantageous. The purchase price of all bonds issued hereunder shall be paid to the state treasurer consistent with the provisions of the resolution pursuant to which such bonds have been issued or to the trustee designated in the bond resolution and held as a separate trust fund to be disbursed on the orders of the authority.

Sec. 79. Section 3, chapter 236, Laws of 1959, and RCW 53.34-.030 are each amended to read as follows:

Whenever any port district shall determine to acquire or construct any one or more projects authorized under the provisions of

this chapter, the commission of such district shall have the power and is authorized to issue negotiable revenue bonds and notes from time to time in one or more series or installments in such principal amount as, in the opinion of the commission, shall be necessary to provide sufficient money for the acquisition, construction, reconstruction, extension or improvement thereof as set forth in RCW 53.34-.010, including engineering, inspection, legal and financial fees and costs, working capital, interest on such bonds and notes during construction and for a reasonable period thereafter, establishment of reserves to secure such bonds and notes and all other expenditures of such district incidental, necessary or convenient to the establishment of such projects on a sound financial basis, and to issue negotiable revenue bonds and notes for the purpose of renewing or refunding such outstanding bonds and notes in whole or in part at or prior to maturity. All such revenue bonds or notes and coupons thereto attached shall be negotiable instruments within the meaning and purposes of the negotiable instruments law and shall be sold by the commission in such manner and for such price as the commission deems for the best interests of the district: PROVIDED, That the aggregate cost to maturity of the moneys received for an issue, series, or installment of such bonds or notes, exclusive of redemption premiums, shall not exceed (~~six~~) eight percent per annum, and the commission may provide in any contract for the construction or acquisition of all or any part of a project or projects or for the additions or betterments thereto or extensions or improvements thereof that payment therefor shall be made only in such revenue bonds or notes: PROVIDED FURTHER, That any revenue bonds issued under the authority of this act shall have a final maturity not to exceed forty years from date of issue.

Sec. 80. Section 4, chapter 236, Laws of 1959, and RCW 53.34-.040 are each amended to read as follows:

Revenue bonds and notes may be issued by one or more resolutions and may be secured by trust agreement by and between the dis-

trict and one or more corporate trustees, depositories, or fiscal agents, which may be any trust company or state or national bank having powers of a trust company within or without the state of Washington. Such bonds or notes shall bear such date or dates, mature at such time or times, bear interest at such rate or rates not exceeding (~~six~~) eight percent per annum, be in such denominations, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places within or without the state of Washington, and be subject to such terms of redemption and at such redemption premiums as such resolution, resolutions, or trust agreements may provide. No proceedings for the issuance of such bonds or notes shall be required other than those required by the provisions of this chapter, and none of the provisions of any other laws relative to the terms and conditions for the issuance, payment, redemption, registration, sale or delivery of bonds of public bodies, corporation, or political subdivisions of this state shall be applicable to bonds or notes issued by port districts pursuant to this chapter.

Sec. 81. Section 6, chapter 236, Laws of 1959, and RCW 53.34-.060 are each amended to read as follows:

A district shall have power from time to time to issue bond anticipation revenue notes (herein referred to as notes), and from time to time to issue renewal notes, such notes in any case to mature not later than six years from the date of incurring the indebtedness represented thereby in an amount not exceeding in the aggregate at any time outstanding the amount of revenue bonds then or theretofore authorized but not issued. Payment of such notes shall be made from any moneys or revenue which the district may have available for such purpose or the proceeds of the sale of revenue bonds of the district, or such notes may be exchanged for a like amount of such revenue bonds bearing the same or a lower or higher rate of interest than that borne by such notes.

All notes may be issued and sold in the same manner as revenue

bonds. Any district shall have power to make contracts for the future sale from time to time of notes on terms and conditions stated in such contracts, and the district shall have power to pay such consideration as it shall deem proper for any commitments to purchase notes in the future. Such notes may also be collaterally secured by pledges and deposits with a bank or trust company, in trust for the payment of said notes, of revenue bonds in an aggregate amount at least equal to the amount of such notes and, in any event, in amount deemed by the district sufficient to provide for the payment of the notes in full at the maturity thereof. The district may provide in such collateral agreement that the notes may be exchanged for revenue bonds held as collateral security for the notes, or that the trustee may sell the revenue bonds if the notes are not otherwise paid at maturity and apply the proceeds of such sale to the payment of the notes. Such notes shall bear interest at a rate or rates not exceeding ~~((six))~~ eight percent per annum and shall not be sold at a price that will cause the interest cost on the money received therefrom to exceed ~~((six))~~ eight percent per annum.

Sec. 87. Section 3, chapter 218, Laws of 1941, and RCW 53.39-.030 are each amended to read as follows:

All revenue bonds authorized under the terms of this chapter may be issued and sold by the port districts from time to time and in such amounts as may be deemed necessary in the judgment of the port commission, to provide sufficient funds for the construction or acquisition of any improvements, and to include in the cost of construction, engineering, inspection, accounting, fiscal and legal expenses, the cost of issuance of bonds, including engraving, printing and advertising, and other similar expenses, and to pay interest on outstanding bonds issued for the construction of the same during the period of actual construction and for six months after the completion thereof, and the proceeds of such bond issue are hereby made available for such purposes. The port commission of the port districts shall determine the form, conditions and denominations of all such

bonds, and shall determine the maturity dates which the bonds so to be sold shall bear and the interest rate thereon, which shall not exceed (~~(six)~~) eight percent per annum. It shall not be necessary that all bonds of the same authorized issue bear the same interest rate. Principal and interest of such bonds shall be payable at such place or places as may be fixed and determined by the port commission and said bonds may contain provisions for registration thereof as to principal only, and as to both principal and interest. Said bonds shall be issued in coupon form with interest payable at such times as may be determined by the port commission and in such amounts as the said port commission may prescribe. The port commission may provide for the retirement of said bonds at any time or times prior to their maturity, and in such manner and upon payment of such premiums as may be fixed and determined by the resolution of such commission providing for the issuance of such bonds and referred to therein.

Sec. 83. Section 4, chapter 182, Laws of 1941, as amended by section 7, chapter 218, Laws of 1959, and RCW 54.24.060 are each amended to read as follows:

Such utility revenue obligations shall be sold and delivered in such manner and for such price or prices and at such time or times as the commission shall deem for the best interests of the district: PROVIDED, That the net interest cost to the district over the life of any issue of revenue obligations shall not exceed (~~(six)~~) eight percent per annum. The words "life of any issue of revenue obligations" shall mean the period from the date thereof, or from the interest payment date next preceding the delivery thereof, whichever is the later, to the respective maturity dates of the revenue obligations constituting such issue, and the words "net interest cost" shall mean the aggregate of the interest payable on all of the revenue obligations constituting such issue over the life thereof as above defined, less the amount of any premium payable by the purchaser thereof, or plus the amount of any discount if sold at less than par. The amount of premium, if any, which might become payable upon the re-

demption of such revenue obligations prior to the maturity thereof shall not be considered in determining such net interest cost. The commission may, if it deem it to the best interest of the district, provide in any contract for the construction or acquisition of the public utility, or the additions or betterments thereto or extensions thereof, that payment therefor shall be made only in such revenue obligations at the par value thereof.

Sec. 84. Section 8, chapter 182, Laws of 1941, as amended by section 10, chapter 218, Laws of 1959, and RCW 54.24.090 are each amended to read as follows:

Whenever any district shall have outstanding any utility revenue obligations, the commission shall have power by resolution to provide for the issuance of funding or refunding revenue obligations with which to take up and refund such outstanding revenue obligations or any part thereof at the maturity thereof or before maturity if the same be by their terms or by other agreement subject to call for prior redemption, with the right in the commission to include various series and issues of such outstanding revenue obligations in a single issue of funding or refunding revenue obligations, and to issue refunding revenue obligations to pay any redemption premium payable on the outstanding revenue obligations being funded or refunded. Such funding or refunding revenue obligations shall be payable only out of a special fund created out of the gross revenues of such public utility, and shall only be a valid claim as against such special fund and the amount of the revenues of such utility pledged to such fund. The net interest cost to the district over the life of any issue of such revenue obligations shall not exceed ~~((six))~~ eight percent per annum computed as provided in RCW 54.24.060. Such funding or refunding revenue obligations shall in the discretion of the commission be exchanged at par for the revenue obligations which are being funded or refunded or shall be sold in such manner as the commission shall deem for the best interest of the district. Said funding or refunding revenue obligations shall except as specifically

provided in this section, be issued in accordance with the provisions with respect to revenue obligations in this act set forth.

Sec. 85. Section 18, chapter 210, Laws of 1941, as last amended by section 13, chapter 250, Laws of 1953, and RCW 56.16.040 are each amended to read as follows:

Whenever any such sewer district shall hereafter adopt a plan for a sewer system as herein provided, or any additions and betterments thereto, or whenever any reorganized sewer district shall hereafter adopt a plan for any additions or betterments thereto, and the qualified voters of any such sewer district or reorganized sewer district shall hereafter authorize a general indebtedness for all the said plan, or any part thereof, or any additions and betterments thereto or for refunding in whole or in part bonds theretofore issued, general obligation bonds for the payment thereof may be issued as hereinafter provided. The bonds shall be serial in form and maturity and numbered from one up consecutively. The bonds shall bear interest not to exceed ((six)) eight percent per annum, payable semiannually from date of said bonds until principal thereof is paid, with interest coupons, evidencing such interest to maturity, attached. The various annual maturities shall commence with the second year after the date of issue of the bonds, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of said bonds and interest: PROVIDED, That only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars.

Such bonds shall never be issued to run for a longer period than thirty years from the date of the issue and shall as nearly as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issue of the bonds.

The bonds shall be signed by the presiding officer of the board of sewer commissioners and shall be attested by the secretary of such board under the seal of the sewer district, and the interest



coupons shall be signed by the facsimile signature of the presiding officer of the board of sewer commissioners and shall be attested by the facsimile signature of the secretary of such board.

There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy in excess of the forty mill tax limitation sufficient to meet the annual or semiannual payments of principal and interest on the said bonds maturing as herein provided upon all taxable property within such sewer district.

Said bonds shall be sold in such manner as the sewer commissioners shall deem for the best interest of the sewer district, and at a price not less than par and accrued interest.

Sec. 86. Section 19, chapter 210, Laws of 1941, as amended by section 8, chapter 103, Laws of 1959, and RCW 56.16.060 are each amended to read as follows:

When sewer revenue bonds are issued for authorized purposes, said bonds shall be either registered as to principal only or shall be bearer bonds; shall be in such denominations, shall be numbered, shall bear such date, shall be payable at such time or times up to a maximum period of not to exceed thirty years and at such place or places one of which must be the office of the treasurer of the county in which the district is located, as determined by the board of commissioners of the district; shall bear interest payable semi-annually and evidenced to maturity by coupons attached to said bonds bearing a coupon interest rate not to exceed (~~six~~) eight percent per annum; shall be executed by the president of the board of commissioners and attested by the secretary thereof and have the seal of the district impressed thereon; and may have facsimile signatures of the president and secretary imprinted on the interest coupons in lieu of original signatures.

Sec. 87. Section 11, chapter 114, Laws of 1929, as last amended by section 12, chapter 251, Laws of 1953, and RCW 57.20.010 are each amended to read as follows:

When general district indebtedness payable from annual tax levies to be made in excess of the forty mill limitation has been authorized, the district may issue its general obligation bonds in payment thereof. The bonds shall be serial in form and maturity and numbered from one up consecutively and shall bear interest not to exceed (~~six~~) eight percent per year payable semiannually, with interest coupons attached. The various annual maturities shall commence with the second year after the date of the issue, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of the bonds and interest. Only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars.

Bonds shall not be issued to run for a longer period than twenty years from the date of issue and shall as nearly as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issuance of the bonds.

The bonds shall be signed by the president of the board and attested by the secretary, under the seal of the district. The interest coupons shall be signed by the facsimile signature of the president and attested by the facsimile signature of the secretary.

There shall be levied by the officers or governing body charged with the duty of levying taxes, an annual levy in excess of the forty mill tax limitation sufficient to meet the annual or semi-annual payments of principal and interest on the bonds upon all taxable property within the district.

The bonds shall be sold in such manner as the commissioners deem for the best interest of the district, and at a price not less than par and accrued interest.

Sec. 88. Section 3, chapter 128, Laws of 1939, as amended by section 11, chapter 108, Laws of 1959, and RCW 57.20.020 are each amended to read as follows:

Whenever any issue or issues of water revenue bonds have been

authorized in compliance with the provisions of RCW 57.16.010 through 57.16.040, said bonds shall be either registered as to principal only or shall be bearer bonds; shall be in such denominations, shall be numbered, shall bear such date, and shall be payable at such time or times up to a maximum period of not to exceed thirty years as shall be determined by the board of water commissioners of the district; shall bear interest payable semiannually and evidenced to maturity by coupons attached to said bonds bearing a coupon interest rate not to exceed ~~((six))~~ eight percent per annum; shall be payable at the office of the county treasurer of the county in which the water district is located and may also be payable at such other place or places as the board of water commissioners may determine; shall be executed by the president of the board of water commissioners and attested and sealed by the secretary thereof; and may have facsimile signatures of said president and secretary imprinted on the interest coupons in lieu of original signatures.

The water district commissioners shall have power and are required to create a special fund or funds for the sole purpose of paying the interest and principal of such bonds into which special fund or funds the said water district commissioners shall obligate and bind the water district to set aside and pay a fixed proportion of the gross revenues of the water supply system or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount or amounts without regard to any fixed proportion and such bonds and the interest thereof shall be payable only out of such special fund or funds, but shall be a lien and charge against all revenues and payments received from any utility local improvement district or districts pledged to secure such bonds, subject only to operating and maintenance expenses.

In creating any such special fund or funds the water district commissioners of such water district shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to and to any proportion or part of the revenue

previously pledged as a fund for the payment of bonds, warrants or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds and interest thereon issued against any such fund as herein provided shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such water district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner as the water district commissioners shall deem for the best interests of the water district, either at public or private sale and at any price, but not at any price where the effective cost of money to the water district shall exceed ((seven)) eight percent per annum, and the said commissioners may provide in any contract for the construction and acquirement of the proposed improvement (and for the refunding of outstanding local improvement district obligations, if any) that payment therefor shall be made in such bonds at par value thereof.

When any such special fund shall have been heretofore or shall be hereafter created and any such bonds shall have been heretofore or shall hereafter be issued against the same a fixed proportion or a fixed amount out of and not to exceed such fixed proportion, or a fixed amount or amounts without regard to any fixed proportion, of revenue shall be set aside and paid into said special fund as provided in the resolution creating such fund, and in case any water district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the holder of any bond against such special fund may bring suit or action against the water dis-

trict and compel such setting aside and payment.

The water district commissioners of any water district, in the event that such water revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of water supply to those receiving such service, such rates and charges to be fixed as deemed necessary by such water district commissioners, so that uniform charges will be made for the same class of customer or service. In classifying customers served or service furnished by such water supply system, the board of water commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates shall be made on a monthly basis as may be deemed proper by such commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements and all other charges necessary for efficient and proper operation of the system.

Sec. 89. Section 3, chapter 176, Laws of 1953 as amended by section 2, chapter 134, Laws of 1955 and RCW 52.16.061 are each amended to read as follows:

The board of fire commissioners of the district shall have authority to contract indebtedness and to refund same for any general district purpose, including expenses of maintenance, operation and administration, and the acquisition of firefighting facilities, and evidence the same by the issuance and sale at par plus accrued interest not exceeding ((~~six~~)) eight percent per annum of coupon warrants

of the district in such denominations, in such form and payable at such time or times not longer than six years from the issuing date of said coupon warrants; said date to be specified thereon, as the board shall determine and provide. Such coupon warrants shall be payable to bearer, shall have interest coupons attached providing for the payment of interest semiannually on the first day of January and of July following in each year: PROVIDED, That at the option of district board the aggregate amount of coupon warrants may include a sum sufficient to pay the annual interest thereon for a period not exceeding one year from the issuing date of the coupon warrants and in that event such interest shall be taken from the proceeds of the sale of the coupon warrants and immediately placed in the coupon warrant fund of the district, for the payment of the interest coupons maturing during the first year of the coupon warrants. The issuance of the coupon warrants, prior to delivery thereof to the purchaser, shall be recorded in the office of the county treasurer in a book kept for that purpose. Said coupon warrants when issued shall constitute general obligations of the district. All outstanding district warrants of every kind shall outlaw and become void after six years from the maturity date thereof where money shall be available in the proper fund of the district within that time for their payment.

Sec. 90. Section 45, chapter 34, Laws of 1939 and RCW 52.20-.060 are each amended to read as follows:

Said district board shall also have authority, if in accordance with the adopted means of financing said local improvement district, to issue and sell at par and accrued interest not exceeding ~~((six))~~ eight percent annually coupon warrants payable within three years from the date thereof exclusively from the local improvement fund of the district. Such coupon warrants shall be payable with semiannual interest to bearer and shall be in such form as the board shall determine and shall state on their face that they are payable exclusively from the local improvement fund of the district and shall be registered in the county treasurer's office, as provided herein for the registry of

general coupon warrants of the district. Interest coupons thereon shall be payable on the first day of January and of July.

Sec. 91. Section 2, chapter 239, Laws of 1947 and RCW 53.44-.020 are each amended to read as follows:

Such funding or refunding bonds shall bear interest at a rate not in excess of (~~five~~) eight percent per year as fixed by the board after the sale of the bonds, or, in the event of the issuance thereof by exchange, prior to such exchange; and the form of the bonds and interest coupons which shall be attached thereto, their execution, and the bonds in all other respects, shall be as permitted by law and as provided by resolution of the board.

Sec. 92. Section 13, chapter 264, Laws of 1945 and RCW 70.44-.120 are each amended to read as follows:

Whenever the commission (or majority of the qualified voters of such public hospital district, voting at said election, when it is necessary to submit the same to said voters) shall have adopted a system or plan for any such public hospital, as aforesaid, and shall have authorized indebtedness therefor by a majority vote of the qualified voters of such district voting at said election, general or public hospital bonds may be used as hereinafter provided. All bonds shall be serial in form and maturity and numbered from one upwards consecutively. The various annual maturities shall commence not later than the tenth year after the date of issue of such bonds. The resolution authorizing the issuance of the bonds shall fix the rate of interest the bonds shall bear, said interest not to exceed (~~six~~) eight percent, and the place and date of the payment of both principal and interest. The bonds shall be signed by the president of the commission, attested by the secretary of the commission, and the seal of the public hospital district shall be affixed to each bond but not to the coupon: PROVIDED, HOWEVER, That said coupon, in lieu of being so signed, may have printed thereon a facsimile of the signatures of such officers.

Sec. 93. Section 3, chapter 151, Laws of 1923 as last amended

by section 3, chapter 74, Laws of 1965 extraordinary session and RCW 39.44.030 are each amended to read as follows:

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. Except as provided in section 95 of this amendatory act when a vote of the electors shall have been taken on the question of the issuance of such bonds and the proposition submitted 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 purchaser the same at the lowest net interest cost to the issuer over the life there-



of, 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 that 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.

NEW SECTION. Sec. 94. All bonds, the issuance of which was authorized or ratified at a general or special election held within the issuing jurisdiction prior to the effective date of this amendatory act or the proposition for the issuance of which will be submitted at such an election pursuant to action of the legislative authority of the issuer taken prior to the effective date of this amendatory act, may be sold and issued with an interest rate or rates greater than any interest rate restriction contained in the ballot proposition or ordinance or resolution relating to such authorization or ratification if such bonds are sold and issued with an interest rate or rates not greater than those permitted by the applicable provision of this amendatory act.

NEW SECTION. Sec. 95. If a court of competent jurisdiction

shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section, or part of this 1969 amendatory act, such judgment or decree shall not affect, impair or nullify the remainder of this act, but the effect thereof shall be confined to the clause, sentence, paragraph, section, or part of this act so adjudged to be invalid or unconstitutional.

Sec. 96. Section 28B.10.310, chapter ..., Laws of 1969 (HB 58) and RCW 28B.10.310 are each amended to read as follows:

Each issue or series of such bonds: Shall be sold at a price which will result in a net interest cost over the life thereof of not to exceed ((seven)) eight percent per annum, and no single interest or coupon rate shall be greater than ((seven)) eight percent per annum; may be serial or term bonds; may mature at such time or times in not to exceed forty years from date of issue; may be sold at public or private sale; may be payable both principal and interest at such place or places; may be subject to redemption prior to any fixed maturities; may be in such denominations; may be payable to bearer or to the purchaser or purchasers thereof or may be registrable as to principal or principal and interest at the option of the holder; may be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon, which may include the creation and maintenance of a reserve fund or account to secure the payment of such principal and interest and a provision that additional bonds payable out of the same source or sources may later be issued on a parity therewith, and such other terms, conditions, covenants and protective provisions safeguarding such payment, all as determined and found necessary and desirable by said boards of regents or trustees. If found reasonably necessary and advisable, such boards of regents or trustees may select a trustee for the owners and holders of each such issue or series of bonds and/or for the safeguarding and disbursements of the proceeds of their sale for the uses and purposes for which they were issued and, if such trustee or trustees are so selected, shall fix its or their rights, duties, powers, and obliga-

tions. The bonds of each such issue or series: Shall be executed on behalf of such universities or colleges by the president of the board of regents or the chairman of the board of trustees, and shall be attested by the secretary of such board, one of which signatures may be a facsimile signature; and shall have the seal of such university or college impressed, printed, or lithographed thereon, and the interest coupons attached thereto shall be executed with the facsimile signatures of said officials. The bonds of each such issue or series and each of the coupons attached thereto shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state even though they shall be payable solely from any special fund or funds.

Sec. 97. Section 28B.10.315, chapter ..., Laws of 1969 (HB 58) and RCW 28B.10.315 are each amended to read as follows:

Such boards of regents or trustees may from time to time provide for the issuance of funding or refunding revenue bonds to fund or refund at or prior to maturity any or all bonds of other indebtedness, including any premiums or penalties required to be paid to effect such funding or refunding, heretofore or hereafter issued or incurred to pay all or part of the cost of acquiring, constructing, or installing any lands, buildings, or facilities of the nature described in RCW 28B.10.300.

Such funding or refunding bonds and each of the coupons attached thereto shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state. The net interest cost over the life of such funding or refunding bonds shall not exceed ((seven)) eight percent per annum, and the amount of any premium or penalty paid to effect such funding or refunding shall not be considered in determining such net interest cost.

Such funding or refunding bonds may be exchanged for or applied to the payment of the bonds or other indebtedness being funded or refunded or may be sold in such manner and at such price as the boards of regents or trustees deem advisable, either at public or private

sale.

The provisions of this chapter relating to the maturities, terms, conditions, covenants, interest rate, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

Sec. 98. Section 28B.10.325, chapter ..., Laws of 1969 (HB 58) and RCW 28B.10.325 are each amended to read as follows:

The rate of interest on the principal of any obligation made or incurred under the authority granted in RCW 28B.10.300 shall not exceed ((seven)) eight percent per annum.

Sec. 99. Section 28B.20.396, chapter ..., Laws of 1969 (HB 58) and RCW 28B.20.396 are each amended to read as follows:

Bonds issued pursuant to the authority granted under subdivision (4) of RCW 28B.20.392--

(1) shall not constitute (a) an obligation, either general or special, of the state or (b) a general obligation of the University of Washington or of the board;

(2) shall be--

(a) either registered or in coupon form, and

(b) issued in denominations of not less than one hundred dollars;

(3) shall state--

(a) the date of issue, and

(b) the series of the issue and be consecutively numbered within the series, and

(c) that the bond is payable only out of a special fund established for the purpose, and designate the fund;

(4) shall bear interest, payable either annually, or semiannually as the board may determine, at a rate not to exceed ((six)) eight percent per annum;

(5) shall be payable solely out of--

(a) revenue derived from operating, managing and leasing the university tract, and

(b) a special fund, created by the board for the purpose, consisting either of (i) a fixed proportion, or (ii) a fixed amount out of and not exceeding a fixed proportion, or (iii) a fixed amount without regard to any fixed proportion, of the revenue so derived;

(6) may contain covenants by the board in conformity with the provisions of RCW 28B.20.398(2);

(7) shall be payable at such times over a period of not to exceed thirty years, in such manner and at such place or places as the board determines;

(8) shall be executed in such manner as the board by resolution determines;

(9) shall be sold in such manner as the board deems for the best interest of the University of Washington.

Sec. 100. Section 28B.20.715, chapter ..., Laws of 1969 (HB 58) and RCW 28B.20.715 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state; or

(b) A general obligation of the University of Washington or of the board;

(2) Shall be

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the university by the president of the board, attested by the secretary of the board, have the seal of the university impressed thereon or a facsimile of such seal printed

or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed (~~six~~) eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed (~~six~~) eight percent per annum;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner as the board may prescribe; but never at a price at which the net interest cost over the life thereof shall exceed (~~six~~) eight percent per annum;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with this chapter, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the general tuition fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds

payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the University of Washington building account to the bond retirement fund when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the University of Washington building account and shall be used solely for paying the costs of the projects.

Sec. 101. Section 28B.20.730, chapter ..., Laws of 1969 (HB 58) and RCW 28B.20.730 are each amended to read as follows:

The board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by this chapter for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the University of Washington or the board. The net interest cost to maturity on such refunding bonds shall not exceed

((~~six~~) eight percent per annum nor shall any single interest or coupon rate exceed ((~~six~~) eight percent per annum. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner as it deems for the best interest of the university.

Sec. 102. Section 28B.30.730, chapter ..., Laws of 1969 (HB 58) and RCW 28B.30.730 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

- (1) Shall not constitute
  - (a) An obligation, either general or special, of the state; or
  - (b) A general obligation of Washington State University or of the board;
- (2) Shall be
  - (a) Either registered or in coupon form; and
  - (b) Issued in denominations of not less than one hundred dollars; and
  - (c) Fully negotiable instruments under the laws of this state; and
  - (d) Signed on behalf of the university by the president of the board, attested by the secretary of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;
- (3) Shall state
  - (a) The date of issue; and
  - (b) The series of the issue and be consecutively numbered within the series; and
  - (c) That the bond is payable both principal and interest sole-



ly out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed (~~six~~) eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed (~~six~~) eight percent per annum;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner as the board may prescribe, but never at a price at which the net interest cost over the life thereof shall exceed (~~six~~) eight percent per annum;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.30.700 through 28B.30.780, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the general tuition fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the Washington State University building account to the bond retirement fund when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the Washington State University building account and shall be used solely for paying the costs of the projects.

Sec. 103. Section 28B.30.760, chapter ..., Laws of 1969 (HB 58) and RCW 28B.30.760 are each amended to read as follows:

The board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by RCW 28B.30.700 through 28B.30.780 for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of Washington State University or the board. The net interest cost to maturity on such refunding bonds shall not exceed (~~six~~) eight percent per annum nor shall any single interest or coupon rate exceed (~~six~~) eight percent per annum. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner as it deems for the best interest of the university.

Sec. 104. Section 28B.40.730, chapter ..., Laws of 1969 (HB 58) and RCW 28B.40.730 are each amended to read as follows:

For the purpose of financing the cost of any projects, each of

the boards is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state; or

(b) A general obligation of the college or of the board;

(2) Shall be

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the college by the chairman of the board, attested by the secretary of the board, have the seal of the college impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed (~~six~~) eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed (~~six~~) eight percent per annum;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to

exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner as the board may prescribe, but never at a price at which the net interest cost over the life thereof shall exceed ((s+\*)) eight percent per annum;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, considerations, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.40.700 through 28B.40.790, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the general tuition fee shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the capital projects account of the college issuing the bonds to the bond retirement fund of such college when ordered by the board of trustees in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued

interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college issuing the bonds and shall be used solely for paying the costs of the projects.

Sec. 105. Section 28B.40.770, chapter ..., Laws of 1969 (HB 58) and RCW 28B.40.770 are each amended to read as follows:

Each board of trustees is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by RCW 28B.40.700 through 28B.40.790 for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the college of Washington issuing the bonds or the board thereof. The net interest cost to maturity on such refunding bonds shall not exceed ((six)) eight percent per annum nor shall any single interest or coupon rate exceed ((six)) eight percent per annum. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner as it deems for the best interest of the college.

Sec. 106. Section 28B.50.350, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.350 are each amended to read as follows:

For the purpose of financing the cost of any projects, the college board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable.

Said bonds:

- (1) Shall not constitute
  - (a) an obligation, either general or special, of the state; or
  - (b) a general obligation of the college or of the college

board;

(2) Shall be

(a) either registered or in coupon form; and

(b) issued in denominations of not less than one hundred dollars; and

(c) fully negotiable instruments under the laws of this state; and

(d) signed on behalf of the college board with the manual or facsimile signature of the chairman of the board, attested by the secretary of the board, have the seal of the college board impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;

(3) Shall state

(a) the date of issue; and

(b) the series of the issue and be consecutively numbered within the series; and

(c) that the bond is payable both principal and interest solely out of the bond retirement fund created for retirement thereof;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed ((~~six~~)) eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed ((~~six~~)) eight percent per annum;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner as the board may prescribe;

(8) Shall be issued under and subject to such terms, condi-

tions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.50.330 through 28B.50.400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(b) A covenant that sufficient moneys may be transferred from the capital projects account of the college board issuing the bonds to the bond retirement fund of the college board when ordered by the board in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(c) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college board and shall be used solely for paying the costs of the projects, and for the purposes set forth in (8)(b) above;

(9) Shall constitute a prior lien and charge against forty percent of all general tuition fees of the community colleges.

Sec. 107. Section 28B.50.390, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.390 are each amended to read as follows:

The college board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the cov-

enants permitted by RCW 28B.50.330 through 28B.50.400 for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the college board. The effective interest cost to maturity on such refunding bonds shall not exceed ((six)) eight percent per annum nor shall any single interest or coupon rate exceed ((six)) eight percent per annum. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner as it deems for the best interest of the college.

NEW SECTION. Sec. 108. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of sections 5 through 13, 36, 37, 67 through 71 of the instant bill seek to change existing laws. The provisions of section 91 through 102 seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of sections 5 through 13, 36, 37 and 67 through 71 shall be effective only until the date upon which the 1969 education code shall take effect, upon which date those provisions shall expire and the provisions of sections 91 through 102 shall concomitantly become effective. It is the further intent of the legislature that sections 91 through 102 of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then sections 91 through 102 of this bill shall be construed as amending the correlative sections of the 1969 education code.

Sections 91 through 102 of this 1969 amendatory act are necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect in the date upon which the 1969 education code becomes effective.

NEW SECTION. Sec. 109. This 1969 amendatory act is necessary for the immediate preservation of the public peace, health and safety,



the support of the state government and its public institutions, and shall take effect immediately.

Passed the Senate April 19, 1969  
 Passed the House April 9, 1969  
 Approved by the Governor April 25, 1969, with the exception of section 5, 49 and 92 which are vetoed  
 Filed in office of Secretary of State May 14, 1969

NOTE: Governor's explanation of partial veto is as follows:  
 "...The purpose of this bill is to increase the allowable interest rate on bonds issued by the state and its political subdivisions to eight percent.

Section 5 of the bill raises the interest rate of school district bonds from six to eight percent by amending RCW 28.51.010. This same section was amended by Senate Bill No. 618 passed in the first session of the 41st Legislature, now Chapter 142, Laws of 1969. Chapter 142 eliminated the six percent interest rate limitation on school district bonds.

Section 49 of Engrossed Senate Bill No. 560 amends RCW 70.44.060 relating to the authority of hospital districts to issue bonds by increasing the permissible interest rate from six to eight percent. This section duplicates section 1 of Senate Bill No. 242, now Chapter 45, Laws of 1969, Extraordinary Session.

Section 92 amends RCW 70.44.120 relating to the procedure for issuing hospital district bonds. This section also changes the reference to the allowable interest rate from six to eight percent. Section 3 of Senate Bill No. 242, has already accomplished this purpose.

In each case, the sole purpose of the section of Engrossed Senate Bill No. 560 is to raise the permissible interest rate to eight percent. This purpose was accomplished by each of the earlier acts which have been signed into law. In order to avoid the confusion resulting from two amendments to the same section being enacted, I have vetoed sections 5, 49 and 92 of Senate Bill No. 560. The remainder of the bill is approved."

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CHAPTER 233

[Engrossed Senate Bill No. 624]

HORSE RACING--COMMISSION, COMPOSITION,  
 PER DIEM--PERCENTAGE OF GROSS RECEIPTS,  
 DISTRIBUTION

AN ACT Relating to horse racing; amending section 2, chapter 55, Laws of 1933 and RCW 67.16.012; and adding new sections to chapter 67.16 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 2, chapter 55, Laws of 1933 and RCW 67.16-.012 are each amended to read as follows:

There is hereby created the Washington horse racing commission, to consist of three commissioners, who shall be citizens, residents, and qualified electors of the state of Washington, and one of whom shall be a breeder of thoroughbred and/or standard bred horses and he shall be of at least one year's standing. The first members of said commission shall be appointed by the governor within thirty days after March 3, 1933, one for a term to expire on the Thursday following the second Monday in January of 1935, one for a term to expire on the Thursday following the second Monday in January of 1937, and one for a term to expire on the Thursday following the second Monday in January of 1939, upon which expiration of the term of any member, the governor shall appoint a successor for a term of six years. Each member shall hold office until his successor is appointed and qualified. Vacancies in the office of commissioner shall be filled by appointment to be made by the governor for the unexpired term. Any commissioner may be removed at any time at the pleasure of the governor: PROVIDED, That any member or successor that is appointed or reappointed by the governor after the effective date of this 1969 amendatory act, shall be confirmed by the Senate. Before entering upon the duties of his office, each commissioner shall enter into a surety company bond, to be approved by the governor and attorney general, payable to the state of Washington, in the penal sum of five thousand dollars, conditioned upon the faithful performance of his duties and the correct accounting and payment of all sums received and coming within his control under this chapter, and in addition thereto each commissioner shall take and subscribe to an oath of office of the same form as that prescribed by law for elective state officers. ~~((Each member of the commission shall receive an annual salary of twelve hundred dollars, payable monthly.))~~

NEW SECTION. Sec. 2. There is added to chapter 67.16 RCW a new section to read as follows:

Each member of the Washington horse racing commission shall receive forty dollars per diem for each day actually spent in the performance of his duties and his actual necessary traveling and other 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.

NEW SECTION. Sec. 3. There is added to chapter 67.16 RCW a new section to read as follows:

Notwithstanding any other provision of RCW 67.16 to the contrary the licensee shall withhold and shall pay daily to the commission, in addition to the fifteen percent authorized by this chapter, one percent of the gross receipts of all parimutuel machines at each race meet which sums shall, at the end of each meet, be paid by the commission to the licensed owners of those horses finishing first, second, third and fourth in Washington bred only races other than stake races at each meet from which the additional one percent is derived in accordance with an equitable distribution formula to be promulgated by the commission prior to the commencement of each race meet: PROVIDED, That nothing in this section shall apply to race meets which are nonprofit in nature, or of six days or less or which have a total annual handle of less than two hundred thousand dollars. The commission shall not permit the licensees to take into consideration the benefits derived from this section in establishing purses for Washington bred only races.

Passed the Senate March 19, 1969

Passed the House April 9, 1969

Approved by the Governor April 19, 1969, with the exception of certain items in section 3 which are vetoed

Filed in office of Secretary of State May 14, 1969

NOTE: Governor's explanation of partial veto is as follows:  
 "...This bill makes several changes in the statutes relating to horse racing.

Section 3 requires each licensee to pay an additional one percent of the gross receipts of parimutuel machines to the licensed owners of horses finishing first through fourth in Washington bred only races, excluding stake races. The section does not apply to non-profit race meets or those of less than six days or having a total annual handle of less than \$200,000. Licensees may not take into consideration the additional one percent in establishing purses for Washington bred only races.

The purpose of this section is to encourage the breeding and racing of race horses within the State of Washington. Confining the benefits of this section to Washington bred only races and excluding the winners of stake races from the benefits of this section creates an unduly large purse for a small segment of owners, and fails to recognize the accomplishments of outstanding Washington breeders.

I have therefore vetoed the item limiting the benefits of the one percent collected under this section to licensed owners of winners of Washington bred only races and excluding winners of Washington bred only stake races and the corresponding reference in the following sentence of the section referring to Washington bred only races.

My veto does not limit the purpose of the act which is to encourage Washington horse breeding and the racing of Washington horses within the boundaries of our state.

With the exceptions of the items in Section 3 which I have vetoed for the reasons stated, the remainder of Engrossed Senate Bill 624 is approved."

CHAPTER 234  
[Engrossed Senate Bill No. 744]  
EXECUTIVE CONFLICT OF INTEREST ACT

AN ACT Relating to state government; prescribing restrictions against conflicts of interest in the executive branch thereof; adding a new chapter to Title 42 RCW; adding a new section to chapter 42.21 RCW; adding a new section to chapter 42.22 RCW; amending section 82, chapter 249, Laws of 1909 and RCW 42.20.010; amending section 96, chapter 72, Laws of 1937 and RCW 86.09-.286; repealing section 16, page 256, Laws of 1909 and RCW 28.81.130; repealing section 28B.40.125, chapter ..., Laws of 1969 (HB 58) and RCW 28B.40.125; repealing section 43.23.140,

chapter 8, Laws of 1965 and RCW 43.23.140; repealing section 72.08.140, chapter 28, Laws of 1959 and RCW 72.08.140; repealing section 72.08.150, chapter 28, Laws of 1959 and RCW 72.08.150; and providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. It is the policy and purpose of this act to promote and balance the dual objectives of protecting the integrity of the government of the state of Washington and of facilitating the recruitment and retention of the personnel needed by the state, by prescribing essential restrictions against conflicts of interest in the executive branch of the state government without creating unnecessary barriers to public service.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, for purposes of this 1969 amendatory act, the terms defined in sections 3 to 15 thereof shall have the meanings therein set forth.

NEW SECTION. Sec. 3. "Agency" means:

- (1) The office of the governor.
- (2) Any office, department, board, commission, or other separate unit or division, however designated, of the state government, together with all personnel thereof:
  - (a) Upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature; and
  - (b) That has as its chief executive officer a person or combination of persons such as a commission, board, or council, by law empowered to operate it, responsible either to (i) no other public officer or (ii) the governor.

NEW SECTION. Sec. 4. "Agency head" and "head of agency" mean the chief executive officer of an agency, who shall be the chairman in the case of an independent establishment which is a commission, board, or committee.

NEW SECTION. Sec. 5. "Assist" means to act, or offer or a-

gree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to another person, believing that such action is of help, aid, advice, or assistance to such person and with intent so to assist such person.

NEW SECTION. Sec. 6. "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, or transferred, or to be paid, loaned, granted, or transferred for, or in consideration of, personal services to any person.

NEW SECTION. Sec. 7. "Intermittent state employee" means any state employee, as defined in section 13 of this 1969 amendatory act, who has performed services as such employee on not more than fifty-two working days (which shall not include Saturdays, Sundays, and holidays) out of the preceding three hundred and sixty-five calendar days: PROVIDED, That:

(1) A reserve of the Washington National Guard, unless otherwise a regular state employee, shall be classified as an intermittent state employee for purposes of this 1969 amendatory act while on active duty solely for training irrespective of the number of days of such training;

(2) Irrespective of the fact he has performed services on less than fifty-two working days, a state employee shall be deemed a regular state employee and not an intermittent state employee, if:

(a) He was appointed to a position calling for regular and continuing full time services; and

(b) His appointment did not evidence an intent that his services would be for a period of less than one hundred and thirty working days in the three hundred and sixty-five calendar day period following such appointment.

An intermittent state employee shall be in such status on days on which he performs no services as well as days on which he performs services.

NEW SECTION. Sec. 8. "Participate," in connection with a transaction involving the state, means to participate in state action

or a proceeding personally and substantially as a state employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise.

NEW SECTION. Sec. 9. "Person" means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit.

NEW SECTION. Sec. 10. "Regular state employee" means any state employee other than an intermittent state employee as defined in section 7 of this 1969 amendatory act.

NEW SECTION. Sec. 11. "Responsibility" in connection with a transaction involving the state, means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or through subordinates, effectively to approve, disapprove, or otherwise direct state action in respect of such transaction.

NEW SECTION. Sec. 12. "State action" means any action on the part of an agency, including, but not limited to:

(1) Any decision, determination, finding, ruling, or order;  
and

(2) Any grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect thereto.

NEW SECTION. Sec. 13. "State employee" means any individual who is appointed by an agency head, as defined in section 4 of this 1969 amendatory act, or his designee, and serves under the supervision and authority of an agency as defined in section 3 of this 1969 amendatory act.

Notwithstanding the foregoing, the term "state employee" shall not include any of the following:

(1) Officers and employees in the legislative and judicial branches of the state of Washington; and

(2) A reserve of the Washington National Guard, when he is not on active duty and is not otherwise a state employee.

An individual shall not be deemed an employee solely by reason of his being subject to recall to active service.

Every state employee shall be deemed either "intermittent" or "regular" as determined by the definitions contained in sections 7 and 10 respectively, of this 1969 amendatory act.

NEW SECTION. Sec. 14. "Thing of economic value" includes:

(1) Any loan, property interest, interest in a contract or other chose in action, and any employment or other arrangement involving a right to compensation;

(2) Any option, irrespective of the conditions to the exercise of such option; and

(3) Any promise or undertaking for the present or future delivery or procurement.

In the case of an option, promise, or undertaking, the time of receipt of the thing of economic value shall be deemed to be, respectively, the time the option becomes fixed, regardless of the conditions of its exercise, and the time the promise of undertaking is made, regardless of the condition to its performance.

NEW SECTION. Sec. 15. "Transaction involving the state" means any proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other such particular matter which the state employee or former state employee in question believes, or has reason to believe:

(1) Is, or will be, the subject of state action; or

(2) Is one to which the state is or will be a party; or

(3) Is one in which the state has a direct and substantial proprietary interest.

NEW SECTION. Sec. 16. (1) No state employee shall participate in a transaction involving the state in the consequences of which he has a substantial economic interest of which he may reasonably be expected to know.

(2) No state employee shall participate in a transaction involving the state in the consequences of which, to his actual know-



ledge, any of the following persons has a direct and substantial economic interest:

- (a) His spouse or child; or
- (b) Any person in which he has a substantial economic interest of which he may reasonably be expected to know; or
- (c) Any person of which he is an officer, director, trustee, partner, or employee; or
- (d) Any person with whom he is negotiating or has any arrangement concerning prospective employment; or
- (e) Any person who is a party to an existing contract with such state employee or an obligee of such state employee as to a thing of economic value and who, by reason thereof, is in a position to affect directly and substantially such employee's economic interests.

(3) Every state employee shall disqualify himself from participating in a transaction involving the state when a violation of subsection (1) or (2) would otherwise result. The procedures for such disqualification shall be established by regulations issued pursuant to section 24 of this 1969 amendatory act.

(4) The term "substantial economic interest" may be defined by regulations issued by the governor pursuant to section 24 of this 1969 amendatory act but shall not include:

- (a) The interest of a state employee in his grade, salary, or other matters arising solely from his state employment;
- (b) The interest of a state employee or of a person referred to in subsection (2) solely as a member of the general public; or of any significant economic or any other segment of the general public.

(5) If the public interest so requires, the governor may issue an order suspending the operation of subsections (1) and (2), in whole or in part, as to a particular employee in a specified transaction involving the state, by expressing the suspension and the reasons for it in writing. The writing shall be filed with the secretary of state and shall be open to public inspection.



cable, the circumstances of assistance shall be disclosed to the head of the employee's agency and approved by him in advance of the assistance.

(2) Nothing in this 1969 amendatory act shall prevent a state employee from giving testimony under oath or from making statements required to be made under penalty of perjury or contempt.

NEW SECTION. Sec. 19. (1) No regular state employee shall receive anything of economic value (other than his compensation from the state of Washington) for or in consideration of his personal services rendered, or to be rendered, to or for any person during the term of his state employment unless such services meet each of the following qualifications:

(a) The services are bona fide and actually performed by such employee;

(b) The services are not within the course of his official duties;

(c) The services are not prohibited by section 17 of this 1969 amendatory act or by applicable laws or regulations governing nonstate employment for such employee; and

(d) The services are neither performed for nor compensated by any person from whom such employee would be prohibited by section 20(b) of this 1969 amendatory act from receiving a gift, or, alternatively, the services and compensation are fully disclosed in writing to the head of the employee's agency and are approved in writing by him.

(2) Nothing contained in this section shall prevent a state employee from receiving compensation contributed out of the treasury of the United States, any other state, or any county, or municipality if:

(a) The compensation is received pursuant to arrangements entered into between such state, county, municipality, or the United States and such employee's agency; or

(b) The compensation and the services for which it is re-

ceived are fully disclosed in writing to the head of the employee's agency and are approved in writing by him.

(3) Travel and related expenses received other than from the state of Washington shall be deemed to be for or in consideration of personal service rendered to or for a person only to the extent provided in regulations issued pursuant to section 10 of this 1969 amendatory act.

(4) Exceptions to the provisions of this section may be made by regulations issued pursuant to section 24 of this 1969 amendatory act in situations where the circumstances do not lead to the inference that the official judgment or action of the state employee receiving, directly or indirectly, the gift, gratuity, or favor was intended to be influenced thereby.

(5) For purposes of this section 19 the term "regular state employee" shall not include any state employee who, in accordance with the terms of his appointment, is serving without compensation from the state of Washington or is receiving from the state only reimbursement of expenses incurred or a predetermined allowance for such expenses.

NEW SECTION. Sec. 20. (1) No state employee shall receive, accept, take, seek, or solicit, directly or indirectly, any thing of economic value as a gift, gratuity, or favor from any person if such state employee has reason to believe the donor would not give the gift, gratuity, or favor but for such employee's office or position with the state.

(2) No regular state employee shall receive, accept, take, seek, or solicit, directly or indirectly, any thing of economic value as a gift, gratuity, or favor from any person, or from any officer or director of such person, if such state employee has reason to believe such person:

(a) Has or is seeking to obtain contractual or other business or financial relationships with such employee's agency; or

(b) Conducts operations or activities which are regulated by

such employee's agency; or

(c) Has interests which may be substantially affected by such employee's performance or nonperformance of official duty.

(3) Exceptions to the provisions of this section may be made by regulations issued pursuant to section 24 of this 1969 amendatory act in situations where the circumstances do not lead to the inference that the official judgment or action of the state employee receiving, directly or indirectly, the gift, gratuity, or favor was intended to be influenced thereby.

NEW SECTION. Sec. 21. Except in the course of his official duties or incident thereto, no state employee shall, in his relationships with any person specified in the succeeding sentence, use the power or authority of his office or position with the state in a manner intended to induce or coerce such other person to provide such state employee or any other person with any thing of economic value, directly or indirectly. This section shall apply to relationships with any person or any officer or director of such person from whom such state employee, if he were a regular state employee, would be prohibited by section 20(b) of this 1969 amendatory act from receiving a gift.

NEW SECTION. Sec. 22. (1) No former state employee shall at any time subsequent to his state employment assist another person, whether or not for compensation, in any transaction involving the state in which he at any time participated during his state employment.

(2) No former state employee shall, within a period of two years after termination of employment with an agency, appear before such agency.

(3) No former state employee shall share in any compensation received by another person for assistance which such former state employee is prohibited from rendering by subsections (1) or (2).

(4) No partnership of which a former state employee is a partner, and no partner or employee of such a partnership, shall, for

a period of two years following the termination of his state employment, assist another person in any transaction involving the state in which such former state employee at any time participated during his state employment. For purposes of this subsection, the termination of the former state employee's employment with the agency by which he was employed when he so participated shall be deemed to be the termination of his state employment.

(5) The permitted exceptions applicable to state employees under section 18 of this 1969 amendatory act shall also be applicable to former state employees under this section, subject to conditions or limitations set forth in regulations issued pursuant to section 24 of this 1969 amendatory act.

NEW SECTION. Sec. 23. (1) No person shall give, pay, loan, transfer, or deliver, directly or indirectly, to any other person anything of economic value believing or having reason to believe that there exist circumstances making the receipt thereof a violation of sections 17, 19, and 22 of this 1969 amendatory act.

(2) No person shall give, transfer, or deliver, directly or indirectly, to a state employee, any thing of economic value as a gift, gratuity, or favor if either:

(a) Such person would not give the gift, gratuity, or favor but for such employee's office or position with the state; or

(b) Such person is in a status specified in clause (a), (b), or (c) of section 20(2) of this 1969 amendatory act.

Exceptions to this subsection (2) may be made by regulations issued pursuant to section 24 of this 1969 amendatory act in situations referred to in section 20(3) of this 1969 amendatory act.

NEW SECTION. Sec. 24. (1) Subject to the provisions of applicable laws, the governor shall be responsible for the establishment of appropriate standards to protect against actual or potential conflicts of interest on the part of state employees and for the administration and enforcement of this 1969 amendatory act and the regulations and orders issued hereunder.

(2) The governor may, and shall when required by this 1969 amendatory act, issue regulations carrying out the policies and purposes thereof. Such regulations shall take precedence over any regulations issued by agency heads pursuant to section 25 of this 1969 amendatory act.

(3) The governor shall have particular responsibility for the enforcement of this 1969 amendatory act as applied to employees of the office of the governor and to agency heads, and for this purpose the governor shall have all the powers of an agency head.

(4) The governor may conduct investigations of facts, condition or conditions, practices, or other matters in carrying out his responsibilities and powers under this section. In connection with any such investigation the governor shall have all the powers with respect to oaths, affirmations, subpoenas, and witnesses as are provided in section 27(2) of this 1969 amendatory act. The governor may delegate any or all of his powers under this subsection (4) to any officer designated by him, either generally or in particular instances.

NEW SECTION. Sec. 25. (1) Each agency head shall be responsible for the establishment of appropriate standards within his agency to protect against actual or potential conflicts of interest on the part of employees of his agency, and for the administration and enforcement within his agency of this act and the regulations and orders issued hereunder.

(2) Each agency head may, subject to the regulations issued by the governor under section 24(2) of this 1969 amendatory act issue regulations carrying out the policies and purposes of this act as applied to his agency. He shall file copies of all such regulations with the office of the governor.

NEW SECTION. Sec. 26. (1) The head of an agency may dismiss, suspend, or take such other action as may be appropriate in the circumstances in respect to any state employee of his agency upon finding that such employee has violated this 1969 amendatory act or

regulations promulgated hereunder. Such action may include the imposition of conditions of the nature described in section 27(1) of this 1969 amendatory act.

(2) The procedures for any such action shall correspond to those applicable for disciplinary action for employee misconduct generally; for those state employees not specifically exempted therein the rules set forth in the state civil service law, chapter 41.06 RCW, shall apply. Any action against the employee shall be subject to judicial review to the extent provided by law for disciplinary action for misconduct of employees of the same category and grade.

NEW SECTION. Sec. 27. (1) The head of an agency, upon finding that any former employee of such agency or any other person has violated any provision of this 1969 amendatory act, may, in addition to any other powers the head of such agency may have, bar or impose reasonable conditions upon:

(a) The appearance before such agency of such former employee or other person; and

(b) The conduct of, or negotiation or competition for, business with such agency by such former employee or other person, such period of time as may reasonably be necessary or appropriate to effectuate the purposes of this 1969 amendatory act.

(2) Findings of violations referred to in subsection (1)(b) shall be made on record after notice and hearing, conducted in accordance with the Washington Administrative Procedure Act, chapter 34.04 RCW. Such findings and orders are subject to judicial review.

NEW SECTION. Sec. 28. The governor may, in addition to any other available rights of rescission, bring an action in the superior court of Thurston county to cancel or rescind any state action without contractual liability to the state of Washington where:

(1) He has found that a violation of this act has substantially influenced such state action; and

(2) In his judgment the interests of the state of Washington so require under all of the circumstances, including the position of innocent third parties.



The findings referred to in subsection (1) shall be made in accordance with the procedures set forth in section 27(2) of this 1969 amendatory act shall be subject to judicial review: PROVIDED, That the governor may suspend state action pending the determination pursuant to this section of the merits of the controversy: PROVIDED FURTHER, That the court may permit persons affected by the governor's action to post an adequate bond pending such resolution to insure compliance by the defendant with the final judgment, decree, or other order of the court.

NEW SECTION. Sec. 29. The attorney general of the state of Washington may bring a civil action in the superior court of Thurston county against any state employee or former state employee who shall have acted to his economic advantage in violation of this 1969 amendatory act, and in such action may recover damages in an amount equal to the amount of such economic advantage on behalf of the state of Washington, in partial reimbursement of the state for its expenses of administering this 1969 amendatory act.

NEW SECTION. Sec. 30. The attorney general of the state of Washington may bring a civil action in the superior court of Thurston county to collect from any person who shall violate section 23 of this 1969 amendatory act a civil penalty of not more than five thousand dollars, in partial reimbursement of the state of Washington for its expenses of administering this 1969 amendatory act.

NEW SECTION. Sec. 31. Whenever the head of an agency, or the governor, exercises the authority conferred by sections 26, 27 or 28 of this 1969 amendatory act, copies of the findings and decision therein shall be filed with the governor and shall be made available for public inspection.

NEW SECTION. Sec. 32. No administrative or other action taken under sections 27, 28, 29 or 30 of this 1969 amendatory act, to enforce any provision of said act shall be commenced after the expiration of three years following the occurrence of the alleged violation.

NEW SECTION. Sec. 33. Nothing in this 1969 amendatory act

shall be interpreted to prevent a member of a board, committee, advisory commission, or other body required or permitted by statute to be appointed from any identifiable group or interest, from serving on such body in accordance with the intent of the legislature in establishing such body.

Sec. 34. Section 82, chapter 249, Laws of 1909 and RCW 42.20-.010 are each amended to read as follows:

Every public officer who shall --

(1) Ask or receive, directly or indirectly, any compensation, gratuity, or reward, or promise thereof, for omitting or deferring the performance of any official duty; or for any official service which has not been actually rendered, except in case of charges for prospective costs or fees demandable in advance in a case allowed by law; or

(2) Be beneficially interested, directly or indirectly, in any contract, sale, lease, or purchase which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested therein; or

(3) Employ or use any person, money, or property under his official control or direction, or in his official custody, for the private benefit or gain of himself or another;

Shall be guilty of a gross misdemeanor, and any contract, sale, lease or purchase mentioned in subdivision (2) hereof shall be void: PROVIDED, That this section shall have no application to any person who is a state employee as defined in section 13 of the executive conflict of interest act of 1969.

Sec. 35. Section 96, chapter 72, Laws of 1937 and RCW 86.09-.286 are each amended to read as follows:

No director or any other officer named in this chapter shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be deriv-

ed therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both fine and imprisonment: PROVIDED, That nothing in this section contained shall be construed to prevent any district officer from being employed by the district as foreman or as a day laborer: PROVIDED FURTHER, That this section shall have no application to any person who is a state employee as defined in section 13 of the executive conflict of interest act of 1969.

NEW SECTION. Sec. 36. There is added to chapter 42.21 RCW a new section to read as follows:

This chapter shall have no application to any person who is a state employee as defined in section 13 of the executive conflict of interest act of 1969.

NEW SECTION. Sec. 37. There is added to chapter 42.22 RCW a new section to read as follows:

This chapter shall have no application to any person who is a state employee as defined in section 13 of the executive conflict of interest act of 1969.

NEW SECTION. Sec. 38. The following acts or parts of acts are each repealed: Section 16, page 256, Laws of 1909 and RCW 28.81-.130; section 28B.40.125, chapter ..., Laws of 1969 (HB 58) and RCW 28B.40.125; section 43.23.140, chapter 8, Laws of 1965 and RCW 43.23-.140; section 72.08.140, chapter 28, Laws of 1959 and RCW 72.08.140; and section 72.08.150, chapter 28, Laws of 1959 and RCW 72.08.150.

NEW SECTION. Sec. 39. Any person knowingly and intentionally violating any provision of this 1969 amendatory act shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 40. This act shall be known and may be cited as the "Executive Conflict of Interest Act." Sections 1 through

33 and section 39 thereof shall constitute a new chapter in Title 42 RCW.

Passed the Senate April 3, 1969

Passed the House April 12, 1969

Approved by the Governor April 21, 1969, with the exception of an item in section 18 which is vetoed

Filed in office of Secretary of State May 14, 1969

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

"...It is the purpose of this act to prescribe essential restrictions against conflicts of interest in the executive branch of the state government without creating unnecessary barriers to public service. The act promotes the dual objectives of protecting the integrity of state government and facilitating the recruitment and retention of personnel.

Sections 1 through 15 contain the definitions essential to the clarity of the act. Section 16 prohibits state employees from participating in any transaction in which he or specified persons, including members of his immediate family, have a substantial economic interest. Section 20 prohibits state employees from accepting gifts from persons dealing with the state if the employee has reason to believe that the only reason for the gift is the state employee's position. Section 21 prohibits a state employee from coercing others into bestowing gifts. Section 22 repeats the existing statutory prohibition against a former state employee's appearing before his former agency for two years, and prohibits a former state employee from assisting another person in any transaction involving the state in which the former state employee personally participated as a state employee. These sections constitute the principal substantive provisions of the act.

Section 18 permits a state employee, under certain conditions, to assist specified persons, including his family and one whom he serves as a personal fiduciary, in transactions involving the state. This section requires that in such cases the state employee advise the head of his administrative agency of his interest and obtain the agency head's approval before the state employee may assist another in a transaction involving the state.

Section 18 also applies to employee relations to permit an employee to assist another employee in a disciplinary or other personnel administration proceeding. This provision promotes good relations with the state's employees and with recognized organizations representing employees. However, the section requires that the agency head approve before one employee may assist another in a personnel matter.

While it is important that any conflict with the state be disclosed, in my judgment, it is not in keeping with accepted concepts of management employee relations to permit an agency head to prohibit one employee from representing another employee in an administrative personnel matter. If this were to become the law, any agency head could prohibit a shop steward from representing an employee. I have therefore vetoed from section 18 the requirement that an employee obtain the approval of his agency head before assisting his fellow employee in a disciplinary or other personnel administration proceeding.

The remainder of Senate Bill 744 is approved."

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CHAPTER 235  
[Engrossed House Bill No. 893]  
TEMPORARY SPECIAL LEVY STUDY COMMISSION

AN ACT Relating to revenue and taxation; creating a temporary special levy study commission and setting forth its powers and duties; providing an expiration date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. As used in this act, unless the context indicates otherwise, the following words and phrases shall have the following meaning:

(1) "Commission" means the temporary special levy study commission; and

(2) "Common schools" means schools maintained at public expense in school districts of the state and carrying on a program from kindergarten through the twelfth grade, or any part thereof, including vocational educational courses.

NEW SECTION. Sec. 2. The forty-first legislature has before it several proposals to reform the tax structure of the state. A primary goal of all such tax reform proposals is the reduction of property taxes attributable to special school district levies for maintenance and operation purposes and the replacement of these revenues with the proceeds of a state income tax. To properly accomplish this goal will require a detailed study of all factors affecting financing of the common schools of the state to assure that state tax revenues are applied in a manner to provide equal educational oppor-

tunities to all common school students of the state.

NEW SECTION. Sec. 3. There is hereby created the temporary special levy study commission which shall meet, act, and conduct its business at any place within the state of Washington.

NEW SECTION. Sec. 4. The commission shall have the following membership:

(1) Four senators to be selected by the president of the senate, not more than two of whom shall be from the same political party, and four representatives to be appointed by the speaker of the house, not more than two of whom shall be from the same political party;

(2) One member from among the membership of the joint committee on education appointed by the chairman of the joint committee on education and one member from among the membership of the legislative budget committee appointed by the chairman of the legislative budget committee;

(3) The state superintendent of public instruction or his designated representative;

(4) One member to be appointed by the state board of education, who may be a member of the board;

(5) 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;

(6) Two members to be appointed by the president of the Washington state school directors association; and

(7) Six members to be appointed by the state superintendent of public instruction, three of whom shall be certificated employees of school districts within the meaning of RCW 28.72.020, and three of whom shall be chief administrative officers of school districts in the state, one of which shall be a county or intermediate superintendent of schools. In making the appointments under this subsection (7), the state superintendent of public instruction shall give equal representation, insofar as possible, to school districts located in large urban areas of the state, school districts located in suburban

areas, and school districts located in smaller communities and rural areas of the state. In addition, when making appointments of certificated employees, the state superintendent of public instruction shall give consideration to persons who may be nominated by employee organizations as defined in RCW 28.72.020.

NEW SECTION. Sec. 5. The members of the commission 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 commission, and their necessary travel expenses. Payment of per diem and expenses shall be made upon vouchers approved by persons designated by the commission.

NEW SECTION. Sec. 6. The commission, by majority vote, shall select from among the members a chairman, and, by majority vote, shall appoint and fix the salary of a full time executive secretary who shall not be a member of the commission. The commission or its executive secretary shall employ such staff as the commission may deem appropriate. The commission is authorized to retain professional consultants as deemed necessary to further the purposes set forth in this act.

NEW SECTION. Sec. 7. The commission, by majority vote, shall select appropriate subcommittees, and prescribe rules of procedure for itself and its subcommittees which are not inconsistent with this act. Both the commission and any subcommittee shall be authorized to conduct hearings throughout the state and shall have power to require data from all school districts, the state superintendent of public instruction, the state board of education, and all other public officials and agencies concerned with education in the state of Washington and from such other public officials and agencies as may provide information helpful to the commission in carrying out its functions. In furthering the purposes of this act, the commission shall have authority to select and consult with interested citizen groups. Such groups shall not receive expenses as otherwise in this act provided for.

NEW SECTION. Sec. 8. The commission is hereby directed to study the programs, problems and financial needs of the common schools of the state, including but not limited to:

(1) The methods by which revenues are obtained by the common schools of the state, including regular and special property tax levies and the formula under which state funds are allocated to school districts;

(2) Those courses of study now financed by state, local and federal funds in the common schools of the state;

(3) The extent to which courses of study vary between school districts of the state, and between common schools within any school district;

(4) The extent to which variations in courses of study are related to the amount of revenues a school district obtains from special tax levies for maintenance and operation purposes;

(5) The costs of providing a basic education program in the common schools of the state and the variations in salary schedules and other costs which may exist from one school district to another; and

(6) A comparison between school districts in parts of the state showing the ratio of the number of classroom teachers to the total number of employees in each district; and

(7) Study possible solutions to the inequity arising because of differences in the amount of special levy revenue raised per student by a one mill increase in property taxation in one district relative to other districts; and

(8) The amount of state funds necessary and methods by which such state funds may be allocated each school district to insure an equal educational opportunity to each common school student in the state.

NEW SECTION. Sec. 9. The commission shall submit to the governor and the legislature, a preliminary report no later than December 15, 1969 and a final report no later than December 15, 1970. Such reports shall disclose the findings of the committee and its recommenda-



tions, which recommendations shall include:

(1) Recommended courses of study which should be included in a basic education program in each school district of the state, the financing of which should be assured by state revenues;

(2) Recommended levels of state expenditures to assist local school districts in financing the maintenance and operation of the common schools of the state;

(3) Recommended methods of measuring variations in costs between school districts, and allocating state funds to school districts of the state; and

(4) Any other recommendations of the commission for changes in state laws and administrative regulations necessary in the judgment of the commission to assure an equal educational opportunity to all common school students of the state.

NEW SECTION. Sec. 10. The commission 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 common school education under the terms of an act or acts of congress, or any private grants or gifts: PROVIDED, That such federal or private funds may be allocated and expended in accordance with the authority, powers and procedures accorded the commission in this act.

NEW SECTION. Sec. 11. This act shall be of no further effect after March 31, 1971, and the commission herein created shall be deemed abolished at such time.

NEW SECTION. Sec. 12. 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.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall

take effect immediately.

Passed the House May 12, 1969  
Passed the Senate May 12, 1969  
Approved by the Governor May 16, 1969  
Filed in office of Secretary of State May 16, 1969

CHAPTER 236  
[Engrossed Senate Bill No. 310]  
EMINENT DOMAIN--RELOCATION ASSISTANCE--  
APPRAISAL DISCLOSURE

AN ACT Relating to eminent domain; amending section 4, chapter 125, Laws of 1965 ex. sess. as amended by section 2, chapter 137, Laws of 1967 ex. sess. and RCW 8.25.040; amending section 5, chapter 125, Laws of 1965 ex. sess. and RCW 8.25.050; amending section 6, chapter 125, Laws of 1965 ex. sess. and RCW 8.25-.060; amending section 3, chapter 137, Laws of 1967 ex. sess. and RCW 8.25.070; amending section 4, chapter 137, Laws of 1967 ex. sess. and RCW 8.25.900; and adding new sections to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

With respect to state highway projects and other public highways, roads and streets on a federal aid highway system, the legislature finds and declares that:

(1) Reduction of the length of time between initial planning and public use of highway projects will result in saving lives and highway funds. The amount of time within which a highway project can be readied for public use can be substantially reduced by prompt and equitable relocation and reestablishment of persons, businesses, farms, and nonprofit organizations displaced as a result of acquisitions of property for highway purposes. Providing the necessary information, assistance, and the financial means by which individuals to be displaced may become housed in decent, safe and sanitary housing will be an inducement for persons to be relocated promptly, will facilitate

orderly planning, and will permit acquisition of right of way needed for highway projects more promptly than could have been done by leaving such individuals to their own resources.

(2) Acquisitions of real property for state highway purposes and acquisitions on any federal aid highway system require an increasing number of citizens to move and relocate their residences, businesses and farms, and these displaced persons incur expenses not fully compensated for under state law. It is a condition of a state's eligibility for federal aid for its highways under the Federal Aid Highway Act of 1968, after July 1, 1970, that such displaced persons, businesses, farms and nonprofit organizations be provided with relocation assistance as defined in that act.

(3) Reduction of the total time required to permit public use of planned highway projects by such prompt and equitable relocation, the additional expenditures of public highway funds necessary to obtain such accelerated schedules and maintaining continued eligibility for federal aid for the state's highways are in the public interest.

NEW SECTION. Sec. 2. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

For, the purpose of this 1969 amendatory act, the following definitions shall apply:

(1) "Person" means:

(a) Any individual, partnership, corporation, or association which is the owner of a business;

(b) Any owner, part owner, tenant, or sharecropper who operates a farm;

(c) An individual who is the head of a family;

(d) An individual not a member of a family.

(2) "Family" means two or more persons living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or legal guardianship.

(3) "Displaced person" means any person who moves from real

property as a result of the acquisition or reasonable expectation of acquisition of such real property, or as the result of the acquisition of other real property on which such person conducts a business or farm operation.

(4) "Business" means any lawful activity conducted primarily:

(a) for the purchase and resale, manufacture, processing, or marketing of products, commodities, or any other personal property;

(b) for the sale of services to the public; or

(c) by a nonprofit organization.

(5) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(6) "Condemnor" means any agency acquiring property by eminent domain or by consent under threat thereof, pursuant to chapters 8.04, 8.08, 8.12, 8.16, and 8.20 RCW, and any agency, organization or person acquiring property pursuant to 8.24 RCW.

NEW SECTION. Sec. 3. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

A condemnor acquiring property for a state highway or any highway, road, or street on a federal aid highway system shall provide to displaced persons relocation advisory assistance as in this chapter provided.

NEW SECTION. Sec. 4. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

(1) In addition to the payments otherwise authorized by this chapter in connection with an acquisition for state highway purposes or for any highway, road, or street on a federal aid highway system, the condemnor, as a part of the cost of acquisition, shall make a payment as described in this subsection to the owner of real property

which is improved with a single, two or three family dwelling actually owned and occupied by the owner for not less than one year prior to the initiation of negotiations for acquisition of such property. Such payment, not to exceed five thousand dollars, shall be the amount, if any, which, when added to the acquisition payment, equals the average price required for a comparable dwelling which is decent, safe, and sanitary and adequate to accommodate the displaced owner, reasonably accessible to public services and place of employment and available on the market. Such payment shall be made only to a displaced owner who purchases and occupies a dwelling that meets such standards within one year subsequent to the date on which he is required to move from the dwelling acquired.

(2) In addition to the payments otherwise authorized by this chapter in connection with an acquisition for state highway purposes or for any highway, road, or street on a federal aid highway system, the condemnor, as a part of the cost of acquisition, shall make a payment described in this subsection to any individual or family not eligible to receive a payment under subsection (1) of this section who is displaced from any dwelling actually and lawfully occupied by such individual or family for not less than ninety days prior to initiation of negotiations for acquisition of such property. The payment authorized by this subsection shall be either of the following:

(a) In the event such individual or family elects to rent or lease a dwelling, such payment or payments, not to exceed a total of one thousand five hundred dollars, shall be the amount which when added to the actual or economic rental for the dwelling acquired by the condemnor, equals the average rental for a comparable dwelling which is decent, safe and sanitary and adequate to accommodate such individual or family in an area reasonably accessible to public utilities and to public and commercial facilities. In no event shall such payments supplement the rent of such an individual or family for a period in excess of two years.

(b) In the event such individual or family elects to purchase a dwelling, such payment, not to exceed one thousand five hundred dollars, shall be the amount which is necessary to enable such individual or family to make the down payment on the purchase of a decent, safe and sanitary dwelling adequate to accommodate such individual or family in an area not generally less desirable in regard to public utilities and public and commercial facilities.

(3) When an owner-occupant is qualified for a payment under subsection (1) of this section but has previously received a payment under subsection (2) of this section, the amount of any payment under subsection (2) shall be deducted from the amount to which he would otherwise be entitled under subsection (1) of this section. In no event shall the combined payments exceed five thousand dollars.

(4) If the acquisition payment shall have been established by court judgment, the amount of the payment under subsections (1) or (2) of this section shall not exceed the difference between the amount of any such court judgment and the condemnor's determination of the average price required for a comparable dwelling which is decent, safe and sanitary and adequate to accommodate as in subsections (1) and (2) of this section, provided. A condemnor shall be entitled to a credit upon such court judgment for any amounts in excess of such difference previously paid.

Sec. 5. Section 4, chapter 125, Laws of 1965 ex. sess. as amended by section 2, chapter 137, Laws of 1967 ex. sess. and RCW 8-.25.040 are each amended to read as follows:

(1) Any displaced 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)~~) condemnor as provided in this (~~(chapter)~~) section for the (~~(reasonable costs which he actually and)~~) actual reasonable expenses necessarily incurred (~~(as a result of the acquisition)~~) in moving himself, his family,

and personal property ((from the real property acquired)), such costs to include temporary lodging and transportation of himself and his family and dismantling, removing, packing, loading, transporting, insuring, reinstalling, unpacking and temporary storage ((not to exceed sixty days)) of personal property, but not a devaluation of such personal property incurred in or caused by such moving ((--PROVIDED, that the amount of reimbursement for transportation shall not exceed the cost of moving one hundred miles from the point from which such person or organization is displaced,--In no event shall the amount of reimbursement exceed the sum of five hundred dollars for removal of personal property in the case of an individual or a family, or sum of ten 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)).

(2) Any displaced person who moves from a dwelling who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (1) of this section may receive a moving expense allowance, in accordance with the average cost of moving from a comparable size dwelling determined according to a schedule established by the condemnor, not to exceed two hundred dollars, and in addition a dislocation allowance of one hundred dollars.

(3) Any displaced person who moves or discontinues his business or farm operation who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (1) of this section may receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, or five thousand dollars, whichever is lesser. In the case of a business, no payment shall be made under this subsection if the business is a part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business, or if the condemnor is satisfied that the busi-

ness can be relocated without a substantial loss of patronage. For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before federal, state, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired and includes any compensation paid by the business or farm operation to the owner, his spouse or his dependents during such two year period. To be eligible for the payment authorized by this subsection, the business or farm operation must make its income tax returns, financial statements and accounting records available to the condemnor for audit and confidential use to determine eligibility and the amount of any payment authorized by this subsection.

Sec. 6. Section 5, chapter 125, Laws of 1965 ex. sess. and RCW 8.25.050 are each amended to read as follows:

~~((Such-a-person-or-organization))~~ A displaced person is entitled to ((reimbursement-of-such-costs-of-moving)) moving expenses only if he, his family or personal property ((was)) were 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)) from which removed.

Sec. 7. Section 6, chapter 125, Laws of 1965 ex. sess. and RCW 8.25.060 are each amended to read as follows:

Within ninety days following acquisition of the real property, ~~((or))~~ removal of the personal property or the time of moving, 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)) condemnor causing the displacement a written verified statement of his' ((costs)) expenses, including therein the following information:



- (1) The date the removal was completed.
- (2) The location from which and to which the personal property was moved, and the location to which the displaced person moved.
- (3) The place where personal property is stored and the proprietor thereof, and the time and duration of any temporary storage.
- (4) An itemized statement of the ~~((costs-incurred))~~ expenses, including the name and address of any persons furnishing services in connection therewith.
- (5) ~~((The-amount-of-reimbursement-claimed))~~ The names and relationships of those displaced persons for whom reimbursement is claimed.
- (6) The dates on which lodging and transportation expenses were incurred for each displaced person.
- (7) The amount of total reimbursement claimed.

In the case of temporary storage of personal property, a claim shall be made for temporary storage incurred to the date of claim and include an estimate of future storage costs.

~~((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-here-to-and-move-to-quash-or-for-an-order-fixing-the-amount-thereof-by-the-court;))~~

NEW SECTION. Sec. 8. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

After the commencement of a condemnation action, upon motion of either the condemnor or condemnee, the court may order, upon such terms and conditions as are fair and equitable the production and exchange of the written conclusions of all the appraisers of the parties as to just compensation owed to the condemnee, as prepared for the purpose of the condemnation action, and the comparable sales, if any, used by such appraisers. The court shall enter such order only after assurance that there will be mutual, reciprocal and contemporaneous disclosures of similar information between the parties.

NEW SECTION. Sec. 9. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

In addition to amounts otherwise authorized by this 1969 amendatory act, the condemnor shall reimburse the owner of the real property acquired for actual reasonable expenses necessarily incurred for:

(1) recording fees and other expenses incidental to conveying such property;

(2) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record under applicable state law on the date of final approval by the condemnor of the location of such project; and

(3) the pro rata portion of real property taxes paid which are applicable to a period subsequent to the date of execution of the instrument vesting title in the condemnor or the date of execution of the instrument granting possession of such real property to the condemnor, whichever is earlier.

NEW SECTION. Sec. 10. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

In order to minimize expenses and avoid duplication of functions, a condemnor may make relocation payments or provide relocation assistance or otherwise carry out the functions required under this 1969 amendatory act by utilizing the facilities, personnel and services of any other federal, state, or local government agency authorized by law and having an established organization for conducting relocation assistance programs.

NEW SECTION. Sec. 11. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

Any person aggrieved by a determination as to eligibility for a payment or the amount of a payment authorized by this chapter may

have such determination reviewed by the head of the condemning agency whose decision shall be subject to the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 12. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

A condemnor is authorized to adopt rules and regulations not inconsistent with the provisions of this 1969 amendatory act or federal laws and rules and regulations promulgated thereunder to implement the relocation assistance, expenses and payments provided herein to the end that the same shall be reasonable, fair and uniform. Such rules and regulations shall include, but not be limited to, provisions relating to the following where applicable:

- (1) Limitations on the allowable compensable distance of a move;
- (2) Limitations regarding compensable allowable time for temporary storage of personal property;
- (3) A moving expense allowance, as provided in section 5 (2) of this 1969 amendatory act;
- (4) Methods and procedures for providing relocation advisory assistance and the methods and procedures for determining the average rental, the economic rental, the average price, and down payment for a comparable dwelling;
- (5) Defining decent, safe and sanitary dwellings;
- (6) Eligibility for relocation assistance, expenses and payments, the procedures for making a claim and the methods and procedures for determining the amounts thereof; and
- (7) Procedures for review of a determination of eligibility or the amount of payment.

NEW SECTION. Sec. 13. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

No payment received by a displaced person under this 1969 amen-

datory act shall be considered as income for the purposes of any personal income tax or any tax imposed under Title 82 RCW as now or hereafter amended. Such payments shall not be considered as income or resources, and such payments shall not be deducted from any amount which any recipient would otherwise be entitled, under Title 74 RCW, as now or hereafter amended.

NEW SECTION. Sec. 14. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

Nothing contained in this 1969 amendatory act shall be construed as creating in any proceeding brought under the power of eminent domain any element of damages not in existence on the effective date of this 1969 amendatory act.

NEW SECTION. Sec. 15. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

No displaced person lawfully occupying real property shall be required to move without at least ninety days written notice.

Sec. 16. Section 4, chapter 137, Laws of 1967 ex. sess. and RCW 8.25.900 are each amended to read as follows:

The provisions of chapter 125, Laws of 1965 extraordinary session as amended by chapter 137, Laws of 1967 1st extraordinary session and chapter 8.25 RCW, as amended and added to by this ((1967)) 1969 amendatory act, shall apply to all proceedings regulated by chapters 8.04, 8.08, 8.12, 8.16, 8.20, and 8.24 RCW as fully as though they were set forth in each of such chapters.

NEW SECTION. Sec. 17. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

If any provision of this 1969 amendatory 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.

NEW SECTION. Sec. 18. The provisions of chapter 8.25 RCW, as now or hereafter amended, shall be applicable to federal aid projects authorized under the federal Housing and Urban Development Act of 1968. Any prior action taken pursuant to the federal Housing and Urban Development Act of 1968 which would be authorized under the terms of this 1969 amendatory act are hereby ratified.

NEW SECTION. Sec. 19. In order to insure compliance with the Federal Aid Highway Act of 1968, with regard to acquisitions for state highway purposes or for any highway, road or street on a federal aid highway system, this act shall be operative as to all such acquisitions which were completed after August 23, 1968 but before the effective date of this act, in connection with which representations were made to and relied upon by displaced persons, that as an inducement to settle, relocation assistance would become available to them upon the enactment of enabling legislation.

NEW SECTION. Sec. 20. This 1969 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate May 8, 1969

Passed the House May 7, 1969

Approved by the Governor May 16, 1969

Filed in office of Secretary of State May 16, 1969

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CHAPTER 237

[Engrossed Senate Bill No. 377]

PUBLIC EMPLOYEES--INSURANCE AND HEALTH CARE PROGRAMS--  
ADVISORY COMMITTEE

AN ACT Relating to insurance and health care programs for public employees; amending section 1, chapter 75, Laws of 1963 as last amended by section 1, chapter 135, Laws of 1967, and RCW 41.04.180; amending section 1, chapter 187, Laws of 1959 as amended by section 2, chapter 135, Laws of 1967 and RCW 28.76-.410; amending sections 28A.58.420 and 28B.10.660, chapter ..., Laws of 1969 ex. sess. (HB No. 58) and RCW 28A.58.420 and 28B.10.660; adding new sections to chapter 75, Laws of 1965

and to chapter 41.04 RCW; creating new sections; providing for the correlative and pari materia construction of certain provisions of this 1969 act with the provisions of Title 28 RCW or of Titles 28A and 28B RCW if such titles shall be enacted; declaring an effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 75, Laws of 1963, as last amended by section 1, chapter 135, Laws of 1967, and RCW 41.04.180 are each amended to read as follows:

Any department, division, or separate agency of the state government, and any county, municipality or other political subdivision of the state acting through its principal supervising official or governing body may, whenever funds shall be available for that purpose as determined by the budget director as respects to state agencies provide for all or a part of hospitalization and medical aid for its employees and their dependents through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW, for group hospitalization and medical aid policies or plans: PROVIDED, That any department, division or separate agency of state government, and any county, municipality or other political subdivision of the state acting through its principal supervising official or governing body shall provide the employees thereof a choice of policies or plans through contracts with not less than two regularly constituted insurance carriers or health care service contractors: AND PROVIDED FURTHER, That any county may provide such hospitalization and medical aid to county elected officials and their dependents on the same basis as such hospitalization and medical aid is provided to other county employees and their dependents: PROVIDED FURTHER, That the contributions of any department, division or separate agency of the state government shall be limited to ~~((not-to-exceed-fifty-percent-of-any-premium-therefor;-or))~~ ten dollars per month per employee covered, ~~((whichever-is-less))~~ except that such limitation shall not apply to employees employed under

chapter 47.64 RCW: PROVIDED FURTHER, That provision for school district and higher education personnel ((employees)) shall not be made under this section but shall be as provided in RCW 28.76.410 (or sections 28A.58.420 and 28B.10.660 of the 1969 education code).

Sec. 2. Section 1, chapter 187, Laws of 1959 as amended by section 2, chapter 135, Laws of 1967 and RCW 28.76.410 are each amended to read as follows:

The regents, trustees, or board of directors of any of the state's educational institutions or school districts may make available liability, life, health, accident, disability and salary insurance or any one of, or a combination of, the enumerated types of insurance for the regents, trustees, members of boards of directors, students and employees of the institution or school district, and their dependents. Whenever funds shall be available for these purposes, the regents, trustees or boards of directors of any of the state's educational institutions or school districts may contribute toward the cost of such life, health, accident, disability and salary insurance, including hospitalization and medical aid, for the employees of their respective institutions or school districts and their dependents in an amount not to exceed ~~((fifty-percent-of-the-premiums-therefor,-or))~~ ten dollars per month per employee covered ~~((,-whichever-is-the-lesser))~~. The premiums due on such liability insurance shall be borne by the university, college or school district. The premiums due on such life, health, accident, or disability and salary insurance shall be borne by the assenting regent, trustee, member of board of directors, or student.

Sec. 3. Section 28A.58.420, chapter ..., Laws of 1969 ex. sess. (HB No. 58) and RCW 28A.58.420 are each amended to read as follows:

The board of directors of any of the state's school districts may make available liability, life, health, accident, disability and salary insurance or any one of, or a combination of the enumerated types of insurance for the members of the boards of directors, the

students, and employees of the school district, and their dependents. Whenever funds shall be available for these purposes the board of directors of the school district may contribute toward the cost of such life, health, accident, disability and salary insurance, including hospitalization and medical aid for the employees of their respective school districts and their dependents in an amount not to exceed (~~((fifty-percent-of-the-premiums-therefor,-or))~~) ten dollars per month per employee covered (~~((,-whichever-is-the-lesser))~~). The premiums on such liability insurance shall be borne by the school district. The premiums due on such life, health, accident, or disability and salary insurance shall be borne by the assenting school board member, student or employee.

Sec. 4. Section 28B.10.660, chapter ..., Laws of 1969 ex. sess. (HB No. 58) and RCW 28B.10.660 are each amended to read as follows:

The regents or trustees of any of the state's institutions of higher education may make available liability, life, health, accident, disability and salary insurance or any one of, or a combination of, the enumerated types of insurance for the regents or trustees, students and employees of the institution, and their dependents. Whenever funds shall be available for these purposes, the regents or trustees of any of the state's institutions of higher education may contribute toward the cost of such life, health, accident, disability and salary insurance, including hospitalization and medical aid, for the employees of their respective institutions and their dependents in an amount not to exceed (~~((fifty-percent-of-the-premiums-therefor,-or))~~) ten dollars per month per employee covered (~~((,-whichever-is-the-lesser))~~). The premiums due on such liability insurance shall be borne by the university or college. The premiums due on such life, health, accident, or disability and salary insurance shall be borne by the assenting regent, trustee or student.

NEW SECTION. Sec. 5. There is added to chapter 75, Laws of 1965 and to chapter 41.04 RCW a new section to read as follows:



The department of personnel shall administer and be the trustee of health benefit programs for state employees as provided by RCW 41.04.180, as now or hereafter amended. The department shall consult with state agencies and employee organizations once each contract period in the development of the content and coverage of health benefit programs.

NEW SECTION. Sec. 6. There is added to chapter 75, Laws of 1965 and to chapter 41.04 RCW a new section to read as follows:

The department of general administration shall procure for all state agencies health benefit programs as designated in accordance with the provision of section 5 of this 1969 amendatory act through contracts as provided by RCW 41.04.180, as now or hereafter amended. Contracts for health benefit programs shall be awarded and rebid periodically.

NEW SECTION. Sec. 7. There is added to chapter 75, Laws of 1965 and to chapter 41.04 RCW a new section to read as follows:

Any governmental entity other than state agencies, may use the services of the department of general administration upon the approval of the director, in procuring health benefit programs as provided by sections 1 through 4 of this 1969 amendatory act: PROVIDED, That the department of general administration may charge for the administrative cost incurred in the procuring of such services.

NEW SECTION. Sec. 8. There is hereby created a state employees' insurance and health care advisory committee to be composed as follows: The governor or his designee; the state directors of general administration and personnel; one member representing an association of state employees and one member representing a state employees' union, who shall be appointed by the governor; one member of the senate appointed by the president of the senate; and one member of the house of representatives appointed by the speaker of the house. All appointments shall be made effective July 1, 1969. The first meeting of the committee shall be held as soon as possible thereafter at the call of the director of personnel. The committee shall elect its own officers

and prescribe rules for the conduct of its business. The advisory committee shall study all matters connected with the providing of adequate health care coverage for state employees covered under the provisions of RCW 41.04.180 on the best basis possible with relation both to the welfare of the employees covered and to the state. The committee shall report its recommendations to the next regular or special session of the legislature at the commencement thereof. Members of the committee shall receive no compensation for their services, but legislative members shall receive allowances provided for in RCW 44.04.120. This section shall expire July 1, 1971.

NEW SECTION. Sec. 9. Notwithstanding any other provision of this 1969 amendatory act, the provisions of section 2 hereof shall be effective only until the proposed educational code of 1969 (HB 58) becomes effective, at which time section 2 shall no longer be effective, and sections 3 and 4 of this 1969 amendatory act shall become effective, said sections 3 and 4 of this 1969 amendatory act not being effective until such time.

NEW SECTION. Sec. 10. The effective date of this 1969 amendatory act shall be July 1, 1969: PROVIDED, That health benefit contracts awarded under the provisions of RCW 41.04.180 which expire after July 1, 1969 may be extended up to one year with the approval of the state employees' insurance and health care advisory committee as established under the provisions of section 8 of this act.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1969.

Passed the Senate May 4, 1969  
Passed the House May 3, 1969  
Approved by the Governor May 19, 1969  
Filed in office of Secretary of State May 19, 1969

CHAPTER 238  
[Engrossed Senate Bill No. 738]  
COMMUNITY COLLEGES--DISPOSITION OF FEES--  
BONDS, DEBT SERVICE

AN ACT Relating to community colleges; amending section 32, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.320; amending section 34, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.340; amending section 36, chapter 8, Laws of 1967 ex. sess. and RCW 28.85-.360; amending section 37, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.370; amending section 28B.50.320, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.320; amending section 28B.50.340, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50-.340; amending section 28B.50.360, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.360; amending section 28B.50.370, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.370; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Part I. Sections affecting current law.

Section 1. Section 32, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.320 are each amended to read as follows:

((Sixty)) Forty percent of all general tuition fees, all incidental fees, and all other income which the trustees are authorized to impose shall be deposited as the trustees may direct. Such sums of money shall be subject to the budgetary and audit provisions of law applicable to state agencies. The depository selected by the trustees shall conform to the collateral requirements required for deposit of other state funds.

Disbursement shall be made by check signed by the president of the community college or his designee appointed in writing, and such other person as may be designated by the board of trustees of the community college district. Each person authorized to sign as pro-

vided above, shall execute a surety bond in the sum of not less than the average amount on deposit in the fund during the preceding six months, or ten thousand dollars, whichever is greater. Said bonds shall be filed in the state auditor's office.

Sec. 2. Section 34, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.340 are each amended to read as follows:

In addition to the powers conferred under RCW 28.85.090, the community college state board is authorized and shall have the power:

(1) To permit the district boards of trustees to contract for the construction, reconstruction, erection, equipping, maintenance, demolition and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances of the college as approved by the community college state board.

(2) To finance the same by the issuance of bonds secured by the pledge of up to (~~forty~~) sixty percent of the general tuition fees.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects.

Sec. 3. Section 36, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.360 are each amended to read as follows:

There is hereby created in the state treasury a community college bond retirement fund. Within thirty-five days from the date of start of each quarter forty percent of all general tuition fees of each such community college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of general tuition fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the a-

amounts so certified in the community college bond retirement fund which fund as required, is hereby created in the state treasury. The amounts deposited in the bond retirement fund shall be used exclusively to pay and secure the payment of the principal of and interest on the tuition fee bonds issued by the college board as authorized by this chapter. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding general tuition fee bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) That portion of the (~~forty~~) sixty percent of all general tuition fees not required for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of any of the bonds as provided in subsection (1) above shall be deposited in the community college capital projects account which account is hereby created in the general fund of the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively for the construction, reconstruction, refection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes.

Sec. 4. Section 37, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.370 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to the bond retirement fund of the state board for community college education,

the following:

(1) Amounts derived from up to (~~forty~~) sixty percent of all general tuition fees as are necessary to pay the principal of and interest on the bonds and to secure the same;

(2) Any grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of such bonds, the college board shall charge and collect general tuition fees as established by this chapter and deposit up to (~~forty~~) sixty percent of such fees in the bond retirement fund in amounts which will be sufficient to pay and secure the payment of the principal of, and interest on all such bonds outstanding.

Part II. Sections affecting proposed 1969 education code.

Sec. 5. Section 28B.50.320, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.320 are each amended to read as follows:

(~~Sixty~~) Forty percent of all general tuition fees, all incidental fees, and all other income which the trustees are authorized to impose shall be deposited as the trustees may direct. Such sums of money shall be subject to the budgetary and audit provisions of law applicable to state agencies. The depository selected by the trustees shall conform to the collateral requirements required for deposit of other state funds.

Disbursement shall be made by check signed by the president of the community college or his designee appointed in writing, and such other person as may be designated by the board of trustees of the community college district. Each person authorized to sign as provided above, shall execute a surety bond in the sum of not less than the average amount on deposit in the fund during the preceding six

months, or ten thousand dollars, whichever is greater. Said bonds shall be filed in the state auditor's office.

Sec. 6. Section 28B.50.340, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.340 are each amended to read as follows:

In addition to the powers conferred under RCW 28B.50.090, the community college state board is authorized and shall have the power:

(1) To permit the district boards of trustees to contract for the construction, reconstruction, erection, equipping, maintenance, demolition and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances of the college as approved by the community college state board.

(2) To finance the same by the issuance of bonds secured by the pledge of up to (~~forty~~) sixty percent of the general tuition fees.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects.

Sec. 7. Section 28B.50.360, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.360 are each amended to read as follows:

There is hereby created in the state treasury a community college bond retirement fund. Within thirty-five days from the date of start of each quarter (~~forty~~) sixty percent of all general tuition fees of each such community college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of general tuition fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community college bond retirement fund which fund as required, is hereby created in the state treasury. The

amounts deposited in the bond retirement fund shall be used exclusively to pay and secure the payment of the principal of and interest on the tuition fee bonds issued by the college board as authorized by this chapter. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding general tuition fee bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) That portion of the (~~forty~~) sixty percent of all general tuition fees not required for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of any of the bonds as provided in subsection (1) above shall be deposited in the community college capital projects account which account is hereby created in the general fund of the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes.

Sec. 8. Section 28B.50.370, chapter ... , Laws of 1969 (HB 58) and RCW 28B.50.370 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to the bond retirement fund of the state board for community college education, the following:

(1) Amounts derived from up to (~~forty~~) sixty percent of



all general tuition fees as are necessary to pay the principal of and interest on the bonds and to secure the same;

(2) Any grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of such bonds, the college board shall charge and collect general tuition fees as established by this chapter and deposit up to (~~forty~~) sixty percent of such fees in the bond retirement fund in amounts which will be sufficient to pay and secure the payment of the principal of, and interest on all such bonds outstanding.

#### Part III. Construction.

NEW SECTION. Sec. 9. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall be construed as repealing the correlative section of the 1969 education code, and any new or additional provisions of Part II shall

be construed as being in pari materia with the 1969 education code.

NEW SECTION. Sec. 10. Part II of this 1969 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on the date upon which the 1969 education code becomes effective.

Passed the Senate May 6, 1969  
Passed the House May 8, 1969  
Approved by the Governor May 22, 1969  
Filed in office of Secretary of State May 22, 1969

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CHAPTER 239  
[Engrossed Senate Bill No. 326]  
STATE GOVERNMENT--GOVERNOR,  
OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT

AN ACT Relating to state government; creating an office of program planning and fiscal management within the office of the governor; prescribing its composition, powers, duties and functions; transferring certain powers, duties and functions thereto from the central budget agency and the planning and community affairs agency; abolishing the central budget agency; amending section 43.88.020, chapter 8, Laws of 1965 and RCW 43.88.020; adding new sections to chapter 43.41 RCW; adding a new section to chapter 1, Laws of 1961 and to chapter 41.06 RCW; adding a new section to chapter 8, Laws of 1965 and to chapter 43.88 RCW; repealing sections 43.41.010 and 43.41.020, chapter 8, Laws of 1965 and RCW 43.41.010 and 43.41.020; and declaring an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 43.41 RCW a new section to read as follows:

The legislature finds that the need for long-range state program planning and for the short-range planning carried on through the budget process, complement each other. The biennial budget submitted to the legislature must be considered in the light of the longer-range plans and goals of the state. The effectiveness of the short-range

plan presented as budget proposals, cannot be measured without being aware of these longer-range goals. Thus efficient management requires that the planning and fiscal activities of state government be integrated into a unified process. It is the purpose of this 1969 amendatory act to bring these functions together in a new division of the office of the governor to be called the office of program planning and fiscal management.

NEW SECTION. Sec. 2. There is added to chapter 43.41 RCW a new section to read as follows:

As used in this 1969 amendatory act, unless the context indicates otherwise:

(1) "Office" means the office of program planning and fiscal management.

(2) "Director" means the director of program planning and fiscal management.

NEW SECTION. Sec. 3. There is added to chapter 43.41 RCW a new section to read as follows:

There is created in the office of the governor, the office of program planning and fiscal management which shall be composed of the present central budget agency and the state planning, program management, and population and research divisions of the present planning and community affairs agency. Any powers, duties and functions assigned to the central budget agency, or any state planning, program management, or population and research functions assigned to the present planning and community affairs agency by the 1969 legislature, shall be transferred to the office of program planning and fiscal management.

NEW SECTION. Sec. 4. There is added to chapter 43.41 RCW a new section to read as follows:

The executive head of the office of program planning and fiscal management shall be the director, who shall be appointed by the governor with the consent of the senate, and who shall serve at the pleasure of the governor. He shall be paid a salary to be fixed by

the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in his position while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director may delegate such of his powers, duties and functions to other officers and employees of the department as he may deem necessary to the fulfillment of the purposes of this 1969 amendatory act.

NEW SECTION. Sec. 5. There is added to chapter 43.41 RCW a new section to read as follows:

The director shall have the power to employ such personnel as may be necessary for the general administration of the office: PROVIDED, That, except as elsewhere specified in this 1969 amendatory act, such employment is in accordance with the rules of the state civil service law, chapter 41.06 RCW.

NEW SECTION. Sec. 6. There is added to chapter 43.41 RCW a new section to read as follows:

The director may appoint such deputy directors and assistant directors as shall be needed to administer the office of program planning and fiscal management. The officers appointed under this section and exempt from the provisions of the state civil service law by the terms of section 7 of this 1969 amendatory act, shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law.

NEW SECTION. Sec. 7. There is added to chapter 1, Laws of 1961, and to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the office of program planning and fiscal management to the director, his confidential secretary, not to exceed two deputy directors and not to exceed seven assistant directors.

NEW SECTION. Sec. 8. There is added to chapter 43.41 RCW a

new section to read as follows:

The director of program planning and fiscal management shall:

- (1) Supervise and administer the activities of the office of program planning and fiscal management.
- (2) Exercise all the powers and perform all the duties prescribed by law with respect to the administration of the state budget and accounting system.
- (3) Advise the governor and the legislature with respect to matters affecting program management and planning.
- (4) Make efficiency surveys of all state departments and institutions, and the administrative and business methods pursued therein, examine into the physical needs and industrial activities thereof, and make confidential reports to the governor, recommending necessary betterments, repairs, and the installation of improved and more economical administrative methods, and advising such action as will result in a greater measure of self-support and remedies for inefficient functioning.

The director may enter into contracts on behalf of the state to carry out the purposes of this 1969 amendatory act; he may act for the state in the initiation of or participation in any multi-governmental agency program relative to the purposes of this 1969 amendatory act; and he may accept gifts and grants, whether such grants be of federal or other funds.

Sec. 9. Section 43.88.020, chapter 8, Laws of 1965 and RCW 43.88.020 are each amended to read as follows:

- (1) "Budget" shall mean a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures;
- (2) "Budget document" shall mean a formal, written statement offered by the governor to the legislature, as provided in RCW 43.88-.030.
- (3) (~~"Budget-director"~~) "Director of program planning and fiscal management" shall mean the official appointed by the governor

to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The (~~budget-director~~) director of program planning and fiscal management shall be head of the (~~central-budget agency~~) office of program planning and fiscal management which shall be in the office of the governor.

(4) "Agency" shall mean and include every state office, officer, each institution, whether educational, correctional or other, and every department, division, board and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, shall mean all moneys, including cash, checks, bills, notes, drafts, stocks and bonds, whether held in trust or for operating purposes and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation.

(6) "Regulations" shall mean the policies, standards and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or his designated agent, and which shall have the force and effect of law.

NEW SECTION. Sec. 10. There is added to chapter 8, Laws of 1965 and to chapter 43.88 RCW a new section to read as follows:

V Unless the context clearly requires a different interpretation, whenever "budget director" is used in this 1969 amendatory act, it shall mean the director of program planning and fiscal management created in section 4 of this 1969 amendatory act.

NEW SECTION. Sec. 11. There is added to chapter 43.41 RCW a new section to read as follows:

The office of program planning and fiscal management shall:

(1) Provide technical assistance to the governor and the legislature in identifying needs and in planning to meet those needs through state programs and a plan for expenditures.

(2) Perform the comprehensive planning functions and processes necessary or advisable for state program planning and development,

preparation of the budget, inter-departmental and inter-governmental coordination and cooperation, and determination of state capital improvement requirements.

(3) Provide assistance and coordination to state agencies and departments in their preparation of plans and programs.

(4) Provide general coordination and review of plans in functional areas of state government as may be necessary for receipt of federal or state funds.

(5) Participate with other states or subdivisions thereof in interstate planning, and aid the community affairs and development agency in performing its responsibility to assist cities, counties, municipal corporations, governmental conferences or councils and regional planning commissions to participate with other states or their subdivisions in planning.

(6) Encourage educational and research programs that further planning and provide administrative and technical services therefor.

(7) Carry out the provisions of RCW 43.62.010 through 43.62-.050 relating to the state census.

NEW SECTION. Sec. 12. There is added to chapter 43.41 RCW a new section to read as follows:

The director or the governor may establish such additional advisory or coordinating councils as may be necessary to carry out the purposes of this 1969 amendatory act. Members of such councils shall serve at the pleasure of the governor. They shall receive no compensation for their services, but shall be reimbursed twenty-five dollars per diem for each day or portion thereof spent in serving as members of the councils, and shall be paid their necessary traveling expenses while engaged in business of the councils as prescribed in chapter 43.03 RCW.

NEW SECTION. Sec. 13. There is added to chapter 43.41 RCW a new section to read as follows:

All employees of the central budget agency and of the state planning, program management, and population and research divisions

of the planning and community affairs agency, as well as any other employees of the planning and community affairs agency engaged in duties pertaining to the functions transferred by this 1969 amendatory act, shall be transferred to the jurisdiction of the office of program planning and fiscal management. All employees classified under chapter 41.08 RCW, the state civil service law, shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state merit system.

NEW SECTION. Sec. 14. There is added to chapter 43.41 RCW a new section to read as follows:

All reports, documents, surveys, books, records, files, papers or other writings in the possession of the central budget agency and the planning and community affairs agency relating to the functions transferred by this 1969 amendatory act, shall be delivered to the custody of the office of program planning and fiscal management. All cabinets, furniture, office equipment, motor vehicles and other tangible property employed in carrying out the functions transferred by this 1969 amendatory act shall be made available to the office. All funds, credits or other assets held in connection with the functions herein transferred shall be assigned to the office.

NEW SECTION. Sec. 15. There is added to chapter 43.41 RCW a new section to read as follows:

All state officials required to maintain contacts with or provide services to the central budget agency or the planning and community affairs agency in connection with any of the functions transferred by this 1969 amendatory act, shall continue to maintain contacts with and provide services to the office of program planning and fiscal management, unless this or any concurrent act of the 1969 legislature shall indicate otherwise.

NEW SECTION. Sec. 16. There is added to chapter 43.41 RCW a new section to read as follows:



Any appropriations heretofore made to the planning and community affairs agency or the central budget agency for the purpose of carrying out the powers, duties and functions transferred by this 1969 amendatory act shall on the effective date of this 1969 amendatory act be transferred and credited to the office of program planning and fiscal management for the purpose of carrying out such transferred powers, duties and functions.

NEW SECTION. Sec. 17. There is added to chapter 43.41 RCW a new section to read as follows:

On the effective date of this 1969 amendatory act, the central budget agency is abolished.

NEW SECTION. Sec. 18. There is added to chapter 43.41 RCW a new section to read as follows:

Nothing in this 1969 amendatory act shall be construed as affecting any existing rights acquired under the sections amended or repealed herein except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, resolution or order promulgated thereunder, nor any administrative action taken thereunder; nor shall the transfer of powers, duties and functions provided for herein affect the validity of any act performed by such agency or any officer thereof prior to the effective date of this 1969 amendatory act.

NEW SECTION. Sec. 19. There is added to chapter 43.41 RCW a new section to read as follows:

Whenever any question arises as to the transfer of powers, duties and functions from the central budget agency or the state planning, program management, and population and research divisions of the present planning and community affairs agency to any other agency of state government, the governor shall make a determination thereon and certify the same to the agencies concerned. In connection with such determinations, the governor shall have the authority to make

appropriate allocations of appropriated funds among the affected departments or agencies.

NEW SECTION. Sec. 20. There is added to chapter 43.41 RCW a new section to read as follows:

If any part of this 1969 amendatory act is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, such conflicting part of this 1969 amendatory act is declared to be inoperative solely to the extent of the conflict. No such ruling shall affect the operation of the remainder of this 1969 amendatory act. Any internal reorganization carried out under the terms of this 1969 amendatory act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 21. There is added to chapter 43.41 RCW a new section to read as follows:

If any provision of this 1969 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1969 amendatory act, or the application of the provision to other persons or circumstances shall not be affected.

NEW SECTION. Sec. 22. Sections 43.41.010 and 43.41.020, chapter 8, Laws of 1965 and RCW 43.41.010 and 43.41.020 are each repealed.

V — NEW SECTION. Sec. 23. There is added to chapter 43.41 RCW a new section to read as follows:

This 1969 amendatory act shall take effect on July 1, 1969.

NEW SECTION. Sec. 24. There is added to chapter 43.41 RCW a new section to read as follows:

Chapter 43.41 RCW, presently titled "Director of Budget" shall, upon the implementation of this 1969 amendatory act, be referred to

as "Director of Program Planning and Fiscal Management."

Passed the Senate March 21, 1969

Passed the House May 9, 1969

Approved by the Governor May 22, 1969, with the exception of certain items in Sections 10 and 11, and all of Section 23, which are vetoed

Filed in office of Secretary of State May 22, 1969

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

"...This bill creates the Office of Program Planning and Fiscal Management within the Office of the Governor. The present functions of the Central Budget Agency and the planning functions of the Planning and Community Affairs Agency are transferred to the Office of Program Planning and Fiscal Management. This is a significant step forward in the process of planning and budgeting for state government.

Section 10 of the bill adds a new section to Chapter 43.88 RCW, the Budget and Accounting Act. Section 10 provides that the term "Budget Director" shall mean the Director of Program Planning and Fiscal Management. Because of language which limits the application of section 10, I have vetoed an item in that section so that the change in title from Budget Director to Director of Program Planning and Fiscal Management will broadly construed.

Section 11 of the bill describes the responsibilities of the Office of Program Planning and Fiscal Management. Subsection 5 refers to that office providing aid to the Community Affairs and Development Agency. Since that agency was not created by the legislature as I had requested, in order to avoid any uncertainty as to the meaning of subsections 5 I have vetoed the item referring to the Community Affairs and Development Agency.

Section 23 of the bill provides that the effective date of the act will be July 1, 1969, the beginning of the next biennium. Since no emergency clause is included in the bill, and less than ninety days remain before July 1, I have vetoed section 23 so that the effective date of the act will be ninety days after the adjournment of the first extraordinary session of the 41st Legislature."

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CHAPTER 240  
[House Bill No. 899]  
CONSTRUCTION OF STATUTES

AN ACT Relating to the construction of statutes; amending section 1, chapter 162, Laws of 1955 and RCW 1.12.025; adding a new section to chapter 162, Laws of 1955 and to chapter 1.12 RCW; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 162, Laws of 1955 and RCW 1.12-.025 are each amended to read as follows:

If at any session of the legislature there are enacted two or more acts amending the same section of the session laws or of the official code, each amendment without reference to the others, each act shall be given effect to the extent that the amendments do not conflict in purpose, otherwise the act last filed in the office of the secretary of state in point of time, shall control: PROVIDED, That if an extraordinary session shall immediately follow any regular session, this rule of construction shall apply to the laws enacted at either or both sessions.

NEW SECTION. Sec. 2. There is added to chapter 162, Laws of 1955 and to chapter 1.12 RCW a new section to read as follows:

The provisions of RCW 1.12.025 as now or hereafter amended shall apply retrospectively as well as prospectively.

NEW SECTION. Sec. 3. This 1969 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 10, 1969  
Passed the Senate May 11, 1969  
Approved by the Governor May 22, 1969  
Filed in office of Secretary of State May 22, 1969

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CHAPTER 241  
[Substitute House Bill No. 427]  
INSURANCE

AN ACT Relating to insurance; adding a new section to chapter 79, Laws of 1947 and to chapter 48.05 RCW; amending section .06.11, chapter 79, Laws of 1947 as last amended by section 2, chapter 86, Laws of 1955 and RCW 48.06.110; amending section .05.14, chapter 79, Laws of 1947 as amended by section 4, chapter 150, Laws of 1967 and RCW 48.05.140; amending section .13.11, chapter 79, Laws of 1947 and RCW 48.13.110; amending section .13.12, chapter 79, Laws of 1947 as last amended by section 11, chap-

ter 150, Laws of 1967 and RCW 48.13.120; amending section 10, chapter 150, Laws of 1967 and RCW 48.13.125; amending section .13.16, chapter 79, Laws of 1947 as last amended by section 13, chapter 95, Laws of 1967 ex. sess. and RCW 48.13.160; amending section .14.01, chapter 79, Laws of 1947 as last amended by section 12, chapter 150, Laws of 1967 and RCW 48.14.010; amending section 14.02, chapter 79, Laws of 1947 and RCW 48.14.020; amending section .15.09, chapter 79, Laws of 1947 as amended by section 5, chapter 303, Laws of 1955 and RCW 48.55.090; adding a new section to chapter 79, Laws of 1947 and to chapter 48.15 RCW; amending section .17.53, chapter 79, Laws of 1947 as amended by section 23, chapter 150, Laws of 1967 and RCW 48.17.530; amending section 2, chapter 95, Laws of 1967 ex. sess. and RCW 48.18.295; amending section 6; chapter 229, Laws of 1951 and RCW 48.20.052; amending section .31.19, chapter 79, Laws of 1947 as amended by section 31, chapter 150, Laws of 1967 and RCW 48.31.190; amending section 2, chapter 219, Laws of 1961 and RCW 48.34.020; amending section 10, chapter 219, Laws of 1961 and RCW 48.34.100; amending section 32.15, chapter 79, Laws of 1947 and RCW 48.36.150; and amending section .33.02, chapter 79, Laws of 1947 and RCW 48.48.020; adding a new section to chapter 79, Laws of 1947 and to chapter 48.08 RCW; adding new sections to chapter 48.18 RCW; repealing section 1, chapter 95, Laws of 1967 ex. sess. and RCW 48.18.294; and providing effective dates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 79, Laws of 1947 and to chapter 48.05 RCW a new section to read as follows:

Officers and directors of an insurer or a corporation holding a controlling interest in an insurer shall be deemed to stand in a fiduciary relation to the insurer, and shall discharge the duties of their respective positions in good faith, and with that diligence, care and skill which ordinary prudent men would exercise under similar circumstances in like positions.

Sec. 2. Section .06.11, chapter 79, Laws of 1947 as last amended by section 2, chapter 86, Laws of 1955 and RCW 48.06.110 are each amended to read as follows:

(1) The commissioner shall not issue a solicitation permit until the person applying therefor files with him a corporate surety bond in the penalty of ~~((ten))~~ fifty thousand dollars, in favor of the state and for the use and benefit of the state and of subscribers and creditors of the proposed organization.

The bond shall be conditioned upon the payment of costs incurred by the state in event of any legal proceedings for liquidation or dissolution of the proposed organization before completion of organization or in event a certificate of authority is not granted; and upon a full accounting for funds received until the proposed insurer has been granted its certificate of authority, or until the proposed corporation or syndicate has completed its organization as defined in the solicitation permit.

(2) In lieu of filing such bond, the person may deposit with the commissioner ~~((ten))~~ fifty thousand dollars in cash or in United States government bonds at par value, to be held in trust upon the same conditions as required for the bond.

(3) The commissioner may waive the requirement for a bond or deposit in lieu thereof if the permit provides that:

(a) The proposed securities are to be distributed solely and finally to those few persons who are the active promoters intimate to the formation of the insurer, or other corporation or syndicate, or

(b) The securities are to be issued in connection with subsequent financing as provided in RCW 48.06.180.

(4) Any bond filed or deposit or remaining portion thereof held under this section shall be released and discharged upon settlement or termination of all liabilities against it.

Sec. 3. Section .05.14, chapter 79, Laws of 1947 as amended by section 4, chapter 150, Laws of 1967 and RCW 48.05.140 are each

amended to read as follows:

The commissioner may refuse, suspend, or revoke an insurer's certificate of authority, in addition to other grounds therefor in this code, if the insurer:

(1) Fails to comply with any provision of this code other than those for violation of which refusal, suspension, or revocation is mandatory, or fails to comply with any proper order of the commissioner.

(2) Is found by the commissioner to be in such condition that its further transaction of insurance in this state would be hazardous to policyholders and the people in this state.

(3) Refuses to remove or discharge a director or officer who has been convicted of any crime involving fraud, dishonesty, or like moral turpitude.

(4) Usually compels claimants under policies either to accept less than the amount due them or to bring suit against it to secure full payment of the amount due.

(5) Is affiliated with and under the same general management, or interlocking directorate, or ownership as another insurer which transacts insurance in this state without having a certificate of authority therefor, except as is permitted by this code.

(6) Refuses to be examined, or if its directors, officers, employees or representatives refuse to submit to examination or to produce its accounts, records, and files for examination by the commissioner when required, or refuse to perform any legal obligation relative to the examination.

(7) Fails to pay any final judgment rendered against it in this state upon any policy, bond, recognizance, or undertaking issued or guaranteed by it, within thirty days after the judgment became final or within thirty days after time for taking an appeal has expired, or within thirty days after dismissal of an appeal before final determination, whichever date is the later.

(8) Is found by the commissioner, after investigation or upon

receipt of reliable information, to be managed by persons, whether by its directors, officers, or by any other means, who are incompetent or untrustworthy or so lacking in insurance company managerial experience as to make a proposed operation hazardous to the insurance-buying public; or that there is good reason to believe it is affiliated directly or indirectly through ownership, control, reinsurance or other insurance or business relations, with any person or persons whose business operations are or have been marked, to the detriment of policyholders or stockholders or investors or creditors or of the public, by bad faith or by manipulation of assets, or of accounts or of reinsurance.

(9) Does business through agents or brokers in this state or in any other state who are not properly licensed under applicable laws and duly enacted regulations adopted pursuant thereto.

Sec. 4. Section .13.11, chapter 79, Laws of 1947 and RCW 48.13.110 are each amended to read as follows:

An insurer may invest any of its funds in:

(1) (a) Bonds or evidences of debt which are secured by first mortgages or deeds of trust on improved unencumbered real property located in the United States;

(b) Chattel mortgages in connection therewith pursuant to RCW 48.13.150;

(c) The equity of the seller of any such property in the contract for a deed, covering the entire balance due on a bona fide sale of such property, in amount not to exceed ten thousand dollars or the amount permissible under RCW 48.13.030, whichever is greater, in any one such contract for deed (~~(7--not-in-any-amount-in-excess-of-the-following-percentages-of-the-actual-sale-price-or-fair-value-of-the-property,-whichever-is-the-smaller:~~

~~{i)--If-a-dwelling-primarily-designed-for-a-single-family-occupancy-and-occupied-by-the-purchaser-under-such-contract,-seventy-five-percent}).~~

~~((ii)--In-all-other-cases,-sixty-six-and-two-thirds-percent,))~~



(2) Purchase money mortgages or like securities received by it upon the sale or exchange of real property acquired pursuant to RCW 48.13.160 as amended in section 7 of this 1969 amendatory act.

(3) Bonds or notes secured by mortgage or trust deed guaranteed or insured by the Federal Housing Administration under the terms of an act of congress of the United States of June 27, 1934, entitled the "National Housing Act," as amended.

(4) Bonds or notes secured by mortgage or trust deed guaranteed or insured as to principal in whole or in part by the Administrator of Veterans' Affairs pursuant to the provisions of Title III of an act of congress of the United States of June 22, 1944, entitled the "Servicemen's Readjustment Act of 1944," as amended.

(5) Evidences of debt secured by first mortgages or deeds of trust upon leasehold estates, running for a term of not less than fifteen years beyond the maturity of the loan as made or as extended, in improved real property, otherwise unencumbered, and if the mortgagee is entitled to be subrogated to all the rights under the leasehold.

Sec. 5. Section .13:12, chapter 79, Laws of 1947 as last amended by section 11, chapter 150, Laws of 1967 and RCW 48.13.120 are each amended to read as follows:

(1) ~~((No mortgage loan or investment therein upon any one parcel of real property shall exceed in amount at the time of acquisition))~~ An investment made pursuant to the provisions of section 4 of this 1969 amendatory act shall not exceed seventy-five percent of the fair value of the particular property at the time of investment. This restriction shall not apply to purchase money mortgages or like securities received by an insurer upon the sale or exchange of real property acquired pursuant to section 7 of this 1969 amendatory act.

~~((a)---Seventy-five percent of the fair value of the property if the property is a dwelling house primarily intended for occupancy by one family, or~~

~~(b) -- sixty-six and two-thirds percent of the fair value of the property in all other cases.)~~

(2) The extent to which a mortgage loan made under subdivision (3) or (4) of RCW 48.13.110 is guaranteed or insured by the Federal Housing Administration or guaranteed by the Administrator of Veterans' Affairs may be deducted before application of the limitations contained in subsection (1) of this section.

Sec. 6. Section 10, chapter 150, Laws of 1967 and RCW 48.13-.125 are each amended to read as follows:

~~((A mortgage loan or investment therein upon a one-family dwelling property))~~ Loans on one family dwellings secured by mortgages or deeds of trust or investments therein shall be amortized within not more than thirty years and two months by payments of installments thereon at regular intervals not less frequent than every three months; except ((that the initial amortization period of the mortgage or investment, when added to the age of the dwelling at the time of the making of the mortgage loan or investment, shall in no event exceed forty-five years)) those guaranteed or insured in whole or in part by the Federal Housing Administration, the Administrator of Veterans' Affairs or the Farmers Home Administration.

Sec. 7. Section .13.16, chapter 79, Laws of 1947 as last amended by section 13, chapter 95, Laws of 1967 ex. sess. and RCW 48.13.160 are each amended to read as follows:

(1) An insurer may own and invest or have invested in its home office and branch office buildings any of its funds in aggregate amount not to exceed ten percent of its assets unless approved by the commissioner, or if a mutual or reciprocal insurer not to exceed ten percent of its assets nor such amount as would reduce its surplus, exclusive of such investment, below fifty thousand dollars unless approved by the commissioner.

(2) An insurer may own real property acquired in satisfaction or on account of loans, mortgages, liens, judgments, or other debts previously owing to the insurer in the course of its business.

(3) An insurer may invest or have invested in aggregate amount not exceeding three percent of its assets in the following real property, and in the repair, alteration, furnishing, or improvement thereof:

(a) Real property requisite for its accommodation in the convenient transaction of its business if approved by the commissioner.

(b) Real property acquired by gift or devise.

(c) Real property acquired in exchange for real property owned by it. If necessary in order to consummate such an exchange, the insurer may put up cash in amount not to exceed twenty percent of the fair value of its real property to be so exchanged, in addition to such property.

(d) Real property acquired through a lawful merger or consolidation with it of another insurer and not required for the purposes specified in subsection (1) and in paragraph (a) of subsection (2) of this section.

(e) Upon approval of the commissioner, in real property and equipment incident to real property, requisite or desirable for the protection or enhancement of the value of other real property owned by the insurer.

(4) A domestic life insurer with assets of at least twenty-five million dollars and at least ten million dollars in capital and surplus, may, in addition to the real property included in subsections (1), (2) and (3) of this section, own such real property other than property to be used primarily for agricultural, horticultural, ranch, mining, recreational, amusement, or club purposes, as may be acquired as an investment for the production of income, or as may be acquired to be improved or developed for such investment purpose pursuant to an existing program therefor, subject to the following limitations and conditions:

(a) The cost of each parcel of real property so acquired under this subsection (4), including the estimated cost to the insurer of the improvement or development thereof; when added to the

book value of all other real property under this subsection (4), together with the admitted value of all common stock, then held by it, shall not exceed twenty percent of its admitted assets or fifty percent of its surplus over the minimum required surplus, whichever is greater, as of the thirty-first day of December next preceding; and

(b) The cost of each parcel of real property so acquired, including the estimated cost to the insurer of the improvement or development thereof, shall not exceed as of the thirty-first day of December nextpreceding, ~~((one))~~four percent of its admitted assets.

(c) Indirect or proportionate interests in real estate held by a domestic life insurer through any subsidiary shall be included in proportion to such insurer's interest in the subsidiary in applying the limits provided in subsection (4).

Sec. 8. Section .14.01, chapter 79, Laws of 1947 as last amended by section 12, chapter 150, Laws of 1967 and RCW 48.14.010 are each amended to read as follows:

(1) The commissioner shall collect in advance the following fees:

(a) For filing charter documents:

(i) Original charter documents, bylaws or record of organization of insurers, or certified copies thereof, required to be filed..... \$ 25.00

(ii) Amended charter documents, or certified copy thereof, other than amendments of bylaws..... \$ 10.00

(iii) No additional charge or fee shall be required for filing any of such documents in the office of the secretary of state.

(b) Certificate of authority:

(i) Issuance.....~~\$(20.00)~~ 100.00

(ii) Renewal.....~~\$(20.00)~~ 25.00

(c) Annual statement of insurer, filing..... \$ 20.00

(d)	Organization or financing of domestic insurers and affiliated corporations:	
(i)	Application for solicitation permit, filing.....	\$ 15.00
(ii)	Issuance of solicitation permit...\$((10+00))	<u>25.00</u>
(e)	Agents' licenses:	
(i)	Agent's license for life, or disability insurance, only, or both for same insurer, each year.....\$((2+00))	<u>5.00</u>
(ii)	Agent's license for other kind or kinds of insurance, three-year period...\$((10+00))	<u>25.00</u>
	Filing of appointment of each such agent.....\$((5+00))	<u>10.00</u>
(iii)	Limited license issued pursuant to RCW 48.17.190, each year.....\$((2+00))	<u>5.00</u>
(iv)	Temporary license as agent.....\$((2+00))	<u>5.00</u>
(f)	Brokers' licenses:	
(i)	Resident or nonresident broker, casualty-property or life and disability, each year.....	\$ 25.00
(ii)	All lines broker's license.....	\$ 50.00
(iii)	Surplus line broker, twelve-month period.....	\$100.00
(iv)	Temporary license as broker.....	\$ 25.00
(g)	Solicitors' license, each year.....\$((2+00))	<u>5.00</u>
(h)	Adjusters' licenses:	
(i)	Independent adjuster, each year.....\$((10+00))	<u>15.00</u>
(ii)	Public adjuster, each year.....\$((10+00))	<u>15.00</u>
(i)	Resident general agent's license, each year.....\$((5+00))	<u>25.00</u>
(j)	Examination for license, each examination:	
(i)	<u>Filing application for first examination</u>	

	for license.....	\$ 3.00
(ii)	Resident or nonresident broker's license.....	\$ 25.00
((i±)) (iii)	All other examinations.....	<del>\$(5.00)</del> 10.00
(k)	Miscellaneous services:	
(1)	Filing other documents.....	<del>\$(2.00)</del> 3.00
(ii)	Commissioner's certificate under seal.....	<del>\$(2.00)</del> 3.00
(iii)	Copy of documents filed in the com- missioner's office, reasonable charge therefor as determined by the commissioner.	

(2) All fees so collected shall be remitted by the commissioner to the state treasurer not later than the first business day following, and shall be placed to the credit of the general fund.

Sec. 9. Section 14.02, chapter 79, Laws of 1947 and RCW 48.14-.020 are each amended to read as follows:

(1) Subject to other provisions of this chapter, each authorized insurer except title insurers shall on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax on premiums. Except as provided in subsection (2) of this section, such tax shall be in the amount of two percent of all premiums, excluding amounts returned to or the amount of reductions in premiums allowed to holders of industrial life policies for payment of premiums directly to an office of the insurer, collected or received by the insurer during the preceding calendar year in the case of foreign and alien insurers, and in the amount of one percent of all such premiums in the case of domestic insurers, for direct insurances, other than ocean marine and foreign trade insurances, after deducting premiums paid to policyholders as returned premiums, upon risks or property resident, situated, or to be performed in this state. For the purposes of this section the consideration received by an insurer for the granting of an annuity is deemed to be a premium.

(2) In the case of insurers which require the payment by their

policyholders at the inception of their policies of the entire premium thereon in the form of premiums or premium deposits which are the same in amount, based on the character of the risks, regardless of the length of term for which such policies are written, such tax shall be in the amount of two percent of the gross amount of such premiums and premium deposits upon policies on risks resident, located, or to be performed in this state, in force as of the thirty-first day of December next preceding, less the unused or unabsorbed portion of such premiums and premium deposits computed at the average rate thereof actually paid or credited to policyholders or applied in part payment of any renewal premiums or premium deposits on one-year policies expiring during such year.

(3) Each authorized insurer shall with respect to all ocean marine and foreign trade insurance contracts written within this state during the preceding calendar year, on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax of three-quarters of one percent on its gross underwriting profit. Such gross underwriting profit shall be ascertained by deducting from the net premiums (i.e., gross premiums less all return premiums and premiums for reinsurance) on such ocean marine and foreign trade insurance contracts the net losses paid (i.e., gross losses paid less salvage and recoveries on reinsurance ceded) during such calendar year under such contracts. In the case of insurers issuing participating contracts, such gross underwriting profit shall not include, for computation of the tax prescribed by this subsection, the amounts refunded, or paid as participation dividends, by such insurers to the holders of such contracts.

(4) The state does hereby preempt the field of imposing ~~excise~~ or privilege taxes upon insurers or their agents, other than title insurers, and no county, city, town or other municipal subdivision shall have the right to impose any such taxes upon such insurers or their agents.

(5) If an authorized insurer collects or receives any such premiums on account of policies in force in this state which were originally issued by another insurer and which other insurer is not authorized to transact insurance in this state on its own account, such collecting insurer shall be liable for and shall pay the tax on such premiums.

(6) This section shall be effective as to and shall govern the payment of all taxes, falling due after the effective date of this code.

Sec. 10. Section .15.09, chapter 79, Laws of 1947 as amended by section 5, chapter 303, Laws of 1955 and RCW 48.15.090 are each amended to read as follows:

(1) A surplus line broker shall not knowingly place surplus line insurance with insurers unsound financially. The broker shall ascertain the financial condition of the unauthorized insurer before placing insurance therewith. The broker shall not so insure with any insurer having surplus as to policyholders of less than (~~four~~) six hundred and fifty thousand dollars, unless there is on file with the commissioner a copy of a trust agreement, certified by the trustee, evidencing a subsisting trust deposit of not less than (~~four~~) six hundred and fifty thousand dollars by such insurer with a bank or trust company in the United States, and which deposit is held for the protection of United States policy holders. The commissioner may, by rule and regulation, prescribe the terms under which the foregoing financial requirements may be waived in circumstances where insurance cannot be otherwise procured on risks located in this state.

(2) For any violation of this section the broker shall be fined not less than twenty-five dollars or more than two hundred and fifty dollars, his surplus line broker's license shall be revoked, and the broker may not again be so licensed within a period of two years thereafter.

Sec. 11. Section .17.53, chapter 79, Laws of 1947 as amended



by section 23, chapter 150, Laws of 1967 and RCW 48.17.530 are each amended to read as follows:

(1) The commissioner may suspend, revoke, or refuse to issue or renew any license which is issued or may be issued under this chapter or any surplus line broker's license for any cause specified in any other provision of this code, or for any of the following causes:

(a) For any cause for which issuance of the license could have been refused had it then existed and been known to the commissioner.

(b) If the licensee or applicant wilfully violates or knowingly participates in the violation of any provision of this code.

(c) If the licensee or applicant has obtained or attempted to obtain any such license through wilful misrepresentation or fraud, or has failed to pass any examination required under this chapter.

(d) If the licensee or applicant has misappropriated or converted to his own use or has illegally withheld moneys required to be held in a fiduciary capacity.

(e) If the licensee or applicant has, with intent to deceive, materially misrepresented the terms or effect of any insurance contract; or has engaged or is about to engage in any fraudulent transaction.

(f) If the licensee or applicant has been guilty of "twisting," as defined in RCW 48.30.180, or of rebating, as defined in chapter 48.30.

(g) If the licensee or applicant has been convicted, by final judgment, of a felony.

(h) If (~~in the conduct of his affairs under the license~~) the licensee or applicant has shown himself to be, and is so deemed by the commissioner, incompetent, or untrustworthy, or a source of injury and loss to the public.

(i) If the licensee has dealt with, or attempted to deal with,

insurances or to exercise powers relative to insurance outside the scope of his licenses.

(2) If any natural person named under a firm or corporate license, or application therefor, commits or has committed any act or fails or has failed to perform any duty which is a ground for the commissioner to revoke, suspend or refuse to issue or renew the license or application for license, the commissioner may revoke, suspend, refuse to renew, or refuse to issue:

(a) The license, or application therefor, of the corporation or firm; or

(b) The right of the natural person to act thereunder; or

(c) Any other license held or applied for by the natural person; or

(d) He may take all such steps.

(3) Any conduct of an applicant or licensee which constitutes ground for disciplinary action under this code shall be deemed such ground notwithstanding that such conduct took place in another state.

(4) The holder of any license which has been revoked or suspended shall surrender the license certificate to the commissioner at the commissioner's request.

Sec. 12. Section 6, chapter 229, Laws of 1951 and RCW 48.20-.052 are each amended to read as follows:

There shall be a provision as follows:

TIME LIMIT ON CERTAIN DEFENSES: (a) After (~~three~~) two years from the date of issue of this policy no misstatements except fraudulent misstatements, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such (~~three~~) two year period.

(The foregoing policy provision shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during such initial (~~three~~) two year period, nor to

limit the application of RCW 48.20.172, 48.20.182, 48.20.192, 48.20-.202, and 48.20.212 in the event of misstatement with respect to age or occupation or other insurance.)

(A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (1) until at least age 50 or, (2) in the case of a policy issued after age 44, for at least five years from its date of issue, may contain in lieu of the foregoing the following provision (from which the clause in parentheses may be omitted at the insurer's option) under the caption "IN-CONTESTABLE":

"After this policy has been in force for a period of (~~three~~) two years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become incontestable as to the statements contained in the application."

(b) No claim for loss incurred or disability (as defined in the policy) commencing after (~~three~~) two years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy. More stringent provisions may be required by the commissioner in connection with individual disability policies sold without any application or with minimal applications and with the approval of prima facie rates for credit insurance in accordance with section 17 of this 1969 amendatory act.

Sec. 13. Section .31.19, chapter 79, Laws of 1947 as amended by section 31, chapter 150, Laws of 1967 and RCW 48.31.190 are each amended to read as follows:

(1) Proceedings under this chapter involving a domestic insurer shall be commenced in the superior court for the county in which is located the insurer's home office. Proceedings under this chapter involving other insurers shall be commenced in the superior

court for Thurston county.

(2) The commissioner shall commence any such proceeding, the attorney general representing him, by an application to the court or to any judge thereof, for an order directing the insurer to show cause why the commissioner should not have the relief prayed for.

(3) Upon a showing of an emergency or threat of imminent loss to policy holders of the insurer the court may issue an ex parte order authorizing the commissioner immediately to take over the premises and assets of the insurer, the commissioner then to preserve the status quo, pending a hearing on the order to show cause, which shall be heard as soon as the court calendar permits in preference to other civil cases.

(4) In response to any order to show cause issued under this chapter the insurer shall have the burden of going forward with and producing evidence to show why the relief prayed for by the commissioner is not required.

(5) On the return of such order to show cause, and after a full hearing, the court shall either deny the relief sought in the application or grant the relief sought in the application together with such other relief as the nature of the case and the interest of policyholders, creditors, stockholders, members, subscribers, or the public may require.

(6) No appeal taken from a superior court order, entered after a hearing, granting the commissioner's petition to rehabilitate an insurer or to carry out an insolvency proceeding under this chapter, shall stay the action of the commissioner in the discharge of his responsibilities under this chapter, pending a decision by the appellate court in the matter.

(7) In any proceeding under this chapter the commissioner and his deputies shall be responsible on their official bonds for the faithful performance of their duties. If the court deems it desirable for the protection of the assets, it may at any time require

an additional bond from the commissioner or his deputies.

Sec. 14. Section 2, chapter 219, Laws of 1961 and RCW 48.34-.020 are each amended to read as follows:

(1) This chapter is a part of the insurance code.

(2) All life insurance and all accident and health insurance in connection with loans or other credit transactions shall be subject to the provisions of this chapter, except ~~((life))~~ such insurance under an individual policy in connection with a loan or other credit transaction of more than ~~((five))~~ ten years duration. Insurance shall not be subject to the provisions of this chapter where its issuance is an isolated transaction on the part of the insurer not related to an agreement or a plan for insuring debtors of the creditor.

Sec. 15. Section 10, chapter 219, Laws of 1961 and RCW 48.34-.100 are each amended to read as follows:

(1) All policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements, and riders delivered or issued for delivery in this state and the schedules of premium rates pertaining thereto shall be filed with the commissioner.

(2) No such policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements, or riders shall be used in this state until approved by the commissioner pursuant to RCW 48.18.100 and RCW 48.18.110. In addition to any grounds for disapproval provided therein, the form shall be disapproved both as to credit life and credit accident and health insurance if the benefits provided therein are not reasonable in relation to the premium charged.

(3) If a group policy of credit life insurance or credit accident and health insurance has been delivered in this state before ~~((the-effective-date-of-this-act))~~ midnight, June 7, 1961, on the first anniversary date following ~~((the-effective-date-of-this-act))~~ such time the terms of the policy as they apply to persons newly insured thereafter shall be rewritten to conform with the provisions

of this chapter.

(4) (~~(This section does not apply as to certificates of insurance issued under group policies which policies are not delivered or issued for delivery in this state.)~~) If a group policy has been or is delivered in another state before or after the effective date of this 1969 amendatory act, the forms to be filed by the insurer with the commissioner are the group certificates and notices of proposed insurance delivered or issued for delivery in this state. He shall approve them if:

(a) They provide the information that would be required if the group policy was delivered in this state; and

(b) The applicable premium rates or charges do not exceed those established by his rules or regulations.

Sec. 16. Section .32.15, chapter 79, Laws of 1947 and RCW 48.36.150 are each amended to read as follows:

Societies which are now authorized to transact business in this state may continue such business until the first day of April next succeeding the passage of this chapter, and the authority of such societies may thereafter be renewed annually, but in all cases to determine on the first day of the succeeding April: PROVIDED, That the license shall continue in full force and effect until the new license be issued or specifically refused. For each such license or renewal the society shall pay the commissioner (~~ten dollars~~) the fee charged for a certificate of authority pursuant to section 8 of this 1969 amendatory act: PROVIDED, That the retaliatory provisions of RCW 48.14.040 shall be applicable.

A duly certified copy or duplicate of such license shall be prima facie evidence that the licensee is a fraternal benefit society within the meaning of this chapter.

Sec. 17. Section .33.02, chapter 79, Laws of 1947 and RCW 48.48.020 are each amended to read as follows:

(1) The state fire marshal may appoint a chief deputy state

fire marshal and such additional deputy state fire marshals as he deems necessary for the discharge of his duties pursuant to this chapter, and shall fix their compensation and from time to time prescribe their respective duties. The state fire marshal may terminate any such appointment at any time.

(2) Any power or duty vested in the state fire marshal by this chapter may be exercised or discharged by any deputy state fire marshal acting in the name and by the authority of the state fire marshal.

(3) The commissioner may also designate as an ex officio resident fire marshal, the chief of any organized fire department within this state, or the fire marshal, fire supervisor or inspector of any county or of any state college, university, hospital, or other state institution, and may revoke any such designation so made.

NEW SECTION. Sec. 18. There is added to chapter 79, Laws of 1947 and to chapter 48.08 RCW a new section to read as follows:

Any person who fails to file information, documents, or reports required to be filed under this 1969 amendatory act or any rule or regulation thereunder shall forfeit to the state of Washington the sum of one hundred dollars for each and every day such failure to file shall continue. Such forfeiture, which shall be in lieu of any criminal penalty for such failure to file which might be deemed to arise under this title, shall be payable to the treasurer of the state of Washington and shall be recoverable in a civil suit in the name of the state of Washington.

NEW SECTION. Sec. 19. There is added to chapter 48.18 RCW a new section to read as follows:

(1) No contract of insurance predicated upon the use of a private passenger automobile shall be terminated by cancellation by the insurer until at least twenty days after mailing written notice of cancellation to the named insured at the latest address filed with the insurer by or on behalf of the named insured: PROVIDED, That

where cancellation is for nonpayment of premium, at least ten days notice of cancellation, accompanied by the reason therefor, shall be given.

(2) (a) No notice of cancellation by the insurer as to a contract of insurance to which subsection (1) applies shall be valid if sent more than sixty days after the policy has been in effect unless:

(i) The named insured fails to discharge when due any of his obligations in connection with the payment of premium for the policy or any installment thereof, whether payable directly to the insurer or to its agent or indirectly under any premium finance plan or extension of credit.

(ii) The driver's license of the named insured, or of any other operator who customarily operates an automobile insured under the policy, has been under suspension or revocation during the policy period or, if the policy is a renewal, during its policy period or the one hundred eighty days immediately preceding the effective date of the renewal policy.

(b) Modification by the insurer of automobile physical damage coverage by the inclusion of a deductible not exceeding one hundred dollars shall not be deemed a cancellation of the coverage or of the policy.

(3) The substance of subsections (1) and (2) (a) of this section must be set forth in each contract of insurance subject to the provisions of subsection (1) above, and may be in the form of an attached endorsement.

(4) No notice of cancellation of a policy which can be canceled only pursuant to subsection (2) shall be effective unless the reason therefor accompanies or is included in the notice of cancellation, or unless the notice of cancellation shall state or be accompanied by a statement that upon written request of the named insured, mailed or delivered to the insurer not less than five days prior to the effective date of cancellation, the insurer will specify the reason for such cancellation.



NEW SECTION. Sec. 20 There is added to chapter 48.18 RCW a new section to read as follows:

(1) No contract of insurance subject to section 19 of this 1969 amendatory act shall be terminated by refusal to renew by the insurer unless:

(a) The insurer gives the named insured twenty days' notice in writing as provided for in section 19 (1) of this 1969 amendatory act, that:

(i) It proposes to refuse to renew the insurance contract upon such date; and

(ii) Upon receipt of a written request from the named insured, it will forthwith mail to the named insured a written explanation of its actual reason or reasons for refusing to renew; and

(iii) The named insured, within ten days after receipt of such notice, may at his option, request the insurer to furnish such written explanation; and

(b) If the named insured exercises his option, the insurer shall forthwith, but, in any event, prior to the expiration date of the policy, mail to the named insured a written explanation giving the actual reason or reasons for its refusal to renew the contract.

(c) This subsection (1) shall not apply in any of the following situations:

(i) If the insurer has communicated its willingness to renew in writing or orally through a duly authorized agent.

(ii) If the named insured fails to discharge when due any of his obligations in connection with the payment of premium for the policy or any installment thereof, whether payable directly to the insurer or to its agent or indirectly under any premium finance plan or extension of credit.

(iii) If the insured's agent or broker has procured other coverage acceptable to the insured at least twenty days prior to the expiration of the policy period.

(2) Renewal of a policy shall not constitute a waiver or

estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

(3) "Renewal" or "to renew" means the issuance and delivery by an insurer of a policy replacing at the end of the policy period a policy previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or term: PROVIDED, HOWEVER, That any policy with a policy period or term of six months or less whether or not made continuous for successive terms upon the payment of additional premiums shall for the purpose of sections 19 through 25 of this 1969 amendatory act be considered as if written for a policy period or term of six months: PROVIDED, FURTHER, That any policy written for a term longer than one year or any policy with no fixed expiration date, shall, for the purpose of sections 19 through 25 of this 1969 amendatory act, be considered as if written for successive policy periods or terms of one year.

NEW SECTION. Sec. 21. There is added to chapter 48.18 RCW a new section to read as follows:

(1) There shall be no liability on the part of, and no cause of action of any nature shall arise against, the insurance commissioner, his agents, or members of his staff, or against any insurer, its authorized representative, its agents, its employees, or any firm, person or corporation furnishing to the insurer information as to reasons for cancellation or refusal to renew, for any statement made by any of them in any written notice of cancellation or refusal to renew, or in any other communications, oral or written, specifying the reasons for cancellation or refusal to renew or the providing of information pertaining thereto, or for statements made or evidence submitted in any hearing conducted in connection therewith.

(2) Proof of mailing of notice of cancellation or refusal to renew or of reasons for cancellation, to the named insured, at the latest address filed with the insurer by or on behalf of the named insured shall be sufficient proof of notice.

Sec. 22. Section 2, chapter 95, Laws of 1967 ex. sess. and RCW 48.18.295 are each amended to read as follows:

Nothing in (~~(RCW-48-18-294)~~) sections 19 through 25 of this 1969 amendatory act shall be construed to prevent the cancellation or nonrenewal of any such insurance where:

(1) Such cancellation or nonrenewal is ordered by the commissioner under a statutory delinquency proceeding commenced under the provisions of chapter 48.31 RCW, or

(2) Permission for such cancellation or nonrenewal has been given by the commissioner on a showing that the continuation of such coverage can reasonably be expected to create a condition in the company hazardous to its policyholder, or to its creditors, or to its members, subscribers, or stockholders, or to the public.

NEW SECTION. Sec. 23. There is added to chapter 48.18 RCW a new section to read as follows:

(1) The provisions of sections 19 through 25 of this 1969 amendatory act shall not apply to:

(a) Contracts of insurance issued under the assigned risk plan; and

(b) Contracts of insurance providing principally general casualty or property insurance in addition to vehicle insurance; and

(c) Contracts of insurance insuring more than four motor vehicles; and

(d) Any policy covering garage, automobile sales agency, repair shop, service station, or public parking place operation hazards.

NEW SECTION. Sec. 24. There is added to chapter 48.18 RCW a new section to read as follows:

A private passenger automobile as used in sections 19 through 25 of this 1969 amendatory act shall mean:

(1) An individually owned motor vehicle of the private passenger or station wagon type that is not used as a public or livery conveyance for passengers, nor rented to others.

(2) Any other individually owned four-wheel motor vehicle with

a load capacity of fifteen hundred pounds or less which is not used in the occupation, profession, or business of the insured.

NEW SECTION. Sec. 25. Sections 19 through 25 of this 1969 amendatory act shall become operative September 1, 1969, and shall apply to policies written or renewed, or which have a renewal anniversary thereafter. Sections 19 through 25 of this 1969 amendatory act shall not apply to or affect the validity of any notice of cancellation mailed or delivered prior to the operative date of this amendatory act. Sections 19 through 25 of this 1969 amendatory act shall not be construed to affect cancellation of a renewal policy, if notice of cancellation is mailed or delivered within sixty days after the operative date of sections 19 through 25 of this amendatory act. Sections 19 through 25 of this 1969 amendatory act shall not be construed to require notice of intention not to renew any policy which expires less than thirty days after the operative date of sections 19 through 25 of this 1969 amendatory act.

NEW SECTION. Sec. 26. Section 1, chapter 95, Laws of 1967 ex. sess. and RCW 48.18.294 are each repealed.

Passed the House May 12, 1969  
Passed the Senate May 12, 1969  
Approved by the Governor May 22, 1969  
Filed in office of Secretary of State May 22, 1969

CHAPTER 242  
[Substitute House Bill No. 84]  
PROPERTY TAXES--LIMITATIONS ON REVENUE--  
RURAL LIBRARY DISTRICTS

AN ACT Relating to taxation and revenue; and amending section 8, chapter 146, Laws of 1967 ex. sess. and RCW 84.54.080.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 8, chapter 146, Laws of 1967 ex. sess. and RCW 84.54.080 are each amended to read as follows:

Chapter 84.54 RCW as amended by (~~this-1967-amendatory-act~~) chapter 146, Laws of 1967 extraordinary session shall not apply to any rural library district, or school district: PROVIDED, HOWEVER, That no school district may make a regular property tax levy in excess of an amount that would be produced by a levy of fourteen mills

multiplied by an assessed valuation equal to twenty-five percent of the true and fair value of the taxable property in such school district, as determined by the department of revenue's indicated county ratio: PROVIDED FURTHER, That no rural library district may make a regular property tax levy in excess of an amount that would be produced by a levy of two mills multiplied by an assessed valuation equal to twenty-five percent of the true and fair value of the taxable property in such library district, as determined by the department of revenue's indicated county ratio.

Passed the House May 3, 1969  
Passed the Senate May 9, 1969  
Approved by the Governor May 22, 1969  
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CHAPTER 243  
[Engrossed House Bill No. 661]  
TOWNSHIPS, DISORGANIZATION,  
TAXING AND BONDING POWERS--  
FIRE PROTECTION DISTRICTS

AN ACT Relating to taxation and revenue by state and local governments; amending section 9, chapter 53, Laws of 1961 and RCW 52.16.160; amending section 1, chapter 165, Laws of 1953 as amended by section 2, chapter 16, Laws of 1959, and RCW 45.12.100; amending section 86, chapter 175, Laws of 1895 and RCW 45.56.040; amending section 115, chapter 175, Laws of 1895 as amended by section 10, chapter 47, Laws of 1909, and RCW 45.72.070; adding new sections to Title 45 RCW; repealing section 85, chapter 175, Laws of 1895 and RCW 45.56.020; repealing section 1, chapter 166, Laws of 1953 as amended by section 4, chapter 16, Laws of 1959, and RCW 45.56.030; repealing section 91, chapter 175, Laws of 1895 and RCW 45.56.060; repealing section 87, chapter 175, Laws of 1895 and RCW 45.60.010; repealing section 88, chapter 175, Laws of 1895 and RCW 45.60.030; and repealing section 89, chapter 175, Laws of 1895 and RCW 45.60.040.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to Title 45 RCW a new section to read as follows:

(1) Hereafter no township shall assess or levy any ad valorem taxes upon property. Townships may levy and collect special assessments upon property specially benefited by improvements constructed by such townships under their general powers. The procedure for the making of such improvements and the levying and collecting of such assessments shall, insofar as applicable, be the same as that prescribed for fire protection districts under chapter 52.20 RCW. A township may also receive and expend gifts and grants from any source for strictly township purposes.

(2) The county auditor of each county which contains one or more townships shall prior to January 1, 1970, fix a date for holding an election which may be either a special or general election at which election the voters of the county shall determine whether all township organizations within the county shall or shall not be disorganized. If a majority of votes cast upon the question favor disorganization of the township system of the county, the ensuing disorganization shall be conducted pursuant to RCW 45.80.040, 45.80.050, 45.80.060, 45.80.070 and 45.80.080: PROVIDED, That nothing contained in subsection (1) of this section shall limit the authority of the county commissioners when authorized by the court from levying ad valorem taxes upon real property and using the proceeds therefrom in order to extinguish the obligations of townships disorganized pursuant to this subsection or pursuant to the provisions of chapter 45.80 RCW.

Sec. 2. Section 9, chapter 53, Laws of 1961 and RCW 52.16.160 are each amended to read as follows:

Notwithstanding the limitation of millage contained in RCW 52.16.130, and in addition to any levy for the payment of the principal and interest of any outstanding general obligation bonds and levies necessary to pay the principal and interest of any coupon warrants heretofore issued and outstanding and in addition to any levy authorized by RCW 52.16.130, 52.16.140 or any other statute, if in any county where there are one or more townships in existence making annual tax levies and such township or townships are disorganized as a result of

a county-wide disorganization procedure prescribed by statute and is no longer making any tax levy, or any township or townships for any other reason no longer makes any tax levy, the board of fire commissioners of any fire protection district within such county is hereby authorized to levy each year an ad valorem tax on all taxable property within such district of not to exceed two mills, which levy may be made only if it will not cause the combined levies to exceed the forty mill limitation.

NEW SECTION. Sec. 3. There is added to Title 45 RCW a new section to read as follows:

Any township which at the time that this 1969 amendatory act takes effect has outstanding obligations in excess of anticipated receipts from sources other than general tax levies for the next ensuing year may certify the same to the board of county commissioners and the board shall levy taxes on the property within the township at the rates which the township would have been permitted to levy except for this 1969 amendatory act until such obligations have been extinguished, and until such time such millage levy will take precedence over any additional millage rates of fire protection districts under this 1969 amendatory act.

Sec. 4. Section 1, chapter 165, Laws of 1953, as amended by section 2, chapter 16, Laws of 1959 and RCW 45.12.100 are each amended to read as follows:

The electors of each town shall have power, at their annual town meeting:

- (1) To determine the number of poundmasters, and location of pounds.
- (2) To select such town officers as are required to be chosen.
- (3) To direct the institution or defense of actions in all controversies where the town is interested.
- (4) To direct such sums to be raised in the town for prosecuting or defending such actions as they may deem necessary.
- (5) To make all rules and regulations for ascertaining the

sufficiency of fences in the town and for impounding animals.

(6) To determine the time and manner in which certain domestic animals, including dogs, may be permitted to go at large.

(7) To impose such penalties on persons offending against any rules and regulations established by the town, except such as relate to the keeping and maintaining of fences, as they think proper not exceeding ten dollars for each offense, unless herein otherwise provided.

(8) To apply such penalties, when collected, in such manner as they may deem conducive to the interests of the town.

(9) To vote to raise such sums of money as they deem necessary for the purchase, repair, maintenance, and operation of snow plows or snow removing equipment, appliances for the prevention of highway dust or debris, and highway lighting, all in cooperation with the state and county authorities: PROVIDED, The board of county commissioners of any county wherein township taxing power is abolished under the provisions of this act shall annually budget and levy under chapter 36.82 RCW such additional amounts as necessary to maintain street lighting facilities now provided by townships if no other sufficient financial provision has been made for that purpose at the conclusion of the final hearing on the county's annual road fund budget. Such amount shall be limited to the dollar amount budgeted by the townships in the year 1967 for such street lighting and shall be subject to the same limitations applicable to township levies prior to the effective date of this amendatory act. The county shall thereafter maintain such street lighting facilities either as a part of its road fund program or by contract, during the next ensuing year.

(10) To instruct by vote the board to purchase grounds for a town cemetery; to limit the price to be paid therefor, to raise ((a tax)) a special assessment for payment thereon and to establish rules for the care and management thereof.

(11) To make such bylaws and regulations as may be deemed conducive to the peace, good order and welfare of the town; to license,



tax, regulate and control dogs, hawkers, peddlers, auctioneers, shows, theatricals, circuses, lawful games, merry-go-rounds, ferris wheels, or other amusement devices or places of amusement.

(12) To ~~((vete-to-levy-a-tax-in-such-amount-as-in-their-judg-ment-is-necessary-or-advisable,-but-not-to-exceed-four-mills-upon-all taxable-property-in-such-townships,-for-the-purpose-of-creating-a-and to-be-known-as))~~ create a river improvement fund from revenues available for that purpose other than ad valorem taxes.

Sec. 5. Section 86, chapter 175, Laws of 1895 and RCW 45.56-.040 are each amended to read as follows:

No town has power to contract debts or make expenditures for any one year in a larger sum than the amount of ~~((taxes-assessed-for such-year-without-having-been-authorized-by-a-majority-of-the-voters of-such-township,-and-no-town-shall-assess-for-township-purposes-more than-ten-mills-on-the-dollar-of-taxable-property-for-any-one-year))~~ revenues provided for that year in a formally adopted budget.

Sec. 6. Section 115, chapter 175, Laws of 1895 as amended by section 10, chapter 47, Laws of 1909 and RCW 45.72.070 are each amended to read as follows:

In this act the words town and township are used with the same meaning, and are used to designate a township organized under this act, unless the contrary appears from the context; and whenever the word oath is used, it shall be understood to mean oath or affirmation.

The word tax means special taxes raised by special assessments and other forms of taxation authorized by law except ad valorem property taxes.

NEW SECTION. Sec. 7. Section 85, chapter 175, Laws of 1895 and RCW 45.56.020; section 1, chapter 166, Laws of 1953 as amended by section 4, chapter 16, Laws of 1959, and RCW 45.56.030; section 91, chapter 175, Laws of 1895 and RCW 45.56.060; section 87, chapter 175, Laws of 1895 and RCW 45.60.010; section 88, chapter 175, Laws of 1895 and RCW 45.60.030; and section 89, chapter 175, Laws of 1895 and RCW 45.60.040 are each hereby repealed.

NEW SECTION. Sec. 8. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House May 10, 1969  
Passed the Senate May 9, 1969  
Approved by the Governor May 22, 1969  
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CHAPTER 244  
[Engrossed Senate Bill No. 737]  
EDUCATION--STATE ASSISTANCE TO SCHOOL DISTRICTS

AN ACT Relating to the common schools and the support thereof; providing state assistance to school districts for the construction and modernization of common school plant facilities; reenacting section 3, chapter 154, Laws of 1965 ex. sess. as last amended by section 1, chapter 130, Laws of 1969 and section 1, chapter ..., Laws of 1969 ex. sess. (HB 257) and RCW 28.41.140; reenacting section 28A.41.140, chapter ..., Laws of 1969 ex. sess. (HB 58) and RCW 28A.41.140 as amended by section 7, chapter 130, Laws of 1969 and section 3, chapter ..., Laws of 1969 ex. sess. (HB 257) and RCW 28A.41.140; authorizing allocations of funds; making appropriations; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. For the purpose of furnishing funds for state assistance to school districts in providing common school plant facilities and modernization of existing common school plant facilities, there is hereby appropriated from the common school construction fund the sum of thirty-seven million, four thousand, four hundred twenty-seven dollars.

NEW SECTION. Sec. 2. Funds appropriated to the state board of education from the common school construction fund shall be allotted by the state board of education in accordance with the provisions of this act: 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 authoriza-

tion 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.

NEW SECTION. Sec. 3. In allotting the state funds provided by this act, the state board of education shall:

(1) Prescribe rules and regulations not inconsistent with this act governing the administration, control, terms, conditions, and disbursement of allotments to school districts to assist them in providing school plant facilities;

(2) Approve, whenever the board deems such action advisable, allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with procedures and regulations applicable thereto which shall be established by the board.

NEW SECTION. Sec. 4. Allocations to school districts of state funds provided by this act shall be made by the state board of education and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the district shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for

school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the state board of education.

(2) The state matching percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per full time equivalent pupil divided by the ratio of the total state adjusted valuation per full time pupil shall be subtracted from two, and then the result of the foregoing shall be divided by two plus (the ratio of the school district's adjusted valuation per full time equivalent pupil divided by the ratio of the total state adjusted valuation per full time pupil).

$$\text{Computed State Ratio} = \frac{2 - \frac{\text{District adjusted valuation per full time equivalent pupil}}{\text{Total state adjusted valuation per full time equivalent pupil}}}{2 + \frac{\text{District adjusted valuation per full time equivalent pupil}}{\text{Total state adjusted valuation per full time equivalent pupil}}} = \text{\% State Assistance}$$

PROVIDED, That in the event the percentage of state assistance to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state assistance under this act, the state board of education may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the state board finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed percent of state assistance developed in (2) above, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each percent of growth, with

a maximum of twenty percent.

(4) The approved cost of the project determined in the manner herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the state board of education: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the state board of education that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state-owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d) and (e) hereinabove, creating a like emergency.

NEW SECTION. Sec. 5. Whenever the voters of a school district authorize the issuance of bonds and/or the levying of excess taxes in an amount sufficient to meet the requirements of section 2 of this act respecting eligibility for state assistance in providing school facilities, the taxable valuation of the district and the per-

centage of state assistance in providing school facilities prevailing at the time of such authorization shall be the valuation and the percentage used for the purpose of determining the eligibility of the district for an allotment of state funds and the amount or amounts of such allotments, respectively, for all projects for which the voters authorize capital funds as aforesaid, unless a higher percentage of state assistance prevails on the date that state funds for assistance in financing a project are allotted by the state board of education in which case the percentage prevailing on the date of allotment by the state board of funds for each project shall govern: PROVIDED, That if the state board of education determines at any time that there has been undue or unwarranted delay on the part of school district authorities in advancing a project to the point of readiness for an allotment of state funds, the taxable valuation of the school district and the percentage of state assistance prevailing on the date that the allotment is made shall be used for the purposes aforesaid: PROVIDED, FURTHER, That the date herein specified as applicable in determining the eligibility of an individual school district for state assistance and in determining the amount of such assistance shall be applicable also to cases where it is necessary in administering chapter 28.56 RCW to determine eligibility for and the amount of state assistance for a group of school districts considered as a single school administrative unit.

NEW SECTION. Sec. 6. If a school district which has qualified for an allotment of state funds under the provisions of this act for school building construction is found by the state board of education to have a school housing emergency requiring an allotment of state funds in excess of the amount allocable under section 4 of this act, an additional allotment may be made to such district: PROVIDED, That the total amount allotted shall not exceed ninety percent of the total cost of the approved project which may include the cost of the site and equipment. At any time thereafter when the state board of education finds that the financial position of such

school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements, or for any combination of these reasons, the amount of such additional allotment, or any part of such amount as the state board of education determines, shall be deducted, under terms and conditions prescribed by the board, from any state school building construction funds which might otherwise be provided to such district.

NEW SECTION. Sec. 7. All applications by school districts for state assistance in providing school plant facilities shall be made to the superintendent of public instruction in conformity with rules and regulations which shall be prescribed by the state board of education. Studies and surveys shall be conducted by the state board for the purpose of securing information relating to (a) the kind and extent of the school plant facilities required and the urgency of need for such facilities in districts that seek state assistance, (b) the ability of such districts to provide capital funds by local effort, (c) the need for improvement of school administrative units and school attendance areas among or within such districts, and (d) any other pertinent matters.

NEW SECTION. Sec. 8. It shall be the duty of the state board of education, in consultation with the Washington state department of health, to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance, and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding (a) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in this act; (b) procedures in inaugurating and conducting a school plant planning program for a school district; (c) standards for use in determining the selection and development of school sites

and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (d) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (e) an acceptable school building maintenance program and the necessity therefor; (f) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (g) any other matters regarded by the state board as pertinent or related to the purposes and requirements of this act.

NEW SECTION. Sec. 9. The state board of education shall furnish to school districts seeking state assistance under the provisions of this act consultatory and advisory service in connection with the development of school building programs and the planning of school plant facilities.

NEW SECTION. Sec. 10. Whenever in the judgment of the state board of education economies may be effected without impairing the usefulness and adequacy of school buildings, said board may prescribe rules and regulations and establish procedures governing the preparation and use of modifiable basic or standard plans for school building construction projects for which state assistance funds provided by this act are allotted.

NEW SECTION. Sec. 11. The total amount of funds appropriated under the provisions of this act shall be reduced by the amount of federal funds made available during each biennium for school construction purposes under any applicable federal law. The funds appropriated by this act and available for allotment by the state board of education shall be reduced by the amount of such federal funds made available. Notwithstanding the foregoing provisions of this section, the total amount of funds appropriated by this act shall not be reduced by reason of any grants to any school district of federal moneys paid under Public Law No. 815 or any other federal act authorizing school building construction assistance to federally affected areas.



NEW SECTION. Sec. 12. In accordance with section 2, the state board of education is authorized to allocate for the purposes of carrying out the provisions of sections 1 through 11 of this act the sum of forty-three million, two hundred thousand dollars: PROVIDED, That expenditures against such allocation shall not exceed the amount appropriated in section 1 of this act.

Sec. 13. Section 3, chapter 154, Laws of 1965 ex. sess. as last amended by section 1, chapter 130, Laws of 1969 and section 1, chapter ..., Laws of 1969 ex. sess. (HB 257) and RCW 28.41.140 are each reenacted to read as follows:

To determine a "weighted student enrolled," as that term is used in this chapter 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:

- (1) Costs attributable to staff experience and professional preparation;
- (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;
- (3) Costs resulting from the operation of small school plants within districts: PROVIDED, That such plants are judged by the state board of education as remote and necessary;
- (4) Costs differentials attributable to the operation of approved elementary and secondary programs;
- (5) Costs which must be incurred to operate an approved vocational program;
- (6) Costs resulting from the attendance of students who:
  - (a) Do not reside within the servicing school district: PROVIDED, That nothing within this provision shall be construed as affecting the reimbursement procedures in RCW 28.44.040;

(b) Reside in any home or institution devoted to providing a home for dependent or otherwise referred or entrusted children: PROVIDED, Such home or institution is exempt from taxation under the laws of the state of Washington; or

(c) Constitute at least three percent of the student enrollment within the district and who reside within the servicing district on property of either the state, its political subdivisions, or any municipal corporation.

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 and part time students as provided in section 2 (2) of chapter ..., Laws of 1969 ex. sess. (HB 257) enrolled on the first school day of each month.

Sec. 14. Section 28A.41.140, chapter ..., Laws of 1969 (HB 58) and RCW 28A.41.140 as amended by section 7, chapter 130, Laws of 1969 and section 3, chapter ..., Laws of 1969 ex. sess. (HB 257) and RCW 28A.41.140 are each reenacted to read as follows:

To determine a "weighted student enrolled," as that term is used in this chapter 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:

(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 concen-

tration of culturally disadvantaged students, or as a result of a high degree of transient enrollment;

(3) Costs resulting from the operation of small school plants within districts: PROVIDED, That such plants are judged by the state board of education as remote and necessary;

(4) Costs differentials attributable to the operation of approved elementary and secondary programs;

(5) Costs which must be incurred to operate an approved vocational program;

(6) Costs resulting from the attendance of students who:

(a) Do not reside within the servicing school district:

PROVIDED, That nothing within this provision shall be construed as affecting the reimbursement procedures in RCW 28.44.040;

(b) Reside in any home or institution devoted to providing a home for dependent or otherwise referred or entrusted children: PROVIDED, Such home or institution is exempt from taxation under the laws of the state of Washington; or

(c) Constitute at least three percent of the student enrollment within the district and who reside within the servicing district on property of either the state, its political subdivisions, or any municipal corporation.

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 and part time students as provided in section 2 (2) of chapter ..., Laws of 1969 ex. sess. (HB 257) enrolled on the first school day of each month.

NEW SECTION. Sec. 15. Notwithstanding any other provision of

this 1969 amendatory act, section 13 hereof shall remain law unless or until the proposed 1969 education code (HB 58) becomes effective, at which time section 13 hereof shall become void and of no effect and section 14 of this act shall become effective.

NEW SECTION. Sec. 16. If any section, paragraph, sentence, clause, phrase or word of this act should be held to be invalid or unconstitutional, such act shall not affect nor impair the validity or constitutionality of any other section, paragraph, sentence, clause, phrase or word of this act. It is hereby declared that had any section, paragraph, sentence, clause, phrase or word as to which this act is declared invalid been eliminated from the act at the time the same was considered, the act would have nevertheless been enacted with such portions eliminated.

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

Passed the Senate May 8, 1969  
Passed the House May 9, 1969  
Approved by the Governor May 22, 1969  
Filed in office of Secretary of State May 22, 1969

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CHAPTER 245  
[Engrossed Senate Bill No. 172]  
PROPERTY TAXES--  
CHARITABLE INSTITUTIONS EXEMPTION--REPORTS

AN ACT Relating to tax exemption status of charitable institutions;  
and amending section 84.36.040, chapter 15, Laws of 1961 and  
RCW 84.36.040.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 84.36.040, chapter 15, Laws of 1961 and  
RCW 84.36.040 are each amended to read as follows:

The following property shall be exempt from taxation:

All free public libraries, orphanages, orphan asylums, institutions for the reformation of fallen women, homes for the aged and infirm, and hospitals for the care of the sick, when such institutions

are supported in whole or in part by public donations or private charity, and all of the income and profits thereof are devoted, after paying the expenses thereof, to the purposes of such institutions; and the grounds, together with all real and personal property owned or used as a part of such institutions, whenever such libraries, orphanages, institutions, homes, and hospitals are built and used exclusively for the purposes herein enumerated.

In order to determine whether such libraries, orphanages, institutions, homes, and hospitals are exempt from taxes within the intent of this chapter, the director of ~~((health))~~ revenue shall have access to their books and the superintendent or manager of the library, orphanage, institution, home, or hospital claiming exemption from taxation shall ~~((make-oath-before-the-assessor))~~ file, with the assessor on forms furnished by the director, a signed statement that the income and the receipts thereof, including donations to it, have been applied to the actual expenses of maintaining it, and to no other purpose. He shall also, under oath, make annual report to the department of ~~((health))~~ revenue of its receipts and disbursements ~~((;specifying-in-detail-the-sources-from-which-the-receipts-have-been-derived;-and-the-object-to-which-disbursements-have-been-applied;-and shall-furnish-in-such-report-full-and-complete-vital-statistics-for-the-use-and-information-of-the-department-of-health;-which-may-publish-the-same-in-its-annual-report))~~. Such report shall be made upon a form supplied by the director of revenue on or before the fifteenth day of the fifth calendar month following the close of the accounting period for which the return is required to be filed. The assessor shall remove the tax exemption from the property and assets of any hospital which does not file with the assessor said annual report within forty-five days of the due date. The department of revenue shall make a copy of such report available to other governmental agencies upon request.

A hospital, within the meaning of this section, includes any portion of the hospital building, or other buildings in connection

therewith, used as a nurses' home or as a residence for persons engaged or employed in the operation of the hospital, or operated as a portion of the hospital unit.

Passed the Senate May 6, 1969  
Passed the House May 3, 1969  
Approved by the Governor May 22, 1969  
Filed in office of Secretary of State May 22, 1969

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CHAPTER 246  
[Senate Bill No. 196]  
BUSINESS AND OCCUPATION TAX--  
FINANCIAL INSTITUTIONS EXEMPTION

AN ACT Relating to revenue and taxation; exempting certain banks from payment of business and occupation taxes; amending section 82-.04.400, chapter 15, Laws of 1961 as last amended by section 8, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.400; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 82.04.400, chapter 15, Laws of 1961 as last amended by section 8, chapter 173, Laws of 1965 ex. sess. 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 and banks for cooperatives 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.

NEW SECTION. Sec. 2. This 1969 amendatory act is necessary

for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 4, 1969

Passed the House May 3, 1969

Approved by the Governor May 22, 1969

Filed in office of Secretary of State May 22, 1969

CHAPTER 247

[Engrossed Senate Bill No. 199]

PUBLIC LANDS--INTER-AGENCY

COOPERATION FOR BENEFICIAL PUBLIC USES

AN ACT Relating to public lands; and adding new sections to chapter 79.08 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 79.08 RCW a new section to read as follows:

In order to maximize outdoor recreation opportunities for the people of the state of Washington and allow for the full utilization of state owned land, all state departments and agencies are authorized and directed to cooperate together in fully utilizing the public lands. All state departments and agencies, vested with statutory authority for utilizing land for outdoor recreation or other beneficial public uses, are authorized and directed to apply to another state department or agency holding suitable public lands for permission of use. The department or agency applied to is authorized and directed to grant permission of use to the applying department or agency if the public use of the public land would be consistent with the existing and continuing principal uses. Trust lands may be withdrawn for outdoor recreation purposes from sale or lease for other purposes by the department of natural resources pursuant to this section subject to the constraints imposed by the Washington State Constitution and the federal enabling statute. The decision regarding such consistency with existing and continuing principal uses shall be made by the agency owning or controlling such lands and which decision shall be final.

NEW SECTION. Sec. 2. The department of natural resources shall not rescind the withdrawal of public land in any existing and future state park nor sell any timber or other valuable material therefrom or grant any right of way or easement thereon, except as provided in the withdrawal order or for off-site drilling, without the concurrence of the state parks and recreation commission.

The department of natural resources shall have reasonable access across such lands in order to reach other public lands administered by the department of natural resources.

Passed the Senate May 4, 1969  
Passed the House May 2, 1969  
Approved by the Governor May 22, 1969  
Filed in office of Secretary of State May 22, 1969

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CHAPTER 248  
[Senate Bill No. 256]  
STATE ACCOUNTS OR FUNDS  
OUTSIDE OF THE STATE TREASURY

AN ACT Relating to state and local government; and adding a new section to chapter 8, Laws of 1965 and to chapter 43.88 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 8, Laws of 1965 and to chapter 43.88 RCW a new section to read as follows:

After the effective date of this act, no state agency, state institution, state institution of higher education, which shall include all state universities, state colleges, and community colleges, shall establish any new accounts or funds which are to be located outside of the state treasury: PROVIDED, That the state budget director shall be authorized to grant permission for the establishment of such an account or fund outside of the state treasury only when the requesting agency presents compelling reasons of economy and efficiency which could not be achieved by placing such funds in the state treasury. When the state budget director authorizes the creation of such fund or account, he shall forthwith give written notice of the fact



to the legislative budget committee.

Passed the Senate March 27, 1969

Passed the House May 3, 1969

Approved by the Governor May 22, 1969

Filed in office of Secretary of State May 22, 1969

CHAPTER 249  
[Senate Bill No. 325]  
ESCHEATS--  
LEASES BY DEPARTMENT OF NATURAL RESOURCES

AN ACT Relating to escheats; and adding a new section to chapter 11-.08 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 11.08 RCW a new section to read as follows:

(1) The department of natural resources shall have the authority to lease real property from the administrator of an estate being probated under the escheat provisions, RCW 11.08.140 to 11.08.280.

(2) The department of natural resources shall have the authority to sublease or rent the real property, it has leased under subsection (1) of this section, during the period that the real property is under the authority of the court appointed administrator.

(3) Any moneys gained by the department of natural resources from leases or rentals shall be credited to an escheat reserve account bearing the name of the estate.

(4) The department of natural resources shall have the authority to expend moneys to preserve and maintain the real property during the probate period.

(5) Any expenses by the department of natural resources in preserving or maintaining the real property may be paid as follows:

(a) First, the expenses shall be charged to the escheat reserve account bearing the name of the estate; and

(b) Second, if the expenses exceed the escheat reserve account, then the expenses shall be paid as follows:

(i) If the land is distributed to the state by the administra-

tor, the expenses shall be paid out of the sale price of the land as later sold by the department of natural resources, or shall be paid out of the general fund if the land is held for use by the state; or

(ii) If the land is distributed to the heirs by the administrator, the expenses shall be borne by the estate.

(6) Upon the final distribution of the real property, the escheat reserve account shall be closed out as follows:

(a) If the real property is distributed to the state, the balance of the account shall be paid into the permanent common school fund of the state; or

(b) If the real property is distributed to the heirs, the balance of the account shall be paid to the estate.

Passed the Senate May 12, 1969  
Passed the House March 29, 1969  
Approved by the Governor May 22, 1969  
Filed in office of Secretary of State May 22, 1969

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CHAPTER 250  
[Engrossed Senate Bill No. 336]  
ALCOHOLIC BEVERAGE CONTROL--PROFESSIONAL MUSICIANS  
18 AND OLDER--CLUBS AND PUBLIC PLACES, LICENSE OR  
PERMIT REQUIRED

AN ACT Relating to alcoholic beverage control; amending section 1, chapter 141, Laws of 1953 and RCW 66.24.481; and adding a new section to chapter 62, Laws of 1933 ex. sess. and to Title 66 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 62, Laws of 1933 ex. sess. and to Title 66 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 26.28.080 as now or hereafter amended, it is lawful for professional musicians, eighteen years of age and older, to enter and to remain in any premises licensed under the provisions of Title 66 RCW, but only during and in the course of their employment as musicians.

This section shall not be construed as permitting the sale or distribution of any alcoholic beverages to any person under the age of twenty-one years.

Sec. 2. Section 1, chapter 141, Laws of 1953 and RCW 66.24-.481 are each amended to read as follows:

No public place or club, or agent, servant or employee thereof, shall keep or allow to be kept, either by itself, its agent, servant or employee, or any other person, any liquor in any ~~((clubroom-or))~~ place maintained or conducted by such public place or club, nor shall it permit the drinking of any liquor in any such ~~((clubroom-or))~~ place, unless the sale of liquor in said ~~((clubroom-or))~~ place is authorized by virtue of a valid and subsisting license issued by the Washington state liquor control board, or the consumption of liquor in said ~~((clubroom-or))~~ place is authorized by a special banquet permit issued by said board. Every person who violates any provision of this section shall be guilty of a gross misdemeanor.

"Public place," for purposes of this section only, shall mean in addition to the definition set forth in RCW 66.04.010 (24), any place to which admission is charged or in which any pecuniary gain is realized by the owner or operator of such place in selling or vending food or soft drinks.

Passed the Senate May 4, 1969  
 Passed the House April 12, 1969  
 Approved by the Governor May 22, 1969  
 Filed in office of Secretary of State May 22, 1969

CHAPTER 251  
 [Senate Bill No. 403]  
 PROPERTY TAXES--LIEN OF TAX

AN ACT Relating to lien of taxes; and amending section 84.60.010, chapter 15, Laws of 1961 and RCW 84.60.010.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 84.60.010, chapter 15, Laws of 1961 and RCW 84.60.010 are each amended to read as follows:

All taxes and levies which may hereafter be lawfully imposed or assessed shall be and they are hereby declared to be a lien respectively upon the real and personal property upon which they may hereafter be imposed or assessed, which liens shall include all charges and expenses of and concerning the said taxes which, by the

provisions of this title, are directed to be made. The said lien shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which said real and personal property may become charged or liable.

Passed the Senate April 4, 1969  
Passed the House May 12, 1969  
Approved by the Governor May 22, 1969  
Filed in office of Secretary of State May 22, 1969

CHAPTER 252  
[Engrossed Senate Bill No. 498]  
COUNTIES--BUDGET REQUIREMENTS--  
COMMISSIONERS, AUTHORITY TO EMPLOY STAFF

AN ACT Relating to county budgets; amending section 36.40.040, chapter 4, Laws of 1963 and RCW 36.40.040; and amending section 36.40-.100, chapter 4, Laws of 1963, as amended by section 1, chapter 19, Laws of 1965, ex. sess. and RCW 36.40.100; 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 36.40.040, chapter 4, Laws of 1963 and RCW 36.40.040 are each amended to read as follows:

Upon receipt of the estimates the auditor shall prepare the county budget which shall set forth the complete financial program of the county for the ensuing fiscal year, showing the expenditure program and the sources of revenue by which it is to be financed.

The revenue section shall set forth the estimated receipts from sources other than taxation for each office, department, service, or institution for the ensuing fiscal year, the actual receipts for the first six months of the current fiscal year and the actual receipts for the last completed fiscal year, the estimated surplus at the close of the current fiscal year and the amount proposed to be raised by taxation.

The expenditure section shall set forth in comparative and tabular form by offices, departments, services, and institutions the estimated expenditures for the ensuing fiscal year, the appropriations

for the current fiscal year, the actual expenditures for the first six months of the current fiscal year including all contracts or other obligations against current appropriations, and the actual expenditures for the last completed fiscal year.

~~((Such estimates, appropriations, and expenditures shall be classified under the general classes of (1) salaries and wages (2) maintenance and operation (3) capital outlay (4) interest and debt redemption, and (5) expenditures proposed to be made from bond or warrant issued not yet authorized.~~

~~Within the general class of "salaries and wages" each salary shall be set forth separately together with the title or position of the recipient. Wages for day labor may be given in totals according to the general purpose or object for which they are to be expended but the proposed rate per diem for each class or kind of labor shall be set forth. Expenditures coming under the general class of "maintenance and operation" shall be classified according to the standard classification established by the division of municipal corporations. Expenditures for "capital outlay" shall set forth and describe each object of expenditure separately. Under the general class of "interest and debt redemption" proposed expenditures for interest and for redemption of principal shall be set forth separately for each series or issue of bonds and warrant interest and redemption requirements shall be set out in a similar manner.)~~

All estimates of receipts and expenditures for the ensuing year shall be fully detailed in the annual budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor through the division of municipal corporations after consultation with the Washington state association of county commissioners and the Washington state association of elected county officials.

The county auditor shall set forth separately in the annual budget to be submitted to the board of county commissioners the total amount of emergency warrants issued during the preceding fiscal year,

together with a statement showing the amount issued for each emergency, and the board shall include in the annual tax levy, a levy sufficient to raise an amount equal to the total of such warrants: PROVIDED, That the board may fund the warrants or any part thereof into bonds instead of including them in the budget levy.

Sec. 2. Section 36.40.100, chapter 4, Laws of 1963, as amended by section 1, chapter 19, Laws of 1965, ex. sess. and RCW 36.40.100 are each amended to read as follows:

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"))~~) departments may be made (~~((---PROVIDED-FURTHER-That-no-salary-class-shall-be-increased-above-the-total-amount-appropriated-therefor))~~).

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:

The board of county commissioners of the several counties may employ such staff as deemed appropriate to serve the several boards directly in matters including but not limited to purchasing, poverty and relief programs, parks and recreation, civilian defense, budgetary preparations set forth in RCW 36.40.010 - .050, code enforcement and general administrative coordination. Such authority shall in no way infringe upon or relieve the county auditor of responsibilities contained in RCW 36.22.010 (9) and RCW 36.22.020.

Passed the Senate May 4, 1969  
Passed the House May 2, 1969  
Approved by the Governor May 22, 1969  
Filed in office of Secretary of State May 22, 1969

CHAPTER 253  
[Engrossed House Bill No. 77]  
FOOD FISH AND SHELLFISH--  
GEODUCKS, OYSTERS, CLAMS--LEASES, LICENSES

AN ACT Relating to food fish and shellfish; amending section 9, chapter 212, Laws of 1955 and RCW 75.28.281; amending section 75.28.280, chapter 12, Laws of 1955, as amended by section 8, chapter 212, Laws of 1955, and RCW 75.28.280; adding a new section to chapter 12, Laws of 1955 and to chapter 75.24 RCW; and adding a new section to chapter 12, Laws of 1955 and to chapter 75.28 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 12, Laws of 1955 and to chapter 75.24 RCW a new section to read as follows:

The director of fisheries may at his discretion and with the approval of the commissioner of public lands issue licenses for the harvesting of geoduck clams for commercial purposes from leased beds of navigable waters of the state of Washington except that he may not authorize harvesting for commercial purposes on bottoms which are shallower than ten feet below mean lower low water (0.0 ft.), or which lie in an area bounded by the line of ordinary high tide (mean high tide) and a line one-quarter mile seaward from and parallel to said line of ordinary high tide. If the director shall determine that the numbers of units of gear are sufficient to harvest the known available crop and that additional units of gear might prove damaging to the resource or its habitat, he may suspend the issuance of such additional licenses for the balance of any given year or until he determines there is need for additional units of gear to achieve a sustained harvest. All harvesting shall be done with hand held, manually operated water jet or suction device guided and controlled from under water by scuba or other diver. The director shall also determine from time to time the effect of each type or unit of gear upon the geoduck population or the substrate they inhabit and he may require modification of the gear or cessation of its use if he determines that

it is being operated in a wasteful or destructive manner or that its operation tends to cause permanent damage to the bottom or adjacent shellfish populations.

Sec. 2. Section 9, chapter 212, Laws of 1955 and RCW 75.28.281 are each amended to read as follows:

A license is required for each and every oyster farm being operated for commercial purposes on privately owned or leased tidelands and on leased beds of navigable waters in the state. The fee for said license is fifteen dollars per annum, and shall be paid for each and every year in which oysters are removed from the oyster farm for purposes of sale as seed stock or otherwise. A separate license is required for each oyster farm being operated within each of the following oyster districts: northern Puget Sound district, southern Puget Sound district, Grays Harbor district, and Willapa Harbor district; said districts are to include the waters, beds, shores, beaches, and tidelands of, northern Puget Sound, southern Puget Sound, Grays Harbor, and Willapa Harbor, respectively, as geographically defined by the director of fisheries under appropriate regulations.

Sec. 3. Section 75.28.280, chapter 12, Laws of 1955, as amended by section 8, chapter 212, Laws of 1955, and RCW 75.28.280 are each amended to read as follows:

A license is required for each and every clam farm of one or more tracts of land being operated for commercial purposes on privately owned or leased tidelands and on leased beds of navigable waters in the state. The fee for said license is fifteen dollars per annum, and shall be paid for each and every year in which clams are removed from the clam farm for purposes of sale. A separate license is required for each clam farm being operated within each of the following clam districts; northern Puget Sound district, Southern Puget Sound district, Grays Harbor district, and Willapa Harbor district; said districts are to include the waters, beds, shores, beaches, and tidelands of, northern Puget Sound, southern Puget Sound, Grays Harbor, and Willapa Harbor, respectively, as geographically defined by the



director of fisheries under appropriate regulations.

NEW SECTION. Sec. 4. There is added to chapter 12, Laws of 1955 and to chapter 75.28 RCW a new section to read as follows:

A license is required for gear in which the harvesting head is directly guided or controlled by hand, the fee for which license shall be one hundred dollars per annum.

A license is required for each and every mechanical and/or hydraulic device operated for the purpose of taking clams other than geoduck clams for commercial purposes from tidelands and beds of navigable waters of the state of Washington, the fee for which license shall be three hundred dollars per annum.

NEW SECTION. Sec. 5. The provisions of this act shall be liberally construed.

NEW SECTION. Sec. 6. If any provisions of this 1969 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House May 5, 1969

Passed the Senate May 4, 1969

Approved by the Governor May 23, 1969

Filed in office of Secretary of State May 23, 1969

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CHAPTER 254  
[House Bill No. 426]  
EXCISE TAXES--AIRCRAFT FUEL

AN ACT Relating to the taxation of aircraft fuel; amending section 1, chapter 10, Laws of 1967 ex. sess. and RCW 82.42.010; amending section 2, chapter 10, Laws of 1967 ex. sess. and RCW 82.42.020; amending section 4, chapter 10, Laws of 1967 ex. sess. and RCW 82.42.040; amending section 5, chapter 10, Laws of 1967 ex. sess. and RCW 82.42.050; and amending section 6, chapter 10, Laws of 1967 ex. sess., as amended by section 4, chapter 139, Laws of 1969 and RCW 82.42.060; adding a new section to chapter 10, Laws of 1967 ex. sess. and chapter 82.42 RCW; and declaring an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 10, Laws of 1967 ex. sess. and RCW 82.42.010 are each amended to read as follows:

For the purposes of this chapter:

- (1) "Department" means the department of motor vehicles;
- (2) "Director" means the director of the department of motor vehicles;
- (3) "Person" means every natural person, firm, partnership, association, or private or public corporation;
- (4) "Aircraft" means every contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, operated or propelled by the use of aircraft fuel;
- (5) "Aircraft fuel" means gasoline and any other inflammable liquid, by whatever name such liquid is known or sold, the chief use of which is as fuel for the propulsion of aircraft, except gas or liquid, the chief use of which as determined by the director, is for purposes other than the propulsion of aircraft;
- (6) "Dealer" means any person engaged in the retail sale of aircraft fuel;
- (7) "Distributor" means any person engaged in the sale of aircraft fuel to any dealer and shall include any dealer from whom the tax hereinafter imposed has not been collected.

Sec. 2. Section 2, chapter 10, Laws of 1967 ex. sess. and RCW 82.42.020 are each amended to read as follows:

There is hereby levied, and there shall be collected by every ~~((dealer-or-person-engaged-in-the-retail-sale))~~ distributor of aircraft fuel ~~((in-this-state))~~, an excise tax of two cents on each gallon of aircraft fuel sold, delivered or used in this state: PROVIDED, That there shall be collected from every consumer or user of aircraft fuel either the use tax imposed by RCW 82.12.020, as amended, or the retail sales tax imposed by RCW 82.08.020, as amended, collection procedure to be as prescribed by law and/or rule or regulation of the department of revenue. The taxes imposed by this chapter shall be collected and paid to the state but once in respect to any air-

craft fuel.

Sec. 3. Section 4, chapter 10, Laws of 1967 ex. sess. and RCW 82.42.040 are each amended to read as follows:

The director shall by rule and regulation adopted as provided in chapter 34.04 RCW (Administrative Procedure Act) set up the necessary administrative procedure for collection by the department of the two cents per gallon aircraft fuel excise tax as provided for in RCW 82.42.020, placing the responsibility of collection of said tax upon every ~~((dealer-or-person-engaged-in-the-retail-sale))~~ distributor of aircraft fuel within the state; he may require the licensing of every ~~((dealer-or-person-engaged-in-such-retail-sale))~~ distributor of aircraft fuel and shall require such a corporate surety bond or security of any ~~((dealer))~~ distributor or person not otherwise bonded under provisions of chapter 82.36 RCW as is provided for distributors of motor vehicle fuel under RCW 82.36.060; he shall provide such forms and may require such reports or statements as in his determination shall be necessary for the proper administration of this chapter. The director may require such records to be kept, and for such periods of time, as deemed necessary for the administration of this chapter, which records shall be available at all times for the director or his representative who may require a statement under oath as to the contents thereof.

Sec. 4. Section 5, chapter 10, Laws of 1967 ex. sess. and RCW 82.42.050 are each amended to read as follows:

Should any ~~((dealer))~~ distributor fail to file any report or statement, as shall be required by rule and regulation of the director, showing the total number of gallons of aircraft fuel sold, delivered or used by a ~~((dealer))~~ distributor within the state during the preceding calendar month, the director shall proceed forthwith to determine from the best available sources such amount and said determination shall be presumed to be correct for that period, until proved by competent evidence to be otherwise. The director shall immediately assess the excise tax in the amount so determined, adding

thereto a penalty of ten percent for failure to report. Such penalty shall be cumulative of other penalties herein provided. All statements or reports required to be filed with the director as required in this section shall be public records.

Sec. 5. Section 6, chapter 10, Laws of 1967 ex. sess., as amended by section 4, chapter 139, Laws of 1969, and RCW 82.42.060 are each amended to read as follows:

The amount of aircraft fuel excise tax imposed under RCW 82.42.020 for each month shall be paid to the director on or before the twenty-fifth day of the month thereafter, and if not paid prior thereto, shall become delinquent at the close of business on that day, and a penalty of ten percent of such excise tax must be added thereto for delinquency. Any aircraft fuel tax, penalties, and interest payable under the provisions of this chapter shall bear interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the close of the monthly period for which the amount or any portion thereof should have been paid until the date of payment. The provisions of RCW 82.36.110 relating to a lien for taxes, interests or penalties due, shall be applicable to the collection of the aircraft fuel excise tax provided in RCW 82.42.020, and the provisions of RCW 82.36.120, 82.36.130 and 82.36.140 shall apply to any (~~dealer-or-person-engaged-in-the-retail-sale~~) distributor of aircraft fuel with respect to the aircraft fuel excise tax imposed under RCW 82.42.020.

NEW SECTION. Sec. 6. There is added to chapter 10, Laws of 1967 ex. sess., and to chapter 82.42 RCW a new section to read as follows:

Dealers shall pay the excise tax of two cents on each gallon of aircraft fuel which is in their inventory as of the close of business on June 30, 1969 and said payment shall be included as part of the tax payment due for sales of aircraft fuel during the month of June, 1969.

NEW SECTION. Sec. 7. The effective date of this 1969 amenda-

tory act is July 1, 1969.

Passed the House May 10, 1969  
Passed the Senate May 9, 1969  
Approved by the Governor May 23, 1969  
Filed in office of Secretary of State May 23, 1969

CHAPTER 255  
[Engrossed House Bill No. 641]  
PUBLIC MASS TRANSPORTATION SYSTEMS

AN ACT Relating to public transportation; amending section 1, chapter 111, Laws of 1965 ex. sess. and RCW 35.95.010; amending section 2, chapter 111, Laws of 1965 ex. sess., as amended by section 65, chapter 145, Laws of 1967 ex. sess., and RCW 35.95.020; amending section 1, chapter 7, Laws of 1963, as last amended by section 4, chapter 149, Laws of 1967 ex. sess., and RCW 82.04-.050; amending section 82.04.190, chapter 15, Laws of 1961, as last amended by section 6, chapter 149, Laws of 1967 ex. sess., and RCW 82.04.190; amending section 82.04.280, chapter 15, Laws of 1961 as last amended by section 13, chapter 149, Laws of 1967 ex. sess. and RCW 82.04.280; amending section 82.44.150, chapter 15, Laws of 1961 and RCW 82.44.150; amending section 35.58.450, chapter 7, Laws of 1965, as amended by section 13, chapter 105, Laws of 1967, and RCW 35.58.450; amending section 35.58.460, chapter 7, Laws of 1965, as amended by section 14, chapter 105, Laws of 1967, and RCW 35.58.460; adding a new section to chapter 39.33 RCW; adding new sections to chapter 7, Laws of 1965 and to chapter 35.58 RCW; creating new sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 111, Laws of 1965 ex. sess. and RCW 35.95.010 are each amended to read as follows:

We, the legislature find that an increasing number of municipally owned, or leased, and operated transportation systems in the ((cities)) urban areas 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.

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.

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 chapter is necessary, and any funds so derived and expended are for a public purpose for which public funds may properly be used.

Sec. 2. Section 2, chapter 111, Laws of 1965 ex. sess. as amended by section 65, chapter 145, Laws of 1967 ex. sess. and RCW 35.95.020 are each amended to read as follows:

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, second or third class in the state, or any metropolitan municipal corporation created pursuant to RCW 35.58.010, et seq.

(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 in-

clude 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. Section 1, chapter 7, Laws of 1963, as last amended by section 4, chapter 149, Laws of 1967 ex. sess., 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) 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 charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and 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 paragraph 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, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is used or to be used primarily for foot or vehicular traffic including publicly owned mass transportation vehicles of any kind, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

Sec. 4. Section 82.04.190, chapter 15, Laws of 1961, as last amended by section 6, chapter 149, Laws of 1967 ex. sess., and RCW 82.04.190 are each amended to read as follows:

"Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of his business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale;

(2) Any person engaged in any business activity taxable under RCW 82.04.290;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is used or to be used primarily for foot or vehicular traffic including publicly owned mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon

the right of way of such street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real 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".

Sec. 5. Section 82.04.280, chapter 15, Laws of 1961 as last amended by section 13, chapter 149, Laws of 1967 ex. sess., and RCW 82.04.280 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving any publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is used or to be used, primarily for foot or vehicular traffic including publicly owned mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent li-

censed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of forty-four one hundredths of one percent.

NEW SECTION. Sec. 6. Sections 7 through 14 of this 1969 act are added to chapter 7, Laws of 1965 and to chapter 35.58 RCW.

NEW SECTION. Sec. 7. "Municipality" as used in sections 7 through 14 of this 1969 act means any metropolitan municipal corporation which shall have been authorized to perform the function of metropolitan public transportation and any city which is not located within the boundaries of such a metropolitan municipal corporation and which owns, operates or contracts for the services of a publicly owned or operated system of transportation.

"Motor vehicle" as used in sections 7 through 14 of this 1969 act shall have the same meaning as in RCW 82.44.010.

"County auditor" shall mean the county auditor of any county or any person designated to perform the duties of a county auditor pursuant to RCW 82.44.140.

"Person" shall mean any individual, corporation, firm, association or other form of business association.

NEW SECTION. Sec. 8. On or after July 1, 1971, any municipality is authorized to levy and collect a special excise tax not exceeding one percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to the provisions of subsection (2) of section 15,

the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020; PROVIDED, That before utilization of any excise tax moneys collected under authorization of this section for acquisition of right of way or construction of a mass transit facility on a separate right of way the municipality shall adopt rules affording the public an opportunity for "corridor public hearings" and "design public hearings" as herein defined, which rule shall provide in detail the procedures necessary for public participation in the following instances: (a) prior to adoption of location and design plans having a substantial social, economic or environmental effect upon the locality upon which they are to be constructed or (b) on such mass rapid transit systems operating on a separate right of way whenever a substantial change is proposed relating to location or design in the adopted plan. In adopting rules the municipality shall adhere to the provisions of the Administrative Procedure Act.

A "corridor public hearing" is a public hearing that: (a) is held before the municipality is committed to a specific mass transit route proposal, and before a route location is established; (b) is held to afford an opportunity for participation by those interested in the determination of the need for, and the location of, the mass rapid transit system; (c) provides a public forum that affords a full opportunity for presenting views on the mass rapid transit system route location, and the social, economic and environmental effects on that location and alternate locations: PROVIDED, That such hearing shall not be deemed to be necessary before adoption of an overall mass rapid transit system plan by a vote of the electorate of the municipality.

A "design public hearing" is a public hearing that: (a) is held after the location is established but before the design is adopted; and (b) is held to afford an opportunity for participation by those interested in the determination of major design features of the mass rapid transit system; and (c) provides a public forum to afford a full opportunity for presenting views on the mass rapid transit system design, and the social, economic, environmental effects of that design

and alternate designs.

NEW SECTION. Sec. 9. Any vehicle for which an excise tax is payable under RCW 82.44.030 and RCW 82.44.070 shall be exempt from the tax imposed by section 8 of this act.

NEW SECTION. Sec. 10. The schedule and basis for the excise tax imposed under section 8 of this act shall be as provided in RCW 82.44.040 and RCW 82.44.050. Penalties, receipts, abatements, refunds and all other similar matters relating to the tax shall be as provided in chapter 82.44 RCW.

NEW SECTION. Sec. 11. The excise tax authorized by section 8 of this act shall be due and payable as set forth in RCW 82.44.060 and shall be collected by the county auditor of the county or counties in which such municipality is located and remitted to the state at no cost to the municipality imposing the tax.

NEW SECTION. Sec. 12. When remitting license fee receipts to the state pursuant to RCW 82.44.110, the county auditor shall at the same time remit the special excise taxes collected for the municipality and, subject to the provisions of subsection (2) of section 15, the sums so collected and paid over on behalf of the municipality shall be credited against the amount of the tax the auditor would otherwise be required to collect and pay over to the director of motor vehicles for ultimate distribution to the general fund under chapter 82.44 RCW.

NEW SECTION. Sec. 13. Distribution of the special excise taxes paid into the motor vehicle excise tax fund on behalf of any municipality shall be made to such municipality as provided in RCW 82.44.150, as now or hereafter amended.

NEW SECTION. Sec. 14. All taxes levied and collected under section 8 of this act shall be credited to a special fund in the treasury of the municipality imposing such tax. Such taxes shall be levied and used solely for the purpose of paying all or any part of the cost of acquiring, constructing, equipping or operating a publicly owned mass transportation system, or contracting for the services

thereof, or to pay or secure the payment of all or part of the principal of or interest on any general obligation bonds or revenue bonds issued for public transportation capital purposes and until withdrawn for use, the moneys accumulated in such fund or funds may be invested by the treasurer of such municipality in the manner authorized by the legislative body of the municipality.

If any of the revenue from any such special excise tax shall have been pledged by any municipality to secure the payment of any bonds as herein authorized, then as long as that pledge shall be in effect the legislature shall not withdraw from the municipality the authority to levy and collect the tax. Upon the effective date of this 1969 act any municipality is authorized to pledge that the tax authorized by section 8 of this act shall be levied, collected and applied as provided in this 1969 act to pay or secure the payment of any bonds issued by such municipality after such effective date for authorized public transportation purposes.

Sec. 15. Section 82.44.150, chapter 15, Laws of 1961 and RCW 82.44.150 are each amended to read as follows:

(1) The director of motor vehicles shall on the twenty-fifth day of February, May, August and November of each year, commencing with November, 1971, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department of motor vehicles during the preceding calendar quarter ending on the last day of March, June, September and December, respectively, except for those payable under RCW 82.44.030 and RCW 82.44.070, from motor vehicle owners residing within each municipality which has levied a tax under section 8 of this act.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer shall make the following apportionment and distribution of all moneys remaining in the motor vehicle excise fund: ((Five-percent-thereof-shall-be-credited-and-transferred-to-the-state-general-fund;)) A sum equal to seventeen percent thereof shall be paid to cities and towns in the proportions

and for the purposes hereinafter set forth; (~~and seventy-eight per cent thereof shall be credited and transferred to the state school equalization fund~~) a sum equal to eighty-one and thirty-four one hundredths percent of all motor vehicle excise tax receipts including those levied and collected on behalf of a municipality imposing a tax authorized by section 8 of this act, shall be allocable to the state school equalization fund and credited and transferred each year in the following order of priority:

(a) The amount, not less than \$2,250,000 required and certified by the state finance committee each year as being necessary for payment of principal of and interest on bonds issued pursuant to chapter 234, Laws of 1957 in the ensuing twelve months and any additional amount required by the covenants of such bonds shall be transferred to the 1957 public school building bond redemption fund.

(b) The amount required and certified by the state finance committee each year as being necessary for payment of principal of and interest on bonds authorized by chapter 26, Laws of 1963 extraordinary session in the ensuing twelve months and any additional amounts required by the covenants of such bonds shall be transferred to the 1963 public school building bond retirement fund.

(c) The amount required to remit to a municipality the proceeds of the tax authorized under section 8 of this act shall be remitted to the municipality levying such tax.

(d) Any remaining amounts from the motor vehicle excise taxes not required for debt service on the above bond issues or to be remitted to a municipality as required under subsection (c) of this subsection shall be transferred and credited to the general fund.

(3) Any amounts remaining in the motor vehicle excise fund after making the distributions provided for in subsection (2) of this section shall be transferred to the general fund.

(4) The amount payable to cities and towns shall be apportioned among the several cities and towns within the state ratably, on the



basis of the population as last determined by the board.

(5) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise. In case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

(6) The amount required under subsection (2)(c) of this section to be remitted by the state treasurer to the treasurer of any municipality levying such tax shall not exceed in any one calendar year the amount of locally generated tax revenues other than the excise tax imposed under section 8 of this 1969 act, which shall have been budgeted by such municipality to be collected in such year for any public transportation purposes including but not limited to operating costs, capital costs and debt service on general obligation or revenue bonds issued for such purposes.

NEW SECTION. Sec. 16. There is added to chapter 39.33 RCW, a new section to read as follows:

The legislative body of any municipal corporation, quasi municipal corporation or political subdivision of the state of Washington authorized to develop and operate a public mass transportation system shall have power to contract with the legislative body of any other municipal corporation, quasi municipal corporation or political subdivision of the state of Washington, or with any person, firm or corporation, for public transportation services or for the use of all or any part of any publicly owned transportation facilities for such period and under such terms and conditions and upon such rentals, fees and charges as the legislative body operating such public transportation system may determine, and may pledge all or any portion of

such rentals, fees and charges and all other revenue derived from the ownership or operation of publicly owned transportation facilities to pay and to secure the payment of general obligation bonds and/or revenue bonds of such municipality issued for the purpose of acquiring or constructing a public mass transportation system.

Sec. 17. Section 35.58.450, chapter 7, Laws of 1965, as amended by section 13, chapter 105, Laws of 1967 and RCW 35.58.450 are each amended to read as follows:

Notwithstanding the limitations of chapter 39.36 RCW and any other statutory limitations otherwise applicable and limiting municipal debt, a metropolitan municipal corporation shall have the power to authorize and to issue general obligation bonds and to pledge the full faith and credit of the corporation to the payment thereof, for any authorized capital purpose of the metropolitan municipal corporation: PROVIDED, That a proposition authorizing the issuance of any such bonds to be issued in excess of one and one-half percent of the actual value of the taxable property therein as ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness shall have been submitted to the electors of the metropolitan municipal corporation at a special election and assented to by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said metropolitan municipal corporation at the last preceding state general election. Such general obligation bonds may be authorized in any total amount in one or more propositions and the amount of such authorization may exceed the amount of bonds which could then lawfully be issued. Such bonds may be issued in one or more series from time to time out of such authorization but at no time shall the total general indebtedness of the metropolitan municipal corporation exceed five percent of the actual value of the taxable property therein to

be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness. Both principal of and interest on such general obligation bonds shall be payable from annual tax levies to be made upon all the taxable property within the metropolitan municipal corporation in excess of the forty mill tax limit and may also be made payable from any other taxes or any special assessments which the metropolitan municipal corporation may be authorized to levy and from any otherwise unpledged revenue which may be derived from the ownership or operation of properties or facilities incident to the performance of the authorized function for which such bonds are issued. The metropolitan council may include in the principal amount of such bond issue an amount for engineering, architectural, planning, financial, legal, urban design and other services incident to acquisition or construction solely for authorized capital purposes and may include an amount to establish a guaranty fund for revenue bonds issued solely for capital purposes.

General obligation bonds shall bear interest at a rate of not to exceed ((six)) eight percent per annum and shall mature in not to exceed forty years from the date of issue. The various annual maturities shall commence not more than five years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies.

Such bonds shall be signed by the chairman and attested by the secretary of the metropolitan council, one of which signatures may be a facsimile signature and the seal of the metropolitan corporation shall be impressed or imprinted thereon. Each of the interest coupons shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities of the first class and at a price not less than par and accrued interest.

Sec. 18. Section 35.58.460, chapter 7, Laws of 1965, as amend-

ed by section 14, chapter 105, Laws of 1967 and RCW 35.58.460 are each amended to read as follows:

A metropolitan municipal corporation may issue revenue bonds to provide funds to carry out its authorized metropolitan sewage disposal, water supply, garbage disposal or transportation purposes, without submitting the matter to the voters of the metropolitan municipal corporation. The metropolitan council shall create a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the metropolitan council may obligate the metropolitan municipal corporation to pay such amounts of the gross revenue of the particular utility constructed, acquired, improved, added to, or repaired out of the proceeds of sale of such bonds, as the metropolitan council shall determine and may obligate the metropolitan municipal corporation to pay such amounts out of otherwise unpledged revenue which may be derived from the ownership, use or operation of properties or facilities owned, used or operated incident to the performance of the authorized function for which such bonds are issued or out of otherwise unpledged fees, tolls, charges, tariffs, fares, rentals, special taxes or other sources of payment lawfully authorized for such purpose, as the metropolitan council shall determine. The principal of, and interest on, such bonds shall be payable only out of such special fund or funds, and the owners and holders of such bonds shall have a lien and charge against the gross revenue of such utility or any other revenue, fees, tolls, charges, tariffs, fares, special taxes or other authorized sources pledged to the payment of such bonds.

Such revenue bonds and the interest thereon issued against such fund or funds shall be a valid claim of the holders thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the metropolitan municipal corporation.

Each such revenue bond shall state upon its face that it is

payable from such special fund or funds, and all revenue bonds issued under this chapter shall be negotiable securities within the provisions of the law of this state. Such revenue bonds may be registered either as to principal only or as to principal and interest, or may be bearer bonds, shall be in such denominations as the metropolitan council shall deem proper; shall be payable at such time or times and at such places as shall be determined by the metropolitan council; shall bear interest at such rate or rates as shall be determined by the metropolitan council, shall be signed by the chairman and attested by the secretary of the metropolitan council, one of which signatures may be a facsimile signature, and the seal of the metropolitan municipal corporation shall be impressed or imprinted thereon; each of the interest coupons shall be signed by the facsimile signatures of said officials.

Such revenue bonds shall be sold in such manner as the metropolitan council shall deem to be for the best interests of the metropolitan municipal corporation, either at public or private sale. The aggregate interest cost to maturity of the money received for such revenue bonds shall not exceed ((seven)) eight percent per annum.

The metropolitan council may at the time of the issuance of such revenue bonds make such covenants with the purchasers and holders of said bonds as it may deem necessary to secure and guarantee the payment of the principal thereof and the interest thereon, including but not being limited to covenants to set aside adequate reserves to secure or guarantee the payment of such principal and interest, to maintain rates sufficient to pay such principal and interest and to maintain adequate coverage over debt service, to appoint a trustee or trustees for the bondholders to safeguard the expenditure of the proceeds of sale of such bonds and to fix the powers and duties of such trustee or trustees and to make such other covenants as the metropolitan council may deem necessary to accomplish the most advantageous sale of such bonds. The metropolitan council may also provide that

revenue bonds payable out of the same source may later be issued on a parity with revenue bonds being issued and sold.

The metropolitan council may include in the principal amount of any such revenue bond issue an amount to establish necessary reserves, an amount for working capital and an amount necessary for interest during the period of construction of any such metropolitan facilities plus six months. The metropolitan council may, if it deems it to the best interest of the metropolitan municipal corporation, provide in any contract for the construction or acquisition of any metropolitan facilities or additions or improvements thereto or replacements or extensions thereof that payment therefor shall be made only in such revenue bonds at the par value thereof.

If the metropolitan municipal corporation shall fail to carry out or perform any of its obligations or covenants made in the authorization, issuance and sale of such bonds, the holder of any such bond may bring action against the metropolitan municipal corporation and compel the performance of any or all of such covenants.

NEW SECTION. Sec. 19. No new internal combustion powered equipment shall be acquired with funds derived from the taxes levied and collected under section 8 of this act or with funds derived from general obligation bonds wholly or partially secured by the taxes levied and collected under section 8 of this act unless they meet the standards for control of pollutants emitted by internal combustion engines as determined by the state air pollution control board, which standards shall not be less than those required by similar federal standards.

NEW SECTION. Sec. 20. The construction of parking facilities to be wholly or partially financed with funds derived from the taxes levied and collected under section 8 of this act or with funds derived from general obligation bonds wholly or partially secured by taxes levied and collected under section 8 of this act shall be in conjunction with and adjacent to public transportation stations or transfer

facilities.

NEW SECTION. Sec. 21. The powers and authority conferred upon municipalities under the provisions of this 1969 act shall be in addition to and supplemental to powers or authority conferred by any other law, and nothing contained herein limits any other power or authority of such municipalities.

NEW SECTION. Sec. 22. If any provision of this 1969 act, or its application to any municipality, person or circumstance is held invalid, the remainder of this 1969 act or the application of the provisions to other municipalities, persons or circumstances is not affected.

Passed the House May 10, 1969  
Passed the Senate April 7, 1969  
Approved by the Governor May 23, 1969  
Filed in office of Secretary of State May 23, 1969

CHAPTER 256  
[Substitute House Bill No. 116]  
CRIMES AND CRIMINAL PROCEDURES--  
RECORDS OF IDENTIFICATION--  
NARCOTIC DRUGS, DANGEROUS DRUGS, CANNABIS--  
EROTIC MATERIALS

AN ACT Relating to crimes and criminal procedures; amending section 69.33.220, chapter 27, Laws of 1959 and RCW 69.33.220; amending section 69.33.300, chapter 27, Laws of 1959 and RCW 69.33.300; amending section 1, chapter 6, Laws of 1939 as last amended by section 1, chapter 71, Laws of 1967 and RCW 69.40.060; amending section 2, chapter 6, Laws of 1939 as amended by section 23, chapter 38, Laws of 1963, and RCW 69.40.070; adding new sections to chapter 28, Laws of 1959 and to chapter 72.50 RCW; adding a new section to chapter 38, Laws of 1963 and to chapter 69.40 RCW; adding a new section to chapter 69.40 RCW; defining certain crimes; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 28, Laws of 1959 and to chapter 72.50 RCW a new section to read as follows:

As used in sections 2 through 5 of this 1969 amendatory act:

(1) "Records of identification" shall include fingerprints, photographs, voice recordings and physical measurements of a person;

(2) "Agency" shall mean any law enforcement agency of this state or a subdivision thereof and any institution listed in RCW 72-.50.090;

(3) "Bureau" shall mean the state bureau of criminal identification.

NEW SECTION. Sec. 2. There is added to chapter 28, Laws of 1959 and to chapter 72.50 RCW a new section to read as follows:

All agencies which send records of identification of any person arrested to the bureau or to the federal bureau of investigation or to other law enforcement agencies shall also send to such bureau or agency information as to the final disposition of all such charges, including a statement where appropriate, to the effect that no charges have been brought. The bureau shall enter such information on its records.

NEW SECTION. Sec. 3. There is added to chapter 28, Laws of 1959 and to chapter 72.50 RCW a new section to read as follows:

In the event that (1) the person is not convicted of any of the charges for which he was arrested for the reason that such charges are not brought against him; or (2) such charges are brought and have been dismissed or the person has been acquitted; all such records of identification shall be confidential to the extent provided for in RCW 72.50.100 except that such facts may be released on order of court where such facts are material to issues in any litigation.

NEW SECTION. Sec. 4. There is added to chapter 28, Laws of 1959 and to chapter 72.50 RCW a new section to read as follows:

All records of arrest maintained by the bureau, or by any other agency, shall carry a notation clearly stating the disposition of the charges against the person arrested, or stating that no charges will be brought.

NEW SECTION. Sec. 5. There is added to chapter 28, Laws of 1959 and to chapter 72.50 RCW a new section to read as follows:



A proceeding may be brought under chapter 7.16 RCW to enforce sections 1 through 6 of this 1969 amendatory act and the attorney general of the state may at his discretion represent the plaintiff in any attempt to gain relief hereunder or the plaintiff may proceed on his own behalf.

NEW SECTION. Sec. 6. There is added to chapter 28, Laws of 1959 and to chapter 72.50 RCW a new section to read as follows:

In addition to other remedies provided in this chapter any person who wilfully violates the provisions of section 3 of this 1969 amendatory act shall be liable to any person whose records are released thereby for any actual damages including injury to reputation.

Sec. 7. Section 69.33.220, chapter 27, Laws of 1959 and RCW 69.33.220 are each amended to read as follows:

The following words and phrases, as used in this chapter, shall have the following meanings, unless the context otherwise requires:

- (1) "Person" includes any corporation, association, copartnership, or one or more individuals.
- (2) "Physician" means a person authorized by law to practice medicine in this state and any other person authorized by law to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment.
- (3) "Dentist" means a person authorized by law to practice dentistry in this state.
- (4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this state.
- (5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.
- (6) "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced nor prepared, on official written

orders, but not on prescriptions.

(7) "Apothecary" means a licensed pharmacist as defined by the laws of this state and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this chapter shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state.

(8) "Hospital" means an institution for the care and treatment of the sick and injured, found by the state board of pharmacy to have a custodian of narcotics proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

(9) "Laboratory" means a laboratory approved by the state board of pharmacy as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

(10) "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee.

(11) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

(12) "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium, but does not include apomorphine or any of its salts.

(13) (~~"Cannabis" includes all parts of the plant Cannabis Sativa L. whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds,~~

~~or-resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.~~

((14)) "Narcotic drugs" mean coca leaves, opium ((~~cannabis~~)) and every other substance neither chemically nor physically distinguishable from them; any other drugs to which the federal laws relating to narcotic drugs may now apply; and any drug found by the board of pharmacy, after reasonable notice and opportunity for hearing, to have addiction-forming or addiction-sustaining liability similar to morphine or cocaine, from the date of publication of such finding by the state board of pharmacy: PROVIDED, That narcotic drugs shall not include cannabis and the provisions of this chapter shall not ever be applicable to any form of cannabis.

((15)) (14) "Federal narcotic laws" means the laws of the United States relating to opium, coca leaves, and other narcotic drugs.

((16)) (15) "Official written order" means an order written on a form provided for that purpose by the United States commissioner of narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the state board of pharmacy.

((17)) (16) "Dispense" includes distribute, leave with, give away, dispose of, or deliver.

((18)) (17) "Registry number" means the number assigned to each person registered under the federal narcotic laws.

Sec. 8. Section 69.33.300, chapter 27, Laws of 1959 and RCW 69.33.300 are each amended to read as follows:

(1) Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs,

shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this subsection if any such person using small quantities of solutions or other preparations of such drugs for local application, shall keep a record of the quantity, character, and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients: PROVIDED, That no record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one patient, when the amount administered, dispensed, or professionally used for that purpose does not exceed in any forty-eight consecutive hours (a) four grains of opium, or (b) one-half of a grain of morphine or of any of its salts, or (c) two grains of codeine or of any of its salts, or (d) one-fourth of a grain of heroin or of any of its salts, or (e) a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

(2) Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection 5 of this section.

(3) Apothecaries shall keep records of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection 5 of this section.

(4) Every person who purchases for resale, or who sells narcotic drug preparations exempted by RCW 69.33.290, shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise, in accordance with the provisions of subsection 5 of this section.

(5) The form of records shall be prescribed by the state board of pharmacy. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from crude opium or coca leaves received or produced; ~~((and the proportion of resin contained in or producible from the plant Cannabis Sativa L.))~~ the record of all narcotic drugs sold, administered, dispensed or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered or dispensed, and the kind and quantity of drugs. Every such record shall be kept for a period of two years from the date of the transaction recorded. The keeping of a record required by or under the federal narcotic laws, containing substantially the same information as is specified above, shall constitute compliance with this section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed, or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction, or theft.

Sec. 9. Section 1, chapter 6, Laws of 1939 as last amended by section 1, chapter 71, Laws of 1967 and RCW 69.40.060 are each amended to read as follows:

(1) It shall be unlawful for a person, firm, or corporation to sell, give away, barter, exchange or distribute amytal, luminal, veronal, barbital, acid diethylbarbituric, or any salts, derivatives, or compounds thereof, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives, or compounds, or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing

more than one grain to the avoirdupois or fluid ounce of the above substances; or to sell, give away, barter, exchange, or distribute any amphetamine or any dextroamphetamine, or any salts, derivatives, or compounds thereof, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives, or compounds, or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing such substances; or to sell, give away, barter, exchange or distribute dimethyltryptamine, lysergic acid, mescaline, peyote, psilocin, or any salts, derivatives, or compounds thereof, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives, or compounds, or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing such substances; (2) It shall be unlawful for a person, firm or corporation to sell, give away, barter, exchange or distribute any part of the plant Cannabis Sativa L., commonly known as marihuana, or any other cannabis plant whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination; or to sell, give away, barter, exchange or distribute any drug found by federal law or regulation or Washington state pharmacy board regulation to have a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect; or any other drug which is required by any applicable federal or state law or federal regulation or Washington state pharmacy board regulation to be used only on prescription, except upon the written or oral order of prescription of a physician, surgeon, dentist, or

veterinary surgeon licensed to practice in the state, and shall not be refilled without the written or oral order of the prescriber: PROVIDED, That the ((above)) provisions of this section shall not apply to the sale at wholesale by drug jobbers, drug wholesalers, and drug manufacturers to pharmacies or to physicians, dentists, or veterinary surgeons, nor to each other nor to the sale at retail in pharmacies by pharmacists to each other or to physicians, surgeons, dentists or veterinary surgeons licensed to practice in this state.

Sec.10. Section 2, chapter 6, Laws of 1939 as amended by section 23, chapter 38, Laws of 1963, and RCW 69.40.070 are each amended to read as follows:

Whoever violates any provision of chapter 69.40 RCW, and said violation solely involves the drug cannabis, commonly known as marijuana, shall, upon conviction, be fined and imprisoned as herein provided:

(1) For the first offense, the offender shall be guilty of a misdemeanor, and punishable by a fine not exceeding ((two-hundred)) five hundred dollars or by imprisonment in the county jail, not exceeding six months, or by both such fine and imprisonment;

(2) For a second offense, or if, in the case of a first conviction of violation of any provision of this chapter, the offender shall previously have been convicted of any violation of the laws of the United States, this state or any other state, territory or district relating to dangerous drugs, narcotic drugs or cannabis, the offender shall be guilty of a gross misdemeanor and the court may in its discretion impose a fine of not to exceed one thousand dollars or a sentence not to exceed one year in the county jail, or both such fine and imprisonment;

(3) For a third or subsequent offense, or if the offender shall previously have been convicted two or more times in the aggregate of any violation of the laws of the United States or of this state, or of any other state, territory or district relating to dangerous drugs, narcotic drugs or cannabis, the offender shall be

guilty of a felony and shall be fined not more than ten thousand dollars and be imprisoned in the state penitentiary not more than ten years.

(4) For any offense under the provisions of this chapter involving a sale to or other transaction with a minor the offender shall be guilty of a felony and shall be fined not more than fifty thousand dollars and be imprisoned in the state penitentiary not more than twenty years.

(5) Except as provided in subsection (4) of this section, for any sale of cannabis or for possession with intent to sell, the offender shall be guilty of a felony and shall be fined not more than five thousand dollars and be imprisoned in the state penitentiary not less than three nor more than ten years. In any prosecution under this section, proof that a person unlawfully possessed in excess of 40 grams of cannabis shall be prima facie evidence that possession was with intent to sell.

NEW SECTION. Sec. 11. There is added to chapter 69.40 RCW a new section to read as follows:

Cannabis as now or hereafter defined by the Washington state board of pharmacy shall be a dangerous drug as defined herein and accordingly shall be subject to the provisions of chapter 69.40 RCW and shall not be considered a narcotic drug and accordingly not subject to the provisions of chapter 69.33 RCW as now law or hereafter amended.

NEW SECTION. Sec. 12. There is added to chapter 38, Laws of 1963, and to chapter 69.40 RCW a new section to read as follows:

Whoever violates any provision of chapter 69.40 RCW, except when such violation involves only the drug cannabis, shall, upon conviction, be fined and imprisoned as herein provided:

(1) The offender shall be guilty of a felony, and punishable by a fine not exceeding five thousand dollars or by imprisonment in the state penitentiary not exceeding ten years, or by both such fine and imprisonment;



(2) For any offense under the provisions of this chapter involving a sale to or other transaction with a minor the offender shall be guilty of a felony and shall be fined not more than fifty thousand dollars and be imprisoned in the state penitentiary not more than twenty years;

(3) Except as provided in subsection (2) of this section, for any sale, the offender shall be guilty of a felony and shall be fined not more than five thousand dollars and be imprisoned in the state penitentiary not less than three nor more than ten years.

NEW SECTION. Sec. 13. For the purposes of sections 13 through 20 of this 1969 amendatory act:

(1) "Minor" means any person under the age of eighteen years;

(2) "Erotic material" means printed material, photographs, pictures, motion pictures, and other material the dominant theme of which taken as a whole appeals to the prurient interest of minors in sex; which is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters or sado-masochistic abuse; and is utterly without redeeming social value;

(3) "Person" means any individual, corporation, or other organization;

(4) "Dealers", "distributors", and "exhibitors" mean persons engaged in the distribution, sale, or exhibition of printed material, photographs, pictures, or motion pictures.

NEW SECTION. Sec. 14. (1) When it appears that material which may be deemed erotic is being sold, distributed, or exhibited in this state, the prosecuting attorney of the county in which the sale, distribution, or exhibition is taking place may apply to the superior court for a hearing to determine the character of the material with respect to whether it is erotic material.

(2) Notice of the hearing shall immediately be served upon the dealer, distributor, or exhibitor selling or otherwise distributing or exhibiting the alleged erotic material. The superior court

shall hold a hearing not later than five days from the service of notice to determine whether the subject matter is erotic material within the meaning of section 13 of this 1969 amendatory act.

(3) If the superior court rules that the subject material is erotic material, then, following such adjudication:

(a) If the subject material is written or printed, the court shall issue an order requiring that an "adults only" label be placed on the publication, if such publication is going to continue to be distributed. Whenever the superior court orders a publication to have an "adults only" label placed thereon, such label shall be impressed on the front cover of all copies of such erotic publication sold or otherwise distributed in the state of Washington. Such labels shall be in forty-eight point bold face type located in a conspicuous place on the front cover of the publication. All dealers and distributors are hereby prohibited from displaying erotic publications in their store windows, on outside newsstands on public thoroughfares, or in any other manner so as to make them readily accessible to minors.

(b) If the subject material is a motion picture, the court shall issue an order requiring that such motion picture shall be labeled "adults only". The exhibitor shall prominently display a sign saying "adults only" at the place of exhibition, and any advertising of said motion picture shall contain a statement that it is for adults only. Such exhibitor shall also display a sign at the place where admission tickets are sold stating that it is unlawful for minors to misrepresent their age.

(c) Failure to comply with a court order issued under the provisions of this section shall subject the dealer, distributor, or exhibitor to contempt proceedings.

(d) Any person who, after the court determines material to be erotic, sells, distributes, or exhibits the erotic material to a minor shall be guilty of violating sections 13 through 20 of this 1969 amendatory act, such violation to carry the following penalties:

(i) For the first offense a misdemeanor and upon conviction shall be fined not more than five hundred dollars, or imprisoned in the county jail not more than six months;

(ii) For the second offense a gross misdemeanor and upon conviction shall be fined not more than one thousand dollars, or imprisoned not more than one year;

(iii) For all subsequent offenses a felony and upon conviction shall be fined not more than five thousand dollars, or imprisoned not less than one year.

NEW SECTION. Sec. 15. In any prosecution for violation of section 14 of this 1969 amendatory act, it shall be a defense that:

(1) If the violation pertains to a motion picture, the minor was accompanied by a parent, parent's spouse, or guardian; or

(2) Such minor exhibited to the defendant a draft card, driver's license, birth certificate, or other official or an apparently official document purporting to establish such minor was over the age of eighteen years; or

(3) Such minor was accompanied by a person who represented himself to be a parent, or the spouse of a parent, or a guardian of such minor, and the defendant in good faith relied upon such representation.

NEW SECTION. Sec. 16. (1) It shall be unlawful for any minor to misrepresent his true age or his true status as the child, step-child or ward of a person accompanying him, for the purpose of purchasing or obtaining access to any material described in section 13 of this 1969 amendatory act.

(2) It shall be unlawful for any person accompanying such minor to misrepresent his true status as parent, spouse of a parent or guardian of any minor for the purpose of enabling such minor to purchase or obtain access to material described in section 13 of this 1969 amendatory act.

NEW SECTION. Sec. 17. No retailer, wholesaler, or exhibitor is to be deprived of service from a wholesaler or wholesaler-distrib-

butor of books, magazines, motion pictures or other materials or subjected to loss of his franchise or right to deal or exhibit as a result of his attempts to comply with this statute. Any publisher, distributor, or other person, or combination of such persons, which withdraws or attempts to withdraw a franchise or other right to sell at retail, wholesale or exhibit materials on account of the retailer's, wholesaler's or exhibitor's attempts to comply with sections 13 through 20 of this 1969 amendatory act shall incur civil liability to such retailer, wholesaler or exhibitor for threefold the actual damages resulting from such withdrawal or attempted withdrawal.

NEW SECTION. Sec. 18. Nothing in sections 13 through 20 of this 1969 amendatory act shall apply to the circulation of any such material by any recognized historical society or museum, the state law library, any county law library, the state library, the public library, any library of any college or university, or to any archive or library under the supervision and control of the state, county, municipality, or other political subdivision.

NEW SECTION. Sec. 19. The provisions of sections 13 through 20 of this 1969 amendatory act shall not apply to acts done in the scope of his employment by a motion picture operator or projectionist employed by the owner or manager of a theatre or other place for the showing of motion pictures, unless the motion picture operator or projectionist has a financial interest in such theatre or place where in he is so employed or unless he caused to be performed or exhibited such performance or motion picture without the knowledge and consent of the manager or owner of the theatre or other place of showing.

NEW SECTION. Sec. 20. The provisions of sections 13 through 20 of this 1969 amendatory act shall be exclusive.

NEW SECTION. Sec. 21. If any provision of this 1969 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provi-

sions to other persons or circumstances, is not affected.

Passed the House May 12, 1969  
 Passed the Senate May 10, 1969  
 Approved by the Governor May 23, 1969  
 Filed in office of Secretary of State May 23, 1969

CHAPTER 257  
 [Substitute House Bill No. 352]  
 BUSINESS AND OCCUPATIONS TAX--  
 CREDITS FOR CERTAIN MANUFACTURERS

AN ACT Relating to revenue and taxation; and amending section 26, chapter 173, Laws of 1965 ex. sess. as amended by section 1, chapter 89, Laws of 1967 ex. sess., and RCW 82.04.435; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 26, chapter 173, Laws of 1965 ex. sess. as amended by section 1, chapter 89, Laws of 1967 ex. sess., and RCW 82.04.435 are each amended to read as follows:

In computing tax under this chapter there may be credited against the amount of the tax the following items:

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 are essential to or an integral part of a factory, mill or manufacturing plant when such factory, mill or manufacturing plant is used or to be used in 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 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 con-~~

struction or improvements;--PROVIDED-FURTHER, That notwithstanding the foregoing, no tax credit claimed shall be deducted on any return until such claim has been approved by the department of revenue or until ninety days after such claim has been submitted to the department of revenue for approval;--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.

The term "major improvement" means and includes only construction or fixtures which constitute real property which adds substantially and directly to the size or productive capacity of the factory, mill or manufacturing plant)) of new buildings or the enlarging of existing buildings directly used in such activities. Where a building is used partly for manufacturing and partly for other purposes the applicable tax credit shall be determined by apportionment of the costs of construction under such rules as the department of revenue shall provide. For purposes of this section the term "buildings" shall mean and include only those structures used to house or shelter manufacturing activities, including the usual lighting, heating, ventilating and sanitary plumbing facilities. The term shall include plant offices and warehouses or other storage facilities for the storage of raw materials or finished goods when such facilities are essential to and an integral part of a factory, mill or manufacturing plant, but shall not include manufacturing or industrial fixtures or equipment such as tanks, conveyor systems, cranes, industrial machinery and related facilities irrespective of whether or not such fixtures or equipment are affixed to the realty. Notwithstanding the foregoing, the term "buildings" shall also include potlines and furnaces used directly in the manufacturing of metals. The phrase "construction of buildings" refers only to new or enlarged buildings and not to the repair or renovation of existing buildings.

This credit shall be allowable only against tax payable by the manufacturer and measured by the value of products or gross proceeds

of sales of articles, substances or commodities manufactured in this state, and shall be allowable only against any tax payable which is attributable to manufacturing occurring in the particular factory, mill or manufacturing plant in which such buildings are located.

No tax credit claimed shall be deducted on any return until such claim has been approved by the department of revenue or until ninety days after such claim has been submitted to the department of revenue for approval. 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 or subsequent to January 1, 1971: PROVIDED, That the credit shall be allowable for the tax paid on such purchases pursuant to any contract entered into prior to January 1, 1971 if such tax is paid on such contract purchases prior to July 1, 1972.

Any credits granted prior to July 1, 1969 pursuant to this section shall not be affected by this 1969 amendatory act.

NEW SECTION. Sec. 2. This 1969 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1969.

Passed the House May 12, 1969  
Passed the Senate May 9, 1969  
Approved by the Governor May 23, 1969  
Filed in office of Secretary of State May 23, 1969

CHAPTER 258  
[Engrossed House Bill No. 684]  
CITIES AND TOWNS--LOCAL IMPROVEMENTS

AN ACT Relating to cities and towns; adding new sections to chapters 35.44 and 35.45 RCW; amending section 35.43-.040, chapter 7, Laws of 1965 and RCW 35.43.040; amending section 1, chapter 52, Laws of 1967 and RCW 35.43-.042; amending section 35.43.080, chapter 7, Laws of 1965 as amended by section 5, chapter 52, Laws of 1967 and RCW 35.43.080; amending section 35.43.100, chapter 7, Laws of 1965 and RCW 35.43.100; amending section 35-

.43.120, chapter 7, Laws of 1965 and RCW 35.43.120; amending section 35.44.020, chapter 7, Laws of 1965 and RCW 35.44.020; amending section 35.44.220, chapter 7, Laws of 1965 and RCW 35.44.220; amending section 35.44.250, chapter 7, Laws of 1965 and RCW 35.44.250; amending section 35.45.020, chapter 7, Laws of 1965 as amended by section 1, chapter 81, Laws of 1969 and RCW 35.45-.020; amending section 35.49.010, chapter 7, Laws of 1965 as amended by section 13, chapter 52, Laws of 1967 and RCW 35.49.010; amending section 35.49.020, chapter 7, Laws of 1965 and RCW 35.49.020; amending section 35.49.030, chapter 7, Laws of 1965 and RCW 35.49.030; amending section 35.50.005, chapter 7, Laws of 1965 and RCW 35.50.005; and repealing section 35-.43.090, chapter 7, Laws of 1965 and RCW 35-.43.090.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 35.43.040, chapter 7, Laws of 1965 and RCW 35.43.040 are each amended to read as follows:

Whenever the public interest or convenience may require, the legislative authority of any city or town may order the whole or any part of any local improvement including but not restricted to those, or any combination thereof, listed below to be constructed, reconstructed, repaired, or renewed and landscaping including but not restricted to the planting, setting out, cultivating, maintaining, and renewing of shade or ornamental trees and shrubbery thereon; may order any and all work to be done necessary for completion thereof; and may levy and collect special assessments on property specially benefited thereby to pay the whole or any part of the expense thereof, viz:

(1) Alleys, avenues, boulevards, lanes, park drives, parkways, public places, public squares, public streets, their grading, regrading, planking, replanking, paving, repaving, macadamizing, remacadamizing, graveling, regravelling, piling, repiling, capping, recapping,



or other improvement; if the management and control of park drives, parkways, and boulevards is vested in a board of park commissioners, the plans and specifications for their improvement must be approved by the board of park commissioners before their adoption;

(2) Auxiliary water systems;

(3) Auditoriums, field houses, gymnasiums, swimming pools, or other recreational or playground facilities or structures;

(4) Bridges, culverts, and trestles and approaches thereto;

(5) Bulkheads and retaining walls;

(6) Dikes and embankments;

(7) Drains, sewers and sewer appurtenances which as to trunk sewers shall include as nearly as possible all the territory which can be drained through the trunk sewer and subsewers connected thereto (~~(--In-distributing-assessments-in-the-case-of-trunk-sewers-there shall-be-levied-against-the-property-lying-between-the-termini-of-the improvement-and-back-to-the-middle-of-the-blocks-along-the-marginal lines-of-the-area-improved-such-amounts-as-would-represent--the-reasonable-cost-of-a-local--sewer-and--its-appurtenances-suited-to-the requirements-of-the-property,-and-the-remainder-of-the-cost-and-expense of-the-improvement-shall-be-distributed-over-and-assessed-against all-of-the-property-within-the-boundaries-of-the-district,-PROVIDED, That-if-it-is-necessary-to-construct-any-such-sewer-in-an-easement across-private-property-as-a-part-of-a-sewer-system-improvement-the authority-to-assess-for-special-benefits-conferred-by-the-improvement shall-be-the-same-as-if-such-sewer-were-constructed-in-a-public street))~~);

(8) Escalators or moving sidewalks together with the expense of operation and maintenance;

(9) Parks and playgrounds;

(10) Sidewalks, curbing, and crosswalks;

(11) Street lighting systems together with the expense of

furnishing electrical energy, maintenance, and operation;

(12) Underground utilities transmission lines;

(13) Water mains, hydrants and appurtenances which as to trunk water mains shall include as nearly as possible all the territory in the zone or district to which water may be distributed from the trunk water mains through lateral service and distribution mains and services (~~(In distributing assessments in the case of trunk water mains there shall be levied against the property lying between the termini of the improvement and back to the middle of the block along the marginal lines of the area improved, such amounts as would represent the reasonable cost of a local water main and appurtenances suited to the requirements of the property, and the remainder of the cost and expense of the improvement shall be distributed over and assessed against all of the property within the boundaries of the district; PROVIDED, That if it is necessary to construct any such water main in an easement across private property as a part of a water main system improvement the authority to assess for special benefits conferred by the improvement shall be the same as if such water main were constructed in a public street))~~);

(14) Fences, culverts, syphons, or coverings or any other feasible safeguards along, in place of, or over open canals or ditches to protect the public from the hazards thereof. (~~(In distributing assessments in the case of any improvements within this subsection there shall be levied against all property lying within the improvement district such amounts as are required to pay all costs of the improvement, and it is presumed that all residential property and all land occupied by apartment buildings, trailer parks, and every other structure where persons regularly or from time to time or temporarily reside, and all property in public ownership devoted to the public use, and all places where children congregate for any purpose, and all state-granted school land, and federal land subject to such conditions as congress may prescribe, lying within the local improvement~~

~~is specially benefited by the removal of open canal hazards and subject to assessment therefor; PROVIDED, That this shall not prevent other and different land from being included and subject to assessment.)~~

Sec. 2. Section 1, chapter 52, Laws of 1967 and RCW 35.43.042 are each amended to read as follows:

Whenever the legislative authority of any city or town has provided pursuant to law for the acquisition, construction, reconstruction, purchase, condemnation and purchase, addition to, repair, or renewal of the whole or any portion of a:

(1) System for providing the city or town and the inhabitants thereof with water, which system includes as a whole or as a part thereof water mains, hydrants or appurtenances which are authorized subjects for local improvements under RCW 35.43.040(13) or other law; or a

(2) System for providing the city or town with sewerage and storm or surface water disposal, which system includes as a whole or as a part thereof drains, sewers or sewer appurtenances which are authorized subjects for local improvements under RCW 35.43.040(7) or other law (~~(7--and)~~); or

(3) Off-street parking facilities; and

Has further provided in accordance with any applicable provisions of the Constitution or statutory authority for the issuance and sale of revenue bonds to pay the cost of all or a portion of any such system, such legislative authority shall have the authority to establish utility local improvement districts, and to levy special assessments on all property specially benefited by any such local improvement to pay in whole or in part the damages or costs of any local improvements so provided for.

The initiation and formation of such utility local improvement districts and the levying, collection and enforcement of assessments shall be in the manner and subject to the same procedures and limita-

tions as are now or hereafter provided by law for the initiation and formation of local improvement districts in cities and towns and the levying, collection and enforcement of assessments pursuant thereto.

It must be specified in any petition or resolution initiating the formation of such a utility local improvement district in a city or town and in the ordinance ordered pursuant thereto, that the assessments shall be for the sole purpose of payment into such revenue bond fund as may be specified by the legislative authority for the payment of revenue bonds issued to defray the cost of such system or facilities or any portion thereof as provided for in this section.

Assessments in any such utility local improvement district may be made on the basis of special benefits up to but not in excess of the total cost of the local improvements portion of any system or facilities payable by issuance of revenue bonds. No warrants or bonds shall be issued in any such utility local improvement district, but the collection of interest and principal on all assessments in such utility local improvement district, when collected, shall be paid into any such revenue bond fund.

When in the petition or resolution for establishment of a local improvement district and in the ordinance ordered pursuant thereto, it is specified or provided that the assessments shall be for the sole purpose of payment into a revenue bond fund for the payment of revenue bonds, then the local improvement district shall be designated a "utility local improvement district".

The provisions of chapters 35.45, 35.47 and 35.48 RCW shall have no application to utility local improvement districts created under authority of this section.

Sec. 3. Section 35.43.080, chapter 7, Laws of 1965 as amended by section 5, chapter 52, Laws of 1967 and RCW 35.43.080 are each amended to read as follows:

Every ordinance ordering a local improvement to be paid in

whole or in part by assessments against the property specially benefited shall describe the improvement and establish a local improvement district to be known as "local improvement district No. ....," or a utility local improvement district to be known as "utility local improvement district No. ...." which shall embrace as nearly as practicable all the property specially benefited by the improvement.

~~(Unless otherwise provided in the ordinance ordering the improvement, the improvement district shall include all the property between the termini of the improvement abutting upon, adjacent, vicinal, or proximate to the street, avenue, lane, alley, boulevard, park drive, parkway, public place or square proposed to be improved to a distance of ninety feet back from the marginal lines thereof or to the center line of the blocks facing or abutting thereon, whichever is greater (in the case of unplatted property, the distance back shall be the same as in the platted property immediately adjacent thereto).--PROVIDED, That if the local improvement is such that the special benefits resulting therefrom extend beyond the boundaries as above set forth, the council may create an enlarged district to include as nearly as practicable all the property to be specially benefited by the improvement, the petition or resolution for an enlarged district and all proceedings pursuant thereto shall conform as nearly as practicable to the provisions relating to local improvement districts generally except that the petition or resolution must describe it as an enlarged district and state what proportion of the amount to be charged to the property specially benefited shall be charged to the property lying between the termini of the proposed improvement and extending back from the marginal lines thereof to the middle of the block (or ninety feet back) on each side thereof, and what proportion thereof to the remainder of the enlarged district.--PROVIDED FURTHER, That whenever the nature of the improvement is such that the special benefits conferred on the property are not fairly reflected by the use of the aforesaid termini and zone method, the ordinance~~

~~ordering the improvement may provide that the assessment shall be made against the property of the district in accordance with the special benefits it will derive from the improvement without regard to the zone and termini method.)~~

Sec. 4. Section 35.43.100, chapter 7, Laws of 1965 and RCW 35.43.100 are each amended to read as follows:

The council may continue the hearing upon any petition or resolution provided for in this chapter and shall retain jurisdiction thereof until it is finally disposed of. The action and decision of the council as to all matters passed upon by it in relation to any petition or resolution shall be final and conclusive. No lawsuit whatsoever may be maintained challenging the jurisdiction or authority of the council to proceed with the improvement and creating the local improvement district or in any way challenging the validity thereof or any proceedings relating thereto unless that lawsuit is served and filed no later than thirty days after the date of passage of the ordinance ordering the improvement and creating the district or, when applicable, no later than thirty days after the expiration of the thirty-day protest period provided in RCW 35.43.180.

Sec. 5. Section 35.43.120, chapter 7, Laws of 1965 and RCW 35.43.120 are each amended to read as follows:

Any local improvement (~~(, the assessment district for which does not extend beyond the termini of the improvement)~~) may be initiated upon a petition signed by the owners of property aggregating a majority (1) of the lineal frontage upon the improvement and (2) of the area within the proposed district. The petition must set forth the nature and territorial extent of the proposed improvement, the mode of payment, and what proportion of the lineal frontage upon the improvement and of the area within the proposed district is owned by the petitioners as shown by the records in the office of the county

auditor.

If any of the property within the area of the proposed district stands in the name of a deceased person, or of any person for whom a guardian has been appointed and not discharged, the signature of the executor, administrator, or guardian, as the case may be, shall be equivalent to the signature of the owner of the property on the petition. The petition must be filed with the clerk or with such other officer as the city or town by charter or ordinance may require.

Sec. 6. Section 35.44.020, chapter 7, Laws of 1965 and RCW 35.44.020 are each amended to read as follows:

There shall be included in the cost and expense of every local improvement for assessment against the property in the district created to pay the same, or any part thereof:

- (1) The cost of ~~((the))~~ all of the construction or improvement authorized for the district including, but not limited to, that portion of the improvement within the street intersections;
- (2) The estimated cost and expense of all engineering and surveying necessary for the improvement done under the supervision of the city or town engineer;
- (3) The estimated cost and expense of ascertaining the ownership of the lots or parcels of land included in the assessment district;
- (4) The estimated cost and expense of advertising, mailing, and publishing all necessary notices;
- (5) The estimated cost and expense of accounting, clerical labor, and of books and blanks extended or used on the part of the city or town clerk and city or town treasurer in connection with the improvement;
- (6) All cost of the acquisition of rights of way, property, easements or other facilities or rights, whether by eminent domain, purchase, gift, or in any other manner: PROVIDED, That any of the costs enumerated in this ~~((sub))~~ section may be excluded from the

cost and expense to be assessed against the property in such local improvement district if the legislative body of such city or town so designates by ordinance at any time and may be paid from any other moneys available therefor.

NEW SECTION. Sec. 7. There is added to chapter 35.44 RCW a new section to read as follows:

Notwithstanding the methods of assessment provided in RCW 35.44.030, 35.44.040 and 35.44.045, the city or town may use any other method or combination of methods to compute assessments which may be deemed to more fairly reflect the special benefits to the properties being assessed. The failure of the council to specifically recite in its ordinance ordering the improvement and creating the local improvement district that it will not use the zone and termini method of assessment shall not invalidate the use of any other method or methods of assessment.

Sec. 8. Section 35.44.220, chapter 7, Laws of 1965 and RCW 35.44.220 are each amended to read as follows:

At the time of filing the notice of appeal with the clerk of the superior court, the appellant shall execute and file with him a sufficient bond in the penal sum of two hundred dollars, with at least two sureties to be approved by the judge of the court, conditioned to prosecute the appeal without delay and, if unsuccessful, to pay all costs to which the city or town is put by reason of the appeal. Upon application therefor, the court may order the appellant to execute and file such additional bonds as the necessity of the case may require.

Sec. 9. Section 35.44.250, chapter 7, Laws of 1965 and RCW 35.44.250 are each amended to read as follows:

At the time fixed for hearing in the notice thereof or at such further time as may be fixed by the court, the superior court shall



hear and determine the appeal without a jury and the cause shall have preference over all other civil causes except proceedings relating to eminent domain in cities and towns and actions of forcible entry and detainer. The judgment of the court shall confirm, unless the court shall find from the evidence that such assessment is founded upon a fundamentally wrong basis and/or the decision of the council or other legislative body thereon was arbitrary or capricious; in which event the judgment of the court shall correct, change, modify, or annul the assessment insofar as it affects the property of the appellant.

NEW SECTION. Sec. 10. There is added to chapter 35.44 RCW a new section to read as follows:

Whenever any land against which there has been levied any special assessment by any city or town shall have been sold in part or subdivided, the legislative authority of that city or town shall have the power to order a segregation of the assessment.

Any person desiring to have such a special assessment against a tract of land segregated to apply to smaller parts thereof shall apply to the city or town which levied the assessment. If the legislative authority thereof determines that a segregation should be made, it shall by resolution order the city or town treasurer to make segregation on the original assessment roll as directed in the resolution. The segregation shall be made as nearly as possible on the same basis as the original assessment was levied, and the total of the segregated parts of the assessment shall equal the assessment before segregation. The resolution shall describe the original tract, the amount and date of the original assessment, and shall define the boundaries of the divided parts and the amount of the assessment chargeable to each part. A certified copy of the resolution shall be delivered to the city or town treasurer who shall proceed to make the segregation ordered upon being tendered a fee of ten dollars for each tract of land for which a segregation is to be made. In addition to such

charge the legislative authority of the city or town may require as a condition to the order of segregation that the person seeking it pay the city or town the reasonable engineering and clerical costs incident to making the segregation. No segregation need be made if the legislative authority of the city or town shall find that by such segregation the security of the lien for such assessment will be so jeopardized as to reduce the security for any outstanding local improvement district obligations payable from such assessment.

Sec. 11. Section 35.45.020, chapter 7, Laws of 1965 as amended by section 1, chapter 81, Laws of 1969 and RCW 35.45.020 are each amended to read as follows:

Local improvement bonds shall be issued pursuant to ordinance and shall be made payable on or before a date not to exceed ((twelve)) thirty years from and after the date of issue, which latter date may be fixed by ((resolution)) ordinance of the council, and bear coupon and net effective interest not to exceed eight percent per annum ((, payable-annually-or-semiannually,--PROVIDED, That they may be made payable on or before a date not to exceed thirty years from and after the date of issue+

((1)--If the improvement lies wholly or partly within the boundaries of a commercial waterway district, or

((2)--If the city or town council having determined by unanimous vote that the period during which the bonds are payable will not exceed the life of the improvement, by unanimous vote adopts an ordinance which provides for their issuance payable on or before a date not to exceed thirty years from and after their date and also provides that the interest on the bonds issued for a period in excess of twenty years shall not exceed ten percent per annum and must be sold at not less than par)).

NEW SECTION. Sec. 12. There is added to chapter 35.45 RCW a new section to read as follows:

Any city or town having issued one or more installment notes pursuant to RCW 35.45.150 may refund all of such notes or the principal thereof then outstanding payable from any one local improvement district fund by the issuance of local improvement district bonds pursuant to chapter 35.45 RCW and by the payment into the city or town fund or funds holding such notes the then outstanding principal amount of such notes plus the interest thereon accrued to the date of such refunding. The bonds shall be payable from the same local improvement district fund from which such notes were payable; shall be payable no later than the final payment date of the notes being refunded; shall be in the same total principal amount as the outstanding principal amount of the notes being refunded less any sums in the local improvement district fund the city or town applies to the redemption of such notes; and shall be sold at not less than par plus accrued interest to date of delivery. Any interest payable on the bonds in excess of the interest payable on assessment installments payable into the local improvement district fund shall be paid from the general fund of the city or town in accordance with RCW 35.45.065. The principal proceeds and interest accrued to date of delivery of the bonds shall be paid into the local improvement district fund and the notes shall be redeemed on that date. The city or town shall pay all costs and expenses of such refunding from moneys available therefor.

Sec. 13. Section 35.49.010, chapter 7, Laws of 1965 as amended by section 13, chapter 52, Laws of 1967, and RCW 35.49.010 are each amended to read as follows:

All assessments for local improvements in local improvement districts shall be collected by the city treasurer and shall be kept

in a separate fund to be known as "local improvement fund, district No. ...." and shall be used for no other purpose than the redemption of warrants drawn upon and bonds issued against the fund to provide payment for the cost and expense of the improvement.

All assessments for local improvements in a utility local improvement district shall be collected by the city treasurer, shall be paid into the appropriate revenue bond fund, and shall be used for no other purpose than the redemption of revenue bonds issued to provide funds for the cost and expense of the improvement.

As soon as the assessment roll has been placed in the hands of the city or town treasurer for collection, he shall publish a notice in the official newspaper of the city or town (~~for-ten-consecutive daily-or-two-consecutive-weekly-issues~~) once a week for two consecutive weeks, that the roll is in his hands for collection and that all or any portion of the assessment may be paid within thirty days from the date of the first publication of the notice without penalty, interest or costs.

Sec. 14. Section 35.49.020, chapter 7, Laws of 1965 and RCW 35.49.020 are each amended to read as follows:

In all cases where bonds are issued to pay the cost and expense of a local improvement, the ordinance levying the assessments shall provide that the sum charged against any lot, tract, and parcel of land or other property, or any portion thereof, may be paid during the thirty day period allowed for the payment of assessments without penalty or interest and that thereafter the sum remaining unpaid may be paid in equal annual installments. The number of installments shall be less by two than the number of years which the bonds issued to pay for the improvement are to run. Interest on the whole amount unpaid at the rate fixed by the ordinance shall be due on the due date of the first installment of principal and each year thereafter on the

due date of each installment of principal: PROVIDED, That the ~~((city-council-of-a-city-of-the-first-class-having-a-population-of three-hundred-thousand-or-more))~~ legislative authority of any city or town having made a bond issue payable on or before twenty-two years after the date of issue may provide by ordinance that all assessments and portions of assessments unpaid after the thirty day period allowed for payment of assessments without penalty or interest may be paid in ten equal installments beginning with the eleventh year and ending with the twentieth year from the expiration of said thirty day period, together with interest on the unpaid installments at the rate fixed by such ordinance, and that in each year after the said thirty day period, to and including the tenth year thereafter, one installment of interest on the principal sum of the assessment at the rate so fixed shall be paid and collected, and that beginning with the eleventh year after the thirty day period one installment of the principal, together with the interest due thereon, and on all installments thereafter to become due shall be paid and collected.

Sec. 15. Section 35.49.030, chapter 7, Laws of 1965 and RCW 35.49.030 are each amended to read as follows:

Every city and town shall prescribe by ordinance within what time assessments or installments thereof shall be paid, and shall provide for the payment and collection of interest thereon at a rate not to exceed eight and one-half percent per annum. Assessments or installments thereof, when delinquent, in addition to such interest, shall bear such penalty not less than five percent as shall be by general ordinance prescribed.

Sec. 16. Section 35.50.005, chapter 7, Laws of 1965 and RCW 35.50.005 are each amended to read as follows:

Within fifteen days after any city or town has ~~((awarded-a contract-for-the-making-of-a-local-improvement;-or-within-fifteen days-after-commencement-of-work-on-said-improvement-when-the-work-is done-by-the-city-or-town))~~ ordered a local improvement and created a

local improvement district, the city or town (~~(awarding-said-contract)~~) shall cause to be filed with the officer authorized by law to collect the assessments for such improvement, the title of the improvement and district number and a copy of the diagram or print showing the boundaries of the district and preliminary assessment roll or abstract of same showing thereon the lots, tracts and parcels of land that will be (~~(especially)~~) specially benefited thereby and the estimated cost and expense of such improvement to be borne by each lot, tract, or parcel of land. Such officer shall immediately post the proposed assessment roll upon his index of local improvement assessments against the properties affected by the local improvement.

NEW SECTION. Sec. 17. The following sections are hereby repealed:

(1) Section 35.43.090, chapter 7, Laws of 1965 and RCW 35.43-.090.

Passed the House May 11, 1969  
Passed the Senate May 10, 1969  
Approved by the Governor May 23, 1969  
Filed in office of Secretary of State May 23, 1969

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CHAPTER 259  
[Engrossed House Bill No. 382]  
PUBLIC ASSISTANCE, FUNERAL EXPENSES--  
PARTICIPATING MORTUARY--MORTICIANS OR  
EMPLOYEES DISQUALIFIED AS CORONER

AN ACT Relating to public assistance; and amending section 74.08.120, chapter 26, Laws of 1959 as last amended by section 1, chapter ..., Laws of 1969 (ESB NO. 228) ex. sess., and RCW 74.08.120; and adding a section to Chapter 36.24 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 74.08.120, chapter 26, Laws of 1959 as last amended by section 1, chapter ..., Laws of 1969 ex. sess. (ESB No. 228) and RCW 74.08.120 are each amended to read as follows:

The term "funeral" shall mean the proper preparation and care of the remains of a deceased person with needed facilities and appro-

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 director may furnish funeral assistance (~~((in other cases if the assets are left))~~) for deceased recipients if they leave assets 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 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. If the deceased person is survived by a spouse or is a minor child survived by his parent or parents, the department may take into consideration the assets of such surviving spouse, parent, or parents in determining whether or not the department will assume responsibility for the funeral.

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.

NEW SECTION. Sec. 2. There is added to Chapter 36.24 RCW a new section to read as follows:

Whenever anyone shall die within a county without making prior plans for the disposition of his body and there is no other person willing to provide for the disposition of the body, the county coroner shall cause such body to be entrusted to a funeral home in the county where the body is found. Disposition shall be on a rotation basis, which shall treat equally all funeral homes or mortuaries desiring to participate, such rotation to be established by the coroner after consultation with representatives of the funeral homes or mortuaries in the county or counties involved.

NEW SECTION. Sec. 3. In class AA, class A, first, second and third class counties no person shall be qualified for the office of county coroner as provided for in RCW 36.16.030 who is an owner or employee of any funeral home or mortuary.

Passed the House May 12, 1969  
Passed the Senate May 12, 1969  
Approved by the Governor May 23, 1969  
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CHAPTER 260  
[House Bill No. 585]  
JOINT COMMITTEE ON NUCLEAR ENERGY

AN ACT Relating to the legislature; creating a joint committee on nuclear energy; providing for the selection, term, and reimbursement of certain expenditures of the members of the committee, and conferring rights, powers, duties; and prescribing the functions of the committee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is hereby created the joint committee on nuclear energy of the legislature of the state of Washington.



NEW SECTION. Sec. 2. The committee shall consist of four senators and four representatives who shall be selected biennially as follows:

(1) The president of the senate shall nominate four members, two from each major political party, 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 four members, two from each major political party, to serve on the committee, and shall submit the list of nominees to the house of representatives for confirmation. Upon confirmation, the representatives shall be deemed installed as members.

NEW SECTION. Sec. 3. Members shall serve until their successors are installed as provided in section 2 of this act, at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner.

NEW SECTION. Sec. 4. The committee shall fill any vacancies occurring on the committee by appointment from the same political party and legislative chamber as the departing member. Members filling vacancies shall serve until they or their successors are installed as provided in section 2 of this act or until they are no longer members of the legislature, whichever is sooner.

NEW SECTION. Sec. 5. The committee shall meet at each regular session of the legislature and at such other times and places as is necessary in carrying out its delegated duties.

NEW SECTION. Sec. 6. The committee shall make continuing studies of the problems relating to the development, use, and control of nuclear energy for peaceful purposes. In conducting its studies the committee shall work closely with the state office of nuclear energy development and may work with any other public or private organizations or individuals interested in the development of nuclear energy.

Effective liaison shall be maintained with the governor's advisory council on nuclear energy and radiation. The committee shall prepare an annual report to the legislature, and, from time to time report to the legislature any information deemed worthy of special attention, and any legislative action deemed necessary to enhance the broad purposes of RCW 43.31.280 and to maintain the state's position of leadership in the field of nuclear energy.

NEW SECTION. Sec. 7. The committee may employ a staff director and such clerical and other assistants as it finds necessary or appropriate, and fix their compensation.

The office of nuclear energy development shall, upon request, furnish such technical and policy information and assistance as is necessary to carry out the purposes of this act.

The committee may utilize the services of the executive director of the office of nuclear energy development in the capacity of staff director.

NEW SECTION. Sec. 8. The members of the committee shall serve without compensation, but shall be reimbursed for their expenses incurred while attending sessions of the committee or any subcommittee of the committee, or while engaged in other committee business authorized by the committee, as provided for in RCW 44.04-.120.

NEW SECTION. Sec. 9. All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the budget director and signed by the chairman of the committee. Vouchers may be drawn upon funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the committee.

Passed the House May 12, 1969  
Passed the Senate May 12, 1969  
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Filed in office of Secretary of State May 23, 1969

CHAPTER 261  
[Engrossed Second Substitute House Bill No. 480]  
EDUCATION--COMMUNITY COLLEGES--  
STATE BUILDING AUTHORITY

AN ACT Relating to education; amending section 2, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.020; amending section 3, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.030; amending section 5, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.050; amending section 6, chapter 8, Laws of 1967 ex. sess. and RCW 28.85-.060; amending section 8, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.080; amending section 9, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.090; amending section 10, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.100; amending section 14, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.140; amending section 24, chapter 8, Laws of 1967 ex. sess. and RCW 28.85-.240; amending section 25, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.250; amending section 31, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.310; amending section 34, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.340; amending section 35, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.350; amending section 36, chapter 8, Laws of 1967 ex. sess. and RCW 28.85-.360; amending section 2, chapter 162, Laws of 1967 and RCW 43-.75.020; repealing section 11, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.110; adding a new section to chapter 8, Laws of 1967 ex. sess. and to chapter 28.85 RCW; repealing section 12, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.120; amending sections 28B.50.020, 28B.50.030, 28B.50.050, 28B.50-.060, 28B.50.080, 28B.50.090, 28B.50.100, 28B 50.140, 28B.50-.240, 28B.50.250, 28B.50.340, 28B.50.350 and 28B.50.360; chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.020, 28B.50.030, 28B-.50.050, 28B.50.060, 28B.50.080, 28B.50.090, 28B.50.100, 28B-.50.140, 28B.50.240, 28B.50.250, 28B.50.340, 28B.50.350 and 28B.50.360; adding new sections to chapter ..., Laws of 1969 (HB 58) and to chapter 28B.50 RCW; re-

pealing sections 28A.58.110 and 28A.58.120, chapter ..., Laws of 1969 (HB 58) and RCW 28A.58.110 and 28A.58-.120; providing sections to affect the correlative and pari materia construction of this 1969 amendatory act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 2, chapter 162, Laws of 1967 and RCW 43-.75.020 are each amended to read as follows:

The following terms, when used in this chapter, shall have the following meanings:

(1) "Authority" means the state building authority.

(2) "Institution of higher learning" means any one of the following: University of Washington, Washington State University, Western Washington State College, Eastern Washington State College, Central Washington State College, (~~or any four year state college that may be hereafter established~~) and The Evergreen State College.

(3) "Governing body" shall mean the board of regents of the University of Washington, the board of regents of Washington State University, or the board of trustees of any of the state colleges.

(4) "Project" shall mean a single undertaking by the authority to provide one or more buildings.

(5) "Buildings" shall include structures together with improvements on appurtenant adjacent land for the enhancement of the utility or value thereof.

Part I. Sections affecting current education laws.

Sec. 2. Section 2, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.020 are each amended to read as follows:

The purpose of this chapter is to provide for the dramatically increasing number of students requiring high standards of education either as a part of the continuing higher education program or for occupational training, by creating a new, independent system of com-

munity colleges which will:

(1) Offer an open door to every citizen, regardless of his academic background or experience, at a cost normally within his economic means;

(2) Ensure that each community college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining, with equal emphasis, high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; ((and)) community services of an educational, cultural, and recreational nature; and adult education;

(3) Provide administration by state and local boards which will avoid unnecessary duplication of facilities or programs; and which will encourage efficiency in operation and creativity and imagination in education, training and service to meet the needs of the community and students;

(4) Allow for the growth, improvement, flexibility and modification of the community colleges and their education, training and service programs as future needs occur; and

(5) Establish firmly that community colleges are, for purposes of academic training, two year institutions, and are an independent, unique, and vital section of our state's higher education system, separate from both the common school system and other institutions of higher learning, and never to be considered for conversion into four-year liberal arts colleges.

Sec. 3. Section 3, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.030 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the term:

(1) "System" shall mean the state system of community colleges, which shall be a system of higher education;

(2) "College board" shall mean the state board for community

college education created by this chapter;

(3) "Director" shall mean the administrative director for the state system of community colleges;

(4) "District" shall mean any one of the community college districts created by this chapter;

(5) "Board of trustees" shall mean the local community college board of trustees established for each community college district within the state;

(6) "Council" shall mean the coordinating council for occupational education;

(7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree.

(8) "K-12 system" shall mean the public school program including kindergarten through the twelfth grade.

(9) "Common school board" shall mean the public school district board of ((trustees)) directors.

(10) "Community college" shall include where applicable, vocational-technical and adult education programs conducted by community colleges and vocational-technical institutes whose major emphasis is in post-high school education.

(11) "Adult education" shall mean all education or instruction, including academic, vocational education or training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate: PROVIDED, That "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate: PROVIDED, FURTHER, That "adult education" shall not include education or instruction provided by any four year public institution of higher education: AND PROVIDED FURTHER, That adult ed-

ucation shall not include education or instruction provided by a vocational-technical institute.

Sec. 4. Section 5, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.050 are each amended to read as follows:

There is hereby created the "state board for community college education", to consist of seven members, one from each congressional district, who shall be appointed by the governor, with the consent of the senate. The terms of the initial members shall be as follows: Two members shall serve for a term of one year, two members shall serve for a term of two years, two members shall serve for a term of three years, and one member shall serve for a term of four years, respectively, following April 3, 1967. The successors of the members initially appointed shall be appointed for terms of four years except that any persons appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor. All members shall be citizens and bona fide residents of the state. No member of the college board shall be, during his term of office, also a member of the state board of education, ~~((or))~~ a member of a K-12 board, ~~((or-be-employed-by-the-common-school-system))~~ a member of the governing board of any public or private educational institution, a member of a community college board of trustees, an employee of any of the above boards, or have any direct pecuniary interest in education within this state.

No member of the college board shall receive any salary for his services, but shall receive the sum of twenty-five dollars per diem for each day actually spent in attending to his duties as a member of the college board, and mileage at the rate of ten cents per mile.

The members of the college board may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office, in the manner provided by RCW 28.76.290.

Sec. 5. Section 6, chapter 8, Laws of 1967 ex. sess. and RCW

28.85.060 are each amended to read as follows:

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

The director shall devote his (~~entire~~) time to the duties of his office and shall not (~~be actively engaged or employed in any other business, vocation or employment, nor shall he~~) have any direct pecuniary interest in or any stock or bonds of any business connected with or selling supplies to the field of education within this state, in keeping with chapter 42.22 RCW, the code of ethics for public officers and employees.

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

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

The director shall, with the approval of the college board:

(1) Employ necessary assistant directors of major staff divisions



and their confidential secretaries who shall serve at his pleasure on such terms and conditions as he determines, and (2) subject to the provisions of chapter 41.06 RCW, the state civil service law, (~~the director shall, with the approval of the college board,~~) appoint and employ such field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the college board and for whose services funds have been appropriated. All employees of the state board of education who are governed by the provisions of chapter 41.06 RCW, and who are employed exclusively or principally in performing the powers and duties and functions transferred by this chapter to the state board for community college education, and who are transferred to the state board for community college education, shall continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law, without any loss of rights granted by said law.

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

Sec. 6. Section 9, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.090 are each amended to read as follows:

The college board shall have general supervision and control over the state system of community colleges. In addition to the other powers and duties imposed upon the college board by this chapter, the college board shall be charged with the following powers, duties and responsibilities:

(1) Review the budgets prepared by the community college boards of trustees, prepare a single budget for the support of the state system of community colleges and adult education, and submit this budget to the governor as provided in RCW 43.88.090; the coordinating council shall assist with the preparation of the community college budget that has to do with vocational education programs;

(2) Establish guidelines for the disbursement of funds; and

receive and disburse such funds for adult education and for maintenance and operation and capital support of the community college districts in conformance with the state and district budgets, and in conformance with chapter 43.88 RCW;

(3) Ensure, through the full use of its authority,

(a) that each community college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining, with equal emphasis, high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature; and adult education: PROVIDED, That notwithstanding any other provisions of this chapter, a community college shall not be required to offer a program of vocational-technical training, when such a program as approved by the coordinating council for occupational education is already operating in the district;

(b) that each community college district shall maintain an open-door policy, to the end that no student will be denied admission because of the location of his residence or because of his educational background or ability; that, insofar as is practical in the judgment of the college board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of a community college may deny admission to a prospective student or attendance to an enrolled student, if in their judgment, he would not be competent to profit from the curriculum offerings of the community college, or would, by his presence or conduct, create a disruptive atmosphere within the community college not consistent with the purposes of the institution.

(4) Prepare a comprehensive master plan for the development

of community college education and training in the state; and assist the state census board in the preparation of enrollment projections to support plans for providing adequate community college facilities in all areas of the state;

(5) Define and administer criteria and guidelines for the establishment of new community colleges or campuses within the existing districts;

(6) Establish (~~and-administer~~) criteria and procedures for modifying district boundary lines consistent with the purposes set forth in RCW 28.85.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

(7) Establish minimum standards to govern the operation of the community colleges with respect to:

(a) qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the state plan for vocational education,

(b) internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW,

(c) the content of the curriculums and other educational and training programs, and the requirements, degrees and diplomas awarded by the colleges,

(d) standard admission policies.

(8) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various community college districts;

(9) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

(10) Exercise any other powers, duties and responsibilities necessary to carry out the purposes of this chapter;

(11) Authorize the various community colleges to offer pro-

grams and courses in other districts when it determines that such action is consistent with the purposes of this 1969 amendatory act as set forth in RCW 28.85.020 as now or hereafter amended; and

(12) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any community college real and personal property when it determines that such property is surplus or that such a sale or exchange is in the best interests of the community college system.

The college board shall have the power of eminent domain.

Sec. 7. Section 10, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.100 are each amended to read as follows:

There is hereby created a community college board of trustees for each community college district as set forth in this chapter.

Each community college board of trustees shall be composed of five trustees, who shall be appointed by the governor from a list of nominees submitted by

((the-nominating-committee-in-accordance-with-RCW 28.85.110)) nominating committees composed of those members of the state legislature residing within the boundaries of each community college district to be served. The senior legislator on each committee shall serve as chairman of the committee and shall call the meeting at some conveniently located place and shall set the time of the meeting. In making such appointments the governor shall give consideration to geographical exigencies, and the interests of labor, industry, agriculture, the professions and ethnic groups.

The initial appointees to the board of trustees shall draw lots at the first meeting thereof to determine their respective initial terms. One trustee shall serve for one year, one for two years, one for three years, one for four years, and one for five years.

Thereafter, ((until-July-1, 1969,)) the successors of the trustees initially appointed shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of the term.

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

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

Sec. 8. Section 14, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.140 are each amended to read as follows:

Each community college board of trustees:

- (1) Shall operate all existing community colleges and vocational-technical institutes in its district;
- (2) Shall create comprehensive programs of community college education and training and maintain an open-door policy in accordance with the provisions of RCW 28.85.090(3);
- (3) Shall employ for a period to be fixed by the board a college president for each community college, a director for each vocational-technical institute or school operated by a community college, a district president, if deemed necessary by the board, in the event there is more than one college and/or separated institute or school located in the district, members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand;

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidence of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance with the provisions of RCW 28.76.180 through 28.76.210 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of 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 college board; 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;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the community college district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community college or colleges under its control, and notwithstanding any other provision of law, publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate;

(13) Shall enforce the rules and regulations prescribed by the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to

the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board; ((and))

(16) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; and

(17) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

Sec. 9. Section 24, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.240 are each amended to read as follows:

The state board of education shall have the power to authorize the school districts to offer vocational education programs which are a part of the regular high school curriculum ((and--to--offer--adult--education--and--post--high--school vocational--educational--programs--which--are--not--in--conflict with--community--college--programs,--as--determined--by--the--coordinating--council)).

Sec. 10. Section 25, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.250 are each amended to read as follows:

The state board for community college education ((is hereby--authorized--to--cooperate--with)) and the state board of education are hereby authorized to permit, on an ad hoc basis, the common school districts to conduct pursuant to RCW 28.85.530 a program ((of--vocational--education--and--community--service--of--an--educational,--recreational--or--cultural nature--which--is--not--a--part--of--the--high--school--curriculum)) in adult education in behalf of a community college district when



such program will not conflict with existing programs of the same nature and in the same geographical area conducted by the community college districts: PROVIDED, That federal programs for adult education which are funded directly to the state board of education shall be administered by the superintendent of public instruction in cooperation with the director of the state board for community college education.

Sec. 11. Section 31, chapter 8, Laws of 1967 ex.sess. and RCW 28.85.310 are each amended to read as follows:

The board of trustees of each community college district shall charge to and collect from each of the students registered therein such general tuition, incidental fees and other fees for quarters other than summer session as follows:

(1) Resident students:

(a) general tuition fees, fifty dollars per quarter; and

(b) incidental fees not more than twenty dollars per quarter.

(2) Nonresident students:

(a) general tuition fees, one hundred-fifty dollars per quarter; and

(b) incidental fees, not more than twenty dollars per quarter.

(3) Tuition and incidental fees consistent with the above schedules will be fixed by the state board for community colleges for summer school students.

(4) The board of trustees shall charge such fees for part time students, ungraded courses, noncredit courses, and short courses as it, in its discretion, may determine, not inconsistent with the rules and regulations of the state board for community college education.

Notwithstanding any other provision of the 1967 community college act as now or hereafter amended the college board shall be authorized to permit the boards of trustees of the various community colleges to waive general tuition fees, incidental fees, and any other fees for students who are enrolled in a course of study or program

which will enable them to finish their high school education and obtain a high school diploma or certificate.

The term "resident students" as used in this section shall mean students who have been domiciled in this state at least one year prior to the commencement of the quarter for which he registers, federal employees and military personnel, the children and spouses of federal employees and military personnel residing within the state, and staff members of the community college and their children and spouses. The term "nonresident students" shall mean all students other than resident students.

The term "general tuition fees" as used in this section shall mean the general tuition fee charged students registered at the community college for quarters other than summer session, which fees shall be used as prescribed in RCW 28.85.320, 28.85.360 and 28.85-.370. The term "incidental fees" as used in this section shall include the fees other than general tuition fees, charged all students registering at the college for quarters other than summer sessions but shall not include fees for correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, laboratory, gymnasium, health fees, or fee charges, rentals and other income derived from any or all revenue-producing lands, buildings and facilities of the colleges heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon or such other special fees as may be established by the board of trustees from time to time.

Sec. 12. Section 34, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.340 are each amended to read as follows:

In addition to the powers conferred under RCW 28.85.090, the community college state board is authorized and shall have the power:

- (1) To permit the district boards of trustees to contract for

the construction, reconstruction, erection, equipping, maintenance, demolition and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances of the college as approved by the community college state board.

(2) To finance the same by the issuance of bonds secured by the pledge of up to forty percent of the general tuition fees.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects.

(4) To retain bond counsel and professional bond consultants to aid it in issuing bonds pursuant to RCW 28.85.340 through 28.85-.400.

Sec. 13. Section 35, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.350 are each amended to read as follows:

For the purpose of financing the cost of any projects, the college board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable.

Said bonds:

(1) Shall not constitute

- (a) an obligation, either general or special, of the state; or
- (b) a general obligation of the college or of the college

board;

(2) Shall be

- (a) either registered or in coupon form; and
- (b) issued in denominations of not less than one hundred dol-

lars; and

(c) fully negotiable instruments under the laws of this

state; and

(d) signed on behalf of the college board with the manual or

facsimile signature of the chairman of the board, attested by the secretary of the board, have the seal of the college board impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;

(3) Shall state

(a) the date of issue; and

(b) the series of the issue and be consecutively numbered within the series; and

(c) that the bond is payable both principal and interest solely out of the bond retirement fund created for retirement thereof;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed six percent per annum over the life thereof, and no single interest or coupon rate shall exceed six percent per annum;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28.85.330 through 28.85.400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts

be set aside and maintained therein;

(b) A covenant that sufficient moneys may be transferred from the capital projects account of the college board issuing the bonds to the bond retirement fund of the college board when ordered by the board in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(c) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college board and shall be used solely for paying the costs of the projects, the costs of bond counsel and professional bond consultants incurred in issuing the bonds, and for the purposes set forth in (8)(b) above;

(9) Shall constitute a prior lien and charge against forty percent of all general tuition fees of the community colleges.

Sec. 14. Section 36, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.360 are each amended to read as follows:

There is hereby created in the state treasury a community college bond retirement fund. Within thirty-five days from the date of start of each quarter forty percent of all general tuition fees of each such community college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of general tuition fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community college bond retirement fund which fund as required, is hereby created in the state treasury. The amounts deposited in the bond retirement fund shall be used exclu-

sively to pay and secure the payment of the principal of and interest on the tuition fee bonds issued by the college board as authorized by this chapter. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding general tuition fee bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) That portion of the forty percent of all general tuition fees not required for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of any of the bonds as provided in subsection (1) above shall be deposited in the community college capital projects account which account is hereby created in the general fund of the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes.

NEW SECTION. Sec. 15. There is added to chapter 8, Laws of 1967 ex. sess. and to chapter 28.85 RCW a new section to read as follows:

A community college may issue a high school diploma or certificate, subject to rules and regulations promulgated by the superintendent of public instruction and the state board of education.

NEW SECTION. Sec. 16. The following acts or parts of acts are each hereby repealed:

(1) Section 11, chapter 8, Laws of 1967 ex. sess. and RCW 28-

.85.110; and

(2) Section 12, chapter 8, Laws of 1967 ex. sess. and RCW 28-.85.120.

Part II. Sections affecting proposed 1969 education code.

Sec. 17. Section 28B.50.020, chapter ..., Laws of 1968 (HB 58) and RCW 28B.50.020 are each amended to read as follows:

The purpose of this chapter is to provide for the dramatically increasing number of students requiring high standards of education either as a part of the continuing higher education program or for occupational training, by creating a new, independent system of community colleges which will:

(1) Offer an open door to every citizen, regardless of his academic background or experience, at a cost normally within his economic means;

(2) Ensure that each community college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining, with equal emphasis, high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; ((and)) community services of an educational, cultural, and recreational nature; and adult education;

(3) Provide administration by state and local boards which will avoid unnecessary duplication of facilities or programs; and which will encourage efficiency in operation and creativity and imagination in education, training and service to meet the needs of the community and students;

(4) Allow for the growth, improvement, flexibility and modification of the community colleges and their education, training and service programs as future needs occur; and

(5) Establish firmly that community colleges are, for purposes of academic training, two year institutions, and are an independent, unique, and vital section of our state's higher education system, separate from both the common school system and other institutions of

higher learning, and never to be considered for conversion into four-year liberal arts colleges.

Sec. 18. Section 28B.50.030, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.030 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the term;

(1) "System" shall mean the state system of community colleges, which shall be a system of higher education;

(2) "College board" shall mean the state board for community college education created by this chapter;

(3) "Director" shall mean the administrative director for the state system of community colleges;

(4) "District" shall mean any one of the community college districts created by this chapter;

(5) "Board of trustees" shall mean the local community college board of trustees established for each community college district within the state;

(6) "Council" shall mean the coordinating council for occupational education;

(7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree;

(8) "K-12 system" shall mean the public school program including kindergarten through the twelfth grade;

(9) "Common school board" shall mean the public school district board of (~~trustees~~) directors;

(10) "Community college" shall include where applicable, vocational-technical and adult education programs conducted by community colleges and vocational-technical institutes whose major emphasis is in post-high school education(~~(-)~~);

(11) "Adult education" shall mean all education or instruction, including academic, vocational education or training, and "occupational education" provided by public educational institutions, in-



cluding common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate: PROVIDED, That "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate: PROVIDED, FURTHER, That "adult education" shall not include education or instruction provided by any four year public institution of higher education: AND PROVIDED FURTHER, That adult education shall not include education or instruction provided by a vocational-technical institute.

Sec. 19. Section 28B.50.050, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.050 are each amended to read as follows:

There is hereby created the "state board of community college education", to consist of seven members, one from each congressional district, who shall be appointed by the governor, with the consent of the senate. The terms of the initial members shall be as follows: Two members shall serve for a term of one year, two members shall serve for a term of two years, two members shall serve for a term of three years, and one member shall serve for a term of four years, respectively, following April 3, 1967. The successors of the members initially appointed shall be appointed for terms of four years except that any persons appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor. All members shall be citizens and bona fide residents of the state. No member of the college board shall be, during his term of office; also a member of the state board of education, ~~((or))~~ a member of a K-12 board, ~~((or-be-employed-by-the-common-school-system;))~~ a member of the governing board of any public or private educational institution, a member of a community college board of trustees, or an employee of any of the above boards, or have any direct pecuniary interest in education within this state.

No member of the college board shall receive any salary for his services, but shall receive the sum of twenty-five dollars per diem for each day actually spent in attending to his duties as a member of the college board, and mileage at the rate of ten cents per mile.

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

Sec. 20. Section 28B.50.060, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.060 are each amended to read as follows:

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

The director shall devote his (~~entire~~) time to the duties of his office and shall not (~~be actively engaged or employed in any other business, vocation or employment, nor shall he~~) have any direct pecuniary interest in or any stock or bonds of any business connected with or selling supplies to the field of education within this state, in keeping with chapter 42.22 RCW, the code of ethics for public officers and employees.

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

He shall be the executive officer of the college board and serve as its secretary and under its supervision shall administer the provisions of this chapter and the rules, regulations and orders established thereunder and all other laws of the state. He shall at-

tend, but not vote at, all meetings of the college board. He shall be in charge of offices of the college board and responsible to the college board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of community colleges. At the direction of the college board, he shall, together with the chairman of the college board, execute all contracts entered into by the college board.

The director shall, with the approval of the college board:

(1) Employ necessary assistant directors of major staff divisions and their confidential secretaries who shall serve at his pleasure

on such terms and conditions as he determines, and (2) subject to the provisions of chapter 41.06 RCW, the state civil service law, the director shall, with the approval of the college board, appoint and employ such field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the college board and for whose services funds have been appropriated. All employees of the state board of education who are governed by the provisions of chapter 41.06 RCW, and who are employed exclusively or principally in performing the powers and duties and functions transferred by this chapter to the state board for community college education, and who are transferred to the state board for community college education, shall continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law, without any loss of rights granted by said law.

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

Sec. 21. Section 28B.50.090, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.090 are each amended to read as follows:

The college board shall have general supervision and control over the state system of community colleges. In addition to the other powers and duties imposed upon the college board by this chap-

ter, the college board shall be charged with the following powers, duties and responsibilities:

(1) Review the budgets prepared by the community college boards of trustees, prepare a single budget for the support of the state system of community colleges and adult education, and submit this budget to the governor as provided in RCW 43.88.090; the coordinating council shall assist with the preparation of the community college budget that has to do with vocational education programs;

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for adult education and maintenance and operation and capital support of the community college districts in conformance with the state and district budgets, and in conformance with chapter 43.88 RCW;

(3) Ensure, through the full use of its authority,

(a) that each community college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining, with equal emphasis, high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature; and adult education: PROVIDED, That notwithstanding any other provisions of this chapter, a community college shall not be required to offer a program of vocational-technical training, when such a program as approved by the coordinating council for occupational education is already operating in the district;

(b) that each community college district shall maintain an open-door policy, to the end that no student will be denied admission because of the location of his residence or because of his educational background or ability; that, insofar as is practical in the judgment of the college board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differ-

ing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of a community college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, he would not be competent to profit from the curriculum offerings of the community college, or would, by his presence or conduct, create a disruptive atmosphere within the community college not consistent with the purposes of the institution;

(4) Prepare a comprehensive master plan for the development of community college education and training in the state; and assist the state census board in the preparation of enrollment projections to support plans for providing adequate community college facilities in all areas of the state;

(5) Define and administer criteria and guidelines for the establishment of new community colleges or campuses within the existing districts;

(6) Establish (~~and-administer~~) criteria and procedures for modifying district boundary lines consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

(7) Establish minimum standards to govern the operation of the community colleges with respect to:

(a) qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the state plan for vocational education,

(b) internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW,

(c) the content of the curriculums and other educational and training programs, and the requirements, degrees and diplomas awarded by the colleges,

(d) standard admission policies.

(8) Establish and administer criteria and procedures for all

capital construction including the establishment, installation, and expansion of facilities within the various community college districts;

(9) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

(10) Exercise any other powers, duties and responsibilities necessary to carry out the purposes of this chapter;

(11) Authorize the various community colleges to offer programs and courses in other districts when it determines that such action is consistent with the purposes of this 1969 amendatory act as set forth in RCW 28B.50.020 as now or hereafter amended;

(12) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any community college real and personal property when it determines that such property is surplus or that such a sale or exchange is in the best interests of the community college system.

The college board shall have the power of eminent domain.

Sec. 22. Section 28B.50.100, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.100 are each amended to read as follows:

There is hereby created a community college board of trustees for each community college district as set forth in this chapter. Each community college board of trustees shall be composed of five trustees, who shall be appointed by the governor from a list of nominees submitted by ((~~the nominating committee in accordance with RCW 28B.50.110~~)) nominating committees composed of those members of the state legislature residing within the boundaries of each community college district to be served. The senior legislator on each committee shall serve as chairman of the committee and shall call the meeting at some conveniently located place and shall set the time of the meeting. In making such appointments the governor shall give consideration to geographical exigencies, and the interests of labor, industry, agriculture, the professions and ethnic groups.

The initial appointees to the board of trustees shall draw lots

at the first meeting thereof to determine their respective initial terms. One trustee shall serve for one year, one for two years, one for three years, one for four years, and one for five years.

Thereafter (~~(7-until-July-1,--1969,)~~) the successors of the trustees initially appointed shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of the term.

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

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

Sec. 23. Section 28B.50.140, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.140 are each amended to read as follows:

Each community college board of trustees:

(1) Shall operate all existing community colleges and vocational-technical institutes in its district;

(2) Shall create comprehensive programs of community college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3);

(3) Shall employ for a period to be fixed by the board a college president for each community college, a director for each vocational-technical institute or school operated by a community college, a district president, if deemed necessary by the board, in the event there is more than one college and/or separated institute or school located in the district, members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand;

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation; and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advis-



able; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of 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 college board; 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;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the community college district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community college or colleges under its control, and notwithstanding any other provision of law, publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate;

(13) Shall enforce the rules and regulations prescribed by the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law

or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board; ((and))

(16) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; and

(17) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

Sec. 24. Section 28B.50.240, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.240 are each amended to read as follows:

The state board of education shall have the power to authorize the school districts to offer vocational education programs which are a part of the regular high school curriculum ((and--to--offer--adult--education--and--post--high--school--vocational--educational--programs--which--are--not--in--conflict--with--community--college--programs,---as--determined--by--the--coordinating--council)).

Sec. 25. Section 28B.50.250, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.250 are each amended to read as follows:

The state board for community college education (~~(is hereby authorized to cooperate with)~~) and the state board of education are hereby authorized to permit, on an ad hoc basis, the common school districts to conduct pursuant to RCW 28.85.530 a program (~~(of veeational-education-and-community-service-of-an-educational,-recreational-or-cultural-nature-which-is-not-a-part-of-the-high-school-curriculum)~~) in adult education in behalf of a community college district when such program will not conflict with existing programs of the same nature and in the same geographical area conducted by the community college districts: PROVIDED, That federal programs for adult education which are funded directly to the state board of education shall be administered by the superintendent of public instruction in cooperation with the director of the state board for community college education.

Sec. 26. Section 28B.50.340, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.340 are each amended to read as follows:

In addition to the powers conferred under RCW 28B.50.090, the community college state board is authorized and shall have the power:

(1) To permit the district boards of trustees to contract for the construction, reconstruction, erection, equipping, maintenance, demolition and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances of the college as approved by the community college state board.

(2) To finance the same by the issuance of bonds secured by the pledge of up to forty percent of the general tuition fees.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects.

(4) To retain bond counsel and professional bond consultants



of;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed six percent per annum over the life thereof, and no single interest or coupon rate shall exceed six percent per annum;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.50.330 through 28B.50.400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(b) A covenant that sufficient moneys may be transferred from the capital projects account of the college board issuing the bonds to the bond retirement fund of the college board when ordered by the board in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(c) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall

be deposited in the state treasury to the credit of the capital projects account of the college board and shall be used solely for paying the costs of the projects, the costs of bond counsel and professional bond consultants incurred in issuing the bonds, and for the purposes set forth in (8) (b) above;

(9) Shall constitute a prior lien and charge against forty percent of all general tuition fees of the community colleges.

Sec. 28. Section 28B.50.360, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.360 are each amended to read as follows:

There is hereby created in the state treasury a community college bond retirement fund. Within thirty-five days from the date of start of each quarter forty percent of all general tuition fees of each such community college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of general tuition fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community college bond retirement fund which fund as required, is hereby created in the state treasury. The amounts deposited in the bond retirement fund shall be used exclusively to pay and secure the payment of the principal of and interest on the tuition fee bonds issued by the college board as authorized by this chapter. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding general tuition fee bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) That portion of the forty percent of all general tuition

fees not required for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of any of the bonds as provided in subsection (1) above shall be deposited in the community college capital projects account which account is hereby created in the general fund of the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes.

NEW SECTION. Sec. 29. There is added to chapter 8, Laws of 1967 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

Notwithstanding any other provision of the 1967 community college act as now or hereafter amended the college board shall be authorized to permit the boards of trustees of the various community colleges to waive general tuition fees, incidental fees, and any other fees for students who are enrolled in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate.

NEW SECTION. Sec. 30. There is added to chapter 28B.50 RCW a new section to read as follows:

A community college may issue a high school diploma or certificate, subject to rules and regulations promulgated by the superintendent of public instruction and the state board of education.

NEW SECTION. Sec. 31. Section 28B.50.110 and 28B.50.120, chapter ..., Laws of 1969 (HB 58) and RCW 28B.50.110 and 28B.50.120 are each hereby repealed.

Part III. Construction and sections temporary in nature.

NEW SECTION. Sec. 32. The state board for community college

education and the state board of education are hereby authorized and directed to jointly conduct a study regarding a common fee schedule for post-secondary educational services, adopt such provisions as may be mutually agreeable, and report findings and actions taken to the members of the legislature by December 1, 1969.

NEW SECTION. Sec. 33. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall be construed as repealing the correlative section of the 1969 education code, and any new or additional provisions of Part II shall be construed as being in pari materia with the 1969 education code.

NEW SECTION. Sec. 34. Part II of 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 the date upon which the 1969 education code becomes effective.

NEW SECTION. Sec. 35. Local law enforcement agencies or such other public agencies that shall be in need of such service may contract with any community college for laboratory services for the analyzing of samples that chemists associated with such community colleges may be able to perform under such terms and conditions as the



individual community college may determine.

NEW SECTION. Sec. 36. Section 35 of this 1969 amendatory act shall be added to Title 28 RCW unless or until such time as the proposed education code of 1969 (HB 58) shall become effective, at which time it shall become a part of Title 28B thereof.

NEW SECTION. Sec. 37. If any provision of this 1969 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House May 9, 1969

Passed the Senate April 11, 1969

Approved by the Governor May 23, 1969, with the exception of certain items in Sections 5, 7, 20 and 22 which are vetoed.  
Filed in office of Secretary of State May 23, 1969

NOTE: Governor's explanation of partial veto is as follows:  
"...This bill contains various amendments and additions to the Community College Act passed by the 1967 legislature.

Section 5 of the bill amends RCW 28.85.060 which describes the powers and duties of the director of the state system of community colleges. By the provisions of Section 5 the director with the approval of the college board is authorized to employ necessary assistant directors of major staff divisions and their confidential secretaries who will serve at his pleasure. While it is appropriate that the assistant directors of major staff divisions should be exempt from the state civil service law, the exemption of confidential secretaries for these assistant directors is in conflict with the objectives of the civil service law. I have accordingly vetoed the item in Section 5 which would exempt confidential secretaries from the provisions of the civil service law.

Section 7 of the bill amends RCW 28.85.100 which describes the procedure for the appointment of members of the board of trustees for each community college district. Under the 1967 Act nominating committees composed of legislators residing within the boundaries of the community college districts nominated trustee candidates for consideration for appointment by the Governor. While this procedure may have been appropriate in 1967 when the community college system was created it is objectionable on a continuing basis.

There is a substantial disparity among the various districts as to the number of legislators who will participate in the nominating

process. As a result, this mechanism provides no assurance that the nominations will represent a cross section of the community college districts. Rather, it may tend on a long-range basis to inject partisanship into the selection process. Just as the boards of regents and boards of trustees of the state universities and colleges are appointed directly by the Governor, so also should the trustees of the community colleges. Finally, to the extent that a governor is actually limited in selecting trustees to those nominees submitted by legislative nominating committees, such a procedure does not conform with Article 13 of the State Constitution which requires that educational trustees of state institutions shall be appointed by the Governor with the advice and consent of the Senate. I have therefore vetoed the item in Section 7 which would continue the legislative nominating committees.

Because the bill contains correlative provisions of the 1969 education code, I have also vetoed the equivalent provisions in those sections."

CHAPTER 262  
[Reengrossed Substitute House Bill No. 582]  
REVENUE AND TAXATION--  
"NET INCOME TAX ACT"--  
PROPERTY TAXES--EXCISES

AN ACT Relating to revenue and taxation; adding new chapters to chapter 15, Laws of 1961 and to Title 82 RCW; adding a new section to chapter 15, Laws of 1961 and to chapter 82.04 RCW; authorizing the establishment of local taxing districts; empowering local taxing districts and cities and towns and counties to levy a retail sales and use tax; amending section 82.02.020, chapter 15, Laws of 1961 as amended by section 16, chapter 236, Laws of 1967 and RCW 82.02.020; amending section 74.04.150, chapter 26, Laws of 1959 and RCW 74.04.150; amending section 1, chapter 7, Laws of 1963 as last amended by section 4, chapter 149, Laws of 1967 ex. sess., and RCW 82.04.050; amending section 82.04.230, chapter 15, Laws of 1961, as amended by section 7, chapter 149, Laws of 1967 ex. sess. and RCW 82.04.230; amending section 82.04.240, chapter 15, Laws of 1961, as last amended by section 8, chapter 149, Laws of 1967 ex. sess. and RCW 82.04.240; amending section 82.04.250, chapter 15, Laws of

1961 as amended by section 9, chapter 149, Laws of 1967 ex. sess., and RCW 82.04.250; amending section 82.04.260, chapter 15, Laws of 1961, as last amended by section 10, chapter 149, Laws of 1967 ex. sess., and RCW 82.04.260; amending section 82.04.270, chapter 15, Laws of 1961, as amended by section 11, chapter 149, Laws of 1967 ex. sess., and RCW 82.04.270; amending section 82.04.280, chapter 15, Laws of 1961, as last amended by section 13, chapter 149, Laws of 1967 ex. sess., and RCW 82.04.280; amending section 82.04.290, chapter 15, Laws of 1961, as last amended by section 14, chapter 149, Laws of 1967 ex. sess., and RCW 82.04.290; amending section 82.08.020, chapter 15, Laws of 1961, as last amended by section 19, chapter 149, Laws of 1967 ex. sess., and RCW 82.08.020; amending section 82.12.020, chapter 15, Laws of 1961, as last amended by section 22, chapter 149, Laws of 1967 ex. sess., and RCW 82.12.020; amending section 84.52.050, chapter 15, Laws of 1961, as last amended by section 3, chapter 133, Laws of 1967 ex. sess., and RCW 84.52.050; amending sections 1 and 3, chapter 168, Laws of 1965 ex. sess. and sections 1 and 2, chapter 132, Laws of 1967 ex. sess., and RCW 84.36.125, 84.36.127, 84.36.128, 84.36.129; and prescribing effective dates and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 15, Laws of 1961 and to Title 82 RCW a new chapter to read as set forth in sections 2 through 29 of this act.

NEW SECTION. Sec. 2. This chapter may be cited as the "Net Income Tax Act."

NEW SECTION. Sec. 3. It is the intent of the legislature by the adoption of this chapter: (1) To provide revenue, a portion of which will enable the state to increase the level of state support for basic maintenance and operation of the common schools, thus permitting a reduction in property taxes attributable to school district excess

levies. (2) Insofar as practicable to make the provisions of the Washington Net Income Tax Act relating to the measurement of taxable income identical to the provisions of the federal internal revenue code relating to the measurement of taxable income in the case of corporations, trusts, and estates, and adjusted gross income in the case of individuals; to achieve this result by the application of certain provisions of the federal internal revenue code relating to the definition of gross income, adjusted gross income, and taxable income, and to accounting methods, and by the application of other pertinent provisions to the internal revenue code.

NEW SECTION. Sec. 4. When used in this chapter, the terms defined in the following subsections shall have the meaning respectively ascribed to them.

(1) The term "internal revenue code" means the Internal Revenue Code of 1954 of the United States, as amended, and in effect on the first day of January, 1969, or as amended after such date.

(2) The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation.

(3) The term "corporation" includes associations and joint stock companies, but shall not include municipal corporations or small business corporations not subject to federal income tax pursuant to sections 1371 through 1378 of the internal revenue code.

(4) The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this chapter, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(5) The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

(6) The term "individual" means a natural person.

(7) The term "taxpayer" means any person subject to a tax imposed by this chapter.

(8) The term "taxable year" with respect to any taxpayer means the taxable year of such taxpayer as shown on his return required pursuant to the internal revenue code. The term "taxable year" includes, in the case of a return required for a fractional part of a year under the provisions of this chapter or regulations prescribed by the department the period for which such return is made.

(9) The term "federal income tax" means income tax paid or accrued to the United States by a taxpayer.

(10) The term "resident" shall mean any individual who has resided in the state of Washington for more than one hundred eighty-two days in any taxable year.

(11) The terms "paid or incurred" and "paid or accrued" shall be defined as set forth in the internal revenue code and shall be construed according to the method of accounting upon the basis of which the taxable income is computed.

(12) The term "employer" means "employer" as defined in the internal revenue code.

(13) The term "employee" means "employee" as defined in the internal revenue code.

(14) The term "department" means the department of revenue of the state of Washington.

NEW SECTION. Sec. 5. A tax hereby is imposed for each taxable year on the taxable income of every individual resident and upon that part of the taxable income of every individual not a resident, which is derived from sources within the state of Washington; and such tax shall be computed at the rate of three and one-half percent. An individual not a resident, at his option, may be taxed in the same manner as a resident under this chapter.

NEW SECTION. Sec. 6. A joint return may be filed under the same conditions under which a joint return may be filed for purposes of the federal income tax, as set forth in section 6013(a), section

6013(d) and section 2(b) of the internal revenue code. Where a joint return is made by husband and wife pursuant to the internal revenue code, a joint return shall be made pursuant to this chapter.

NEW SECTION. Sec. 7. The taxable income of an individual resident in the state of Washington shall be the amount of federal adjusted gross income as defined in section 62 of the internal revenue code with the following modifications:

(1) Subtract interest income on the obligations of the United States, its possessions, and instrumentalities, if such income is exempt from taxation under this chapter by reason of federal law, and has not been previously excluded from gross income for federal tax purposes;

(2) Add an amount equal to taxes based upon or measured by net income imposed by any state of the United States but only to the extent such amount is deducted or excluded by the taxpayer from gross income for federal income tax purposes;

(3) Subtract one thousand dollars (\$1,000), or, in the case of a joint return filed by husband and wife, subtract two thousand dollars (\$2,000);

(4) Subtract the amount of one thousand dollars (\$1,000) multiplied by the number of exemptions allowed to the taxpayer under section 151 (c), (d), and (e) of the internal revenue code;

(5) Subtract one thousand dollars (\$1,000) for the spouse of the taxpayer if an exemption is allowable to the taxpayer for his or her spouse pursuant to section 151(b) of the internal revenue code;

(6) Subtract the amount of alimony paid by a taxpayer during the taxable year and allowed as a deduction for federal income tax purposes under section 215 of the internal revenue code;

(7) Subtract the amount paid by a taxpayer or his spouse during the taxable year for necessary employee employment expenses including, but not limited to union or professional association dues, fees to secure employment, work tools and required uniforms;

(8) Add the amount excluded from gross income for federal in-

come tax purposes under section 103(a) (1) of the internal revenue code;

(9) Subtract the amount paid for medical care during the taxable year by the taxpayer, his or her spouse, and dependents and allowed as a deduction for federal income tax purposes under section 213 of the internal revenue code.

NEW SECTION. Sec. 8. An individual resident in the state of Washington shall be allowed a credit against the taxes imposed by this chapter for net income taxes imposed by and paid or accrued to another state or to a foreign country or political subdivision thereof on income taxed under this chapter, subject to the following conditions:

(1) The credit shall be allowed only for taxes imposed by such other state or country on net income from sources within such state or country and taxed under the laws thereof.

(2) The amount of such tax credit shall be the smaller of the following two amounts:

(a) The amount of tax actually paid; or

(b) The product of the Washington tax times a fraction, the numerator of which is the taxpayer's taxable income actually taxed by such other state or country, and the denominator of which is the taxpayer's taxable income computed in accordance with section 7 of this act.

NEW SECTION. Sec. 9. For purposes of section 5 of this act, that part of the taxable income which is derived from sources within the state of Washington, shall be the product of the taxpayer's taxable income computed in the same manner as provided for a resident individual under section 7 of this act times a fraction, the numerator of which is the taxpayer's income from sources within the state as defined in section 10 of this act, and the denominator of which is the taxpayer's federal adjusted gross income.

NEW SECTION. Sec. 10. Income from sources within the state for purposes of this chapter means:

(1) Compensation for labor and personal services performed in

this state;

(2) That part of a taxpayer's income allocable and apportionable to this state under subsection (2) of section 19 of this act or under Article IV of RCW 82.56.010 (Multistate Tax Compact).

NEW SECTION. Sec. 11. A tax hereby is imposed for each taxable year on the taxable income of every corporation doing business in this state; such tax shall be three and one-half percent of such corporation's taxable income.

NEW SECTION. Sec. 12. The taxable income of a corporation which, during any taxable year, is doing business within the state of Washington, and is not taxable in another state within the meaning of section 3 of Article IV of RCW 82.56.010 (Multistate Tax Compact), shall be the amount of federal taxable income as defined in section 63(a) of the internal revenue code, with the same modifications provided for a resident individual in subsections (1), (2) and (8) of section 7 of this act.

NEW SECTION. Sec. 13. (1) The taxable income of a corporation which during a taxable year is doing business within the state of Washington and which is taxable in another state within the meaning of section 3 of Article IV of RCW 82.56.010 (Multistate Tax Compact), shall be that part of the corporation's total taxable income apportioned and allocated to this state.

(2) For purposes of subsection (1) of this section, total taxable income shall be computed in accordance with section 12 of this act.

(3) For purposes of subsection (1) of this section, taxable income shall be allocated and apportioned in accordance with subsection (2) of section 19 of this act or Article IV of RCW 82.56.010 (Multistate Tax Compact).

NEW SECTION. Sec. 14. (1) The tax imposed by this 1969 act on individuals shall apply to the taxable income of every resident trust and resident estate. For purposes of this section, resident trust means a trust of which the fiduciary is domiciled in the state



of Washington, or a trust the administration of which is carried on in the state of Washington; and resident estate means an estate of which the fiduciary was appointed by a Washington court or the administration of which is carried on in the state of Washington. Every resident trust and resident estate shall be entitled to a credit against taxes imposed by this section in the same manner as provided for resident individuals in section 8 of this act.

(2) The tax imposed by this 1969 act on individuals shall apply to the taxable income of every nonresident trust and estate doing business in this state. For purposes of this subsection, taxable income shall be that part of the total taxable income of such trust or estate apportioned and allocated to this state. For purposes of this subsection total taxable income shall be computed in accordance with subsection (3) of this section, and taxable income shall be allocated and apportioned in accordance with Article IV of RCW 82.56.010 (Multistate Tax Compact).

(3) For purposes of this section taxable income shall be federal taxable income computed in accordance with the applicable provisions of subchapter J of the internal revenue code with the same modifications provided for a resident individual in subsections (1), (2) and (8) of section 7 of this act.

NEW SECTION. Sec. 15. A partnership as such shall not be subject to the income tax imposed by this chapter. Persons carrying on business as partners shall be liable for income tax only in their separate or individual capacities. The taxable income attributable to a taxpayer's interest in a partnership shall be computed in accordance with the provisions of subchapter K of chapter 1 of the internal revenue code.

NEW SECTION. Sec. 16. (1) The amount of any sales tax or use tax which qualifies under RCW 82.04.435 for credit against business and occupation taxes, shall be allowable as a credit against taxes imposed by this chapter, but only to the extent such amount has not been taken as a credit under RCW 82.04.435: PROVIDED, HOWEVER,

That the amount of the credit allowable under this subsection may not exceed for any taxable year one hundred percent of the credit allowable under RCW 82.04.435 for such taxable year.

(2) Every individual who has been a resident during a taxable year shall be entitled for such taxable year to a credit against taxes imposed by this chapter for taxes imposed under chapter 82.08 RCW on sales of food products for home consumption. Such credit shall be claimed on the return required to be filed under this chapter and shall be credited against the net income tax otherwise due. This credit shall be in the amount of fifteen dollars for each individual for each taxable year. If the tax liability of any individual shown by the return is less than the total amount of the credit which he is entitled to claim pursuant to this section, such individual shall be entitled to a refund in the amount of the excess of the credit over the net income tax otherwise due. If any individual entitled to claim a credit pursuant to this section is not otherwise required by this chapter to file a return, a refund may be obtained in the amount of such credit by filing a return, completed insofar as may be applicable, and claiming such refund. No credit or refund shall be allowed pursuant to this section unless such credit or refund is claimed on a return filed for the taxable year in which such retail sales taxes were paid subject to the three year limitation prescribed in section 6511 of the internal revenue code.

(3) During the last six months of each even numbered year, the department of revenue shall conduct a study to determine the adequacy of the amount of the credit provided for in subsection (2) of this section to reflect the average per capita amount of sales tax paid by Washington residents on food items for home consumption. Such studies shall be based upon the consumer price index for food of the United States Bureau of Labor Statistics, and upon such other statistical studies as the department deems appropriate. If the study shows the amount of the credit to be inadequate for this purpose, the department shall increase the amount of the credit to an amount it de-

termines to be adequate: PROVIDED, HOWEVER, That no single increase may be less than one dollar nor more than two dollars. The increase shall be adopted by means of rule making proceedings pursuant to chapter 34.04 RCW, and shall be effective for taxable years beginning on and after January 1st of the year succeeding the year in which the rule was adopted.

(4) An amount constituting ten percent of property taxes paid on business inventories, as defined in section 40 of this 1969 act, held primarily for sale by a person exempt from business and occupation tax pursuant to RCW 82.04.330, and with respect to the sale of which RCW 82.04.330 is applicable, shall be allowed as a credit against taxes imposed by this chapter for the same taxable year in which said property taxes were paid.

(5) Commencing January 1 of the second year following imposition of a tax pursuant to sections 5 and 11 of this act, an amount constituting a percentage of property taxes paid on business inventories as defined in section 40 of this act shall be allowable as a credit against taxes imposed by this chapter for the same taxable year in which said property taxes were paid. The percentage of property taxes allowable as a credit shall be as follows, for each taxable year to which this subsection is applicable:

1st taxable year	10 percent
2nd taxable year	20 percent
3rd taxable year	30 percent
4th taxable year	40 percent
5th taxable year	50 percent
6th taxable year	60 percent
7th taxable year	70 percent
8th taxable year	80 percent
9th taxable year	90 percent
10th taxable year	100 percent

For purposes of this subsection, the term "taxable year" shall not include a period of less than three hundred sixty-five days: PROVID-

v- ED, That during the period this proviso is in effect it shall be in lieu of all other provisions allowing credit against net income taxes for property taxes paid on business inventories.

NEW SECTION. Sec. 17. Any person subject to the tax imposed under chapter 82.16 RCW shall pay the tax imposed by this chapter only upon taxable income allocable to activities upon which no tax is imposed under the provisions of chapter 82.16 RCW. Such allocation shall be made in accordance with rules promulgated by the department.

NEW SECTION. Sec. 18. (1) An organization described in section 501 of the internal revenue code shall be specifically exempt from taxation under this chapter, unless such exemption is denied under sections 502, 503 or 504 of the internal revenue code.

(2) Except as hereinafter provided the tax imposed by this chapter shall not apply to insurers, other than title insurers, holding valid certificates of authority issued by the insurance commissioner of this state: PROVIDED, That the provisions of this subsection shall not exempt any person engaging in the business of representing any insurer, whether as general or local agent, or acting as broker for one or more insurers: AND PROVIDED, That the provisions of this subsection shall not exempt from the tax imposed by this chapter the taxable income of an insurer derived from investments which do not constitute eligible investments for such insurers under chapter 48.13 RCW.

(3) This chapter shall not apply to a regulated investment company as defined in section 851 of the internal revenue code, except to the extent that such company has taxable income for federal tax purposes pursuant to section 852 of the internal revenue code.

NEW SECTION. Sec. 19. (1) Any taxpayer, other than a resident individual, trust or estate, having income from business activity which is taxable both within and without this state, other than activity as a financial organization or public utility or the rendering of purely personal services by an individual, shall allocate and apportion his net income as provided in Article IV of RCW 82.56.010

(Multistate Tax Compact).

(2) Any taxpayer having income from business activity as a financial organization or as a public utility, which activity is not taxable under the provisions of chapter 82.16 RCW, shall allocate and apportion his net income in accordance with regulations to be promulgated by the department, which regulations shall be, insofar as practicable, in conformity with the provisions of sections 1 through 17 of Article IV of RCW 82.56.010 (Multistate Tax Compact).

NEW SECTION. Sec. 20. Every employer making a payment of wages or salaries earned in this state shall deduct and withhold a tax in the amount of either (a) three and one-half percent of such wages or salaries or (b) such amount as shall be prescribed in tables promulgated by the department, which tables shall in no event provide for a deduction greater than that provided in (a) above, and which shall be computed by the department in such a manner as to result as closely as possible in annual withholding of the taxpayer's annual tax liability. Every employer making a deduction and withholding as outlined above, shall furnish to the employee a record of the amount of tax withheld from such employee on forms to be prescribed upon request and furnished by the department. Remittance of taxes withheld shall be made in the identical manner prescribed by regulations of the internal revenue code, and must be accompanied by returns on forms prescribed by the department. For purposes of this section, "wages or salaries" shall mean "wages" as defined in section 3401 of the internal revenue code.

NEW SECTION. Sec. 21. Every employer making payments of wages or salaries earned in this state, regardless of the place where such payment is made, shall be liable for the payment of the tax required to be deducted and withheld under section 20 and shall not be liable to any individual for the amount of any such payment.

NEW SECTION. Sec. 22. If the employer is the United States or this state or any political subdivision thereof, or an agency or instrumentality of any one or more of the foregoing, the return of

the amount deducted and withheld upon any wages or salaries may be made by any officer of said employer having control of the payment of such wages or salaries or appropriately designated for that purpose.

NEW SECTION. Sec. 23. The amount so deducted and withheld as tax under sections 20 through 22 of this act during any taxable year shall be allowed as a credit against the tax imposed for such taxable year by section 5 of this act. If the tax liability of any individual shown by the return is less than the total amount of the credit which he is entitled to claim pursuant to this section, such individual shall be entitled to a refund in the amount of the excess of the credit over the net income tax otherwise due. If any individual entitled to claim a credit pursuant to this section is not otherwise required by this chapter to file a return, a refund may be obtained in the amount of such credit by filing a return, completed insofar as may be applicable, and claiming such refund. No credit or refund shall be allowed pursuant to this section unless such credit or refund is claimed on a return filed for the taxable year for which such amount was so deducted and withheld.

NEW SECTION. Sec. 24. Every person required to make a return under the provisions of section 6012 of the internal revenue code shall at the same time render to the department a return setting forth the following:

- (1) The amount of tax due, if any, or overpayment of tax, if any, as reported on returns made to the director of internal revenue;
- (2) The amount of tax due under this chapter, if any, less credits claimed against tax;
- (3) Such other information for the purpose of carrying out the provisions of this chapter as may be prescribed by the department.

The return shall contain a written declaration that it is made under the penalty of perjury, and the department may prescribe forms accordingly, and such statement shall entail the penalties of perjury.

NEW SECTION. Sec. 25. Any taxpayer, upon request by the department must furnish to the department a true and correct copy of any federal tax return which he has filed.

NEW SECTION. Sec. 26. The time and manner of the payment of the tax imposed by this chapter shall be in accordance with the provisions of the internal revenue code including sections 6153 and 6154 thereof (installment payments of estimated income tax) and the regulations promulgated thereunder providing for the time and manner of the payment of the federal income tax: PROVIDED, That the department by regulation may make such modifications and exceptions to such provisions as it deems necessary to facilitate the prompt and efficient collection of the tax.

NEW SECTION. Sec. 27. (1) The department is authorized to credit or refund all overpayments of taxes, all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that are found unjustly assessed or excessive in amount, or in any manner wrongfully collected. The department shall by means of rules and regulations specify the manner in which claims for credits or refunds shall be made, prescribe limitations and give notice of allowance or disallowance. These rules and regulations shall be based upon the provisions of sections 6401, 6402, 6403, and 6511 of the internal revenue code insofar as such provisions are consistent with other provisions of this chapter and with chapter 82.32 RCW as now or hereafter amended.

(2) The department shall utilize the administrative provisions prescribed in chapter 82.32 RCW as now or hereafter amended for the enforcement of and the collection of taxes under this chapter; and all remedies, procedures, and penalties prescribed therein shall have full force and binding effect upon all taxpayers and upon the department as though set forth at length in this act: PROVIDED, That no person falling exclusively within the class of employee shall be required to register with the department pursuant to RCW 82.32.030.

NEW SECTION. Sec. 28. The same period of limitation upon the

assessment and collection of taxes imposed under this chapter and the same exceptions thereto shall apply as are provided under sections 6501(a), 6501(c), and 6502(a) of the internal revenue code.

NEW SECTION. Sec. 29. The department shall have the power to make and publish rules and regulations for the administration and enforcement of this chapter, not inconsistent with the provisions of this chapter.

Sec. 30. Section 1, chapter 7, Laws of 1963, as last amended by section 4, chapter 149, Laws of 1967 ex. sess., 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) 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 charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and 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 paragraph 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 but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

Upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the term shall not include the sale of drugs or medicines either required by law to be dispensed or actually dispensed in accordance with the prescription of a licensed practitioner of one of the healing arts authorized by law to prescribe such drugs or medicines.

Sec. 31. Section 82.08.020, chapter 15, Laws of 1961, as last amended by section 19, chapter 149, Laws of 1967 ex. sess., and RCW 82.08.020 are each amended to read as follows:

There is levied and there shall be collected a tax on each retail sale in this state equal to four and one-half percent of the selling price; PROVIDED; That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the tax imposed by this section shall be equal to three and one-half 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. 32. Section 82.12.020, chapter 15, Laws of 1961, as last amended by section 22, chapter 149, Laws of 1967 ex. sess., and RCW 82.12.020 are each amended to read as follows:

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same. 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 includ-

ing 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 one-half percent: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the tax imposed by this section shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of three and one-half percent.

Sec. 33. Section 82.04.230, chapter 15, Laws of 1961, as amended by section 7, chapter 149, Laws of 1967 ex. sess., and RCW 82.04.230 are each amended to read as follows:

Upon every person engaging within this state in business as an extractor; 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, extracted for sale or for commercial or industrial use, multiplied by the rate of forty-four one-hundredths of one percent: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such business shall be equal to the value of the products, including byproducts, extracted for sale or for commercial or industrial use multiplied by the rate of twenty-two one-hundredths of one percent;

The measure of the tax is the value of the products, including byproducts, so extracted, regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Sec. 34. Section 82.04.240, chapter 15, Laws of 1961, as last

amended by section 8, chapter 149, Laws of 1967 ex. sess., and RCW 82.04.240 are each amended to read as follows:

Upon every person except persons taxable under subsections (2), (3), (4), (5), (6), or (8) 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 forty-four one-hundredths of one percent: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such business shall be equal to the value of the products, including by-products, manufactured, multiplied by the rate of twenty-two one-hundredths of one percent.

The measure of the tax is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Sec. 35. Section 82.04.250, chapter 15, Laws of 1961, as amended by section 9, chapter 149, Laws of 1967 ex. sess., and RCW 82.04.250 are each amended to read as follows:

Upon every person engaging within this state in the business of making sales at retail, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of forty-four one-hundredths of one percent: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of twenty-two one-hundredths of one percent.

Sec. 36. Section 82.04.260, chapter 15, Laws of 1961, as last amended by section 10, chapter 149, Laws of 1967 ex. sess., and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, corn, rye and barley, but not

including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the tax imposed shall be equal to the gross proceeds derived from sales multiplied by the rate of one two-hundredths of one percent.

(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: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, 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-sixteenth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-eighth of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent: PROVIDED, That upon and after the effective date of the provisions of this amendatory

act which impose a tax upon net income, 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-sixteenth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, 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-twentieths of one percent.

(6) 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 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: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-two one-hundredths of one percent.

(7) 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: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, 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

twenty-two one-hundredths of one percent.

(8) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three one-hundredths of one percent: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three two-hundredths of one percent.

Sec. 37. Section 82.04.270, chapter 15, Laws of 1961, as amended by section 11, chapter 149, Laws of 1967 ex. sess., and RCW 82.04.270 are each amended to read as follows:

(1) Upon every person except persons taxable under subsection (1) of RCW 82.04.260 engaging within this state in the business of making sales at wholesale; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of forty-four one-hundredths of one percent: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of twenty-two one-hundredths of one percent.

(2) The tax imposed by this section is levied and shall be collected from every person engaged in the business of distributing in this state articles of tangible personal property, owned by them from their own warehouse or other central location in this state to two or more of their own retail stores or outlets, where no change of title or ownership occurs, the intent hereof being to impose a tax equal to the wholesaler's tax upon persons performing functions essentially comparable to those of a wholesaler, but not actually making sales: PROVIDED, That the tax designated in this section may not



be assessed twice to the same person for the same article. The amount of the tax as to such persons shall be computed by multiplying forty-four one-hundredths of one percent of the value of the article so distributed as of the time of such distribution: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax as to such persons shall be computed by multiplying twenty-two one-hundredths of one percent of the value of the article so distributed as of the time of such distribution: PROVIDED, That persons engaged in the activities described in this subsection shall not be liable for the tax imposed if by proper invoice it can be shown that they have purchased such property from a wholesaler who has paid a business and occupation tax to the state upon the same articles. This proviso shall not apply to purchases from manufacturers as defined in RCW 82.04.110. The department of revenue shall prescribe uniform and equitable rules for the purpose of ascertaining such value, which value shall correspond as nearly as possible to the gross proceeds from sales at wholesale in this state of similar articles of like quality and character, and in similar quantities by other taxpayers: PROVIDED FURTHER, That delivery trucks or vans will not under the purposes of this section be considered to be retail stores or outlets.

Sec. 38. Section 82.04.280, chapter 15, Laws of 1961, as last amended by section 13, chapter 149, Laws of 1967 ex. sess., and RCW 82.04.280 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving any publicly owned street, place, road, highway, bridge, or trestle which is used or to be used, primarily for foot or vehicular traffic including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the

public authority whose street, place, road, highway, bridge or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of forty-four one-hundredths of one percent: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of twenty-two one-hundredths of one percent.

Sec. 39. Section 82.04.290, chapter 15, Laws of 1961, as last amended by section 14, chapter 149, Laws of 1967 ex. sess., and RCW 82.04.290 are each amended to read as follows:

Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04-.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270, 82.04.275 and 82.04-.280; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of one percent: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of

twenty-two one-hundredths of one percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

NEW SECTION. Sec. 40. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows:

An amount constituting ten percent of property taxes paid on business inventories shall be allowed as a credit against taxes imposed by this chapter for the same taxable year in which said property taxes were paid until January 1 of the second year following imposition of a tax pursuant to sections 5 and 11 of this act. For purposes of this section, "business inventories" shall mean personal property held primarily for sale in the ordinary course of a trade or business, or for consumption in the production of property so held or to be held, including livestock, furbearing animals, fish, fowl and bees; crops and agricultural products; stock in trade; merchandise, products, supplies and containers; raw materials, finished or partly finished goods, unassembled parts and work in process. "Business inventories" shall not include machinery, machines, equipment, tools or furniture except when such property is held primarily for sale in the ordinary course of a trade or business.

NEW SECTION. Sec. 41. The reduction in rates of tax provided in sections 33 through 39 to take effect upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income shall not apply to an organization exempt from net income taxation by reason of section 18 (1) of this act, an organization

within the scope of section 1381 of the internal revenue code, or a municipal corporation or political subdivision of the state.

NEW SECTION. Sec. 42. There is added to chapter 15, Laws of 1961, and to Title 82 RCW a new chapter, to read as set forth in sections 43 through 59 of this act.

NEW SECTION. Sec. 43. The purpose of this chapter is to provide property tax relief, through a system of income tax credits and direct payments, to certain persons who own or rent their homestead.

NEW SECTION. Sec. 44. As used in this chapter:

(1) "Income" means income from all sources whatsoever.

(2) "Household" means a claimant and his or her spouse.

(3) "Household income" means all income received by a claimant, his or her spouse, and all other persons of a household in a calendar year while members of the household.

(4) "Homestead" means the dwelling, whether owned or rented, and so much of the land surrounding it, not exceeding one acre, as is reasonably necessary for use of the dwelling as a home, and may consist of a part of a multi-dwelling or multi-purpose building and a part of the land upon which it is built. It does not include personal property such as furniture, furnishings or appliances, but a mobile home may be a homestead, if it is subject to property taxation.

(5) "Owned" includes possession under a contract of sale, deed of trust, life estate, joint tenancy, or tenancy in common.

(6) "Claimant" means a person who has filed a claim under this chapter, who was sixty-two years of age or over on or before January 1 of the preceding calendar year, and who was a resident during such preceding calendar year within the meaning of section 4, subsection (10), of this act.

When two individuals of a household are able to

meet the qualifications for a claimant, they may determine between them as to who the claimant shall be. If they are unable to agree, the matter shall be referred to the department and its decision shall be final. If a homestead is occupied by two or more individuals, and more than one individual is able to qualify as a claimant, and some or all the qualified individuals are not related, the individuals may determine among them as to who the claimant shall be. If they are unable to agree, the matter shall be referred to the department, and its decision shall be final.

(7) "Rent constituting property taxes accrued" means twenty percent of the gross rent actually paid in cash or its equivalent in the preceding calendar year by a claimant and his household solely for the right of occupancy of their homestead in this state.

(8) "Gross rent" means rental paid solely for the right of occupancy (at arms-length) of a homestead, exclusive of charges for any utilities, services, furniture, furnishings or personal property appliances furnished by the landlord as a part of the rental agreement, whether or not expressly set out in the rental agreement. If the landlord and tenant have not dealt with each other at arms-length, and the department is satisfied that the gross rental charges were excessive, it may adjust the gross rent to a reasonable amount for purposes of this chapter.

(9) "Property taxes accrued" means property taxes (exclusive of special assessments, delinquent interest, and special service charges) levied on a homestead in this state in the preceding calendar year. If a homestead is owned by two or more persons or entities as joint tenants or tenants in common, and one or more persons or entities are not a member of claimant's household, "property

taxes accrued" is that part of property taxes levied on the homestead which reflects the ownership percentage of the claimant and his household. If a homestead is an integral part of a larger unit such as a farm, or a multi-purpose or multi-dwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For purposes of this paragraph "unit" refers to the parcel of property covered by a single tax statement of which the homestead is a part.

(10) "Preceding calendar year" shall mean the calendar year preceding the year in which the claim for credit or rebate is made.

(11) "Department" means the state department of revenue.

NEW SECTION. Sec. 45. The right to file claim under this chapter shall be personal to the claimant and shall not survive his death, but such right may be exercised on behalf of a claimant by his legal guardian or attorney-in-fact. If a claimant dies after having filed a timely claim, the amount thereof shall be disbursed to another member of the household as determined by the department. If the claimant was the only member of his household, the claim may be paid to his executor or administrator.

NEW SECTION. Sec. 46. Subject to the limitations provided in this chapter, a claimant may claim in any year as a credit against Washington income taxes otherwise due on his income, property taxes accrued, or rent constituting property taxes accrued, or both in the preceding calendar year. If the allowable amount of such claim exceeds the income taxes otherwise due on claimant's income, or if there are no Washington income taxes due on claimant's income, the amount of the claim not used as an offset against income taxes, after approval by the department, shall be paid to claimant. No interest shall be allowed on any payment made to a claimant pursuant to this chapter. The budget director shall prescribe such rules of procedure as may be necessary to assure that such payments are made in an accurate and systematic manner.

NEW SECTION. Sec. 47. No credit or refund shall be allowed pursuant to section 46 of this 1969 amendatory act unless such credit is claimed on a return filed for the taxable year in which the property taxes accrued or the rent constituting property taxes accrued, as the case may be, were paid, subject to the three year limitation prescribed in section 6511 of the internal revenue code.

NEW SECTION. Sec. 48. The amount of any claim otherwise payable under this chapter may be applied by the department against any liability outstanding on the books of the department against the claimant, or against his or her spouse who was a member of the claimant's household in the year to which the claim relates.

NEW SECTION. Sec. 49. Only one claimant per household per year shall be entitled to relief under this chapter.

NEW SECTION. Sec. 50. The amount of any claim pursuant to this chapter shall be determined in accordance with the following schedule:

HOUSEHOLD INCOME RANGE	PERCENTAGE OF TAX ALLOWABLE AS CLAIM
0 -- 499 .....	70 percent
500 -- 549 .....	69 percent
550 -- 599 .....	68 percent
600 -- 649 .....	67 percent
650 -- 699 .....	66 percent
700 -- 749 .....	65 percent
750 -- 799 .....	64 percent
800 -- 849 .....	63 percent
850 -- 899 .....	62 percent
900 -- 949 .....	61 percent
950 -- 999 .....	60 percent
1,000 -- 1,049 .....	59 percent
1,050 -- 1,099 .....	58 percent
1,100 -- 1,149 .....	57 percent
1,150 -- 1,199 .....	56 percent

1,200 --	1,249	.....	55 percent
1,250 --	1,299	.....	54 percent
1,300 --	1,349	.....	53 percent
1,350 --	1,399	.....	52 percent
1,400 --	1,449	.....	51 percent
1,450 --	1,499	.....	50 percent
1,500 --	1,549	.....	49 percent
1,550 --	1,599	.....	48 percent
1,600 --	1,649	.....	47 percent
1,650 --	1,699	.....	46 percent
1,700 --	1,749	.....	45 percent
1,750 --	1,799	.....	44 percent
1,800 --	1,849	.....	43 percent
1,850 --	1,899	.....	42 percent
1,900 --	1,949	.....	41 percent
1,950 --	1,999	.....	40 percent
2,000 --	2,049	.....	39 percent
2,050 --	2,099	.....	38 percent
2,100 --	2,149	.....	37 percent
2,150 --	2,199	.....	36 percent
2,200 --	2,249	.....	35 percent
2,250 --	2,299	.....	34 percent
2,300 --	2,349	.....	33 percent
2,350 --	2,399	.....	32 percent
2,400 --	2,449	.....	31 percent
2,450 --	2,499	.....	30 percent
2,500 --	2,549	.....	29 percent
2,550 --	2,599	.....	28 percent
2,600 --	2,649	.....	27 percent
2,650 --	2,699	.....	26 percent
2,700 --	2,749	.....	25 percent
2,750 --	2,799	.....	24 percent
2,800 --	2,849	.....	23 percent



2,850 --	2,899	.....	22 percent
2,900 --	2,949	.....	21 percent
2,950 --	2,999	.....	20 percent
3,000 --	3,074	.....	19 percent
3,075 --	3,149	.....	18 percent
3,150 --	3,224	.....	17 percent
3,225 --	3,299	.....	16 percent
3,300 --	3,374	.....	15 percent
3,375 --	3,449	.....	14 percent
3,450 --	3,524	.....	13 percent
3,525 --	3,599	.....	12 percent
3,600 --	3,674	.....	11 percent
3,675 --	3,749	.....	10 percent

In any case in which property taxes accrued, or rent constituting property taxes accrued in any one year in respect of any one household exceeds \$350, the amount thereof shall, for purposes of this chapter, be deemed to have been \$350. In any case in which households income is \$3,000 or less, the amount of a claim allowable hereunder shall be at least \$50: PROVIDED, That in no case shall the claim exceed the amount of the property taxes accrued or rent constituting property taxes accrued.

The department shall, within the six month period prior to each regular legislative session, make a study with respect to any increases in the general levels of property taxation, personal income, and the cost of living, and shall report its findings to the next regular session in such a manner as will enable the legislature to determine the adequacy of the above schedule.

NEW SECTION. Sec. 51. The department shall make available suitable forms with instructions for claimants, including a form which may be included with or as a part of the individual income tax blank. The claim shall be in such form as the department may prescribe.

NEW SECTION. Sec. 52. Every claimant under this chapter shall

supply to the department, in support of his claim, reasonable proof of rent paid, name and address of owner or managing agent of property rented, property taxes accrued, changes of homestead, household membership, household income, size and nature of property claimed as the homestead and a statement that the property taxes accrued and used for purposes of this chapter have been or will be paid by him and that there are no delinquent property taxes on the homestead.

NEW SECTION. Sec. 53. If on the audit of any claim filed under this chapter the department determines the amount to have been incorrectly determined, it shall redetermine the claim and notify the claimant of the redetermination and its reasons for it.

NEW SECTION. Sec. 54. If it is determined that a claim is excessive and was filed with fraudulent intent, the claim shall be disallowed in full, and, if the claim has been paid or a credit has been allowed against income taxes otherwise payable, the credit shall be canceled and the amount paid may be recovered by assessment (as income taxes are assessed), and the assessment shall bear interest from the date of payment or credit of the claim, until refunded or paid, at the rate of one-half of one percent per month.

NEW SECTION. Sec. 55. If a homestead is rented by a person from another person under circumstances deemed by the department to be not at arms-length, it may determine rent constituting property taxes accrued as at arms-length.

NEW SECTION. Sec. 56. Any person aggrieved by the denial in whole or in part of relief claimed under this chapter, except when the denial is based upon late filing of claim for relief may appeal such denial in accordance with the provisions of chapters 82.03 and 82.32 RCW.

NEW SECTION. Sec. 57. No claim for relief under this chapter shall be allowed to any person who was a recipient of public funds for the payment of the taxes or rent during the preceding calendar year, or to any person with respect to any homestead which, during

the preceding calendar year, was exempt from real property taxation in whole or in part.

NEW SECTION. Sec. 58. A claim shall be disallowed if the department finds that the claimant received title to his homestead primarily for the purpose of receiving benefits under this chapter.

NEW SECTION. Sec. 59. In case of sickness, absence, or other disability, or if, in its judgment, good cause exists, the department may extend for a period not to exceed six months the time for filing a claim.

Sec. 60. Section 1, chapter 168, Laws of 1965 ex. sess. and RCW 84.36.125 are each amended to read as follows:

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.

This section shall expire upon the date the provisions of this 1969 amendatory act which impose a tax upon net income become effective.

Sec. 61. Section 3, chapter 168, Laws of 1965 ex. sess. and RCW 84.36.127 are each amended to read as follows:

RCW 84.36.125 and 84.36.126 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.

This section shall expire upon the date the provisions of this 1969 amendatory act which impose a tax upon net income become effective.

Sec. 62. Section 1, chapter 132, Laws of 1967 ex. sess. and

RCW 84.36.128 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay the first fifty dollars of real property taxes due and payable in any one year if the following conditions are met:

(1) The property taxes must have been imposed upon a residence which has been regularly occupied by the person claiming the exemption during the five calendar years preceding the year for which the exemption is claimed; or the property taxes must have been imposed upon a residence which has been regularly occupied by the person claiming the exemption during the preceding calendar year and the person claiming the exemption must also have been a resident of the state of Washington for the last ten calendar years preceding the year for which the exemption is claimed.

(2) The person claiming the exemption must have owned, at the time of filing, in fee, by contract purchase, or by deed of trust, the residence on which the property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community shall be deemed to be owned by each spouse.

(3) If the person claiming the exemption is a male, he must have been sixty-five years of age or older on February 15th of the year in which the exemption is claimed, or must have been, at the time of filing, totally disabled and as such retired under a public or private retirement plan.

(4) If the person claiming the exemption is a female, she must have been sixty-two years of age or older on February 15th of the year in which the exemption is claimed.

(5) No person who, during the preceding calendar year, has regularly occupied the residence on which the taxes have been imposed shall have received during the preceding calendar year any earnings of the type and amount which would cause any deduction from social security benefits for a recipient of such benefits pursuant to 42 U.S.C. 403: PROVIDED, HOWEVER, That this subsection shall not

apply with respect to an occupant who is related to the person claiming the exemption and who is either a student under the age of twenty-five who is pursuing a full course of studies or who is making payments as a sharing of the expenses of maintaining the residence not in excess of one hundred dollars per month.

(6) The combined income, from all sources whatsoever, of the person claiming the exemption and his or her spouse shall not have been in excess of three thousand dollars for the preceding calendar year.

This section shall expire upon the date the provisions of this 1969 amendatory act which impose a tax upon net income become effective.

Sec. 63. Section 2, chapter 132, Laws of 1967 ex. sess. and RCW 84.36.129 are each amended to read as follows:

For the purposes of RCW 84.36.128:

(1) The term "residence" shall mean a single family dwelling, including the lot on which the dwelling stands.

(2) The term "preceding calendar year" shall mean the calendar year preceding the year in which the property taxes for which the exemption is claimed are due and payable.

All claims for exemption shall be made and signed by the person entitled to the exemption, by his or her attorney in fact or, in the event the residence of such person is under mortgage or purchase contract requiring accumulation of reserves out of which the holder of the mortgage or contract is required to pay real estate taxes, by such holder, 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 perjury.

Claims for exemption shall be made annually and filed between February 15 and April 30 of the year in which the taxes are payable and solely upon forms as prescribed and furnished by the department of revenue.

This section shall expire upon the date the provisions of this 1969 amendatory act which impose a tax upon net income become effective.

NEW SECTION. Sec. 64. Any county is authorized to levy for general county purposes two mills upon the dollar of assessed valuation, notwithstanding the limitations contained in RCW 84.52.050 as now or hereafter amended, and in addition to the millage rates authorized therein.

Sec. 65. Section 84.52.050, chapter 15, Laws of 1961, as last amended by section 3, chapter 133, Laws of 1967 ex. sess., and RCW 84.52.050 are each amended to read as follows:

Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, municipal corporations, taxing districts and governmental agencies, now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty percent of the true and fair value of such property in money; and within and subject to the aforesaid limitation the levy by the state shall not exceed two mills to be used exclusively for the public assistance program of the state: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the authority of the state to levy not to exceed two mills to be used exclusively for the public assistance program of the state shall expire and such millage may be levied by any county as authorized in section 64 of this 1969 amendatory act; the levy by any county shall not exceed eight mills; the levy by or for any school district shall not exceed fourteen mills: PROVIDED, That in each of the years 1967 and 1968 and 1969 and 1970 the state shall levy a property tax of four mills of which two mills shall be used exclusively for the public assistance program of the state and of which two mills shall be used exclusively for the support of the common schools; and in such years in which the state shall validly levy a

property tax of two mills for the support of the common schools, the levy by or for any school district shall not exceed twelve mills: PROVIDED FURTHER, That the levy by or for any union high school district shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any component district within a union high school district shall not exceed three-fifths of the maximum levy permissible for any school district without a vote of the electors thereof: PROVIDED FURTHER, That the levy against any nonhigh school district for the high school district fund shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any such nonhigh school district shall not exceed the balance of such maximum permissible levy; the levy for any road district shall not exceed ten mills; and the levy by or for any city or town shall not exceed fifteen mills: PROVIDED FURTHER, That counties of the fifth class and under are hereby authorized to levy from eight to eleven mills for general county purposes and from seven to ten mills for county road purposes if the total levy for both purposes does not exceed eighteen mills: PROVIDED FURTHER, That counties of the fourth and the ninth class are hereby authorized to levy nine mills until such time as the junior taxing agencies are utilizing all the millage available to them.

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district.

Sec. 66. Section 74.04.150, chapter 26, Laws of 1959 and RCW 74.04.150 are each amended to read as follows:

The state shall levy annually a tax not to exceed two mills upon the assessed valuation of all taxable property within the state for public assistance purposes.

This section shall expire upon the date the provisions of this 1969 amendatory act which impose a tax upon net income become effective.

NEW SECTION. Sec. 67. Any levy authorized by law, made prior to the effective date of the provisions of this 1969 amendatory act which impose a tax upon net income shall not be affected by the provisions of sections 64, 65 and 66 of this 1969 amendatory act.

NEW SECTION. Sec. 68. Except as hereinafter provided it shall be unlawful for the department of revenue or any member, deputy, clerk, agent, employee, or representative thereof or any other person to make known or reveal any facts or information contained in any return filed by any taxpayer or disclosed in any investigation or examination of the taxpayer's books and records made in connection with the administration hereof. The foregoing, however, shall not be construed to prohibit the department of revenue or a member or employee thereof from: (1) Giving such facts or information in evidence in any court action involving tax imposed hereunder or involving a violation of the provisions hereof or involving another state department and the taxpayer; (2) giving such facts and information to the taxpayer or his duly authorized agent; (3) publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof; (4) giving such facts or information, for official purposes only, to the governor or attorney general, or to any state department or any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions; (5) permitting its records to be audited and examined by the proper state officer, his agents and employees; (6) giving any such facts or information to the proper officer of the internal revenue service of the United States or to the proper officer of the tax department of any state, for official purposes, but only if the statutes of the United States or of such other state, as the case may be, grant substantially similar privileges to the proper officers of this state; or (7) giving any such facts or information to the Department of Justice or the army or navy departments of the United States, or any authorized representative thereof, for official purposes.



Any person acquiring knowledge of such facts or information in the course of his employment with the department of revenue and any person acquiring knowledge of such facts and information as provided under (4), (5), (6) and (7) above, who reveals or makes known any such facts or information to another not entitled to knowledge of such facts or information under the provisions of this section, shall be punished by a fine of not exceeding one thousand dollars and, if the offender or person guilty of such violation is an officer or employee of the state, he shall forfeit such office or employment and shall be incapable of holding any public office or employment in this state for a period of two years thereafter.

NEW SECTION. Sec. 69. If either section 5 or section 11 of this act is held invalid, the whole of this act shall be deemed invalid.

NEW SECTION. Sec. 70. There is added to chapter 84.52 RCW a new section to be known as RCW 84.52.053 as follows:

The amount of any special levy which a school district may impose for maintenance and operations under the procedure prescribed by RCW 84.52.052 in any calendar year in which a tax on income is imposed by the state may not exceed the amount of any regular levy which a school district may impose in the same calendar year without a vote of the electors of the district: PROVIDED, That the foregoing limitation may be exceeded only by a proposition submitted to the electors of the district as a separate proposition, approved by two thirds of the electors voting thereon, and otherwise complying with the requirements of RCW 84.52.052.

NEW SECTION. Sec. 71. The provisions of sections 1 through 69 of this 1969 amendatory act shall take effect as follows:

(1) If the proposed amendment to Article 7 of the state Constitution (Engrossed House Joint Resolution No. 42) authorizing the legislature to impose a tax upon net income is validly submitted and is approved and ratified by the voters at a general election held in November, 1969:

(a) The provisions of sections 1 through 69 of this act authorizing the department to make rules and regulations and prescribe forms shall take effect January 1, 1970; and

(b) All other provisions of sections 1 through 69 of this act shall take effect January 1, 1971.

(2) If the proposed amendment to Article 7 of the state Constitution (Engrossed House Joint Resolution No. 42) authorizing the legislature to impose a tax upon net income is validly submitted and is approved and ratified by the voters at a general election held in November, 1970:

(a) The provisions of sections 1 through 69 of this act authorizing the department to make rules and regulations and prescribe forms shall take effect January 1, 1971; and

(b) All other provisions of sections 1 through 69 of this act shall take effect January 1, 1972.

In the event that sections 1 through 69 of this act do not take effect as provided in this section, sections 1 through 69 of this act shall be null and void.

NEW SECTION. Sec. 72. As used in sections 72 through 89 of this 1969 amendatory act, unless a different meaning is plainly required by the context:

(1) "Population" means the number of residents listed in the most recent census or estimate by the state planning and community affairs agency.

(2) "Principal board of county commissioners" means the legislative authority of the most populous county within a taxing district.

(3) "Taxing district" means an area comprising one or more counties, and the cities and towns situated therein, which is established for the purpose of imposing a tax under this chapter.

(4) "Taxing district authority" means a body composed of delegates named by the legislative bodies of cities, towns, and counties within a taxing district.

NEW SECTION. Sec. 73. A taxing district authority may impose

a tax upon persons within its jurisdiction taxable by the state pursuant to chapter 82.08 RCW and upon persons within its jurisdiction taxable by the state pursuant to chapter 82.12 RCW as either of those chapters now exists or is later amended for the occurrence of any tax incident on which a state tax is imposed under chapters 82.08 or 82.12 RCW as either of those chapters now exists or is later amended. The collection and administration of any tax imposed under authority of this section shall be in accordance with chapters 82.08 and 82.12 RCW as now exists or are later amended and the rules and regulations of the department of revenue of the state of Washington applicable thereto.

NEW SECTION. Sec. 74. The tax which may be imposed by a particular body under the authority granted by section 73 of this 1969 amendatory act shall be of one single rate as imposed by that body for all persons and/or tax incidents within the jurisdiction of the taxing district authority and the rate of taxes imposed under sections 72 through 89 of this 1969 amendatory act shall not exceed a total of three-tenths of one percent on any tax incident.

NEW SECTION. Sec. 75. Whenever any city, town, or county desires to establish a taxing district, its legislative body shall adopt a resolution calling for the formation of a taxing district and containing a description of the area to be included within the proposed taxing district. The resolution shall also include a tax proposition to be considered by the proposed taxing district authority. A resolution adopted by the legislative body of a city or town shall be transmitted to the legislative authority of the county in which the city or town is located.

After the filing with the legislative authority of the county of the first resolution by a city or town or upon the adoption of a resolution by a county before the filing of any other resolution, action by the legislative authority shall be deferred on any subsequent resolution until it is determined whether or not the taxing district proposed in the first resolution will be established as provided in

section 76 of this 1969 amendatory act. If such taxing district is not so established, subsequent resolutions shall be considered, one at a time in like manner, according to their date of adoption.

NEW SECTION. Sec. 76. The legislative authority of the county within five days after the receipt or adoption of the first resolution shall set a time and place for the initial meeting of the proposed taxing district authority. It shall notify the legislative body of each city and town within the county of the appointed time and place, and of the purpose of the meeting. The date for such initial meeting shall be not more than thirty days after a county's adoption of its own resolution or its receipt of a resolution adopted by a city or town. The board also shall notify the legislative authority of every other county proposed for inclusion within the taxing district, and every legislative authority so notified shall in turn notify the legislative body of each city and town within that county of the date, place, and purpose of the meeting.\* Public notice of the meeting shall be given to the communications media within the proposed taxing district, and a notice of meeting shall be published at least once in the official newspaper of each county proposed for inclusion within the taxing district, which publication or publications shall be at least ten days prior to the date of meeting and at the expense of the county wherein the newspaper is published.

NEW SECTION. Sec. 77. Each city and town within the taxing district is entitled to be represented at the meeting by one delegate who shall be appointed by the legislative body of that city or town. Each county within the taxing district is entitled to be represented at the meeting by one delegate who shall be appointed by the legislative authority of that county. The attendance of delegates representing a majority of the population within the taxing district shall be sufficient to establish a taxing district authority.

In the event a county, city, or town is included in more than one taxing district so established, it shall be included only in that district the formation resolution for which was adopted on the earli-

est date.

NEW SECTION. Sec. 78. The chairman of the principal board of county commissioners shall preside over the meeting of the taxing district authority. The presiding officer shall not be the delegate from his county to the authority, and shall have neither vote nor voice in the proceedings, except as may be necessary to fulfill his administrative duties as presiding officer. In addition to presiding over the meeting, he shall prepare a detailed report of the meeting, including a record of all motions and votes, and shall submit his report within ten days after adjournment of the meeting to the state department of revenue.

NEW SECTION. Sec. 79. The presiding officer of the formation meeting of a taxing district authority, shall first determine if there is in attendance delegates representing a majority of the population within the proposed taxing district. If so he shall declare the district formed. Thereupon, the authority shall vote on the tax proposition. If the vote on the tax proposition is negative any delegate may submit for similar consideration and vote any other tax proposal in accordance with the authorization granted by sections 72 through 89 of this 1969 amendatory act. V

NEW SECTION. Sec. 80. On any proposition, the vote of each city, town, or county shall be by weighted vote. The vote of a city or town shall be weighted according to the ratio of its population to the total population within the taxing district. The vote of a county shall be weighted according to the ratio of the population within its unincorporated areas to the total population within the taxing district. An affirmative vote of delegates representing a majority of the population within the taxing district shall be necessary to enact a tax as provided in sections 72 through 89 of this 1969 amendatory act. An oral vote shall be taken on each proposition, and each delegate's vote duly recorded. Except as otherwise provided in sections 72 through 89 of this 1969 amendatory act, Robert's Rules of Order, Revised, shall govern the conduct of all meetings of the taxing dis-

trict authority.

NEW SECTION. Sec. 81. Any meeting of the taxing district authority shall be concluded within two days of its convening, and no more than two meetings shall be held during the year following any meeting in which a tax is levied.

NEW SECTION. Sec. 82. Any tax imposed under the authority of sections 72 through 89 of this 1969 amendatory act on or before August 31st of any year, shall become effective on January 1st of the following year. Any taxes so imposed after August 31st of any year shall not become effective until January 1st of the second year following the imposition of the tax.

NEW SECTION. Sec. 83. The state department of revenue shall administer and collect the taxes imposed under sections 72 through 89 of this 1969 amendatory act, and shall deduct an amount not to exceed two percent of the taxes collected for collection and administrative expenses incurred by the department. The remainder of the taxes collected shall be deposited by the department of revenue in a local government revenue revolving fund, hereby created, in the state treasury.

NEW SECTION. Sec. 84. The state treasurer shall distribute bimonthly from the local government revolving fund to each city and town and to each county within which a tax is imposed under sections 72 through 89 of this 1969 amendatory act the revenue collected minus the amount deducted by the department of revenue for its collection and administration expenses. Apportionment shall be on a per capita basis according to the population of each city, town and total population of unincorporated areas of the county for revenue collected by imposition of a tax under sections 72 through 89 of this 1969 amendatory act by a county or taxing district authority.

NEW SECTION. Sec. 85. A taxing district authority may increase, reduce, or eliminate any tax it has previously imposed, but any such change must be made no later than May 1st of any year if the change is to take effect the following year. Any meeting of the taxing district authority for the purpose of increasing, reducing, or

eliminating any tax shall be initiated, convened, or conducted in the same manner as is provided in sections 72 through 89 of this 1969 amendatory act for the formation meeting of the authority.

NEW SECTION. Sec. 86. If at the formation meeting of a taxing district authority no tax is levied, the taxing district is automatically dissolved. A taxing district is dissolved automatically if a previously levied tax is eliminated.

NEW SECTION. Sec. 87. Before any moneys are collected as a consequence of sections 72 through 89 of this 1969 amendatory act the voters within the jurisdiction of the body imposing the tax shall have approved its imposition by majority vote at the next general election at which the issue may be put on the ballot or a special election called for that purpose. However, if a tax is imposed by a taxing district authority under sections 72 through 89 of this 1969 amendatory act the county government of any county in the taxing district shall place the issue on the ballot at the next general election.

Sec. 88. Section 82.02.020, chapter 15, Laws of 1961 as amended by section 16, chapter 236, Laws of 1967 and RCW 82.02.020 are each amended to read as follows: V

Except only as expressly provided in RCW 67.28.180 and 67.28-190 and sections 72 through 89 of this 1969 amendatory act the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature.

NEW SECTION. Sec. 89. If any provision of sections 72 through 89 of this 1969 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 90. Sections 72 through 89 of this act are necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing pub-

V lic institutions, and shall take effect immediately.

Passed the House May 10, 1969

Passed the Senate May 4, 1969

Approved by the Governor May 23, 1969, with the exception of certain items in the title; subsection (9) of section 7; subsection (5) of section 16; a certain item in section 40; section 70 and sections 72 through 90 which are vetoed.  
Filed in office of Secretary of State May 23, 1969

NOTE: Governor's explanation of partial veto is as follows:  
"...This bill is a comprehensive revision of Washington's tax structure which will take effect only if the people approve a constitutional amendment restricting basic property tax levies to one percent of true and fair value of property and authorizing a state income tax. The bill is designed to accomplish two principal objectives:

- (1) To make state and local taxes more equitable, particularly with respect to lower income families and certain businesses which bear a disproportionate burden under present tax laws, without shifting tax burdens from business to individuals or vice versa; and
- (2) To produce sufficient revenues for additional state school support so that school districts can sharply reduce special property tax levies.

Because of the importance of this legislation to the financial well being of the state and its local school districts, the House of Representatives took great care to develop a bill which could not be subject to serious attack on constitutional grounds.

The Senate also gave serious consideration to this bill, and adopted a substantial number of amendments. Most of the Senate amendments strengthen the bill and are consistent with its objectives. However, other amendments were hastily considered and adopted on the floor of the Senate in a form which undermine the broad objectives of the bill; one series of amendments threatens the constitutionality of the act.

I do not disapprove of the concepts contained in any of the provisions which are vetoed; and I invite the legislature to reconsider these amendments at a special session to be held prior to the election at which the proposed constitutional amendment will be submitted to the people.

The provisions of the bill which I have vetoed are as follows:

Local Government Sales and Use Tax. I have vetoed sections 72 through 90 and corresponding references to these provisions which were added



to the title of the bill by Senate amendments. This series of amendments which was intended to give local governmental bodies the power to levy sales and use taxes, may invalidate the entire act under the provisions of Article 2, Section 19 of the State Constitution which provides:

'No bill shall embrace more than one subject, and that shall be expressed in the title.'

One purpose of this provision is to apprise both the legislature and the public of the subject of the bill without being misleading as to its contents. On several occasions, the state Supreme Court has invalidated legislation in which the title describes some of the provisions of the bill without describing all of them.

The original bill contained the broad title 'Revenue and Taxation' without any attempt to 'index' the many interrelated revisions of state and local taxes contained in the bill. Most legislative enactments contain such a title to avoid creating a constitutional question. However, when the Senate added section 72 through 90, it also amended the title to describe the substance of these sections. The pertinent portions of the amended title of the bill, set forth on page one of this message, clearly show how misleading the title has become. The only new statutes described relate to the local sales and use taxes. No mention is made of the major portion of the bill -- the state income tax.

It is obvious that no member of the legislature has been misled by this title. Probably no bill has been as thoroughly discussed in committees, party caucuses, and on the floor of both houses. At a time when the title was constitutionally acceptable the bill was passed by the House of Representatives and considered at length by the Senate on first and second reading.

I have exercised my veto power as Governor to prevent the public from being misled by the title and to preserve this major legislative enactment from constitutional question.

Deduction of medical expenses. I have vetoed subsection (9) of Section 7 which would have allowed an individual to deduct certain medical expenses in computing his taxable income. This amendment to the bill was also added on the floor of the Senate, probably with the very laudable intention of assisting taxpayers experiencing major medical expenses; however, the provision actually permits the deduction of up to \$150 of the premium cost of medical insurance, even if the taxpayer had no other medical expenses whatsoever. Such an expense is an ordinary personal

expense incurred by almost everyone. To provide for expenses such as these the House of Representatives simplified the state income tax by allowing each individual a \$1,000 personal exemption (which is doubled for individuals over 65 years of age or who are blind). These personal exemptions are designed to be higher than the combined personal exemption and standard deduction allowed on the federal tax return and take the place of each taxpayer's usual personal deductions. Thus a major portion of the benefits of this Senate amendment will actually duplicate relief for taxpayers already provided in the bill.

The Department of Revenue estimates that in the first biennium in which the income tax is collected, this amendment would reduce state revenues (and the state's ability to relieve special levies) by more than \$18 million. Most of this amount is attributable to the availability of this deduction to all taxpayers - not just those with substantial medical expenses.

I approve of the objective of this Senate amendment, but relief for taxpayers with extraordinary medical expenses can be provided without seriously impairing state revenues by limiting the scope of medical deductions. I recommend that the legislature consider such a provision at the next legislative session.

Income tax credit for personal property taxes on business inventories. I have vetoed subsection (5) of Section 16 which would have permitted businesses to credit against income tax increasing percentages of the personal property taxes paid on business inventories. I am aware that the imposition of a personal property tax on business inventories works a substantial hardship on certain types of businesses, and I approve of the legislature's attempt to readjust taxes on business so as to provide some relief from the inventory tax. The House of Representatives also recognized this problem and provided for a credit of 10% of the tax on business inventories against the business and occupation tax. It also recognized that this credit would reduce the revenues produced by the comprehensive tax bill and thus provided a business and occupation tax rate which took this revenue loss into account. The Senate, however, has provided for an extension of this credit to a point where it will ultimately allow a business to credit against income taxes one hundred percent of the personal property tax on business inventories without providing any additional revenue to compensate for this loss.

Although this bill is designed to make the taxes on business more equitable, no responsible studies of Washington tax structure have indicated

that taxes on business in the aggregate are out of proportion to similar taxes prevailing in other states. For this reason, the compromise measure which passed the House of Representatives was designed to make no shift in the ultimate tax burden to individual taxpayers. The Senate's adoption of this amendment without providing compensating revenue in other forms of business taxes will ultimately shift approximately a hundred million dollars per biennium of taxes from business to individual taxpayers. If this amendment were to remain in the bill, over a period of years the state would be unable to meet its commitment to reduce special levies, with the result that property taxes or other forms of taxation would inevitably increase to replace the revenues lost by the inventory tax credit.

I believe the legislature should further study the inventory tax problem and at its next session provide relief from these taxes in a manner which will not shift the tax burden to individuals and will meet the revenue needs of the state.

Since the House of Representatives has provided for business and occupation taxes at a sufficient level to offset a continuing 10% inventory tax credit against the business and occupation tax, I have also vetoed certain language in Section 40 added by the Senate amendment.

Limitation on special levies. I have vetoed Section 70 which would require approval of 66% of the voters of a school district in order to authorize special school levies for maintenance and operation purposes in excess of 14 mills. I sympathize with the purpose of this amendment which is to provide the people with reasonable assurance that special school levies will be cut to reasonable amounts when the proceeds of the income tax are available for additional school support. However, I consider this limitation to be totally unworkable under our present school apportionment formula.

Developing a school apportionment formula which provides each school district of the state with sufficient funds is a difficult task, and can only be undertaken after a thorough investigation of the relative costs, curriculum, and resources of the various school districts of the state. Such a comprehensive study has been authorized by House Bill No. 893 creating a temporary special levy study commission. By the terms of that statute the commission is required to submit a report to the Governor and the legislature prior to the special session of the legislature to be held in January 1970. It is my hope that the information developed by this commission will permit the legislature to revise the system of furnishing state support to schools so that no district will be required to resort to high

special levies.

With the exception of the items set forth above,  
which I have vetoed, Re-engrossed Substitute  
House Bill No. 582 is approved."

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CHAPTER 263  
[Engrossed House Bill No. 132]  
COMMISSION ON HIGHER EDUCATION

AN ACT Relating to higher education; creating a commission on higher education; repealing sections 1 through 3 and 5 through 7, chapter 128, Laws of 1965 ex. sess., and section 4, chapter 128, Laws of 1965 ex. sess., as amended by section 1, chapter 5, Laws of 1967 ex. sess., and RCW 28.90.010 through 28.90.070.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is hereby created a commission on higher education. The nine citizen members of the council on higher education, as provided in Senate Bill No. 243, shall constitute this commission. The commission is established for the purpose of the efficient and economical administration of higher education programs in the state of Washington. The members of the commission shall be cognizant of the importance of policy formulation and coordination of higher education policies for all segments of higher education within the state; in the performance of their administrative duties as set forth within this act the commissioners shall not deter from their duties as members of the council.

NEW SECTION. Sec. 2. The commission shall select a chairman from among its members by a majority vote: PROVIDED, That said chairman shall not also be the chairman of the council on higher education.

NEW SECTION. Sec. 3. The commission shall administer the following programs: Title IV-B and VI of the Higher Education Act of 1965; Title I of the Higher Education Facilities Act of 1963; and any other federal act pertaining to higher education which is not administered by another state agency.

NEW SECTION. Sec. 4. The commission shall:

(1) Prepare plans and participation as required by Title VI of the Higher Education Act of 1965 and Title I of the Higher Educa-

tion 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 relevant priorities; and the federal share of the development cost of eligible projects for construction of academic facilities and for the purchase of undergraduate instruction equipment submitted by institutions of higher education in this state.

(2) Conduct surveys and studies as may be necessary for the determination of the state participation in Title I of the Higher Education Facilities Act and Title VI of the Higher Education Act of 1965 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 an 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 function.

NEW SECTION. Sec. 5. The commission is authorized to receive and expend federal funds and any private gifts or grants, such federal funds or private funds to be expended in accordance with the conditions contingent in such grant thereof.

NEW SECTION. Sec. 6. The commission may employ and appoint such professional staff as it deems necessary in order to enable it to perform its functions: PROVIDED, That such staff may be drawn from the staff of the council on higher education.

NEW SECTION. Sec. 7. The commission shall administer any state program or state-administered federal program of student financial aid now or hereafter established.

NEW SECTION. Sec. 8. The commission shall promulgate such

rules and regulations as are necessary to carry out its functions and duties in the administration of this act.

NEW SECTION. Sec. 9. Members of the commission will receive per diem in lieu of compensation, and travel expenditures in accordance with standard rates for part time boards, councils and commissions as certified by the state budget director.

v - NEW SECTION. Sec. 10. To carry out the provisions of sections 3 and 4 of this act, there is hereby appropriated to the council on higher education, from the general fund the sum of one hundred seventeen thousand two hundred eight dollars, or so much thereof as shall be necessary to carry out the provision thereof.

NEW SECTION. Sec. 11. To carry out the provisions of section 7 of this act, there is hereby appropriated to the council on higher education from the general fund the sum of seventy thousand five hundred dollars, or so much thereof as shall be necessary to carry out the provisions thereof.

NEW SECTION. Sec. 12. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. Sections 1 through 3 and 5 through 7, chapter 128, Laws of 1965 ex. sess., and section 4, chapter 128, Laws of 1965 ex. sess., as amended by section 1, chapter 5, Laws of 1967 ex. sess. and RCW 28.90.010 through 28.90.070 are each hereby repealed.

Passed the House May 4, 1969

Passed the Senate May 12, 1969

Approved by the Governor May 23, 1969, with the exception of Section 10, which is vetoed

Filed in office of Secretary of State May 23, 1969

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

"...This bill designates the nine citizen members of the Council on Higher Education, as provided in Senate Bill No. 243, as a Commission on Higher Education. The commission is charged with the responsibilities of administering the student financial aid program and the functions previously administered by the Higher Education Facilities Commission.

Section 10 of the bill appropriates \$117,208 for

the purpose of carrying out the functions previously administered by the Higher Education Facilities Commission. Since this sum is included in the budget as an appropriation through the Council on Higher Education to the commission, I have vetoed Section 10 of this bill."

## CHAPTER 264

[Engrossed Substitute Senate Bill No. 168]

## GARNISHMENT

AN ACT Relating to garnishment; creating new sections; adding a new section to chapter 50.20 RCW, repealing section 1, chapter 56, Laws of 1893 and RCW 7.32.010; repealing section 2, chapter 56, Laws of 1893 and RCW 7.32.020; repealing section 3, chapter 56, Laws of 1893, section 1, chapter 110, Laws of 1931, section 1, chapter 26, Laws of 1955, section 4, chapter 304, Laws of 1961, section 1, chapter 142, Laws of 1967, and RCW 7.32.030; repealing section 4, chapter 56, Laws of 1893, section 2, chapter 142, Laws of 1967, and RCW 7.32.040; repealing section 1, chapter 130, Laws of 1915, section 1, chapter 15, Laws of 1933, and RCW 7.32.060; repealing section 2, chapter 130, Laws of 1915, section 2, chapter 15, Laws of 1933, and RCW 7.32.070; repealing section 3, chapter 15, Laws of 1933, section 4, chapter 142, Laws of 1967, and RCW 7.32.080; repealing section 4, chapter 15, Laws of 1933, section 5, chapter 142, Laws of 1967, and RCW 7.32.090; repealing section 6, chapter 56, Laws of 1893, section 6, chapter 142, Laws of 1967, and RCW 7.32.100; repealing section 7, chapter 56, Laws of 1893, section 1, chapter 68, Laws of 1903, section 7, chapter 142, Laws of 1967, and RCW 7.32.110; repealing section 8, chapter 56, Laws of 1893, section 2, chapter 68, Laws of 1903, section 1, chapter 44, Laws of 1933 ex. sess., section 1, chapter 267, Laws of 1959, section 8, chapter 142, Laws of 1967, and RCW 7.32.120; repealing section 9, chapter 56, Laws of 1893; section 2, chapter 44, Laws of 1933 ex. sess., section 9, chapter 142, Laws of 1967, and RCW 7.32.130; repealing section 9½, chapter 56, Laws of 1893, section 1, chapter 146, Laws of 1903, and RCW 7.32.140; repealing section 10, chapter 56, Laws of 1893,

section 10, chapter 142, Laws of 1967, and RCW 7.32.150; repealing section 11, chapter 142, Laws of 1967, and RCW 7.32.155; repealing section 11, chapter 56, Laws of 1893, section 12, chapter 142, Laws of 1967, and RCW 7.32.160; repealing section 12, chapter 56, Laws of 1893 and RCW 7.32.170; repealing section 13, chapter 56, Laws of 1893, section 13, chapter 142, Laws of 1967, and RCW 7.32.180; repealing section 14, chapter 56, Laws of 1893 and RCW 7.32.190; repealing section 15, chapter 56, Laws of 1893, section 14, chapter 142, Laws of 1967, and RCW 7.32.200; repealing section 16, chapter 56, Laws of 1893 and RCW 7.32.210; repealing section 17, chapter 56, Laws of 1893, section 15, chapter 142, Laws of 1967, and RCW 7.32.220; repealing section 18, chapter 56, Laws of 1893 and RCW 7.32.230; repealing section 19, chapter 56, Laws of 1893, section 16, chapter 142, Laws of 1967, and RCW 7.32.240; repealing section 18, chapter 142, Laws of 1967 and RCW 7.32.245; repealing section 20, chapter 56, Laws of 1893 and RCW 7.32.250; repealing section 21, chapter 56, Laws of 1893 and RCW 7.32.260; repealing section 22, chapter 56, Laws of 1893 and RCW 7.32.270; repealing section 23, chapter 56, Laws of 1893, section 1, chapter 24, Laws of 1897, section 1, chapter 139, Laws of 1901, section 1, chapter 210, Laws of 1907, section 1, chapter 287, Laws of 1927, section 1, chapter 13, Laws of 1963, and RCW 7.32.280; repealing section 24, chapter 56, Laws of 1893 and RCW 7.32.290; repealing section 25, chapter 56, Laws of 1893, section 17, chapter 142, Laws of 1967, and RCW 7.32.300; repealing section 26, chapter 56, Laws of 1893, section 3, chapter 142, Laws of 1967, and RCW 7.32.310; repealing section 20, chapter 142, Laws of 1967 and RCW 7.32.900; repealing section 1, chapter 160, Laws of 1909, section 1, chapter 126, Laws of 1911, section 1, chapter 143, Laws of 1967, and RCW 12.32.010; repealing section 2, chapter 95, Laws of 1965, section 2, chapter 96, Laws of 1965, and RCW 12.32.015; repealing section 2, chapter 160, Laws of 1909, section 2, chapter 126, Laws of 1911, section 1, chapter 109, Laws of 1913, section 2, chapter 143, Laws of 1967, and RCW



12.32.020; repealing section 3, chapter 160, Laws of 1909, section 3, chapter 126, Laws of 1911, section 3, chapter 143, Laws of 1967, and RCW 12.32.030; repealing section 4, chapter 160, Laws of 1909, section 4, chapter 126, Laws of 1911, section 4, chapter 143, Laws of 1967, and RCW 12.32.040; repealing section 5, chapter 160, Laws of 1909, section 5, chapter 143, Laws of 1967, and RCW 12.32.050; repealing section 6, chapter 160, Laws of 1909, section 1, chapter 70, Laws of 1939, section 1, chapter 218, Laws of 1961, section 6, chapter 143, Laws of 1967, and RCW 12.32.060; repealing section 7, chapter 160, Laws of 1909, section 7, chapter 143, Laws of 1967, and RCW 12.32.070; repealing section 8, chapter 160, Laws of 1909, section 8, chapter 143, Laws of 1967, and RCW 12.32.080; repealing section 9, chapter 160, Laws of 1909, and RCW 12.32.090; repealing section 10, chapter 160, Laws of 1909, section 9, chapter 143, Laws of 1967, and RCW 12.32.100; repealing section 14, chapter 143, Laws of 1967, and RCW 12.32.105; repealing section 11, chapter 160, Laws of 1909, section 10, chapter 143, Laws of 1967, and RCW 12.32.110; repealing section 12, chapter 160, Laws of 1909, section 5, chapter 126, Laws of 1911, and RCW 12.32.120; repealing section 13, chapter 160, Laws of 1909, and RCW 12.32.130; repealing section 14, chapter 160, Laws of 1909, and RCW 12.32.140; repealing section 15, chapter 160, Laws of 1909, and RCW 12.32.150; repealing section 16, chapter 160, Laws of 1909, and RCW 12.32.160; repealing section 17, chapter 160, Laws of 1909, section 11, chapter 143, Laws of 1967, and RCW 12.32.170; repealing section 18, chapter 160, Laws of 1909, and RCW 12.32.180; repealing section 19, chapter 160, Laws of 1909, and RCW 12.32.190; repealing section 13, chapter 143, Laws of 1967, and RCW 12.32.195; repealing section 20, chapter 160, Laws of 1909, and RCW 12.32.200; repealing section 21, chapter 160, Laws of 1909, and RCW 12.32.210; repealing section 22, chapter 160, Laws of 1909, section 12, chapter 143, Laws of 1967, and RCW 12.32.220; repealing section 23, chapter 160, Laws of 1909, and RCW 12.32.230; and repealing section 24, chapter 160, Laws of 1909, and RCW 12.32.240.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. (1) Except as is provided in subsection (2) of this section, the clerks of the superior courts in the various counties in the state may issue writs of garnishment returnable to their respective courts in the following cases:

(a) Where an original attachment has been issued in accordance with the statutes in relation to attachments.

(b) Where the plaintiff sues for a debt and the plaintiff or someone in his behalf makes affidavit that such debt is just, due and unpaid, and that the garnishment applied for is not sued out to injure either the defendant or the garnishee.

(c) Where the plaintiff has a judgment wholly or partially unsatisfied in the court from which he seeks to have a writ of garnishment issued.

(2) A writ of garnishment which is not sought in order to satisfy an existing judgment shall not be issued by the clerk of the superior court against any employer for the purpose of garnishing any earnings he owes his employee, unless the plaintiff sues for a debt and the plaintiff believes that the employee:

(a) is not a resident of this state, or is about to move from this state; or

(b) has concealed himself, absconded, or absented himself so that ordinary process of law cannot be served on him; or

(c) has removed or is about to remove any of his property from this state, with intent to delay or defraud his creditors; and the plaintiff or someone on his behalf files an affidavit stating the specific facts upon which his belief is founded and the court pursuant to an ex parte hearing finds that there is sufficient reason to find the belief true.

(3) As used in this article, the term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

NEW SECTION. Sec. 2. All of the provisions of this act, except the provisions of section 3, shall apply to actions and proceedings before courts of limited jurisdiction. Where proceedings are in courts of limited jurisdiction, references to the superior court and/or the clerk thereof shall be translated to apply to the appropriate court of limited jurisdiction and/or clerk thereof.

NEW SECTION. Sec. 3. In all cases of garnishment before judgment the plaintiff shall execute a bond with two or more good and sufficient sureties, to be approved by the clerk issuing the writ, payable to the defendant in the suit, in double the amount of the debt claimed therein, conditioned that he will prosecute his suit and pay all damages and costs that may be adjudged against him for wrongfully suing out such garnishment: PROVIDED, That nothing in this section shall prohibit a credit agency, or other party contemplating multiple garnishments before judgment, from posting one large bond covering more than one garnishment proceeding.

NEW SECTION. Sec. 4. Before the issuance of the writ of garnishment the plaintiff or someone in his behalf shall make application therefor by affidavit, stating the facts authorizing the issuance of the writ, including the amount alleged to be due, and that the plaintiff has reason to believe, and does believe, that the garnishee, stating his name and residence, is indebted to the defendant, or that he has in his possession, or under his control, personal property or effects belonging to the defendant, and shall pay to the clerk of the court a fee as provided by law. The party applying for this writ shall state in such affidavit whether or not the party who is to be the garnishee is the employer of the defendant.

NEW SECTION. Sec. 5. When the foregoing requisites have been complied with the clerk shall docket the case in the name of the plaintiff as plaintiff and of the garnishee as defendant, and shall immediately issue a writ of garnishment, in such form as provided in section 13 of this act, directed to the garnishee, commanding him to answer said writ on forms served with and complying with section 15 of

this act within twenty days after the service of the writ upon him.

NEW SECTION. Sec. 6. The state of Washington, all counties, cities, towns, school districts and other municipal corporations shall be subject to garnishment in the superior and justice courts as provided in the case of other garnishees.

NEW SECTION. Sec. 7. The venue of any garnishment proceeding under sections 6 through 8 of this act shall be the same as the original action. The writ shall be issued by the court having jurisdiction of such original action and shall require such garnishee defendant to answer such writ in like manner and with the same effect as other writs of garnishment issued by such court after judgment.

NEW SECTION. Sec. 8. The writ of garnishment provided for in sections 6 through 8 of this act shall be served in the same manner and upon the same officer as is required and provided by law for service of summons upon the commencement of a civil action against the state, county, city, town, school district, or other municipal corporation, as the case may be; and forms and envelopes shall be served with the writ as provided in section 11 of this act.

NEW SECTION. Sec. 9. The writ of garnishment shall set forth the amount which garnishee is required to hold which shall be an amount determined as follows: (1) The amount of (a) the judgment remaining unsatisfied or (b) if before judgment, the amount prayed for in the complaint; (2) Plus interest to the date of garnishment at the rate specified in the contractual document or the statutory rate, if there be no contractual document; (3) Plus whichever shall be greater of (a) fifty dollars or (b) ten percent of (i) the amount of the judgment remaining unsatisfied or (ii) the amount prayed for in the complaint. The court may, by order, upon a showing of good cause by plaintiff, set a higher amount.

NEW SECTION. Sec. 10. In cases where the writ of garnishment issued under the provisions of this chapter is directed to a bank, banking association, mutual savings bank or savings and loan association in the state of Washington, the plaintiff, in addition to serving the writ of garnishment

and accompanying answer forms and addressed envelopes upon said garnishee, shall at the same time and as a part of said service deliver to said garnishee a statement in writing signed by the plaintiff or his attorney, stating the place of residence of the defendant and his business, occupation, trade, profession or account number; and unless such statement is so delivered with said writ of garnishment, the service of said writ shall not be deemed complete and the garnishee shall not be held liable for funds which it fails to discover thereon owing to defendant.

NEW SECTION. Sec. 11. Said writ shall be substantially in the following form:

"IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF \_\_\_\_\_

.....,  
Plaintiff

vs.

.....,  
Defendant

NO. ....

.....,  
Garnishee

WRIT OF GARNISHMENT

THE STATE OF WASHINGTON TO: .....  
Garnishee

AND TO: .....  
Defendant

The above-named plaintiff claims that the above-named defendant is indebted to plaintiff and that the amount of .....dollars should be held to satisfy that indebtedness and has applied for a writ of garnishment against you.

You are hereby commanded to answer this writ by filling in the attached form according to the instructions thereon, and you must mail or deliver the original of such answer to the court, one copy to the plaintiff or his attorney, and one copy to the defendant within twenty days after the service of the writ upon you.

If you owe the defendant any wages, salary or other compensation for personal services, then you shall do as follows:

- (1) For each week of such wages, salary or other compensation

for personal services you owe the defendant, deduct twenty-five per cent of the disposable earnings of defendant, or the amount by which his disposable earnings exceed ... dollars for each week, whichever shall be less.

(2) The total amount deducted above is subject to garnishment, and all other sums shall be paid to the defendant on the day you would customarily pay him such wages, salary or other compensation.

Unless directed by the court, do not pay any debt, whether wages subject to this garnishment or any other debt, owed the defendant when this writ was served, or deliver, sell or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant in your possession or control when this writ was served; any such payment, delivery, sale or transfer is void as to so much of the debt, property or shares as are necessary to satisfy plaintiff's claim and costs for this writ with interest.

In the event that you owe to defendant a debt payable in money and subject to this garnishment in excess of the amount set forth in the first paragraph of this garnishment, hold only the amount set forth in said first paragraph of this garnishment and release all additional funds or property to defendant.

WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT, YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR DEFENDANT'S CLAIMED DEBT TO PLAINTIFF.

Witness, the Honorable....., Judge of the Superior Court, and the seal thereof, this.....day of ....., 19..... .

[Seal]

.....  
Attorney for Plaintiff (or  
Plaintiff, if no attorney)

.....  
Clerk of Superior Court

.....  
Address

.....  
By

NEW SECTION. Sec. 12. The writ of garnishment shall be dated and attested as in the form prescribed in section 11 of this act and

the name and office address of the plaintiff's attorney shall be indorsed thereon or in case the plaintiff has no attorney, then the name and address of the plaintiff shall be indorsed thereon and delivered by the clerk who issues it to the plaintiff or his attorney.

NEW SECTION. Sec. 13. Service of the writ of garnishment is invalid unless there is served therewith (1) Four answer forms as provided in section 15 of this act together with stamped envelopes addressed respectively to the clerk of the court issuing the writ, the attorney for the plaintiff (or to the plaintiff if he has no attorney), and the defendant; and (2) Cash, a certified check or a cashier's check made payable to the garnishee in the amount of ten dollars. The writ of garnishment may be served by the sheriff of the county in which the garnishee lives or it may be served by any citizen of the state of Washington over the age of twenty-one years and not a party to the action in which it is issued in the same manner as a summons in an action is served: PROVIDED, HOWEVER, That where the writ is directed to a bank, banking association, mutual savings bank or savings and loan association maintaining branch offices, as garnishee, the writ must be directed to and service thereof must be made by leaving a copy of the writ with the manager or any other officer or cashier or assistant cashier of such bank or association at the office or branch thereof at which the account evidencing such indebtedness of the defendant is carried or at the office or branch which has in its possession or under its control credits or other personal property belonging to the defendant. In every case where a writ of garnishment is served by an officer, such officer shall make his return thereon showing the time, place and manner of service and that the writ was accompanied by answer forms and addressed envelopes and cash or a check as required by this section, and noting thereon his fees for making such service and shall sign his name to such return. In case such service is made by any person other than an officer, such person shall attach to the original writ his affidavit showing his qualifications to make such service, and that the writ was accompanied by

answer forms and addressed envelopes and cash deposit or a check as required by this section, and the time, place and manner of making service, and shall endorse thereon the legal fees therefor.

NEW SECTION. Sec. 14. From and after the service of such writ of garnishment, it shall not be lawful, except as directed by the court, for the garnishee to pay any debt owing to the defendant at the time of such service, or to deliver, sell or transfer, or recognize any sale or transfer of, any personal property or effects belonging to the defendant in the garnishee's possession or under his control at the time of such service; and any such payment, delivery, sale or transfer shall be void and of no effect as to so much of said debt, personal property or effects, shares, or interest as may be necessary to satisfy the plaintiff's demand: PROVIDED, HOWEVER, That in case the garnishee is a bank, banking association, mutual savings bank or savings and loan association maintaining branch offices, service must be made as provided for in section 13 of this act, and shall only be effective to attach the accounts, credits, or other personal property of the defendant in that particular branch upon which service is made and to which the writ is directed: PROVIDED, FURTHER, That this section shall have no effect as to any portion of a debt which is exempt from garnishment: AND PROVIDED, FURTHER, That garnishee shall incur no liability for releasing funds or property in excess of the amount stated in the writ of garnishment where garnishee shall continue to hold an amount equal to the amount stated in the writ of garnishment.

NEW SECTION. Sec. 15. The answer of the garnishee shall be signed by him or his attorney or if the garnishee is a corporation by an officer, attorney or duly authorized agent of the garnishee, under penalty of perjury, and the original delivered, either personally or by mail, to the clerk of the superior court, one copy to the plaintiff or his attorney, and one copy to the defendant. The answer shall be made on forms, served on the garnishee with the writ, substantially as follows:



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF .....

..... NO. ....

Plaintiff

vs.

ANSWER TO WRIT OF

..... GARNISHMENT

Defendant

.....

Garnishee

At the time of service of the writ of garnishment on the garnishee there was due and owing from the garnishee to the above-named defendant \$..... . Garnishee has deducted from this amount \$..... which is the exemption to which the defendant is entitled.

On the reverse side of this answer form, or on a schedule attached hereto, give the following information: (1) An explanation of the dollar amount stated, or reasons why there is uncertainty about your answer, if deemed necessary; (2) List all of the personal property or effects of defendant in the garnishee's possession or control when the writ was served. An attorney may answer for the garnishee.

Under penalty of perjury, I affirm that I have examined this answer, including accompanying schedules, and to the best of my knowledge and belief it is true, correct, and complete.

.....  
Signature of Garnishee Date

.....  
Signature of person answering Connection with garnishee  
for garnishee

NEW SECTION. Sec. 16. No employer shall discharge an employee for the reason that a creditor of the employee has subjected or attempted to subject unpaid earnings of the employee to a writ of wage garnishment directed to the employer: PROVIDED, HOWEVER, That this provision shall not apply if garnishments on three or more

separate indebtednesses are served upon the employer within any period of twelve consecutive months.

NEW SECTION. Sec. 17. If the defendant in the principal action causes a bond to be executed to the plaintiff with sufficient sureties, to be approved by the officer having the writ of garnishment, or after the return of said writ, by the clerk of the court out of which said writ was issued, to the effect that he will perform the judgment of the court, the writ of garnishment shall, upon the filing of said bond with the clerk, be immediately discharged, and all proceedings had thereunder shall be vacated: PROVIDED, That the garnishee shall not be thereby deprived from recovering any costs in said proceeding, to which he would otherwise be entitled under sections 1 through 5 and 9 through 34 of this act.

NEW SECTION. Sec. 18. Should it appear from the answer of the garnishee that he was not indebted to the defendant when the writ of garnishment was served on him, and that he had not in his possession or under his control any personal property or effects of the defendant, and should the answer of the garnishee not be controverted within twenty days, as hereinafter provided, the garnishee shall stand discharged without further action by court or garnishee and shall have no further liability.

NEW SECTION. Sec. 19. Should the garnishee fail to make answer to the writ within the time prescribed therein, it shall be lawful for the court, on or after the time to answer such writ has expired, to render judgment by default against such garnishee for the full amount claimed by plaintiff against the defendant, or in case plaintiff has a judgment against defendant, for the full amount of such judgment with all accruing interest and costs: PROVIDED, That upon motion by the garnishee at any time prior to execution, such judgment against garnishee shall be reduced to the amount of any non-exempt funds or property which was actually in the possession of garnishee at the time the writ was served, or the sum of one hundred dollars, whichever is more, but in no event to exceed the amount of

the judgment against defendant plus all accruing costs, and in addition plaintiff shall be entitled to a reasonable attorney's fee for plaintiff's response to garnishee's motion to reduce said judgment under this proviso.

NEW SECTION. Sec. 20. Should it appear from the answer of the garnishee or should it be otherwise made to appear, as hereinafter provided, that the garnishee was indebted to the defendant in any amount when the writ of garnishment was served, the court shall render judgment for the plaintiff against such garnishee for the amount so admitted or found to be due to the defendant from the garnishee, unless such amount shall exceed the amount of plaintiff's claim or demand against the defendant with interest and costs, in which case it shall be for the amount of such claim or demand, with interest and costs: PROVIDED, HOWEVER, If it shall appear from the answer of the garnishee and the same is not controverted, or if it shall appear from the trial hereinafter provided for, that the garnishee is indebted to the principal defendant in any sum, but that such indebtedness is not matured and is not due and payable, the court shall make an order requiring the garnishee to pay such sum into court when the same becomes due, the date when such payment is to be made to be specified in said order, and in default thereof that judgment shall be entered against the garnishee for the amount of such indebtedness so admitted or found due. In case the garnishee shall pay said sum at the time specified in said order, said payment shall operate as a discharge, otherwise judgment shall be entered against him for the amount of such indebtedness, which judgment shall have the same force and effect, and be enforced in like manner as other judgments provided for in sections 1 through 5, and 9 through 34 of this act: PROVIDED FURTHER, That if judgment shall be rendered in favor of the principal defendant, or if any judgment rendered against him be satisfied prior to the date of payment specified in said order, the garnishee shall not be required to make the payment hereinafter provided for, nor shall any judgment in such case be entered

against him.

NEW SECTION. Sec. 21. Execution may be issued on the judgment against the garnishee herein provided for in like manner as upon any other judgment. The amount made upon any such execution shall be paid by the officer executing the same to the clerk of the superior court from which such execution was issued; and in cases where judgment has been rendered against the defendant the amount made on the execution shall be applied to the satisfaction of the judgment, interest and costs against the defendant. In case judgment has not been rendered against the defendant at the time execution issued against the garnishee is returned, any amount made on said execution shall be paid to the clerk of the court from which such execution issued who shall retain the same until judgment be rendered in the action between the plaintiff and defendant. In case judgment be rendered therein in favor of the plaintiff, the amount made on the execution against the garnishee shall be applied to the satisfaction of such judgment and the surplus, if any there be, shall be paid to the defendant. In case judgment be rendered in such action in favor of the defendant, the amount made on said execution against the garnishee shall be paid to the defendant.

NEW SECTION. Sec. 22. Should it appear from the garnishee's answer or otherwise that the garnishee had in his possession or under his control when the writ was served any personal property or effects of the defendant liable to execution, the court shall render a decree requiring the garnishee to deliver up to the sheriff on demand such personal property or effects or so much of them as may be necessary to satisfy the plaintiff's claim. In cases where a judgment has been rendered in favor of the plaintiff against the defendant, such personal property or effects may be sold in like manner as any other property is sold upon an execution issued on said judgment. In cases where judgment has not been rendered in the principal action, the sheriff shall retain said personal property or effects in his posses-

sion until the rendition of judgment therein, and in case judgment is rendered in said principal action in favor of the plaintiff, said goods or effects, or sufficient of them to satisfy such judgment, may be sold in like manner as other property is sold on execution, by virtue of an execution issuing on said judgment. In case judgment shall be rendered in said action against the plaintiff and in favor of the defendant, such effects and personal property shall be by the sheriff returned to the defendant: PROVIDED, HOWEVER, That in cases where such effects or personal property are of a perishable nature, or the interests of the parties will be subserved by making a sale thereof before judgment, the court may order a sale thereof by the sheriff in like manner as sales upon execution are made, and the proceeds of such sale shall be paid to the clerk of the superior court, and like disposition shall be made of such proceeds at the termination of the action as would have been made of such personal property or effects under the provisions of this section in case such sale had not been made.

NEW SECTION. Sec. 23. Should the garnishee adjudged to have effects or personal property of the defendant in his possession or under his control as provided in section 22 of this act, fail or refuse to deliver them to the sheriff on such demand, the officer shall immediately make return of such failure or refusal, whereupon, on motion of the plaintiff, the garnishee shall be cited to show cause why he should not be attached for contempt of court for such failure or refusal, and should the garnishee fail to show some good and sufficient excuse for such failure and refusal, he shall be fined for such contempt and imprisoned until he shall deliver such personal property or effects.

NEW SECTION. Sec. 24. If the plaintiff should not be satisfied with the answer of the garnishee he may controvert within twenty days by affidavit in writing signed by him, stating that he has good reason to believe and does believe that the answer of the garnishee is incorrect, stating in what particulars he believes the same is in-

correct.

NEW SECTION. Sec. 25. The defendant may also in like manner controvert the answer of the garnishee.

NEW SECTION. Sec. 26. If the answer of the garnishee is controverted, as provided in sections 24 and 25 of this act, an issue shall be formed, under the direction of the court, and tried as other cases: PROVIDED, HOWEVER, No pleadings shall be necessary on such issue other than the affidavit of the plaintiff, the answer of the garnishee and the reply of the plaintiff or defendant controverting such answer, unless otherwise ordered by the court.

NEW SECTION. Sec. 27. In all cases where it shall appear from the answer of the garnishee that he was indebted to the defendant when the writ of garnishment was served and there has been no discharge or judgment and one year shall have passed since the answer of the garnishee, the court, after ten days notice in writing to the plaintiff, shall enter an order dismissing the writ of garnishment and discharging the garnishee: PROVIDED, That this provision shall have no effect when the cause of action between plaintiff and defendant shall be pending on the trial calendar, or upon the filing of an affidavit by any party that the action is still pending.

NEW SECTION. Sec. 28. The greater of: (1) Forty times the state hourly minimum wage or (2) seventy-five percent of the disposable earnings of the defendant shall be exempt from garnishment, whether such earnings are paid, or to be paid, weekly, monthly, or at other regular intervals, and whether there be due the defendant earnings for one week or for a longer period. The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amount required by law to be withheld: PROVIDED, That amount deducted from an employee's compensation as contributions toward a participating pension or retirement program established pursuant to a collective bargaining agreement shall not be considered a part of disposable earnings. Unless directed otherwise by the court, the garnishee shall determine

and deduct the amount exempt under this section and shall pay this amount to the defendant.

No money due or earned as earnings as defined in section 1 (3) of this act shall be exempt from garnishment under the provisions of RCW 6.16.020, as now or hereafter amended.

NEW SECTION. Sec. 29. Where the answer is controverted the costs of the proceeding, including a reasonable compensation for attorney's fees, shall abide the issue of such contest: PROVIDED, That no costs or attorney's fees in such contest shall be taxable to defendant in the event of a controversion on the part of plaintiff.

NEW SECTION. Sec. 30. It shall be a sufficient answer to any claim of the defendant against the garnishee founded on any indebtedness of such garnishee or on the possession by him of any personal property or effects, for the garnishee to show that such indebtedness was paid or such effects delivered, or such shares of stock or other interest in such corporation were sold under the judgment of the court in accordance with the provisions of sections 1 through 5, and 9 through 34 of this act.

NEW SECTION. Sec. 31. In any case where garnishee has answered that it is holding funds or property belonging to defendant and plaintiff shall obtain satisfaction of his judgment from a source other than the garnishment, upon written demand of the defendant or the garnishee, it shall be the duty of plaintiff to obtain an order dismissing the garnishment and to serve it upon the garnishee within twenty days after demand or satisfaction of judgment, whichever shall be later. In the event of the failure of plaintiff to obtain and serve such an order, if garnishee continues to hold such funds or property, defendant shall be entitled to move for dismissal of the garnishment and shall further be entitled to a judgment against plaintiff of one hundred dollars plus defendant's costs and damages. Dismissal may be on ex parte motion of the plaintiff.

NEW SECTION. Sec. 32. In any case where a writ of garnishment has issued, the party at whose instance the writ was issued shall, on

or before the date of service of the writ on the garnishee, mail or may cause to be mailed, by certified mail, a copy of the writ and a copy of the judgment, if any, or the complaint, if brought before judgment, to the defendant or judgment debtor in said cause at his last known post office address; or, in the alternative, a copy of the writ shall be served upon the defendant or judgment debtor in the same manner as is required for personal service of summons upon a party to an action on or before the date of the service of said writ on the garnishee defendant or within two days thereafter. This requirement shall not be jurisdictional, but, if the copy is not mailed or served as herein provided, or any irregularity shall appear with respect to the mailing or service, the court, in its discretion on motion of the defendant or judgment debtor promptly made and supported by affidavit showing that he has suffered substantial injury in the failure to mail such copy, may set aside the said garnishment and award to said defendant or judgment debtor an amount equal to the damages suffered by plaintiff's failure.

NEW SECTION. Sec. 33. Where the garnishee in his answer states that he was indebted or had personal property or effects in his possession or under his control at the time of the service of the writ of garnishment upon him to a person of the same or similar name to the defendant, and stating the place of business or residence of said person, and that he does not know whether or not such person is the same person as the defendant, and prays the court to determine whether or not the person to whom he was indebted or whose personal property or effects he had in his possession is the same person as the defendant, the court, before rendering judgment against the garnishee defendant as hereinbefore provided, shall take proof as to the identity of said persons, and if he should find therefrom that they are not one and the same individual, the garnishee shall be discharged and shall have and recover his costs against the plaintiff; and if he should find that said persons are one and the same individuals, he shall make a similar judgment as to the payment of the money or the



delivery of personal property and effects and as to costs of the garnishee as is hereinbefore provided, where the garnishee is held upon his answer. Before any such hearing on the question of identity is had, the plaintiff shall cause the court to issue a citation directed to the person to whom the garnishee answers he was indebted or whose personal property or effects the garnishee has answered he had in his possession or under his control, commanding him to appear before the court from which it is issued within ten days after the service of the same upon him, and to answer on oath whether or not he is the same person as the defendant in said action. Said citation shall be dated and attested in like manner as a writ of garnishment and be delivered to the plaintiff or his attorney and shall be served in the same manner as a summons in an action is served. If upon the hearing in this section provided for, the court shall find that the defendant or judgment debtor is the same person as the person to whom the garnishee defendant was indebted, or whose personal property or effects said garnishee defendant had in his possession or under his control, it shall be sufficient answer to any claim of said person against the garnishee founded on any indebtedness of such garnishee or on the possession by him of any personal property or effects for the garnishee to show that such indebtedness was paid or such personal property or effects delivered under the judgment of the court in accordance with the provisions in this chapter.

NEW SECTION. Sec. 34. In all actions in which a writ of garnishment of wages has been issued by a court and served upon a garnishee, in the event judgment is not entered for the plaintiff on the claim sued upon by plaintiff, and the claim has not voluntarily been settled or otherwise satisfied, the defendant shall have an action for damages against the plaintiff. The defendant's action for damages may be brought by way of a counterclaim in the original action or in a separate action and in the action the trier of fact, in addition to other actual damages sustained by the defendant, may award him reasonable attorney's fees.

NEW SECTION. Sec. 35. There is added to chapter 50.20 RCW a new section to read as follows:

Subject to the provisions of section 16 of this act, an individual who is separated from his employment due to garnishment of his wages shall not be disqualified from receiving unemployment benefits because of such separation.

NEW SECTION. Sec. 36. The following acts or parts of acts are repealed:

- (1) Section 1, chapter 56, Laws of 1893 and RCW 7.32.010;
- (2) Section 2, chapter 56, Laws of 1893 and RCW 7.32.020;
- (3) Section 3, chapter 56, Laws of 1893, section 1, chapter 110, Laws of 1931, section 1, chapter 26, Laws of 1955, section 4, chapter 304, Laws of 1961, section 1, chapter 142, Laws of 1967, and RCW 7.32.030;
- (4) Section 4, chapter 56, Laws of 1893, section 2, chapter 142, Laws of 1967, and RCW 7.32.040;
- (5) Section 1, chapter 130, Laws of 1915, section 1, chapter 15, Laws of 1933, and RCW 7.32.060;
- (6) Section 2, chapter 130, Laws of 1915, section 2, chapter 15, Laws of 1933, and RCW 7.32.070;
- (7) Section 3, chapter 15, Laws of 1933, section 4, chapter 142, Laws of 1967, and RCW 7.32.080;
- (8) Section 4, chapter 15, Laws of 1933, section 5, chapter 142, Laws of 1967, and RCW 7.32.090;
- (9) Section 6, chapter 56, Laws of 1893, section 6, chapter 142, Laws of 1967, and RCW 7.32.100;
- (10) Section 7, chapter 56, Laws of 1893, section 1, chapter 68, Laws of 1903, section 7, chapter 142, Laws of 1967, and RCW 7.32-.110;
- (11) Section 8, chapter 56, Laws of 1893, section 2, chapter 68, Laws of 1903, section 1, chapter 44, Laws of 1933 ex. sess., section 1, chapter 267, Laws of 1959, section 8, chapter 142, Laws of 1967 and RCW 7.32.120;

(12) Section 9, chapter 56, Laws of 1893, section 2, chapter 44, Laws of 1933 ex. sess., section 9, chapter 142, Laws of 1967, and RCW 7.32.130;

(13) Section 9½, chapter 56, Laws of 1893, section 1, chapter 146, Laws of 1903, and RCW 7.32.140;

(14) Section 10, chapter 56, Laws of 1893, section 10, chapter 142, Laws of 1967, and RCW 7.32.150;

(15) Section 11, chapter 142, Laws of 1967 and RCW 7.32.155;

(16) Section 11, chapter 56, Laws of 1893, section 12, chapter 142, Laws of 1967, and RCW 7.32.160;

(17) Section 12, chapter 56, Laws of 1893 and RCW 7.32.170;

(18) Section 13, chapter 56, Laws of 1893, section 13, chapter 142, Laws of 1967, and RCW 7.32.180;

(19) Section 14, chapter 56, Laws of 1893 and RCW 7.32.190;

(20) Section 15, chapter 56, Laws of 1893, section 14, chapter 142, Laws of 1967, and RCW 7.32.200;

(21) Section 16, chapter 56, Laws of 1893 and RCW 7.32.210;

(22) Section 17, chapter 56, Laws of 1893, section 15, chapter 142, Laws of 1967, and RCW 7.32.220;

(23) Section 18, chapter 56, Laws of 1893 and RCW 7.32.230;

(24) Section 19, chapter 56, Laws of 1893, section 16, chapter 142, Laws of 1967, and RCW 7.32.240;

(25) Section 18, chapter 142, Laws of 1967 and RCW 7.32.245;

(26) Section 20, chapter 56, Laws of 1893 and RCW 7.32.250;

(27) Section 21, chapter 56, Laws of 1893 and RCW 7.32.260;

(28) Section 22, chapter 56, Laws of 1893 and RCW 7.32.270;

(29) Section 23, chapter 56, Laws of 1893, section 1, chapter 24, Laws of 1897, section 1, chapter 139, Laws of 1901, section 1, chapter 210, Laws of 1907, section 1, chapter 287, Laws of 1927, section 1, chapter 13, Laws of 1963, and RCW 7.32.280;

(30) Section 24, chapter 56, Laws of 1893 and RCW 7.32.290;

(31) Section 25, chapter 56, Laws of 1893, section 17, chapter

142, Laws of 1967, and RCW 7.32.300;

(32) Section 26, chapter 56, Laws of 1893, section 3, chapter 142, Laws of 1967, and RCW 7.32.310;

(33) Section 20, chapter 142, Laws of 1967, and RCW 7.32.900;

(34) Section 1, chapter 160, Laws of 1909, section 1, chapter 126, Laws of 1911, section 1, chapter 143, Laws of 1967 and RCW 12.32-.010;

(35) Section 2, chapter 95, Laws of 1965, section 2, chapter 96, Laws of 1965, and RCW 12.32.015;

(36) Section 2, chapter 160, Laws of 1909, section 2, chapter 126, Laws of 1911, section 1, chapter 109, Laws of 1913, section 2, chapter 143, Laws of 1967, and RCW 12.32.020;

(37) Section 4, chapter 160, Laws of 1909, section 4, chapter 126, Laws of 1911, section 4, chapter 143, Laws of 1967 and RCW 12.32-.040;

(38) Section 3, chapter 160, Laws of 1909, section 3, chapter 126, Laws of 1911, section 3, chapter 143, Laws of 1967, and RCW 12-.32.030;

(39) Section 5, chapter 160, Laws of 1909, section 5, chapter 143, Laws of 1967, and RCW 12.32.050;

(40) Section 6, chapter 160, Laws of 1909, section 1, chapter 70, Laws of 1939, section 1, chapter 218, Laws of 1961, section 6, chapter 143, Laws of 1967, and RCW 12.32.060;

(41) Section 7, chapter 160, Laws of 1909, section 7, chapter 143, Laws of 1967, and RCW 12.32.070;

(42) Section 8, chapter 160, Laws of 1909, section 8, chapter 143, Laws of 1967, and RCW 12.32.080;

(43) Section 9, chapter 160, Laws of 1909 and RCW 12.32.090;

(44) Section 10, chapter 160, Laws of 1909, section 9, chapter 143, Laws of 1967, and RCW 12.32.100;

(45) Section 14, chapter 143, Laws of 1967 and RCW 12.32.105;

(46) Section 11, chapter 160, Laws of 1909, section 10, chapter 143, Laws of 1967, and RCW 12.32.110;

- (47) Section 12, chapter 160, Laws of 1909, section 5, chapter 126, Laws of 1911, and RCW 12.32.120;
- (48) Section 13, chapter 160, Laws of 1909 and RCW 12.32.130;
- (49) Section 14, chapter 160, Laws of 1909 and RCW 12.32.140;
- (50) Section 15, chapter 160, Laws of 1909 and RCW 12.32.150;
- (51) Section 16, chapter 160, Laws of 1909 and RCW 12.32.160;
- (52) Section 17, chapter 160, Laws of 1909, section 11, chapter 143, Laws of 1967, and RCW 12.32.170;
- (53) Section 18, chapter 160, Laws of 1909 and RCW 12.32.180;
- (54) Section 19, chapter 160, Laws of 1909 and RCW 12.32.190;
- (55) Section 13, chapter 143, Laws of 1967 and RCW 12.32.195;
- (56) Section 20, chapter 160, Laws of 1909 and RCW 12.32.200;
- (57) Section 21, chapter 160, Laws of 1909 and RCW 12.32.210;
- (58) Section 22, chapter 160, Laws of 1909, section 12, chapter 143, Laws of 1967, and RCW 12.32.220;
- (59) Section 23, chapter 160, Laws of 1909 and RCW 12.32.230;
- and
- (60) Section 24, chapter 160, Laws of 1909 and RCW 12.32.240.

Passed the Senate May 4, 1969

Passed the House April 12, 1969

Approved by the Governor May 23, 1969

Filed in office of Secretary of State May 23, 1969

CHAPTER 265  
[Engrossed Senate Bill No. 244]  
JOINT COMMITTEE ON HIGHER EDUCATION

AN ACT Relating to the legislature; creating a joint committee on higher education; prescribing its powers and duties; providing for citizen participation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. As used in this act the following definitions shall apply:

(a) "Committee" means the joint committee on higher education of the legislature of the state of Washington.

(b) "Higher education" means all programs and/or courses, whether academic, occupational, professional, adult or special, spon-

sored or conducted by an institution or agency authorized to grant or award a baccalaureate degree, or a nonbaccalaureate degree or certificate.

(c) "Institution" or "agency" means any public or nonpublic educational institution receiving or eligible of receiving state appropriated funds, or participating in programs which are state authorized, administered or coordinated, and such institutions shall include but not be limited to all four year colleges, and universities, graduate centers, and all state community colleges, and state agencies directing or participating in higher education programs as herein defined.

NEW SECTION. Sec. 2. There is hereby created the joint committee on higher education of the legislature of the state of Washington.

NEW SECTION. Sec. 3. The committee shall consist of five senators and five representatives who shall be selected prior to the close of the forty-first session of the legislature, and at least ten 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, 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.

NEW SECTION. 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.

NEW SECTION. Sec. 5. Members shall serve until their successors are installed as provided in section 3 of this act at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner.

NEW SECTION. 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 of this act or until they are no longer members of the legislature, whichever is sooner. All vacancies shall be filled from the same political party as that of the member whose seat was vacated.

NEW SECTION. Sec. 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.

NEW SECTION. 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.

NEW SECTION. 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 in accordance with standard legislative per diem and travel rates. 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. The authority of 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.

NEW SECTION. Sec. 10. The committee is authorized to ascer-

tain and study facts and matters relating to higher education in the state of Washington, including but not limited to:

(1) The statutory responsibilities granted to the council on higher education and the state board for community college education and all other institutions and agencies of higher education;

(2) The functions, facilities, programs, and the method of financing the institutions and agencies of public higher education to insure that there will be sufficient use of resources and avoidance of unnecessary duplication;

(3) The role of private institutions of higher education in the state;

(4) The relationship of adult education and/or continuing education to higher education in the state;

(5) A relationship of occupational programs or vocational and technical schools to higher education in the state;

(6) The impact of increased federal funds on existing or planned programs or operations of institutions or agencies of higher education;

(7) The desirability and relation of student financial aid to higher educational goals of the state.

The committee shall also have the power to require the council on higher education, the state board for community college education, and the individual institutions and agencies of public higher education to submit data and information which they may request on costs, the selection and retention of students, enrollments, planned capacities, and other matters which the committee deems pertinent to the effective planning and coordination of the institutions and agencies of higher education.

The committee is further authorized to review the development of plans for orderly growth of public institutions of higher education or agencies and to review the specific recommendations of any public institution or agencies of higher education on the need for the location of new facilities and programs.



NEW SECTION. Sec. 11. The committee shall consult and maintain liaison with the legislative council, the legislative budget committee, the joint committee on education, and all affected public agencies, and shall seek the participation of all interested and responsible organizations.

NEW SECTION. Sec. 12. 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.

NEW SECTION. Sec. 13. 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.

NEW SECTION. Sec. 14. The committee shall have authority to receive such gifts, grants, and endowments from both federal and 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 within the provisions of RCW 43.88.

Passed the Senate May 7, 1969

Passed the House May 4, 1969

Approved by the Governor May 23, 1969

Filed in office of Secretary of State May 23, 1969

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CHAPTER 266

[Engrossed Senate Bill No. 754]

UNIVERSITY OF WASHINGTON--  
DRUG TESTING LABORATORY

AN ACT Relating to the University of Washington; authorizing the establishment of a drug testing laboratory thereat; making an appropriation; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. The University of Washington is authorized and directed to arrange for a drug testing laboratory. The laboratory shall offer a testing service for law enforcement officers for the identification of known or suspected dangerous and narcotic drugs. Employees of the laboratory are authorized to appear as expert witnesses in criminal trials held within the state: PROVIDED, That the traveling expenses and per diem of such employees shall be borne by the party for the benefit of whom the testimony of such employees is requested.

NEW SECTION. Sec. 2. There is hereby appropriated from the general fund to the University of Washington for the biennium ending June 30, 1971 the sum of four thousand dollars or so much thereof as shall be necessary to carry out the provisions of this act.

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

Passed the Senate May 6, 1969  
Passed the House May 3, 1969  
Approved by the Governor May 23, 1969  
Filed in office of Secretary of State May 23, 1969

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CHAPTER 267  
[Senate Bill No. 363]  
STATE-OWNED LANDS--TERMS OF SALE--  
DEFERRED PAYMENTS INTEREST RATE

AN ACT Relating to state-owned lands; and amending section 54, chapter 255, Laws of 1927, as last amended by section 24, chapter 257, Laws of 1959, and RCW 79.01.216.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 54, chapter 255, Laws of 1927, as last amended by section 24, chapter 257, Laws of 1959, and RCW 79.01.216 are each amended to read as follows:

All state lands, and all tide and shore lands, shall be sold on the following terms: One-tenth to be paid on the date of sale and one-tenth to be paid one year from the date of the issuance of the

contract of sale, and one-tenth annually thereafter until the full purchase price has been paid, but any purchaser may make full payment at any time. All deferred payments shall draw interest at ~~((the))~~ such rate ((of-six-percent-per-annum)) as may be fixed, from time to time, by rule adopted by the board of natural resources, and the rate of interest, as so fixed at the date of each sale, shall be stated in all advertising for and notice of said sale and in the contract of sale. The first installment of interest shall become due and payable one year after the date of the contract of sale and thereafter all interest shall become due and payable annually on said date, and all remittances for payment of either principal or interest shall be forwarded to the commissioner of public lands ~~((--PROVIDED,--That-the-commissioner-of-public-lands-may,--when-he-deems-it-for-the-best-interest-of-the-state,--sell-any-state-lands,--in-tracts-of-not-more-than-eighty-acres-upon-the-following-terms-and-conditions:--One-twentieth-of-the-purchase-price-to-be-paid-on-the-date-of-sale-and-one-twentieth-on-the-eleventh-year-thereafter,--and-one-tenth-annually-thereafter-until-the-full-purchase-price-has-been-paid,--but-in-such-case,--before-any-such-lands-are-offered-for-sale,--the-commissioner-of-public-lands-shall-prescribe-the-extent-and-character-of-the-improvements-that-shall-be-placed-upon-said-lands-annually-during-the-first-ten-years-of-said-contract-and-said-contract-shall-be-subject-to-forfeiture-if-the-holder-thereof-shall-fail-in-any-year-to-make-such-improvements-as-shall-be-prescribed-by-the-commissioner-before-the-lands-are-offered-for-sale,--and-the-making-of-such-improvements-by-such-contract-holders-shall,--in-addition-to-the-payments-provided-for-in-said-contract,--be-considered-as-a-part-of-the-consideration-thereof.--Every-such-purchaser-shall-render-to-the-commissioner-of-public-lands-between-the-tenth-day-of-December-and-the-thirty-first-day-of-December-of-each-year-during-the-first-ten-years-a-full-and-complete-statement-of-the-character-and-cost-of-the-improvements-placed-upon-said-land-during-such-year,--Any-such-purchaser-shall-have-the-right-to-improve-said-lands-during-any-one-year-to-any-greater-extent-than-that-pre-~~

~~scribed by the commissioner, and he may pay any number of installments of the purchase price of said lands at any time prior to the dates of payment as above provided for, if the commissioner is satisfied that the improvements which he has placed upon said lands are such as to insure a bona fide cultivation and use thereof for agricultural, horticultural or dairying purposes. All deferred payments upon said contract shall draw interest at the rate of four percent per annum for the first ten years after the date of sale, and thereafter at the rate of six percent per annum until the full purchase price has been paid. The object and purpose of this proviso is to encourage the cultivation and improvement of state lands and the use of such lands for agricultural, horticultural or dairying purposes).~~

Passed the Senate March 29, 1969  
Passed the House May 3, 1969  
Approved by the Governor May 23, 1969  
Filed in office of Secretary of State May 23, 1969

CHAPTER 268  
[Senate Bill No. 176]  
STATE HOSPITALS FOR THE MENTALLY ILL--  
RESPONSIBILITY FOR PATIENT COSTS

AN ACT Relating to state hospitals for the mentally ill; and amending section 6, chapter 127, Laws of 1967 ex.sess. and RCW 71.02.413.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 6, chapter 127, Laws of 1967 ex.sess. and RCW 71.02.413 are each amended to read as follows:

In any case where determination is made that a person, or the estate of such person, is able to pay all, or any portion of the monthly charges for hospitalization, and/or charges for outpatient services, a notice of finding of responsibility shall be ((personally)) served on such person or persons and the legal representative of such person. The notice shall set forth the amount the department has determined that such person, or his or her estate, is able to pay per month not to exceed the monthly costs of hospitalization, and/or costs of outpatient services, as fixed in accordance with the provisions of RCW 71.02.410, or as otherwise limited by the provisions of RCW 71.02.230, 71.02.320, and 71.02.410 through 71.02.417. The re-

responsibility for the payment to the department of institutions shall commence thirty days after (~~personal~~) service of such notice and finding of responsibility which finding of responsibility shall cover the period from the date of admission of such mentally ill person to a state hospital, and for the costs of hospitalization, and/or the costs of outpatient services, accruing thereafter. The notice and finding of responsibility shall be served upon all persons found financially responsible either personally, or, by registered or certified mail, enclosing a form for acknowledgment of service with return postage prepaid. If service is by mailing and a form of acknowledgment of service is not executed and returned to the department, then personal service must be made for the finding of responsibility to be effective. An appeal may be made to the director of institutions, or his designee within thirty days from the date of posting of such notice and finding of responsibility, upon the giving of written notice of appeal to the director of institutions by registered or certified mail, or by personal service. If no appeal is taken, the notice and finding of responsibility shall become final. If an appeal is taken, the execution of notice and finding of responsibility shall be stayed pending the decision of such appeal. Appeals may be heard in any county seat most convenient to the appellant. The hearing of appeal may be presided over by a hearing examiner appointed by the director, and the proceedings shall be recorded either manually or by a mechanical device. At the conclusion of such hearing, the hearing examiner shall make findings of fact and his conclusions and recommended determination of responsibility. Thereafter, the director, or his designee, may either affirm, reject or modify the findings, conclusions and determination of responsibility made by the hearing examiner. Judicial review of the director's determination of responsibility in the superior court and the supreme court may be taken in accordance with the provisions

of the Administrative Procedure Act, chapter 34.04 RCW.

Passed the Senate March 17, 1969

Passed the House May 3, 1969

Approved by the Governor May 23, 1969

Filed in office of Secretary of State May 23, 1969

CHAPTER 269

[Substitute Senate Bill No. 188]

VETERANS BENEFITS AND PREFERENCES--

UNIVERSITIES AND COLLEGES MAY HONOR

BANK CREDIT CARDS

AN ACT Relating to veterans' benefits and preferences; amending section 1, chapter 189, Laws of 1945 as last amended by section 1, chapter 9, Laws of 1953 ex. sess., and RCW 41.04.010; amending section 5, chapter 139, Laws of 1921 as amended by section 1, chapter 46, Laws of 1947, and RCW 28.77.070; amending section 4, chapter 164, Laws of 1921 and RCW 28.80.060; amending section 1, chapter 6, Laws of 1959 as last amended by section 1, chapter ..., Laws of 1969 (SSB 468) and RCW 41.20.050; amending section 11, chapter 91, Laws of 1947 and RCW 41.16.220; adding a new section to chapter 41.04 RCW; adding a new section to chapter 28.81 RCW; adding a new section to Title 28 RCW; repealing section 6, chapter 139, Laws of 1921 and RCW 28.77.080; amending section 28B.15.380, chapter ..., Laws of 1969 (HB 58) and RCW 28B.15.380; adding a new section to chapter ..., Laws of 1969 and to chapter 28B.40 RCW; repealing section 28B.15.390, chapter ..., Laws of 1969 (HB 58) and RCW 28B.15.390; providing sections to effect the correlative and pari matiera construction of parts of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 41.04 RCW a new section to read as follows:

As used in all sections of this 1969 amendatory act "veteran" includes every person, who at the time he seeks the benefits of this 1969 amendatory act, has served in any branch of the armed forces of

the United States during:

(1) Any period of war and such "period of war" shall include World War I, World War II, the Korean conflict, the Viet Nam era, and the period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress. The said "Viet Nam era" shall mean the period beginning August 5, 1964, and ending on such date as shall thereafter be determined by presidential proclamation or concurrent resolution of the congress; and in addition to this subsection, who, upon termination of said service has

(2) Received an honorable discharge; or

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

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

Sec. 2. Section 1, chapter 189, Laws of 1945 as last amended by section 1, chapter 9, Laws of 1953 ex. sess., and RCW 41.04.010 are each amended to read as follows:

In all competitive examinations, unless otherwise provided herein, to determine the qualifications of applicants for public offices, positions or employment, the state, and all of its political subdivisions and all municipal corporations, shall give a preference status to all veterans (~~(as herein defined, of all wars)~~) as defined in section 1 of this 1969 amendatory act (~~(in which the United States of America has been, now is or may hereafter be engaged)~~), by adding to the passing mark, grade or rating only, based upon a possible rating of one hundred points as perfect (~~(ten percent to his final earned test rating)~~) a percentage in accordance with the following: (~~PROVIDED, That he has received a minimum passing grade in such examination:~~

~~The term "veteran" as herein used, includes every person who~~

~~has served, now is serving, or may hereafter serve in any branch of the armed forces of the United States during any such war, including the Korean conflict, and, upon termination of the service, has received an honorable discharge, or a physical discharge with an honorable record, or has been relieved of active services under honorable circumstances.~~

~~The provisions of this section shall not be applicable to promotional examinations to determine the qualifications of officers or employees for promotion from a lower grade position to a higher grade position. -- PROVIDED, That when such a veteran was employed in public service at the time of his entry into military service and returns to the same employment, he shall be entitled to the preference herein provided for on his first promotional examination.)~~

(1) Ten percent to a veteran who is not receiving any veterans retirement payments and said percentage shall be utilized in said veteran's first competitive examination only and not in any promotional examination;

(2) Five percent to a veteran who is receiving any veterans retirement payments and said percentage shall be utilized in said veteran's first competitive examination only and not in any promotional examination;

(3) Five percent to a veteran who, after having previously received employment with the state or any of its political subdivisions or municipal corporations, shall be called, or recalled, to active military service for a period of one year, or more, during any period of war, for his first promotional examination only, upon compliance with RCW 73.16.035 as it now exists or may hereafter be amended;

(4) There shall be no examination preferences other than those which have been specifically provided for above and all preferences above specified in (1), (2) and (3) must be claimed by a veteran within five years of the date of his release from active service.

Sec. 3. Section 5, chapter 139, Laws of 1921, as amended by



section 1, chapter 46, Laws of 1947 and RCW 28.77.070 are each amended to read as follows:

The board of regents may exempt the following classes of persons from the payment of the fees mentioned in subdivisions (a) and (b) of (~~section 1 of this act~~) RCW 28.77.030 except for the individual instruction fees mentioned in said subdivision (b): (1) All (~~honorably discharged service men or women who served in the armed forces of the United States during World War I and those who so served in World War II at any time after the sixth day of December, 1941, and prior to the first day of January, 1947, and who are no longer entitled to vocational rehabilitation under Public Law 16, 78th Congress, 1st session, approved March 24, 1943, as amended, or to education and training under section 400 of Public Law 346, 78th Congress, 2nd session, approved June 22, 1944, as amended, and all honorably discharged service men who served in the military or naval services of any of the governments associated with the United States during the said World War I and those who so served in World War II at any time after the sixth day of December, 1941, and prior to the first day of January, 1947, and who are no longer entitled to vocational rehabilitation under Public Law 16, 78th Congress, 1st session, approved March 24, 1943, as amended, or to education and training under section 400 of Public Law 346, 78th Congress, 2nd session, approved June 22, 1944, as amended, provided~~) veterans as defined in section 1 of this 1969 amendatory act who are no longer entitled to federal vocational or educational benefits conferred by virtue of their military service: PROVIDED, They were citizens of the United States at the time of their enlistment and who are again citizens at the time of their registration in the university((?)) : AND PROVIDED FURTHER, That if any such service men have not been domiciled in this state for one year prior to registration said board may exempt them up to one-half of the fee payable by other non-domiciled students. (2) Members of the staff of the University of Washington. (3) Teachers in the public schools of the state who supervise the cadet teach-

ers from the University of Washington.

Sec. 4. Section 4, chapter 164, Laws of 1921 and RCW 28.80-.060 are each amended to read as follows:

The board of regents may exempt the following classes of persons from the payment of general tuition or incidental fees except for individual instruction fees: (1) All veterans as defined in section 1 of this 1969 amendatory act (~~(honorably-discharged-servicemen-who-served-in-the-military-or-naval-service-of-the-United States-during-the-late-world-war-and-all-honorably-discharged-servicemen--in-the-military--or-naval-services-of-any-of-the-governments associated-with-the-United-States--during--said--war, provided they were-citizens-of-the-United-States-at-the-time-of-their--enlistment and--who--are--again-citizens--at--the--time--of--their--registration-at-Washington-State-University)~~) : PROVIDED, That such persons are no longer entitled to federal vocational or educational benefits conferred by virtue of their military service: AND PROVIDED FURTHER, That if any of such ((servicemen)) veterans have not resided in this state for one year prior to registration said board may exempt them up to one-half of the tuition payable by other non-resident students; (2) Members of the staff of Washington State University (({3})--In-case-of-deserving-students-of-this-state-and Alaska-who, after-a-quarter-in-residence-have-shown-a-marked-capacity for-the-work-done-by-them-in-school, the-board-of-regents, may, in lieu-of-collecting-the-fees-provided-for-in-RCW-28.80.030, extend credit-to-said-students-in-the-amount-of-said-fees, taking-therefor the-promissory-note-of-the-students-with-interest-at-the-rate-of-four percent-per-annum))).

NEW SECTION. Sec.5. There is added to chapter 28.81 RCW a new section to read as follows:

The board of trustees may exempt from the payment of general tuition or incidental fees except for individual instruction fees all veterans, as defined in section 1 of this 1969 amendatory act, who are no longer entitled to receive federal vocational or educational

benefits conferred upon said veterans by virtue of their military service.

Sec. 6. Section 1, chapter 6, Laws of 1959 as last amended by section 1, chapter ..., Laws of 1969 (SSB 468) and RCW 41.20.050 are each amended to read as follows:

Whenever a person has been duly appointed, and has served honorably for a period of twenty-five years, as a member, in any capacity, of the regularly constituted police department of a city subject to the provisions of this chapter, the board, after hearing, if one is requested in writing, may order and direct that such person be retired, and the board shall retire any member so entitled, upon his written request therefor. The member so retired hereafter shall be paid from the fund during his lifetime a pension equal to fifty percent of the amount of salary at any time hereafter attached to the position held by the retired member for the year preceding the date of his retirement: PROVIDED, That, except as to a position higher than that of captain held for at least three calendar years prior to date of retirement, no such pension shall exceed an amount equivalent to fifty percent of the salary of captain, and all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957: PROVIDED FURTHER, That a person hereafter retiring who has served as a member for more than twenty-five years, shall have his pension payable under this section increased by two percent of his salary per year for each full year of such additional service to a maximum of five additional years.

Any person who has served in a position higher than the rank of captain for a minimum of three years may elect to retire at such higher position and receive for his lifetime a pension equal to fifty percent of the amount of the salary at any time hereafter attached to the position held by such retired member for the year preceding his date of retirement: PROVIDED, That such person make the said election to retire at a higher position by September 1, 1969 and at the time of making the said election, pay into the relief and

pension fund in addition to the contribution required by RCW 41.20-.130: (1) an amount equal to six percent of that portion of all monthly salaries previously received upon which a sum equal to six percent has not been previously deducted and paid into the police relief and pension fund; (2) and such person agrees to continue paying into the police relief and pension fund until the date of retirement, in addition to the contributions required by RCW 41.20.130, an amount equal to six percent of that portion of monthly salary upon which a six percent contribution is not currently deducted pursuant to RCW 41.20.130.

Any person affected by this chapter who at the time of entering the armed services was a member of such police department and (~~has honorably served in the armed services of the United States in the time of war~~) is a veteran as defined in section 1 of this 1969 amendatory act, shall have added to his period of employment as computed under this chapter, his period of war service in the armed forces, but such credited service shall not exceed five years and such period of service shall be automatically added to each member's service upon payment by him of his contribution for the period of his absence at the rate provided in RCW 41.20.130.

Sec. 7. Section 11, chapter 91, Laws of 1947 and RCW 41.16-.220 are each amended to read as follows:

Any person who was a member of the fire department and within the provisions of chapter 50, Laws of 1909, as amended, at the time he entered, and who (~~served in the armed forces of the United States in times of war and who has been discharged therefrom under conditions other than dishonorable~~) is a veteran, as defined in section 1 of this 1969 amendatory act, shall have added and accredited to his period of employment as a fireman as computed under this chapter his period of war service in such armed forces upon payment by him of his contribution for the period of his absence, at the rate provided by chapter 50, Laws of 1909, as amended, for other members: PROVIDED, HOWEVER, Such accredited service shall not in any case ex-

ceed five years.

Sec. 8. Section 28B.15.380, chapter ..., Laws of 1969 (HB 58) and RCW 28B.15.380 are each amended to read as follows:

In addition to any other exemptions as may be provided by law, the board of regents at the universities may exempt the following classes of persons from the payment of general tuition fees or incidental fees except for individual instruction fees: (1) All (~~honorably discharged service men or women who served in the armed forces of the United States during World War I and those who so served in World War II at any time after the sixth day of December, 1941, and prior to the first day of January, 1947, and who are no longer entitled to vocational rehabilitation under Public Law 16, 78th Congress, 1st session, approved March 24, 1943, as amended, or to education and training under section 400 of Public Law 346, 78th Congress, 2nd session, approved June 22, 1944, as amended, and all honorably discharged service men who served in the military or naval services of any of the governments associated with the United States during the said World War I and those who so served in World War II at any time after the sixth day of December, 1941, and prior to the first day of January, 1947 and who are no longer entitled to vocational rehabilitation under Public Law 16, 78th Congress, 1st session, approved March 24, 1943, as amended, or to education and training under section 400 of Public Law 346, 78th Congress, 2nd session, approved June 22, 1944, as amended, provided they were citizens of the United States at the time of their enlistment and who are again citizens at the time of their registration in the university. If any such service men have not been resident in this state for one year prior to registration said board may exempt them up to one half of the fee payable by other nonresident students~~) veterans as defined in section 1 of this 1969 amendatory act: PROVIDED, That such persons are no longer entitled to federal vocational or educational benefits conferred by virtue of their military service: AND PROVIDED FURTHER, That if any such veterans have not resided in this state for one year prior to registration said

board may exempt them up to one-half of the tuition payable by other nonresident students. (2) Members of the staffs of the University of Washington and Washington State University. (3) Teachers in the public schools of the state who supervise the cadet teachers from the University of Washington.

NEW SECTION. Sec. 9. There is added to chapter ..., Laws of 1969 (HB 58) and to chapter 28B.40 RCW a new section to read as follows:

The boards of trustees may exempt from the payment of general tuition or incidental fees except for individual instruction fees all veterans who served in the armed forces of the United States who have served the United States during any period of war as defined in section 1 of this 1969 amendatory act and who shall have served with evidence of conduct other than undesirable, bad conduct or dishonorable upon release from active service: PROVIDED, That such person is no longer entitled to federal vocational or educational benefits conferred by virtue of his military service.

NEW SECTION. Sec. 10. Any state university, state college or community college may honor credit cards issued by any bank within the state of Washington for tuition, fees, or any materials or supplies required for course study.

NEW SECTION. Sec. 11. Section 6, chapter 139, Laws of 1921 and RCW 28.77.080 are each repealed.

NEW SECTION. Sec. 12. Section 28B.15.390, chapter ..., Laws of 1969 (HB 58) and RCW 28B.15.390 are each repealed on the date the 1969 education code (HB 58) becomes effective.

NEW SECTION. Sec. 13. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of sections 3, 4, 5, and 11 of the instant bill seek to change existing laws. The provisions of sections 8, 9 and 12 seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of sections 3, 4, and 5 shall

be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of sections 3, 4, and 5 shall expire and the provisions of sections 8, 9, and 12 shall concomitantly become effective. It is the further intent of the legislature that sections 8, 9, and 12 of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then the amendatory provisions of sections 8, 9, and 12 of this bill shall be construed as amending the correlative sections of the 1969 education code, and the new or additional provisions of sections 8 and 9 shall be construed as being in pari materia with the 1969 education code.

NEW SECTION. Sec. 14. Sections 8, 9, and 12 of this act are necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on the date upon which the 1969 education code becomes effective.

NEW SECTION. Sec. 15. Section 10 of this 1969 amendatory act shall be added to Title 28 RCW unless or until the proposed education code of 1969 (HB 58) becomes effective, at which time it shall be added thereto.

Passed the Senate May 9, 1969  
Passed the House May 9, 1969  
Approved by the Governor May 23, 1969  
Filed in office of Secretary of State May 23, 1969

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CHAPTER 270  
[Engrossed Senate Bill No. 371]  
CITIES AND TOWNS--1st CLASS,  
INCORPORATION--2nd, 3rd CLASS, TOWNS,  
COMPENSATION OF OFFICERS

AN ACT Relating to cities and towns; amending section 35.03.010, chapter 7, Laws of 1965 and RCW 35.03.010; amending section 35.03.020, chapter 7, Laws of 1965 and RCW 35.03.020; amending section 35.03.030, chapter 7, Laws of 1965 and RCW 35.03.030; amending section 35.03.040, chapter 7, Laws of 1965 and RCW 35.03.040; amending section 35.03.050; chapter 7, Laws of 1965 and RCW 35.03.050; amending section 35.23.220, chapter 7, Laws

of 1965 and RCW 35.23.220; amending section 35.24.090, chapter 7, Laws of 1965 as amended by section 1, chapter 105, Laws of 1965, and RCW 35.24.090; and amending section 35.27.130, chapter 7, Laws of 1965 as amended by section 2, chapter 105, Laws of 1965 and RCW 35.27.130.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 35.03.010, chapter 7, Laws of 1965 and RCW 35.03.010 are each amended to read as follows:

Any portion of a county, which portion contains not less than twenty thousand inhabitants (~~(living within an area of not more than ten square miles;))~~) and which is not incorporated as a municipal corporation, may become incorporated under the provisions of this chapter, and when so incorporated, shall have the powers conferred, or that may hereafter be conferred, by law upon cities of the first class.

Sec. 2. Section 35.03.020, chapter 7, Laws of 1965 and RCW 35.03.020 are each amended to read as follows:

A petition shall first be presented under the provisions of sections 1 through 6 of this 1969 amendatory act to the (~~board of county commissioners~~) county auditor of such county, signed by at least (~~one~~) five hundred qualified electors of the county, residents within the limits of such proposed corporation, which petition shall set forth and particularly describe the proposed boundaries of such corporation, state the name of the proposed corporation, and state the number of inhabitants therein as nearly as may be, and shall pray that the same may be incorporated under the provisions of this chapter. The county auditor shall within thirty days from the time of receiving said petition determine that the legal description of the area proposed to be incorporated is correct and that there is a sufficient number of valid signatures. Upon such determination, the county auditor shall transmit said petitions accompanied by the certificate of sufficiency to the board of county commissioners except that in counties in which a boundary review board exists under chapter 36.93 RCW, said petition and the certificate of sufficiency shall be



transmitted to the boundary review board. If a period of sixty days shall elapse from the filing of the said petition with the boundary review board without such board's jurisdiction having been invoked, as provided in RCW 36.93.100, the proposed incorporation shall be deemed to have been approved by the board. Upon presentation of said petition in counties in which there is no boundary review board, the board of county commissioners shall ascertain the number of inhabitants residing within said proposed boundaries. If, in the opinion of the board of county commissioners, the population within such proposed boundaries can be ascertained from the figures compiled from the last federal or state census for said county, such population figures shall be used, otherwise said board of county commissioners shall make an enumeration of all persons residing within said proposed boundaries. If the board of county commissioners shall ascertain that there are twenty thousand or more inhabitants within said proposed boundaries, they shall set a date for hearing on said petition, the same to be published (~~for a period of at least two weeks~~) in accordance with the notice required by RCW 29.27.080 prior to such hearing in some newspaper published in said county, together with a notice stating the time and place of the meeting at which said petition will be heard. Such hearing may be adjourned from time to time, not to exceed one month in all, and, on the final hearing, the board of county commissioners shall make such changes in the proposed boundaries as they may find to be proper, but may not enlarge the same, nor reduce the same so that the population therein would be less than twenty thousand inhabitants: PROVIDED, That if the jurisdiction of the boundary review board has been invoked and it has approved the proposed incorporation or has modified it so that the statutory requirements for incorporation have still been satisfied, then the said petition shall not be referred to the board of county commissioners for action and hearing thereon as provided above. Within thirty days after the conclusion of the final hearing on the proposed incorporation before a boundary review board, that board shall

file its written decision of approval, modification, or rejection with the board of county commissioners.

Sec. 3. Section 35.03.030, chapter 7, Laws of 1965 and RCW 35.03.030 are each amended to read as follows:

If no boundary review board has jurisdiction over a proposed incorporation under sections 1 through 6 of this 1969 amendatory act or such a board's jurisdiction is not invoked within the sixty day period prescribed in RCW 36.93.100, the board of county commissioners shall by resolution establish and define the boundaries of such corporation, establish and find the number of inhabitants residing therein and state the name of the proposed corporation as specified in the petition for incorporation. Within ninety days after the passage of said resolution or the filing of the decision of approval or modification of the boundary review board with the board of county commissioners, the board of county commissioners shall cause an election to be called and held within the boundaries so established, said election to be conducted ((as-provided-in-chapter-29:13-RCW-as now-or-hereafter-amended)) in the manner required for the calling of a special election in Title 29 RCW, as now or hereafter amended, except as otherwise provided in this chapter, for the purpose of determining whether such boundaries so established shall be incorporated ((into-a-city-of-the-first-class-and-the-election)) and of electing fifteen freeholders, who shall have been residents within said boundaries for a period of at least two years preceding their election and qualified electors of the county, for the purpose of framing a charter for said city. Any qualified person may, not earlier than sixty days nor later than thirty days prior to such election, file with the county auditor of said county his declaration of candidacy in writing. The form of ballot at such election shall be "for incorporation," "against incorporation"; and shall contain the names of the ((freeholders)) candidates for the office of freeholder to be voted upon to frame said charter. No person shall be entitled to vote at such election unless he shall be a qualified

elector of said county and shall have resided within the limits of such proposed corporation for at least thirty days next preceding such election.

Sec. 4. Section 35.03.040, chapter 7, Laws of 1965 and RCW 35.03.040 are each amended to read as follows:

~~((If at such election a majority of those voting thereat vote in favor of incorporation, the board of county commissioners shall, by resolution entered upon its minutes, declare such territory duly incorporated as a city of the first class under the name of (naming it). Thereafter said city shall have no authority to function as a municipal corporation until a charter has been adopted in accordance with the provisions of this section, except for all purposes necessary for the adoption of such charter.))~~ The fifteen freeholders receiving the highest number of votes at such election shall be certified by the county auditor as elected as freeholders to form a charter for said city provided a majority of those voting at the election referred to in section 3 of this 1969 amendatory act vote in favor of incorporation. It shall be the duty of the persons so elected to convene within ten days after their election and frame a charter for said city, and within sixty days thereafter they, or a majority of their number, shall submit such charter to the board of county commissioners which shall within ninety days thereafter cause another election to be called and held in said city and to be conducted ~~((as provided in chapter 29, 13-RCW as now or hereafter amended))~~ in the manner required for the calling of a special election in Title 29 RCW, as now or hereafter amended, except as otherwise provided in this chapter, and in conformity with article 11, section 10 of the Constitution, for the purpose of submitting said charter to the qualified electors of said city and for the election of the various elective officials to the respective offices named in said charter. The form of ballot at such election shall be "for proposed charter," "against proposed charter," and the names of the candidates for the respective offices named in said proposed charter. At the first election of of-

officials for said city any qualified elector of said city may become a candidate for any of the elective offices set forth in such proposed charter without nomination by filing with the proper election officials of the county a declaration in writing that he desires to be a candidate for a particular office (naming it), such declaration to be filed not earlier than sixty nor later than thirty days prior to such election. Candidates for council positions shall file for a numbered position as provided by RCW 29.21.017. The candidates receiving the highest number of votes for the respective offices shall be declared elected to such office and the county auditor shall issue a certificate of such election. After the first election the nomination and election of officials for said city shall be as prescribed in the charter adopted by the people and the laws of the state. No person shall be entitled to vote at such election unless he shall be a qualified elector of said city and shall have resided within the limits of said city for at least thirty days preceding such election. If a majority of all the votes cast on the proposed charter are not in favor of the proposed charter, no further proceeding shall be had on the petition for incorporation filed pursuant to section 2 of this 1969 amendatory act, but this shall not bar any new proceeding for such purpose.

Sec. 5. Section 35.03.050, chapter 7, Laws of 1965 and RCW 35.03.050 are each amended to read as follows:

If a majority of the votes cast ~~((at))~~ on such ~~((election))~~ charter are cast in favor of ratification of such charter, the same shall become the organic law of said city, and shall supersede all special laws inconsistent therewith, when authenticated, recorded and attested as hereinafter provided: I,....., chairman of the board of county commissioners for .....county, do hereby certify that, in accordance with the provisions of chapter ... of the Laws of 19.., of the state of Washington, the county commissioners of said county duly caused an election to be held on the ..... day of ....., 19.., within the boundaries hereinafter described,

for the purpose of determining whether or not the same should be incorporated (~~(into a city of the first class)~~) and for the purpose of electing fifteen freeholders to form a charter for such city, said boundaries being described as follows: (describe proposed boundaries). At said election .....votes were cast in favor of incorporation and .....votes were cast against incorporation, and the following named persons were duly elected freeholders for the purpose of forming a charter for said city to wit: (name freeholders elected). That thereafter on the .....day of ....., 19.., said board of freeholders duly returned a proposed charter for said city of ....., signed by the following named members, to wit: (name signers). That thereafter on the ..... day of .....,19.., at an election duly called for the said purpose, the proposed charter was submitted to the qualified electors of said city, and the returns of said election were duly canvassed, and the result of said election was found to be as follows: For said proposed charter, .....votes; against said proposed charter, ..... votes. Whereupon, the said charter was declared duly ratified. And I further certify that the annexed charter is a full, true, and correct copy of the proposed charter so voted upon and ratified as aforesaid.

In testimony whereof, I have hereunto set my hand this ..... day of ....., 19.. .

(County seal)

.....  
 Chairman of the board of county  
 commissioners for .....  
 county.

Said certificate shall be made in duplicate and the board of county commissioners shall cause one copy thereof to be immediately delivered to the secretary of state and the other copy to be delivered to the mayor-elect of said city. From and after the filing of said certificate with the secretary of state, said incorporation shall be

deemed complete, and the officers so elected at said election shall be entitled to enter immediately upon the duties of their respective offices upon qualifying according to the provisions of said charter, and shall hold such offices, respectively, until the next general municipal election and until their successors are elected and qualified. The mayor shall deliver the certificate so delivered to him to the clerk of such city, who shall file the same as an official record of the city. The clerk shall immediately thereafter record the charter in a book to be provided and kept for said purpose and known as the charter book of the city of .....and when so recorded shall be attested by the clerk and the mayor of the city, under the corporate seal thereof, and thereafter any and all amendments to said charter shall in like manner be recorded and attested and, when so recorded and attested, all courts in this state shall take judicial notice of said charter and all amendments thereto.

NEW SECTION. Sec. 6. There is hereby added to chapter 35.03 RCW a new section to read as follows:

As used in chapter 35.03 RCW, "board of county commissioners" means the legislative body of the county.

Sec. 7. Section 35.23.220, chapter 7, Laws of 1965 and RCW 35.23.220 are each amended to read as follows:

The city council shall fix the salary of all officials (except library trustees who shall serve without compensation and any other officer where provision is made by this title that such officer shall serve without compensation).

~~((No officer's salary or compensation shall be increased or diminished during his term of office; nor shall any))~~ No officer shall be allowed any extra or additional compensation, either directly or indirectly, for the rendition of services that the city council have authority to require of him by virtue of his office.

The salaries of all city officers shall be paid monthly.

Sec. 8. Section 35.24.090, chapter 7, Laws of 1965 as amended by section 1, chapter 105, Laws of 1965, and RCW 35.24.090 are each

amended to read as follows:

The mayor and the members of the city council may be reimbursed for actual expenses incurred in the discharge of their official duties, upon presentation of a claim therefor, after allowance and approval thereof, by resolution of the city council; and each city councilman may be paid for attending council meetings an amount not exceeding twenty dollars per meeting for not more than two such meetings each month, as the city council may fix by ordinance.

The city attorney, clerk and treasurer, if elective, shall severally receive at stated times a compensation to be fixed by ordinance by the city council (~~(; which compensation shall not be increased or diminished after their election or during their several terms of office)~~).

The mayor and other officers shall receive such compensation as may be fixed by the city council at the time the estimates are made as provided by law.

Sec. 9. Section 35.27.130, chapter 7, Laws of 1965 as amended by section 2, chapter 105, Laws of 1965 and RCW 35.27.130 are each amended to read as follows:

The mayor and members of the town council may be reimbursed for actual expenses incurred in the discharge of their official duties upon presentation of a claim therefor and its allowance and approval by resolution of the town council. The mayor and members of the council may also receive such salary not exceeding twenty dollars per meeting for not more than two council meetings per month as the council may fix by ordinance.

The treasurer and treasurer-clerk shall severally receive at stated times a compensation to be fixed by ordinance (~~(which compensation shall not be increased or diminished after their election nor during their terms of office)~~).

The compensation of all other officers shall be fixed from

time to time by the council.

Passed the Senate May 8, 1969  
Passed the House May 3, 1969  
Approved by the Governor May 23, 1969  
Filed in office of Secretary of State May 23, 1969

CHAPTER 271  
[Engrossed Substitute Senate Bill No. 169]  
PLATTING, SUBDIVISION AND DEDICATION OF LAND

AN ACT Relating to platting, subdivision and dedication of land; amending section 2, chapter 129, Laws of 1893, as last amended by section 1, chapter 66, Laws of 1963, and RCW 58.08.040; repealing section 1, chapter 186, Laws of 1937 and RCW 58.16.010; repealing section 2, chapter 186, Laws of 1937, as amended by section 1, chapter 195, Laws of 1951, and RCW 58.16.020; repealing section 3, chapter 186, Laws of 1937 and RCW 58.16.030; repealing section 4, chapter 186, Laws of 1937, as amended by section 1, chapter 203, Laws of 1951, and RCW 58.16.040; repealing section 6, chapter 186, Laws of 1937, as amended by section 1, chapter 245, Laws of 1963, and RCW 58.16.050; repealing section 7, chapter 186, Laws of 1937, as last amended by section 1, chapter 299, Laws of 1955, and RCW 58.16.060; repealing section 8, chapter 186, Laws of 1937 and RCW 58.16.070; repealing section 9, chapter 186, Laws of 1937 and RCW 58.16.080; repealing section 10, chapter 186, Laws of 1937, as amended by section 3, chapter 195, Laws of 1951, and RCW 58.16.090; repealing section 11, chapter 186, Laws of 1937, as amended by section 1, chapter 224, Laws of 1951, and RCW 58.16.100; repealing section 5, chapter 186, Laws of 1937 and RCW 58.16.110; amending section 6, chapter 224, Laws of 1951 and RCW 58.24.040; defining crimes; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. The purpose of this act is to regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with standards established by the state to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to



facilitate adequate provision for water, sewerage, parks and recreation areas, sites for schools and schoolgrounds and other public requirements; to provide for proper ingress and egress; and to require uniform monumenting of land subdivisions and conveyancing by accurate legal description.

NEW SECTION. Sec. 2. As used in this act, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:

(1) "Subdivision" is the division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease and shall include all resubdivision of land.

(2) "Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

(3) "Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

(4) "Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and restrictive covenants to be applicable to the subdivision, and other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

(5) "Final plat" is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this act and in local regulations adopted pursuant to this act.

(6) "Short subdivision" is the division of land into four or less lots, tracts, parcels, sites or subdivisions for the purpose of sale or lease.

(7) "Short plat" is the map or representation of a short subdivision.

(8) "Lot" is a fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

(9) "Block" is a group of lots, tracts, or parcels within well defined and fixed boundaries.

(10) "County treasurer" shall be as defined in chapter 36.29 RCW or the office or person assigned such duties under a county charter.

(11) "County auditor" shall be as defined in chapter 36.22 RCW or the office or person assigned such duties under a county charter.

(12) "County road engineer" shall be as defined in chapter 36.40 RCW or the office or person assigned such duties under a county charter.

(13) "Planning commission" means that body as defined in chapters 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to perform a planning function or that body assigned such duties and responsibilities under a city or county charter.

(14) "County commissioner" shall be as defined in chapter 36.32 RCW or the body assigned such duties under a county charter.

NEW SECTION. Sec. 3. Every subdivision shall comply with the provisions of this act. Every short subdivision as defined in this act shall comply with the provisions of any local regulation as may be adopted pursuant to section 6 of this act.

NEW SECTION. Sec. 4. The provisions of this act shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose.

(2) Divisions of land into lots or tracts where the smallest lot is twenty acres or more and not containing a dedication of a public right-of-way;

(3) Divisions of land into lots or tracts none of which are smaller than five acres and not containing a dedication unless the governing authority of the city, town or county in which the land is situated shall have by ordinance provided otherwise.

(4) Divisions made by testamentary provisions, the laws of descent, or upon court order.

NEW SECTION. Sec. 5. An assessors plat made in accordance with RCW 58.18.010 need not comply with any of the requirements of this act except sections 24 and 25 of this act.

NEW SECTION. Sec. 6. Unless the legislative body of a city, town or county adopts regulations and procedures, and appoints administrative personnel for the summary approval of short plats and short subdivisions, the provisions of this act shall not apply to short subdivisions. Such regulations may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions but shall not require surveys and monumentations and a filing of a short plat for record in the office of the county auditor unless there is a dedication: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

NEW SECTION. Sec. 7. A preliminary plat of proposed subdivisions and dedications of land shall be submitted for approval to the legislative body of the city, town, or county within which the plat is situated.

NEW SECTION. Sec. 8. Notice of the filing of a preliminary plat of a proposed subdivision adjacent to or within one mile of the municipal boundaries of a city or town, or which contemplates the use

of any city or town utilities shall be given to the appropriate city or town authorities. Any notice required by this act shall include the hour and location of the hearing and a description of the property to be platted. Notice of the filing of a preliminary plat of a proposed subdivision located in a city or town and adjoining the municipal boundaries thereof shall be given to appropriate county officials. Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway shall be given to the state department of highways.

NEW SECTION. Sec. 9. Upon receipt of an application for preliminary plat approval the administrative officer charged by ordinance with responsibility for administration of regulations pertaining to platting and subdivision shall set a date for a public hearing. Notice of such hearing shall be given by publication of at least one notice not less than ten days prior to the hearing in a newspaper of general circulation within the county. Additional notice of such hearing may be given by mail, posting on the property or in any manner local authorities deem necessary to notify adjacent landowners and the public. All hearings shall be public.

NEW SECTION. Sec. 10. If a city, town or county has established a planning commission or planning agency in accordance with state law or local charter, such commission or agency shall review all proposed subdivisions and make recommendations thereon to the city, town or county legislative body to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the city, town or county. Reports of the planning commission or agency shall be advisory only: PROVIDED, That the legislative body of the city, town or county may, by ordinance, assign to such commission or agency, or any department official or group of officials, such administrative functions, powers and duties as may be appropriate, including the holding of hearings, and recommendations for approval or disapproval of preliminary plats of proposed subdivisions.

Such recommendation shall be submitted to the legislative body not later than fourteen days following action by the hearing body. Upon receipt of the recommendation on any preliminary plat the legislative body shall at its next public meeting set the date for the public meeting where it may adopt or reject the recommendations of such hearing body. If, after considering the matter at a public meeting, the legislative body deems a change in the planning commission's or planning agency's recommendation approving or disapproving any preliminary plat is necessary, the change of the recommendation shall not be made until the legislative body shall conduct a public hearing and thereupon adopt its own recommendations and approve or disapprove the preliminary plat. Such public hearing may be held before a committee constituting a majority of the legislative body. If the hearing is before a committee, the committee shall report its recommendations on the matter to the legislative body for final action.

A record of all public meetings and public hearings shall be kept by the appropriate city, town or county authority and shall be open to public inspection.

Sole authority to approve final plats, and to adopt or amend platting ordinances shall reside in the legislative bodies.

NEW SECTION. Sec. 11. The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine if appropriate provisions are made in the subdivision f o r, b u t n o t limited to, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and schoolgrounds, and shall consider all other relevant facts and determine whether the public interest will be served by the subdivision and dedication. If it finds that the plat makes appropriate provisions for the public health, safety and general welfare and for such drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and schoolgrounds and that the public use

and interest will be served by the platting of such subdivision, then it shall be approved. Dedication of land to any public body shall be clearly shown on the final plat. The legislative body shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners.

NEW SECTION. Sec. 12. The city, town or county legislative body shall consider the physical characteristics of a proposed subdivision site and may disapprove a proposed plat because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No plat shall be approved by any city, town or county legislative authority covering any land situated in a flood control zone as provided in chapter 86.16 RCW without the prior written approval of the department of water resources, state of Washington.

NEW SECTION. Sec. 13. Local regulations may provide that in lieu of the completion of the actual construction of any improvements prior to the approval of a final plat, the city, town or county legislative body may accept a bond, in an amount and with surety and conditions satisfactory to it, or other secure method, providing for and securing to the municipality the actual construction and installation of such improvements within a period specified by the city, town or county legislative body and expressed in the bonds; and the municipality is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies. Such local regulations may provide that the improvements such as structures, sewers and water systems shall be designed and certified by or under the supervision of a registered civil engineer prior to the acceptance of such improvements.

NEW SECTION. Sec. 14. Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved or returned to the applicant for modification or correction within sixty days from date of filing thereof unless the applicant consents to an extension

of such time period. Final plats and short plats shall be approved, disapproved or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period. Ordinances may provide for the expiration of approval given to any preliminary plats.

NEW SECTION. Sec. 15. Each and every preliminary plat submitted for final approval of the legislative body shall be accompanied by the following agencies' recommendations for approval or disapproval:

- (1) Local health department as to the adequacy of the proposed means of sewage disposal and water supply;
- (2) Local planning agency or commission, charged with the responsibility of reviewing plats and subdivisions, as to compliance with all terms of the preliminary approval of the proposed plat subdivision or dedication;
- (3) City, town or county engineer.

NEW SECTION. Sec. 16. Each and every plat, or replat, of any property filed for record shall:

- (1) Contain a statement of approval from the city, town or county licensed road engineer or by a licensed engineer acting on behalf of the city, town or county as to the survey data, the layout of streets, alleys and other rights of way, design of bridges, sewage and water systems, and other structures;
- (2) Be accompanied by a complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The plat and section survey shall be submitted with complete field and computation notes showing the original or reestablished corners with descriptions of the same and the actual traverse showing error of closure and method of balancing. A sketch showing all distances, angles and calculations required to determine corners and distances of the plat shall accompany this data. The allowable error of closure shall not exceed one foot in five thousand feet.

(3) Be acknowledged by the person filing the plat before the auditor of the county in which the land is located, or any other officer who is authorized by law to take acknowledgment of deeds, and a certificate of said acknowledgment shall be enclosed or annexed to such plat and recorded therewith.

(4) Contain a certification from the proper officer or officers in charge of tax collections that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.

No engineer who is connected in any way with the subdividing and platting of the land for which subdivision approval is sought, shall examine and approve such plats on behalf of any city, town or county.

NEW SECTION. Sec. 17. When the legislative body of the city, town or county finds that the public use and interest will be served by the proposed subdivision, and that said subdivision meets the requirements of this act and any local regulations adopted pursuant thereto, it shall suitably inscribe and execute its written approval on the face of the plat. The original of said final plat shall be filed for record with the county auditor. One reproducible copy shall be furnished to the city, town or county engineer. One paper copy shall be filed with the county assessor. Paper copies shall be provided to such other agencies as may be required by ordinance. Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing.

NEW SECTION. Sec. 18. Any decision approving or disapproving any plat shall be reviewable for unlawful, arbitrary, capricious or corrupt action or nonaction by writ of review before the superior court of the county in which such matter is pending. The action may be brought by any property owner in the city, town or county having jurisdiction, who deems himself aggrieved thereby: PROVIDED, That application for a writ of review shall be made to the court within



thirty days from any decision so to be reviewed. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant.

NEW SECTION. Sec. 19. The county auditor shall refuse to accept any plat for filing until approval of the plat has been given by the appropriate legislative body. Should a plat or dedication be filed without such approval, the prosecuting attorney of the county in which the plat is filed shall apply for a writ of mandate in the name of and on behalf of the legislative body required to approve same, directing the auditor and assessor to remove from their files or records the unapproved plat, or dedication of record.

NEW SECTION. Sec. 20. Whenever any parcel of land is divided into five or more lots, tracts, or parcels of land and any person, firm or corporation or any agent of any of them sells or transfers, or offers or advertises for sale or transfer, any such lot, tract, or parcel without having a final plat of such subdivision filed for record, the prosecuting attorney shall commence an action to restrain and enjoin further subdivisions or sales, or transfers, or offers of sale or transfer and compel compliance with all provisions of this act. The costs of such action shall be taxed against the person, firm, corporation or agent selling or transferring the property.

NEW SECTION. Sec. 21. No building permit, septic tank permit, or other development permit, shall be issued for any lot, tract, or parcel of land divided in violation of this act or local regulations adopted pursuant thereto unless the authority authorized to issue such permit finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. All other purchasers' or transferees' property shall comply with provisions of this act and such purchaser or transferee may recover his damages from any person, firm, corporation or agent including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this act as well as cost of investigation,

suit and reasonable attorneys' fees occasioned thereby. Such purchaser or transferee may as an alternative to conforming his property to these requirements, rescind the sale or transfer and recover costs of investigation, suit and reasonable attorneys' fees occasioned thereby.

NEW SECTION. Sec. 22. Any person who violates any court order or injunction issued pursuant this act shall be subject to a fine of not more than five thousand dollars or imprisonment for not more than ninety days or both.

NEW SECTION. Sec. 23. In the enforcement of this act, the prosecuting attorney may accept an assurance of discontinuance of any act or practice deemed in violation of this act from any person engaging in, or who has engaged in such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violation occurs. A violation of such assurance shall constitute prima facie proof of a violation of this act.

NEW SECTION. Sec. 24. Permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land being subdivided. The local authority shall determine the number and location of permanent control monuments within the plat, if any.

Sec. 25. Section 6, chapter 224, Laws of 1951 and RCW 58.24-.040 are each amended to read as follows:

The agency is further authorized to:

- (1) Set up standards of accuracy and methods of procedure.
- (2) Compile and publish maps and records from surveys performed under the provisions of this act, and to maintain suitable indexes of surveys to prevent duplication of effort and to cooperate with all agencies of local, state, and federal government to this end;
- (3) Compile and maintain records of all surveys performed under the provisions of this act, and assemble and maintain records of all reliable survey monuments and bench marks within the state;
- (4) Supervise the sale of maps and such publications as may come into the possession of the division of surveys and maps. Reve-

nue derived from the sale thereof shall revert to the general fund;  
(and)

(5) Submit, as part of the biennial report of the commissioner of public lands, a report of the accomplishments of the agency;

(6) Permit the temporary removal or destruction of any section, corner or any other land boundary mark or monument by any person, corporation, association, department or subdivision of the state, county or municipality as may be necessary or desirable to accommodate construction upon the mining and other development of any land: PROVIDED, That such section, corner or other land boundary mark or monument shall be referenced to the Washington Coordinate System by a registered professional engineer or land surveyor prior to such removal or destruction, and shall be replaced or a suitable reference monument established by a registered professional engineer or land surveyor within a reasonable time after completion of such construction, mining or other development; AND PROVIDED FURTHER, That the department of natural resources shall adopt and promulgate reasonable rules and regulations under which the agency shall authorize such temporary removal or destruction and require the replacement of such section, corner or other land boundary marks or monuments.

NEW SECTION. Sec. 26. The survey of the proposed subdivision and preparation of the plat shall be made by or under the supervision of a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed.

NEW SECTION. Sec. 27. In order that there be a degree of uniformity of survey monumentation throughout the cities, towns and counties of the state of Washington, there is hereby created a joint committee composed of six members to be appointed as follows: The Washington State Association of County Commissioners shall appoint two county road engineers; the Association of Washington Cities shall appoint two city engineers; the Land Surveyors Association of Washington shall appoint one member; and the Consulting Engineers Association of Washington shall appoint one member. The joint committee

is directed to cooperate with the department of natural resources to establish recommendations pertaining to requirements of survey, monumentation and plat drawings for subdivisions and dedications throughout the state of Washington. The department of natural resources shall publish such recommendation.

NEW SECTION. Sec. 28. In order that there may be current and readily available information available for the public concerning subdivision regulations, all city, town and county legislative bodies shall submit proposed ordinances and amendments to the state planning and community affairs agency thirty days prior to final adoption for agency review and comparison.

NEW SECTION. Sec. 29. Any city, town or county may, by ordinance, regulate the procedure whereby subdivisions, streets, lots and blocks are named and numbered.

NEW SECTION. Sec. 30. Every final plat or short plat of a subdivision or short subdivision filed for record must contain a certificate giving a full and correct description of the lands divided as they appear on the plat or short plat, including a statement that the subdivision or short subdivision has been made with the free consent and in accordance with the desires of the owner or owners. If the plat or short plat includes a dedication, the certificate shall also contain the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies or to any corporation, public or private as shown on the plat or short plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.

Every plat and short plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate.

An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. Such waiver may be required by local authorities as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes, as a quitclaim deed to the said donee or donees, grantee or grantees for his, her or their use for the purpose intended by the donors or grantors as aforesaid.

NEW SECTION. Sec. 31. A copy of any plat recorded in the manner provided in this act and certified by the county auditor of the county in which the same is recorded to be a true copy of such record and the whole thereof, shall be received in evidence in all the courts of this state, with like effect as the original.

NEW SECTION. Sec. 32. Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of this act or any local regulations adopted pursuant thereto relating to the sale, offer for sale, lease, or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of this act or any local regulation adopted pursuant thereto, shall be deemed a separate and distinct offense.

NEW SECTION. Sec. 33. All ordinances and resolutions enacted at a time prior to the passage of this act by the legislative bodies of cities, towns, and counties and which are in substantial compliance with the provisions of this act, shall be construed as valid and may be further amended to include new provisions and standards as are authorized in general law.

Sec. 34. Section 2, chapter 129, Laws of 1893, as last amended by section 1, chapter 66, Laws of 1963 and RCW 58.08.040 are each amended to read as follows:

Any person filing a plat subsequent to May 31st in any year

and prior to the date of the collection of taxes, shall deposit with the county treasurer a sum equal to the product of the county assessor's latest valuation on the unimproved property in such subdivision multiplied by the current year's millage rate increased by twenty-five percent on the property platted. The treasurer's receipt for said amount shall be taken by the auditor as evidence of the payment of the tax. The treasurer shall appropriate so much of said deposit as will pay the taxes on the said property when the tax rolls are placed in his hands for collection, and in case the sum deposited is in excess of the amount necessary for the payment of the said taxes, the treasurer shall return, to the party depositing, the amount of said excess, taking his receipt therefor, which receipt shall be accepted for its face value on the treasurer's quarterly settlement with the county auditor.

NEW SECTION. Sec. 35. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of this act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 36. The following acts or parts thereof are each hereby repealed:

- (1) Section 1, chapter 186, Laws of 1937 and RCW 58.16.010;
- (2) Section 2, chapter 186, Laws of 1937, as amended by section 1, chapter 195, Laws of 1951, and RCW 58.16.020;
- (3) Section 3, chapter 186, Laws of 1937 and RCW 58.16.030;
- (4) Section 4, chapter 186, Laws of 1937, as amended by section 1, chapter 203, Laws of 1951, and RCW 58.16.040;
- (5) Section 6, chapter 186, Laws of 1937, as amended by section 1, chapter 245, Laws of 1963, and RCW 58.16.050;
- (6) Section 7, chapter 186, Laws of 1937, as last amended by section 1, chapter 299, Laws of 1955, and RCW 58.16.060;
- (7) Section 8, chapter 186, Laws of 1937 and RCW 58.16.070;
- (8) Section 9, chapter 186, Laws of 1937 and RCW 58.16.080;
- (9) Section 10, chapter 186, Laws of 1937, as amended by sec-

tion 3, chapter 195, Laws of 1951, and RCW 58.16.090;

(10) Section 11, chapter 186, Laws of 1937, as amended by section 1, chapter 224, Laws of 1951, and RCW 58.16.100: and

(11) Section 5, chapter 186, Laws of 1937 and RCW 58.16.110.

Passed the Senate May 10, 1969

Passed the House May 8, 1969

Approved by the Governor May 23, 1969

Filed in office of Secretary of State May 23, 1969

CHAPTER 272

[Engrossed Senate Bill No. 454]

STATE CAPITOL--IMPROVEMENTS--BONDS

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; providing for the issuance of bonds and refunding bonds; making an appropriation; repealing sections 1 through 10, chapter 151, Laws of 1965 ex.sess., and RCW 79.24.610 through 79.24.628; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. 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, and to pay for all costs and expenses in issuing the bonds and to pay interest thereon during construction of the facilities for which the bonds were issued and six months thereafter.

NEW SECTION. Sec. 2. In addition to any authority previously granted, the state capitol committee is authorized and directed to issue coupon or registered revenue bonds of the state in an amount not to exceed fifteen million dollars. The bonds may be sold in such

manner and amounts, and in such denominations, at such times, at such price and shall bear interest at such rates and mature at such times as the state capitol committee shall determine by resolution. Both principal and interest shall 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 and from any parking revenues derived from state capitol parking facilities.

NEW SECTION. 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. In issuing such bonds and including such provisions, the state capitol committee shall act for the state and all officers, departments and agencies thereof affected by such provisions, and the state and such other officers, departments and agencies shall adhere to and be bound by such covenants. As long as any of such bonds shall be outstanding, neither the state, nor any of its officers, departments, agencies or instrumentalities, shall divert any of the proceeds and revenues actually pledged to secure the payment of the bonds and interest thereon, and the provisions of this section shall restrict and limit the powers of the legislature of the state of Washington in respect to the matters herein mentioned as long as the bonds are outstanding and unpaid and shall constitute a contract to that effect for the benefit of the holders of all such bonds. 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.

NEW SECTION. Sec. 4. The bonds shall be signed by the governor and state treasurer 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.

NEW SECTION. 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 and parking bond redemption fund". While any of said bonds remain outstanding and unpaid, it shall be the duty of the capitol committee on or before June 30th of each year to determine the amount that will be required for the redemption of bonds and the payment of interest during the next fiscal year, and certify said amount to the state treasurer in writing. The state treasurer shall forthwith and thereafter during that fiscal year and at least fifteen days prior to each interest and principal payment date deposit into the state building and parking bond redemption fund all receipts from any parking facilities and to the extent necessary from receipts 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 until the amount certified to the treasurer by the capitol committee has accrued to the state building and parking bond redemption fund. Nothing in this act shall prohibit the use of such receipts from leases and contracts of sale for any other lawfully authorized purpose when not required for the redemption and payment of interest and meeting the covenant requirements of the 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 and parking 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 be 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.

NEW SECTION. 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.

NEW SECTION. Sec. 7. Proceeds of the bonds issued hereunder shall be expended by the state capitol committee for the purposes enumerated in section 1 of this act.

NEW SECTION. Sec. 8. There is appropriated to the department of general administration from the general fund-state building construction account the sum of fifteen million dollars or so much thereof as may be necessary to accomplish the purposes set forth in section 1 of this act.

NEW SECTION. 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 neces-

sary or convenient to carry out the purposes of this act subject to and in accordance with the provisions of this act and chapters 43.19 and 79.24 RCW.

NEW SECTION. Sec. 10. Sections 1 through 10, chapter 151, Laws of 1965 ex. sess., and RCW 79.24.610 through 79.24.628 are each repealed.

NEW SECTION. 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.

NEW SECTION. 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 Senate May 12, 1969  
Passed the House April 20, 1969  
Approved by the Governor May 23, 1969  
Filed in office of Secretary of State May 23, 1969

CHAPTER 273  
[Engrossed Senate Bill No. 455]  
EAST CAPITOL SITE--IMPROVEMENTS--BONDS

AN ACT Relating to public lands; providing for bonds and refunding bonds for the east capitol site; adding new sections to chapter 105, Laws of 1967 ex.sess., and to chapter 79.24 RCW; amending section 8, chapter 167, Laws of 1961, as amended by section 1, chapter 157, Laws of 1963, and RCW 79.24.570; amending section 9, chapter 167, Laws of 1961, as amended by section 3, chapter 105, Laws of 1967 ex.sess., and RCW 79.24.580; amending section 4, chapter 105, Laws of 1967 ex.sess., and RCW 79.24.630; amending section 5, chapter 105, Laws of 1967 ex.sess., and RCW 79.24.632; amending section 6, chapter 105, Laws of 1967 ex.sess., and RCW 79.24.634; amending section 7, chapter 105, Laws of 1967 ex.sess., and RCW 79.24.636; amending section 8, chapter 105, Laws of 1967 ex.sess., and RCW 79.24.638; amending section 9, chapter 105, Laws of 1967 ex.sess., and RCW 79.24.640;

amending section 10, chapter 105, Laws of 1967 ex.sess., and RCW 79.24.642; making an appropriation; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added chapter 105, Laws of 1967 ex.sess., and to chapter 79.24 RCW a new section to read as follows:

The state capitol committee is hereby authorized to refund, at the maturity thereof, or before the maturity thereof if they are subject to call prior to maturity, or if all the holders thereof consent thereto, upon such terms and conditions as it shall deem just, any or all of its revenue bonds now or hereafter outstanding, issued pursuant to RCW 79.24.630 through 79.24.646, which revenue bonds are payable out of the state building bond redemption fund. Refunding revenue bonds may be issued hereunder in a sufficient amount to refund the aforesaid outstanding revenue bonds and in addition to provide the balance of the four million dollars in bond proceeds authorized by RCW 79.24.630 for deposit into the general fund--capitol purchase and development account. Such refunding bonds shall bear interest at such rates and mature at such times, without limitation by the interest rates or maturity of the bonds being refunded, as the state capitol committee shall determine by resolution. Such refunding revenue bonds shall be issued in accordance with and be subject to the provisions of RCW 79.24.630 through 79.24.642.

NEW SECTION. Sec. 2. There is added to chapter 105, Laws of 1967 ex.sess., and to chapter 79.24 RCW a new section to read as follows:

Such refunding revenue bonds shall be payable solely from the state building bond redemption fund created by RCW 79.24.638 from the moneys provided by law to be deposited therein. Such bonds shall not be general obligations of the state of Washington.

Sec. 3. Section 4, chapter 105, Laws of 1967 ex.sess., and RCW 79.24.630 are each amended to read as follows:

In addition to any authority previously granted, the state capitol committee is authorized to issue coupon or registered revenue

bonds of the state in an amount not to exceed four million dollars. The bonds shall bear interest at ~~((a-rate-not-to-exceed-six-percent per-annum))~~ such rates and mature at such times as the state capitol committee shall determine by resolution. Both principal and interest ~~((to))~~ shall be payable only from funds received and deposited in the capitol purchase and development account of the general fund or directly from proceeds provided in RCW 79.24.570 as amended by this 1969 amendatory act.

Sec. 4. Section 5, chapter 105, Laws of 1967 ex.sess., and RCW 79.24.632 are each amended to read as follows:

Such bonds may be sold in such manner and in such amounts, in such denominations, at such price and at 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-six-percent))~~.

Sec. 5. Section 6, chapter 105, Laws of 1967 ex. sess. and RCW 79.24.634 are each amended to read as follows:

Bonds issued under RCW 79.24.630 through 79.24.646 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. In issuing such bonds and including such provisions, the state capitol committee shall act for the state and all officers, departments and agencies thereof affected by such provisions, and the state and such officers, departments and agencies shall adhere to and be bound by such covenants. As long as any of such bonds shall be outstanding, neither the state, nor any of its officers, departments, agencies or instrumentalities, shall divert any of the proceeds and revenues actually pledged to secure the payment of the bonds and interest thereon, and the provisions of this section shall restrict and limit the powers of the legislature of the state of Washington in respect to the matters herein mentioned as long as the bonds are outstanding and unpaid and shall constitute a contract to that effect for the benefit of the

holders of all such bonds. 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.

Sec. 6. Section 7, chapter 105, Laws of 1967 ex.sess. and RCW 79.24.636 are each amended to read as follows:

The bonds shall be signed by the governor and state (~~auditor~~) treasurer 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.

Sec. 7. Section 8, chapter 105, Laws of 1967 ex.sess., and RCW 79.24.638 are each amended to read as follows:

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~~) on or before June 30th of each year to determine 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~~) fiscal year, and certify said amount to the state treasurer in writing. The state treasurer shall forthwith and thereafter during said twelve-month period and at least fifteen days prior to each interest and principal payment date deposit into the state building bond redemption fund that portion of all receipts necessary to pay the principal and interest on the bonds issued that would otherwise be deposited in the general fund--capitol purchase and development account and transfer such additional amounts from the gen-

eral fund--capitol purchase and development account as may be necessary until the amount certified to said treasurer by the said capitol committee has accrued to the state building bond redemption fund. Nothing in this 1969 amendatory act shall prohibit the use of such receipts from leases and contracts of sale for any other lawfully authorized purpose when not required for the redemption and payment of interest and meeting the covenant requirements of the 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--capitol purchase and development account.

Sec. 8. Section 9, chapter 105, Laws of 1967 ex.sess., and RCW 79.24.640 are each amended to read as follows:

Bonds authorized by RCW 79.24.630 through 79.24.646, and this 1969 amendatory 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 RCW 79.24.630 through 79.24.646, and this 1969 amendatory act.

Sec. 9. Section 10, chapter 105, Laws of 1967 ex.sess., and

RCW 79.24.642 are each amended to read as follows:

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 acquisition, development and improvement of lands, improvements and facilities within the east capitol site, as now described or as may be described by the legislature, as may be determined by the state capitol committee to be necessary for the current and prospective requisites of a state capitol in accordance with the provisions of RCW 79.24.500 through 79.24.590 and chapter 43.19 RCW, and to pay for all costs and expenses in issuing the bonds and to pay interest thereon during construction of the improvements and facilities for which the bonds were issued and six months thereafter.

NEW SECTION. Sec. 10. There is reappropriated to the department of general administration from the general fund--capitol purchase and development account the sum of four million dollars or so much thereof as may be necessary to accomplish the purposes set forth in RCW 79.24.642.

Sec. 11. Section 8, chapter 167, Laws of 1961, as amended by section 1, chapter 157, Laws of 1963, and RCW 79.24.570 are each amended to read as follows:

All moneys received by the department of general administration from the management of the east capitol site, excepting (1) funds otherwise dedicated prior to April 28, 1967, (2) parking and rental charges and fines which are required to be deposited in other accounts, and (3) reimbursements of service and other utility charges made to the department of general administration, shall be deposited in the capitol purchase and development account of the state general fund or, in the event that revenue bonds are issued as authorized by chapter 105, Laws of 1967 ex. sess., or this 1969 amendatory act, into the state building bond redemption fund pursuant to RCW 79.24-.638.

Sec. 12. Section 9, chapter 167, Laws of 1961, as amended by



section 3, chapter 105, Laws of 1967 ex. sess., and RCW 79.24.580 are each amended to read as follows:

All moneys received by the state from the sale of tidelands, and shorelands, and from the sale of valuable material from tidelands, shorelands, beds of navigable waters and harbor areas, the proceeds of which ~~((are))~~ have not otherwise been directed to a particular fund or account prior to April 28, 1967, or appropriated by the 1967 legislature to finance the Washington state canal commission, and from the lease of shorelands and beds of navigable waters, the proceeds of which ~~((are))~~ have not otherwise been directed to a particular fund or account prior to April 28, 1967, or appropriated by the 1967 legislature to finance the Washington state canal commission, shall be deposited in the capitol purchase and development account of the general fund, the creation of which is hereby authorized or, in the event that revenue bonds are issued as authorized by chapter 105, Laws of 1967 ex. sess., or this 1969 amendatory act, into the state building bond redemption fund pursuant to RCW 79.24.638. This account shall only be subject to appropriation for purchasing, improving, and managing the east capitol site or to pay the principal of and interest on revenue bonds or refunding revenue bonds issued for those purposes.

NEW SECTION. 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.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 12, 1969  
Passed the House April 20, 1969  
Approved by the Governor May 23, 1969  
Filed in office of Secretary of State May 23, 1969

CHAPTER 274  
[Engrossed Senate Bill No. 444]  
MOBILE HOMES AND TRAVEL TRAILERS EXCISE,  
DISTRIBUTION--GIFT TAXES,  
TRANSFERS SUBJECT TO TAX

AN ACT Relating to revenue and taxation amending section 82.50.160. chapter 15, Laws of 1961 and RCW 82.50.160; amending section 83.56.030, chapter 15, Laws of 1961 and RCW 83.56.030; repealing section 60, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.260; declaring an emergency and making an effective date.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 82.50.160, chapter 15, Laws of 1961 and RCW 82.50.160 are each amended to read as follows:

The county auditor shall regularly, when remitting motor vehicle excise taxes, pay to the state treasurer the excise taxes collected under this chapter (~~(, which shall be credited by the state treasurer to the motor vehicle excise fund)~~). The treasurer shall then distribute such funds quarterly on the first day of the month of January, April, July and October of each year in the following amount: Twenty percent to cities and towns for the use thereof apportioned ratably among such cities and towns on the basis of population; twenty percent to counties for the use thereof to be apportioned ratably among such counties on the basis of moneys collected in such counties from the excise taxes imposed under this chapter; and sixty percent for schools to be distributed by the superintendent of public instruction and apportioned ratably among such school districts on the basis of moneys collected in such districts from the excise taxes imposed under this chapter. No portion of the funds distributed to school districts under this section shall be considered available revenues of the school district in computing state equalization support under RCW 28.41.130.

Sec. 2. Section 83.56.030, chapter 15, Laws of 1961 and RCW 83.56.030 are each amended to read as follows:

(1) For year 1941 and each calendar year thereafter a tax, computed as provided in this chapter, shall be imposed upon the privi-

lege of transferring property by gift during such calendar years, by any individual resident or nonresident of the state of Washington; which tax shall apply whether the transfer is in trust or otherwise, whether the gift is direct or indirect, and whether the property is real or personal, tangible or intangible; as to residents of this state, the tax shall apply to the transfer by gift of any property whatsoever, excepting only property, real or tangible personal, permanently located outside this state; but, in the case of a nonresident, shall apply to a transfer only if the property is real or tangible personal, permanently located within the state of Washington; the tax shall not apply to a transfer made on or before March 21, 1941.

(2) In case of (a) a transfer of community property, real or personal, tangible or intangible, by one spouse or by both spouses to a person other than a member of the community, or (b) a transfer of separate property, real or personal, tangible or intangible, by one spouse to a person other than a member of the community to which transfer the other spouse consents on the gift tax return of the donor, two gifts shall be deemed to have been made, one by each spouse and each for one-half of the whole value of the property transferred.

(3) The tax shall not apply to a transfer of property in trust where the power to revest in the donor title to such property is vested in the donor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of such property or the income therefrom, but the relinquishment or termination of such power (other than the donor's death) shall be considered to be a transfer by the donor by gift of the property subject to such power, and any payment of the income therefrom to a beneficiary other than the donor shall be considered to be a transfer by the donor of such income by gift.

NEW SECTION. Sec. 3. Section 60, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.260 are each hereby repealed.

NEW SECTION. Sec. 4. This 1969 amendatory act is necessary for the immediate preservation of the public peace, health and safety,

the support of the state government and its existing public institutions, and shall take effect July 1, 1969.

Passed the Senate May 12, 1969  
Passed the House May 11, 1969  
Approved by the Governor May 23, 1969  
Filed in office of Secretary of State May 23, 1969

CHAPTER 275  
[Engrossed Senate Bill No. 577]  
INTOXICATING LIQUOR--  
INTERLOCKING BUSINESS INTERESTS--  
LIQUOR IMPORTERS LICENSE--  
WINE, CREDIT ALLOWANCES

AN ACT Relating to intoxicating liquor; amending section 90A added to chapter 62, Laws of 1933 ex. sess. by section 2, chapter 48, Laws of 1945, as amended by section 12, chapter 178, Laws of 1969 1st ex. sess. and RCW 66.28.020; amending section 23-J added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.160; and amending section 14, chapter 21, Laws of 1969 1st ex. sess. (uncodified).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 90A added to chapter 62, Laws of 1933 ex. sess. by section 2, chapter 48, Laws of 1945, as amended by section 12, chapter 178, Laws of 1969 1st ex. sess. and RCW 66.28.020 are each amended to read as follows:

No manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits, or person financially interested, directly or indirectly, in such business, whether resident or nonresident, shall have any financial interest, direct or indirect, in the business of any licensed wine importer or wine wholesaler or licensed beer importer or beer wholesaler, nor shall any manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person under any arrangement whatsoever, conduct his business upon property in which any manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits has any interest, nor shall any manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits advance money or moneys'

worth to any such licensed person under any arrangement whatsoever, nor shall any such licensed person receive, under any arrangement whatsoever, any such advance of money or moneys' worth. No manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits shall be eligible or receive or hold a license as a wine importer or wine wholesaler or beer importer or beer wholesaler under this title: PROVIDED, That this section shall not be construed to require the divesting of any interest held by any person as of April 1, 1945, in the business of any manufacturer or wholesaler of distilled spirits or the business of any licensed brewer or beer wholesaler:

~~((PROVIDED-FURTHER;-That-the-provisions-of-this-section-shall-not apply-to-any-domestic-winery-or-licensed-brewery-which-is;-as-of-the date-of-passage-of-this-act;-a-licensed-wine-or-beer-wholesaler-respectively;-PROVIDED-FURTHER;-That-in-the-event-of-the-sale-of-such winery-or-brewery-to-a-manufacturer-or-wholesaler-of;-or-person-otherwise-dealing-in;-distilled-spirits;-or-person-financially-interested; directly-or-indirectly;-in-such-business;-the-exclusion-of-the-foregoing-proviso-shall-not-apply))~~ PROVIDED FURTHER, That the provisions of this section shall not apply to any liquor or beer importer, domestic winery or brewery which was licensed as of the date of passage of this act: PROVIDED FURTHER, That in the event of the sale of such importing business, winery or brewery to a manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits, or person financially interested, directly or indirectly, in such business, the exclusion of the foregoing proviso shall not apply.

Sec. 2. Section 23-J added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.160 are each amended to read as follows:

A liquor importer's license may be issued to any qualified person, firm or corporation, entitling the holder thereof to import into the state any liquor other than beer; to store the same within the state; and to sell and export the same from the state; fee ~~((two))~~ three hundred ~~((and-fifty))~~ dollars per annum. Such liquor importer's

license shall be subject to all conditions and restrictions imposed by this title or by the rules and regulations of the board, and shall be issued only upon such terms and conditions as may be imposed by the board. No liquor importer's license shall be required in sales to the Washington state liquor control board.

Sec. 3. Section 14, chapter 21, Laws of 1969 1st ex. sess. (uncodified) is amended to read as follows:

No manufacturer of wine, or person financially interested, directly, in such business, whether resident or nonresident, shall have any financial interest, direct or indirect, in the business of any licensed wine wholesaler, nor shall any manufacturer of wine own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person under any arrangement whatsoever, conduct his business upon property in which any manufacturer of wine has any interest, nor shall any manufacturer of wine advance money or moneys' worth other than such credit allowances customarily extended in the ordinary course of such business between wholesalers and manufacturers on purchases of inventories to any such licensed person under any arrangement whatsoever, nor shall any such licensed person receive, under any arrangement whatsoever, any such advance of money or moneys' worth other than such credit allowances: PROVIDED, That the provisions of this section shall not apply to any domestic winery or domestic brewery which (~~is, as of the date of passage of this act, a licensed wholesaler~~) was licensed as of the date of passage of this 1969 amendatory act: PROVIDED FURTHER, That in the event of the sale of such winery or brewery the exclusion of the foregoing proviso shall not apply.

Passed the Senate May 12, 1969

Passed the House May 12, 1969

Approved by the Governor May 22, 1969

Filed in office of Secretary of State May 23, 1969

CHAPTER 276  
[Senate Bill No. 781]  
COMMUNITY COLLEGES--  
BOND RETIREMENT FUND--  
CAPITAL PROJECTS ACCOUNT

AN ACT Relating to community colleges; and amending section 36, chapter 8, Laws of 1967 ex. sess., as last amended by section 3, chapter ..., Laws of 1969 ex. sess. (ESB 738), and RCW 28.85-.360.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 36, chapter 8, Laws of 1967 ex. sess., as last amended by section 3, chapter ..., Laws of 1969 ex. sess. (ESB 738), and RCW 28.85.360 are each amended to read as follows:

There is hereby created in the state treasury a community college bond retirement fund. Within thirty-five days from the date of start of each quarter (~~forty~~) sixty percent of all general tuition fees of each such community college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of general tuition fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community college bond retirement fund which fund as required, is hereby created in the state treasury. The amounts deposited in the bond retirement fund shall be used exclusively to pay and secure the payment of the principal of and interest on the tuition fee bonds issued by the college board as authorized by this chapter. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding general tuition fee bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at

all times.

(2) That portion of the sixty percent of all general tuition fees not required for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of any of the bonds as provided in subsection (1) above shall be deposited in the community college capital projects account which account is hereby created in the general fund of the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes.

Passed the Senate May 12, 1969

Passed the House May 12, 1969

Approved by the Governor May 23, 1969

Filed in office of Secretary of State May 23, 1969

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CHAPTER 277  
[Engrossed Senate Bill No. 243]  
COUNCIL ON HIGHER EDUCATION

AN ACT Relating to the council on higher education in the state of Washington.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is hereby created the council on higher education in the state of Washington.

NEW SECTION. Sec. 2. The purpose of the council is as follows: The higher educational institutions, under the autonomous governance of their governing boards, and operating within guidelines set by statute for particular institutions of higher education, have responded to the many kinds of educational needs of the people of a dynamic and growing state. They have evolved a wide array of educational services of benefit to students enrolled in degree and certificate courses, to adults returning to educational institutions for



various kinds of continuing education needed to update skills and understandings in a changing world, and to government agencies, business, labor professions, and associations. The state has been well served by the delegation to the institutions of a large measure of autonomy which has enabled them to cooperate in achieving educational and operating effectiveness. Opportunity for such institutional initiative and institutional voluntary cooperation should be preserved and encouraged to the largest possible extent.

With the increase in the number of institutions and in the scope, variety, and extent of higher education demanded of the institutions by the people of a dynamic state and the evident need to maintain articulation and coordination among the parts of a more complex system of higher education, it is desirable to establish a council to facilitate planning for higher education.

To assure maximum effectiveness of the agency, its deliberations should be participated in by representatives of the governor, the legislature, and the institutions of higher education.

NEW SECTION. Sec. 3. The council, upon the prior approval of the joint committee on higher education, may perform any of the following functions:

(1) Engage in overall planning for higher education in the state, which shall include the collection and analysis of necessary data from public, and where appropriate private institutions of higher education. The purpose shall be to:

(a) assess and define the educational needs of the state to be served by higher education;

(b) recommend and coordinate studies to ascertain how defined educational needs are being met;

(c) study and make recommendations concerning adult education, continuing education and public service programs;

(d) identify priorities among the defined needs and specify the resources necessary to meet them;

(e) differentiate roles of the community college system and

the individual public institutions and identify the most effective division of responsibility among them in meeting defined needs. To facilitate this, review and recommend the creation of all new degrees and recommend which institutions shall award them; and evaluate proposals for the elimination of existing degrees. Identify changing conditions which may require the revision of these roles and division of responsibility of the institutions.

(2) In the execution of the above planning responsibilities, develop criteria for the need for new baccalaureate institutions; and recommend the establishment, location and role of any new public baccalaureate granting institutions, and review the plans for the community college system in terms of their articulation with planning for higher education in the state.

(3) Study levels of fees and charges to students and, when necessary, make recommendations to the institutions, legislature, and governor.

(4) Study and make recommendations concerning admission and transfer policies.

(5) Review individual institutional operating budget requests to determine the conformity or lack thereof to the state's higher education plan: PROVIDED, That its review of community colleges be limited to the plan prepared by the state board for community college education.

(6) Review the individual institutional capital budget requests to determine their conformity or lack thereof to the state's higher education plan: PROVIDED, That its review of community colleges be limited to the plan prepared by the state board for community college education.

(7) Study and make recommendations for the development of improved practices of administrative management in order to facilitate the most efficient operation of the public institutions and the avoidance of unnecessary duplication among the institutions.

(8) At the request of the governor, legislature, state board

for community college education, or baccalaureate granting institutions of higher education, and in conjunction with such legislative interim committee on higher education as may be in existence, study and make recommendations regarding legislation affecting higher education.

NEW SECTION. Sec. 4. The council shall consist of members selected as follows:

Nine citizen members to be appointed by the governor and confirmed by the senate as representatives of the public at large; two members of the house of representatives, one from each party, appointed by the speaker of the house; two members of the senate, one from each party, appointed by the president of the senate; two members of the governor's staff appointed by the governor; the presidents of each of the public universities and four-year colleges of the state; the executive director of the state board for community college education; two presidents of the state's private universities or four-year colleges and one community college president appointed by the governor.

It shall be the duty of the director of the state board for community college education to represent not only the state board for community college education, but also all the community colleges in the state and their respective governing boards and he is further directed and charged to act as a liaison between the council and the state board for community college education and boards of trustees of the community college districts in the state.

NEW SECTION. Sec. 5. The nine citizen members of the council alone shall have the right to vote and decide by a simple majority all matters coming before the council. The other members of the council shall have voice but no voting power.

NEW SECTION. Sec. 6. Citizen members of the council shall serve for terms of six years, said terms expiring on June 30th of the sixth year of their term: PROVIDED, That of the citizen members first appointed by the governor, three shall be appointed for a term

of two years, three shall be appointed for a term of four years and three shall be appointed for a term of six years.

The four legislators appointed by the president of the senate and the speaker of the house shall serve for a two year term: PROVIDED, That no legislative member of the council shall continue to serve when he is no longer a member of the legislative branch from which he shall have been appointed.

The members of the council appointed by the governor from his staff shall serve at the governor's pleasure.

The term of the executive director of the state board for community college education as well as the presidents of the public universities and colleges of the state shall be coextensive with their tenure in those respective offices.

The president-representatives appointed by the governor shall serve for a two year term, or until such earlier date as each shall cease to be the president of the institution from which he was appointed.

NEW SECTION. Sec. 7. Any vacancies among the citizen members appointed by the governor shall be filled by the governor subject to confirmation by the senate then in session, or if not in session, at the next session. Citizen members appointed under this section shall have full authority to act as such prior to the time the senate acts on their confirmation. Any vacancies among the other members shall be filled by the appointing authority which initially filled the position.

NEW SECTION. Sec. 8. Initial appointment and selection of the council shall be made prior to June 30, 1969 and the names and addresses of those members appointed other than by the governor shall be immediately transmitted to his office. On July 15, 1969 the council shall meet to organize at a place and time set by the governor who shall give reasonable notice thereof to council members.

NEW SECTION. Sec. 9. By a majority vote of the citizen members, the council shall select a chairman who shall be a citizen

member; and, the council shall adopt such bylaws as it sees fit.

The council shall appoint an executive coordinator of services who shall serve at the pleasure of the council. The executive coordinator of services shall be the executive officer of the council and, under the council's supervision, shall administer the provisions of this act. In addition, he shall be in charge of the office of the council.

The council may employ and appoint such other assistants and employees as may be required. In addition, the council may appoint deputy coordinators who shall be assistant directors for the purpose of chapter 41.06 RCW, the state civil service act, and any individual filling such a position shall serve at the pleasure of the council.

In fulfilling the duties under this chapter, the council shall make extensive use of those state agencies with responsibility for implementing and supporting higher education plans and policies, e.g., appropriate legislative groups, the higher education institutions, the central budget agency, and the state board for community college education. Outside consulting and service agencies may also be employed. The council may compensate these groups and consultants in appropriate ways.

All council funds shall be expended subject to the approval of the chairman. All matter related to payment of compensation and other expenses of the council shall be subject to the state budget and accounting act.

NEW SECTION. Sec. 10. The council shall meet at least four times each year and at such other times as determined by the chairman who shall give reasonable notice to members of every meeting prior thereto. A majority of the citizen members shall constitute a quorum to conduct the affairs of the council.

NEW SECTION. Sec. 11. The council shall from time to time make reports both to the governor and the joint committee on higher education.

NEW SECTION. Sec. 12. Members of the council will receive

per diem in lieu of compensation, and travel expenditures in accordance with standard rates for part time boards, councils and commissions as certified by the state budget director.

NEW SECTION. Sec. 13. The council, in addition to any funds appropriated or allocated from time to time to carry out the purposes of this act, may add thereto federal funds made available to the state for higher education research or otherwise under the terms of any act or acts of congress, or any private gifts or grants, such federal funds or private funds to be expended in accordance with the conditions contingent in such grant thereof.

NEW SECTION. Sec. 14. Nothing in this act shall be deemed to derogate or detract from the powers and duties conferred by law upon the separate governing boards of the state's institutions of higher learning, the state board for community college education, or the powers and duties of any other administrative agency.

NEW SECTION. Sec. 15. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 29, 1969

Passed the House May 4, 1969

Approved by the Governor May 23, 1969, with the exception of one item in Section 3 which is vetoed

Filed in office of Secretary of State May 23, 1969

NOTE: Governor's explanation of partial veto is as follows:  
"...This bill creates the Council on Higher Education. Its membership will make it broadly representative of the general public, public and private higher education and the legislature. It is charged with the responsibility of engaging in overall planning for higher education in the state. With the rapid increase in enrollments and the resources required to meet the needs of higher education the functions of this council will be extremely important. It is imperative that the council proceed promptly with its responsibilities upon being organized.

Section 3 of the bill describes the functions which the council may perform. An amendment was added to this section which would prohibit the council from undertaking any of its planning functions except upon the prior approval of the Joint Committee on Higher Education. The joint committee, created by

Senate Bill No. 244 as a permanent statutory interim committee of the legislature, will also have major responsibilities relating to the development of legislative programs for higher education. I have concluded that it is inadvisable to limit the functions of the Higher Education Council only to those which may from time to time be approved by the Joint Committee on Higher Education.

My reasons for objecting to this limitation are:

1. The council will have within its membership four members of the legislature so that there should be adequate opportunity for a close working relationship with the legislature. In addition, I am confident that the council will want to work closely with the Joint Committee on Higher Education.
2. There are no standards included in the bill by which the Joint Committee on Higher Education may be measured in determining what subjects it will allow the council to undertake.
3. While the Joint Committee on Higher Education has a clear responsibility with respect to planning for higher education, so also do the general public and the representatives of higher education. The capacity of the council to consider the pressing planning problems of higher education should not be hamstrung by the need for prior approval of an interim committee of the legislature.
4. The council should commence its operations as soon as possible. With the failure of the supplemental appropriation bill, and the consequent lack of funding for the Joint Committee on Higher Education, its functions may be seriously hampered. This could in turn prevent the Council on Higher Education from functioning effectively because of the difficulty of obtaining the necessary prior approval of the joint committee.

With the exception of the single item in Section 3 of the bill, the remainder of the bill is approved."

CHAPTER 278  
[Engrossed Substitute Senate Bill No. 157]  
HIGHWAY APPROPRIATION ACT

AN ACT Relating to highways; making appropriations for the operations and capital improvements of the state highway commission, the urban arterial board, the Washington toll bridge authority, and the county road administration board; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. The budget of the Washington state highway commission is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or so much thereof as shall be necessary to accomplish the purposes designated, are hereby appropriated from the motor vehicle fund to the state highway commission and are authorized to be disbursed for salaries, wages, and other state highway commission expenses for obligations incurred and not paid as of July 1, 1969, for capital projects and for other specified purposes for the biennium ending June 30, 1971:

PROGRAM NO. 1, ADMINISTRATION AND PLANT OPERATIONS

For the operations of the Washington state highway commission, department of highways, including programs for executive, general and engineering administration, and plant operation and maintenance.....

\$34,302.564: Additional amount to be set aside for allocation for the

aforementioned purpose at the request of the Washington state highway commission, department of highways upon review and approval of the joint committee on highways which shall specify the objects for which such amounts are to be expended, and upon such approval being granted, such amounts may be allotted by the Central Budget Agency within the rules, and procedures established for allotment of funds to state

agencies.....\$1,112,613: PROVIDED,

That any additional unexpended funds authorized within these appropriations may be transferred to Program No. 4, "PHYSICAL MAINTENANCE AND



OPERATION," Program No. 7, "STATE HIGHWAY CONSTRUCTION," and Program 7A, "CONSTRUCTION OF STATE HIGHWAYS IN URBAN AREAS," to be allocated within the rules and procedures established by the Central Budget Agency.

PROGRAM NO. 2, NONHIGHWAY REIMBURSABLE SERVICES

For reimbursable maintenance off the state highway system and reimbursable sales and services to others.....\$5,187,616

PROGRAM NO. 3, PLANNING, SURVEY AND RESEARCH OPERATIONS

For highway planning surveys and research by the Washington state highway commission and for research and studies approved by the Washington state highway commission and the joint committee on highways.....\$7,239,966:

Additional amount to be set aside for allocation for the aforementioned purpose at the request of the Washington state highway commission, department of highways upon review and approval of the joint committee on highways which shall specify the objects for which such amounts are to be expended, and upon such approval being granted, such amounts may be allotted by the Central Budget Agency within the rules and procedures established for allotment of funds to state agencies.....\$210,524:

PROVIDED, That any additional unexpended funds authorized within these appropriations may be transferred to Program No. 4, "PHYSICAL MAINTENANCE AND OPERATION," Program No. 7, "STATE HIGHWAY CONSTRUCTION," and Program 7A, "CONSTRUCTION OF STATE HIGHWAYS IN URBAN AREAS," to be allocated within the rules and procedures established by the Central Budget Agency.

PROGRAM NO. 4, PHYSICAL MAINTENANCE OPERATIONS

For the maintenance and operation of state highways.....\$42,086,799:

V - Additional amount to be set aside for allocation for the aforementioned purpose at the request of the Washington state highway commission, department of highways upon review and approval of the joint committee on highways which shall specify the objects for which such amounts are to be expended, and upon such approval being granted, such amounts may be allotted by the Central Budget Agency within the rules and procedures established for allotment of funds to state agencies.....\$1,059,259:

PROVIDED, That any additional unexpended funds authorized within these appropriations may be transferred to Program No. 4, "PHYSICAL MAINTENANCE AND OPERATION," Program No. 7, "STATE HIGHWAY CONSTRUCTION," and Program 7A, "CONSTRUCTION OF STATE HIGHWAYS IN URBAN AREAS," to be allocated within the rules and procedures established by the Central Budget Agency.

PROGRAM NO. 5, STORES AND INVENTORIES

For the increase in stores and for added pit and stockpile sites.....\$1,517,934

PROGRAM NO. 6, TOLL FACILITIES

For the administration and operation of the toll facilities section, including the refunds which may be properly payable due to the transfer of local funds to the motor vehicle fund as provided for by sections 48 and 49, Chapter 145, Laws of 1967 extraordinary session, and including the guarantee for the Vernita toll bridge bonds, which, if required, will be considered a loan repayable from extended bridge toll revenue.....\$590,567

PROGRAM NO. 7, STATE HIGHWAY CONSTRUCTION

For location, design, right of way, and construction of state highways, including state highways in urban areas in accordance with the established priority programs and for the expenditures on and adjacent to the state highway system to be reimbursed under federal aid highway acts or federal emergency relief, and for emergencies arising from unforeseen damage to highways, structures and ferries.....\$406,546,010:

Additional amount to be set aside for allocation for the aforementioned purpose at the request of the Washington state highway commission, department of highways upon review and approval of the joint committee on highways which shall specify the objects for which such amounts are to be expended, and upon such approval being granted, such amounts may be allotted by the Central Budget Agency within the rules and procedures established for allotment of funds to state agencies....\$1,079,136:

PROVIDED,  
That any additional unexpended funds authorized within these appropriations may be transferred to Program No. 4, "PHYSICAL MAINTENANCE AND OPERATION," Program No. 7, "STATE HIGHWAY CONSTRUCTION," and Program 7A, "CONSTRUCTION OF STATE HIGHWAYS AND URBAN AREAS," to be allocated within the rules and procedures established by the Central Budget Agency.

PROGRAM NO. 7A, CONSTRUCTION ON STATE HIGHWAYS  
IN URBAN AREAS

For location, design, right of way and construction of state highways in urban areas in accordance with sections 10 through 13, Chapter 83, Laws of 1967 extraordinary session.....\$116,253,650:

Additional amount to be set aside for allocation for the aforementioned purpose at the request of the Washington state highway commission, department of highways upon review and approval of the joint committee on highways which shall specify the objects for which such amounts are to be expended, and upon such approval being granted, such amounts may be allotted by the Central Budget Agency within the rules and procedures established for allotment of funds to state agencies.....

**\$596,244:** PROVIDED, That any additional unexpended funds authorized within these appropriations may be transferred to Program No. 4, "PHYSICAL MAINTENANCE AND OPERATION," Program No. 7, "STATE HIGHWAY CONSTRUCTION," and Program 7A, "CONSTRUCTION OF STATE HIGHWAYS AND URBAN AREAS," to be allocated within the rules and procedures established by the Central Budget Agency.

**PROGRAM NO. 8, CONSTRUCTION NONSTATE HIGHWAYS**

For reimbursable costs (including reimbursements through Federal Emergency Relief Acts) of location, design, right of way, construction, and reconstruction on city streets, county roads, and other non-state highways, roads or streets of special state interest, including the unexpended balance of the funds from the sale of bonds for Columbia Basin county roads authorized in chapter 311, Laws of 1955, and in chapter 121, Laws of 1965.....\$48,481,027

**PROGRAM NO. 9, STATE HIGHWAY PLANT**

For the improvement and construction of buildings, other highway plant structures and ferry and toll facilities.....\$13,881,124

NEW SECTION. Sec. 2. The budget for the urban arterial board

is hereby adopted and there is hereby appropriated from the urban arterial trust account in the motor vehicle fund to the urban arterial board for the biennium ending June 30, 1971, the sum of one hundred thirty-six million thirty-one thousand seven hundred dollars or so much thereof as shall be necessary for implementing and administering the program of financial assistance to cities and counties in urban areas for urban arterial highways, roads, and streets.

NEW SECTION. Sec. 3. There is hereby appropriated to the Washington toll bridge authority for the biennium ending June 30, 1971, from the authority revolving fund the sum of twenty-two thousand dollars or so much thereof as shall be necessary to conduct studies of possible new toll facilities, and from the motor vehicle fund the sum of two hundred eighty thousand dollars or so much thereof as shall be necessary due to insufficient other revenues, to pay interest on the Spokane River toll bridge revenue bonds, and from the Puget Sound reserve account in the motor vehicle fund the sum of four million nine hundred fifty-seven thousand one hundred fifty dollars or so much thereof as shall be necessary to carry out the provisions of section 3, Chapter 9, Laws of 1961 extraordinary session and RCW 47.60.420.

NEW SECTION. Sec. 4. There is hereby appropriated from the motor vehicle fund to the joint committee on highways for the biennium ending June 30, 1971, the sum of one hundred twenty-five thousand dollars.

NEW SECTION. Sec. 5. There is hereby appropriated from the motor vehicle fund to the county road administration board for the biennium ending June 30, 1971, the sum of one hundred eight thousand three hundred fifty-two dollars.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate May 9, 1969

Passed the House April 14, 1969

Approved by the Governor May 23, 1969, with the exception of certain items in Section 1 which are vetoed

Filed in office of Secretary of State May 23, 1969

NOTE: Governor's explanation of partial veto is as follows:  
"...This is the Highway Appropriation Act. For the first time, a subcommittee of the legislature reviewed the Highway Department budget in depth, requesting extensive fiscal and performance information in support of the budget. This review was similar to that expected of other agencies of state government. The subcommittee should be highly commended for the excellent progress which they made in emphasizing the information which is vital to the executive and legislative decision process as well as to the management of an agency. They have performed a service which I hope they will continue in subsequent legislative sessions.

As a result of that review, in several programs a portion of the requested appropriation was set aside for subsequent allocation at the request of the highway commission, subject to the approval of the Joint Committee on Highways which must specify the objects for which such amounts will be expended. These amounts may then be allotted by the Central Budget Agency within the rules and procedures established for the allotment of funds to state agencies.

The Budget and Accounting Act clearly describes that it is the responsibility of the governor to propose expenditures. To establish a procedure by which an individual department of state government initiates a request for funding to a small and not broadly representative part of the legislature seems both contrary to the concept of the Budget and Accounting Act and disruptive of the legislative process. Should this example be carried to its extreme, the various departments of state government could expect to have contingency funds which could be used only with the approval of numerous different interim committees. I do not believe that this is the desire of either the executive branch or a majority of the members of the legislature.

I have, therefore, vetoed the 'contingency funds' established in section 1. In so doing, the Department of Highways budget is reduced by \$4,057,776 out of a total budget of \$680,145,033. I do not believe this will be disruptive of the program for the Highway Department appropriation anticipates distribution of substantial federal funding for additional construction which is in excess of that which will probably be received.

Prior to the 1970 legislative session which I intend to call, I will request the Highway Commission and Highway Department to review the highway requirements and provide information as to whether the contingent funds should be restored. A request for such additional funds as may be appropriate can then

be submitted to the legislature in January, 1970, in accordance with the Budget and Accounting Act for review and approval by the entire legislature."

CHAPTER 279  
[Senate Bill No. 42]  
VITAL STATISTICS

AN ACT Relating to vital statistics; amending section 6, chapter 159, Laws of 1945, as last amended by section 10, chapter 26, Laws of 1967, and RCW 70.58.200; and adding a new section to chapter 26.04 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 26.04 RCW a new section to read as follows:

In addition to the application provided for in RCW 26.04.160, the county auditor for the county wherein the license is issued shall submit to each applicant at the time for application for a license the Washington state department of health marriage certificate form prescribed by RCW 70.58.200 to be completed by the applicants and returned to the county auditor for the files of the state registrar of vital statistics: PROVIDED, That after the execution of the application for, and the issuance of a license, no county shall require the persons authorized to solemnize marriages to obtain any further information from the persons to be married except the names and county of residence of the persons to be married.

Sec. 2. Section 6, chapter 159, Laws of 1945, as last amended by section 10, chapter 26, Laws of 1967 and RCW 70.58.200 are each amended to read as follows:

The forms of birth, death, fetal death, marriage, and decrees of divorce, annulment, or separate maintenance certificates and marriage applications filed with the state registrar of vital statistics shall include ((as-a-minimum)) the items required by the respective standard certificate as recommended by the federal agency responsible for national vital statistics ((subject-to-approval-of-and-modification-by-the-Washington-state-board-of-health)) which became effective on

January 1, 1968, except that no information shall be required on the certificate of divorce relative to the date the couple separated or the number of children under eighteen years of age: PROVIDED, That none of the information contained in the confidential section of the forms of marriage, divorce, annulment or separate maintenance shall be required: PROVIDED FURTHER, That no information shall be required on the certificate of live birth relative to the education of the parents of the child. The Washington state board of health by regulation may require additional pertinent information relative to the birth and manner of delivery as it may deem necessary for statistical study. This information shall be placed in a confidential section of the birth certificate form together with the item pertaining to illegitimacy and shall not be subject to the view of the public or for certification purposes except upon order of a court: PROVIDED, That the state board of health may eliminate from the forms any such items that it determines are not necessary for statistical study.

Passed the Senate May 10, 1969

Passed the House May 10, 1969

Approved by the Governor May 23, 1969, with the exception of one item in Section 2 which is vetoed

Filed in office of Secretary of State May 23, 1969

NOTE: Governor's explanation of partial veto is as follows:  
"...The 1967 legislature created a statewide registry within the Department of Health for marriages and decrees of divorce, annulment or separate maintenance. The Department of Health for many years has maintained a statewide registry for births and deaths. This bill modifies the reporting requirements in certain particulars in order to protect rights of privacy. It also transfers from persons solemnizing marriages to the county auditor the responsibility to report marriages to the central state registry.

Section 2 of the bill makes reference to 'marriage applications' along with the other forms required for reporting to the central registry. These forms by the provisions of Section 2 shall include, with certain exceptions, those items recommended by the federal agency responsible for national vital statistics. The reference to 'marriage applications' would appear to have inadvertently been included in the bill inasmuch as there is no standard certificate recommended by the federal agency responsible for national vital statistics relating to marriage applications.

Since this language if left in the bill could result in confusion as to the intent and since



reference is already made to marriage forms, I have vetoed the reference to marriage applications found in Section 2.

The remainder of the bill is approved."

CHAPTER 280  
[Substitute Senate Bill No. 152]  
CAPITAL BUDGET

AN ACT Adopting the capital budget; making appropriations for capital improvements; authorizing certain projects; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. That a capital budget is hereby adopted and subject to 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 period ending June 30, 1971, out of the several funds hereinafter named:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

	Reappro- priations	From the Fund Designated	From the General Fund
Acquire land and buildings, repair buildings, provide drainage facilities, reloca- tion of utilities, other improvements			
East Capitol Site			1,060,000
Remodel and repair capitol buildings, offices and facilities (769,264)			
General Fund	10,000		759,264
Clean and waterproof capitol buildings			133,774
Construct new Public Assistance Building (6,131,035)			

General Fund	4,234,424	1,896,611
Addition to the State		
Library (1,220,082)		
State Building and		
Higher Education		
Construction Account	562,113	657,969
Powerhouse revisions		349,268
Modernization of electrical		
distribution system-Phase II		302,723
General Fund	250,000	
Construct Executive Office		
Building and parking facili-		
ties-Phase I (preplanning)		540,000
Repairs and improvements		
to Capitol Lake area		
Capitol Building		
Construction Account	20,000	
Develop Capitol Lake		
recreational facilities		
Capitol Building		
Construction Account	60,000	
Develop Parking facilities		
west side of Capitol Way		
Capitol Building		
Construction Account	1,250,000	
Construct and equip office-		
laboratory building-Wenatchee		
Tree Fruit Research Center		
General Administration		
Construction Fund	2,000,000	
Acquisition, development,		
maintenance, and operation		
of temporary parking programs,		

routes, facilities and services for state employees and offices during construction of permanent parking facilities on East Capitol Site

State Capitol Vehicle

Parking Account 60,000

Construct and equip office-laboratory building for Environmental Science Services Administration at the University of Washington pursuant to Chapter 121, Laws of 1969

General Administration

Construction Fund 2,500,000

Total (16,646,146) 5,056,537 5,890,000 5,699,609

FOR THE LIQUOR CONTROL BOARD

From the Liquor Board Revolving Fund

Addition to liquor

warehouse 2,936,000

FOR THE STATE PATROL

Reappropriations From the State Patrol Highway Account

Construct and equip scale houses including site acquisitions and improvements to existing sites (212,000)

State Patrol Highway

Account 102,000 110,000

Construct State Patrol Academy (664,048)

General Fund	410,000	254,048
Construct addition to and remodel Tacoma office (40,000)		
General Fund	30,000	10,000
Construct detachment offices at Bellingham and Okanogan		
General Fund (82,000)	65,000	17,000
Provide mobile relay stations		17,000
Construct communications center and district head- quarters for east King County (1,220,165)		
State Patrol Highway Account	606,550	613,615
Purchase and improve land-Ephrata		12,000
Replace Radio Relay facility		
General Fund	30,000	
Replace Communications State Patrol Highway Account	132,000	
Purchase all-weather air- craft		410,000
<u>Total (2,819,213)</u>	<u>1,375,550</u>	<u>1,433,663</u>

## FOR THE DEPARTMENT OF CIVIL DEFENSE

Reappro-  
priations  
from the  
General  
Fund

Remodel space in Stu-  
dent Union Building,  
Washington State

University for emergency

operating center 17,573

FOR THE MILITARY DEPARTMENT

	Reappro- priations from the General Fund	From the Fund Designated	From the General Fund
Construct, repair, remodel buildings and improve facilities, including architect and engineer- ing fees (199,536)	6,386		193,150
Construct training center expansion-Bellingham			243,591
Construct new armory- Seattle			
Seattle Armory Account		2,200,000	
Purchase land and con- struct new armory- Aberdeen			32,937
Preplanning for schematic plans for new capital projects			12,421
Renovate and expand headquarters at Camp Murray (190,078)	<u>125,078</u>		<u>65,000</u>
<b>Total (2,878,563)</b>	<u>131,464</u>	<u>2,200,000</u>	<u>547,099</u>

FOR THE BOARD OF EDUCATION

	Reappro- priations	From Common School Construction Fund
Public School Building Construction		
<span style="border: 1px solid black; padding: 2px;">(74,664,765)</span>		
Public School Building Construction		

Account	3,160,338	
Common School Building Construction Account	22,000,000	
Common School Construction Fund	12,500,000	37,004,427
<b>Total</b>	<b>37,660,338</b>	<b>37,004,427</b>

## FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

	Reappropriations	From the Community College Capital Projects Account	From the General Fund
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Equip, remodel, and furnish buildings, Walla

Walla Community College

Community College Capital

Projects Account 70,855

Construction of new campus, Fort Steilacoom

Community College

Phase I (1,779,487)

Public School Building

Construction Account 1,350,000

Community College Capital

Projects Account 429,487

Construction of new campus,

Edmonds Community College,

Phase I (1,123,845)

Public School Building

Construction Account 810,000

Community College

Capital Projects

Account 313,845

Construction of North Campus,

Seattle Community College,

Phase I (2,162,034)

Public School Building	
Construction Account	40,945
Community College	
Capital Projects	
Account	5,000,000

Completion of projects authorized by Board of Education and for other community college projects according to priority of need (4,032,288)

Community College		
Capital Projects		
Account	702,288	3,240,000

Community College Construction, Repairs, Remodeling, Land Acquisition, Equipment and other Capital improvements: PROVIDED, That not to exceed 5,000,000 shall be available for the Seattle Central Area campus: PROVIDED FURTHER, That the balance of the 58,068,000 of Capital Funds requested but not appropriated for the 1969-71 biennium shall be approved and appropriated by the next session of the legislature

27,961,828

Preplanning for schematic plans for new capital

projects				500,000
Total (50,509,248)	8,807,420	41,201,828		500,000

FOR THE UNIVERSITY OF WASHINGTON

	Reappro- priations	From the University of Washington Building Account	From the General Fund
Construct and equip Engineering Classroom and Library building University of Washington Building Account	154,840		
Construct and equip Architecture Building (2,150,327) State Building and Higher Education Construction Account	1,850,327	300,000	
Construct and equip Physics-Atmospheric Sciences building State Building and Higher Education Construction Account	380,139		
Construct and equip large classroom and Auditoria building (2,805,175) State Building and Higher Education Construction Account	2,505,175	300,000	
Construct and equip Com- puter center State Building and			



Higher Education			
Construction Account	1,300,000		
Construct and equip			
electrical Engineering			
addition			
State Building and			
Higher Education			
Construction Account	650,000		
Renovate Forestry building			
and construct pulp and			
paper teaching facility			
State Building and			
Higher Education			
Construction Account	1,698,804		
Construct and equip			
Health Sciences expansion			
(15,460,577)			
State Building and			
Higher Education			
Construction Account	8,975,577		
General Fund	4,500,000	1,985,000	
Construct and equip			
new Law Center Building			
State Building and			
Higher Education			
Construction Account	5,100,000		
Remodel and enlarge			
physical plant services			
building			
State Building and			
Higher Education			
Construction Account	1,900,000		
Construct and equip			

Psychology building		
State Building and		
Higher Education		
Construction Account	3,500,000	
Radiation Therapy and		
Hospital Clinic Expansion		
State Building and		
Higher Education		
Construction Account	2,050,000	
Construct and equip		
Performing Arts building		
(5,600,000)		
State Building and		
Higher Education		
Construction Account	3,700,000	
University of Washington		
Building Account		1,900,000
Physics Building Addition		
State Building and		
Higher Education		
Construction Account	1,139,524	
Provide for Far Eastern		
Library		
University of Washington		
Building Account	449,372	
Supplement funds for		
Referendum 19 projects		
University of Washington		
Building Account	52,914	
Expand Power Plant		
University of Washington		
Building Account	979,050	

Construct Scientific Stores addition			
University of Washington			
Building Account	250,000		
Mental Retardation and Child Development Center (561,420)			
University of Washington Building			
Account	161,420	400,000	
Central Quadrangle de- velopment and Road Re- location			
University of Washington			
Building Account		2,460,000	
Utilities, Services, Minor Repairs and Betterments (8,385,181)			
University of Washington			
Building Account	1,735,181	6,650,000	
University Hospital Expansion			
University of Washington			
Building Account		3,084,000	
Preplanning for schematic plans for new capital projects (449,939)			
General Fund	99,939	45,234	304,766
Restoration of arson damaged Clark Hall			
University of Washington			
Building Account		123,821	
<u>Total (60,429,663)</u>	<u>42,876,842</u>	<u>17,248,055</u>	<u>304,766</u>

## FOR WASHINGTON STATE UNIVERSITY

	Reappro- priations	From the Washington State University Building Account	From the General Fund
Construct and equip Agricultural Sciences building State Building and Higher Education Construction Account	3,934,775		
Construct and equip Physical Sciences building State Building and Higher Education Construction Account	3,148,630		
Controlled Environment Laboratories relocation (442,654) Washington State University Building Account	228,185	214,469	
Construct and equip General Storage building Washington State University Building Account	94,975		
Nuclear Reactor Facilities Washington State University Building Account	354,977		
Construct and equip Physical Education building			

Washington State University Building Account	1,525,355	
Construct Design Disci- plines building, Phase I Washington State University Building Account	2,371,818	
Remodel buildings and improve facilities (3,240,017) Washington State University Building Account	1,190,017	2,050,000
Extend Utilities (1,545,549) Washington State University Building Account	358,049	1,187,500
Construct and equip Multi- Purpose Coliseum Washington State University Building Account		3,042,000
Remodel Bohler-Smith building Washington State University Building Account		380,910
Addition to and remodeling of Arts Hall		2,135,000
Addition to Comparative Behavior Center		330,000

Addition to McCoy Hall	276,000	
Preplanning for schematic plans for new capital projects		125,000
Construct and equip Administration Building Washington State University Building Account	46,705	
Construct and equip Johnson Hall Annex Addition (Computer Center) Washington State University Building Account	9,015	
Construct and equip Research Laboratory Building and boiler plant-Wenatchee Washington State University Building Account	1,077	
Construct and equip Research and Laboratory building-Puyallup State Building and Higher Education Construction Account	282,723	
Construct and equip Meats Laboratory building (\$77,706) Washington State University Building Account	114,992	462,714

Construct Agricultural  
Engineering building  
addition

Washington State  
University Building

Account 1,046

Relocate KWSC - AM  
transmitter Antenna

Washington State  
University Building

Account 58,436

Acquire and develop land  
to replace Wawawii and  
Whitlow property: PROVIDED,  
That the proceeds from said  
property shall be deposited  
in Washington State University

Building Account

Washington State  
University Building

Account 53,900

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Total (23,978,268)	13,774,675	10,078,593	125,000
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FOR EASTERN WASHINGTON STATE COLLEGE

Reappro-  
priations

From the  
Eastern  
Washington State  
College Capital  
Projects  
Account

From the  
General Fund

Construct and equip Music  
Speech building, Creative  
Arts, Phase I (1,556,350)

State Building and  
Higher Education

Construction Account 1,331,350 225,000

Construct and equip

General Classroom building  
State Building and  
Higher Education  
Construction Account 2,322,828

Construct new Heating  
Plant and extend utilities  
State Building and  
Higher Education  
Construction Account 1,447,689

Construct and equip Health  
and Physical Education  
building  
State Building and  
Higher Education  
Construction Account 1,125,000

Construct and equip Radio-  
Television building, Crea-  
tive Arts, Phase II  
State Building and  
Higher Education  
Construction Account 500,000

Construct and equip  
Drama building, Creative  
Arts, Phase II  
State Building and  
Higher Education  
Construction Account 800,000

Construct and equip Arts  
building, Creative Arts,  
Phase II  
State Building and  
Higher Education  
Construction Account 1,090,000



Purchase Land (\$55,000)			
Eastern Washington State			
College Capital			
Projects Account	55,000	500,000	
Remodel buildings, develop and improve facilities and major betterments (1,287,917)			
General Fund	765,811		
Eastern Washington State			
College Capital			
Projects Account	252,106	270,000	
Supplement funds for Referendum 19 projects (849,250)			
		99,250	750,000
Improve campus services and facilities, and provide long range campus planning			
		452,760	
Tunnels and Utilities			
		1,226,750	
Cheney sewer system			
			88,862
Preplanning for schematic plans for new capital projects			
			80,000
For the purchase of a fire ladder truck: PROVIDED, That an equal amount is made available by the City of Cheney for the same purpose			
		37,500	
<u>        Total (13,419,906)</u>	<u>9,689,784</u>	<u>2,811,260</u>	<u>918,862</u>
FOR CENTRAL WASHINGTON STATE COLLEGE			
	Reappropriations	From the Central Washington State College Capital Projects Account	From the General Fund
Construct and equip Fine			

and Applied Arts building		
State Building and		
Higher Education		
Construction Account	103,174	
Construct and equip		
Technology and Industrial		
Education building		
State Building and		
Higher Education		
Construction Account	952,898	
Construct and equip		
Language and Literature		
building		
State Building and		
Higher Education		
Construction Account	1,195,711	
Purchase Land (558,627)		
State Building and		
Higher Education		
Construction Account	99,154	
Central Washington		
State College Capital		
Projects Account	59,473	400,000
Construct and equip		
Library-Instructional		
Complex		
State Building and		
Higher Education		
Construction Account	5,079,500	
Construct and equip Admin-		
istration building, Unit I		
Central Washington		
State College Capital		

Projects Account	102,998	
Extend Utilities (428,977)		
Central Washington		
State College Capital		
Project's Account	82,227	346,750
Construct and equip Health		
Center building, Unit I		
(460,708)		
General Fund	255,000	
Central Washington		
State College Capital		
Projects Account	142,708	63,000
Remodel buildings and		
improve facilities and		
campus, and obtain		
equipment (914,805)		
General Fund	308,994	
Central Washington		
State College Capital		
Projects Account	51,811	554,000
Preplanning for schematic		
plans for projects in		
1969-71 biennium (135,821)		
General Fund	58,512	
Central Washington		
State College Capital		
Projects Account	77,309	
Construct and equip		
Boiler Plant addition		333,500
Landscaping improvements		
for the campus		100,000
College share of L.I.D.		
projects of City of		

Ellensburg		43,400	
Preplanning for schematic plans for new capital projects			100,000
<u>Total (10,510,119)</u>	<u>8,569,469</u>	<u>1,840,650</u>	<u>100,000</u>
FOR THE EVERGREEN STATE COLLEGE			
	Reappro- priations		From the General Fund
Land acquisition and preplanning for new state college (436,142)			
General Fund	136,142		
State Building and Higher Education Construction Account	300,000		
Construct and equip Library, Classroom, Heating Plant and other buildings			
State Building and Higher Education Construc- tion Account	6,051,720		
Construction of Roads, Utilities and site improvements			
State Building and Higher Education Construction Account	8,448,280		
Preplanning for schematic plans for new capital projects			400,000

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 Total (15,336,142) 14,936,142
 

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400,000

## FOR WESTERN WASHINGTON STATE COLLEGE

	Reappro- priations	From the Western Wash- ington State College Capital Projects Account	From the General Fund
Construct and equip Class- room-Faculty Offices addition			
State Building and Higher Education Construction Account	104,130		
Construct and equip Library building addition			
State Building and Higher Education Construction Account	1,084,976		
Construct and equip addition to Auditorium- Music building			
State Building and Higher Education Construction Account	1,883,500		
Construct and equip addition to Physical Education building			
State Building and Higher Education Construction Account	490,000		
Renovation of Old Main building			
State Building and Higher Education Construction Account	975,000		

Construct and equip Classroom building State Building and Higher Education Construction Account	1,650,000		
Construct and equip Education-Psychology building State Building and Higher Education Construction Account	850,000		
Purchase Land (472,742) Western Washington State College Capital Projects Account	84,242		388,500
Utilities expansion and modernization (1,704,678) General Fund	210,878	493,800	1,000,000
Remodel college buildings and improve facilities (1,720,713) General Fund Western Washington State College Capital Projects Account	298,144	422,569	1,000,000
Preplanning for schematic plans for projects in 1969-71 biennium (102,523) General Fund Western Washington State College Capital Projects Account	25,257	77,266	

Fairhaven Unit Academic

Facilities

Western Washington

State College Capital

Projects Account 252,588

Construct and equip

Maintenance building

Western Washington

State College Capital

Projects Account 242,280

Construct and equip

addition to Arts building

Western Washington

State College Capital

Projects Account 22,579

Supplemental fund for

Referendum 19 Projects

450,000

Preplanning for schematic

plans for new capital

projects

100,000

Total (12,105,709)	8,673,409	1,493,800	1,938,500
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DEPARTMENT OF INSTITUTIONS-HEADQUARTERS

Reappro-  
priationsFrom the  
CEP & RI  
AccountFrom the  
General Fund

Roof repairs, parking  
area repairs, road re-  
pairs and other minor  
repairs to buildings at  
various institutions  
(990,792)

CEP and RI Account	250,280	740,512
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Repair or replace electric,  
water, steam and sewer lines,  
boilers, install emergency

generators, elevated water  
tank and new oil furnaces  
(2,690,394)

General Fund	1,440,000	1,250,394	
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Preplanning for schematic  
plans for new capital  
projects (516,472)

General Fund	160,895		355,577
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Total (4,197,658)	1,851,175	1,990,906	355,577
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## FOR THE PENITENTIARY

	Reappro- priations	From the CEP & RI Account	From the General Fund
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Construct new power  
house and elevated  
water storage tank  
(15,004)

General Fund	492		
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CEP and RI Account	14,512		
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Remodel Wings 1, 2, 3 and  
4 for academic school

		197,408	259,023
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Total (471,435)	15,004	197,408	259,023
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## FOR THE REFORMATORY

	Reappro- priations		From the General Fund
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Renovation of utilities

State Building and  
Higher Education

Construction Account	291,000		
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Construct Chapel

State Building and  
Higher Education

Construction Account	134,950		
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Replace windows and re-  
model shower facilities  
in cell houses 1 and 2



General Fund	20,000	
Remodel Inmates' Dining Room and Bakery		414,666
Divide Cellhouse No. 2 for better supervision		20,000
Construct and equip Dormitory and Recreation building		60,000
<u>Total (940,616)</u>	<u>445,950</u>	<u>494,666</u>

## FOR THE WASHINGTON CORRECTION CENTER

Reappro-  
priations

Construct and equip Inmate Honor Housing State Building and Higher Education	
<u>Construction Account</u>	<u>1,875,630</u>

## FOR WOMEN'S CORRECTION CENTER

Reappro-  
priationsFrom the CEP  
& RI AccountFrom the  
General Fund

Construct and equip new women's correctional institution (5,377,279)			
General Fund	1,936,659	197,688	1,410,599
State Building and Higher Education			
<u>Construction Account</u>	<u>1,832,333</u>		
<u>Total (5,377,279)</u>	<u>3,768,992</u>	<u>197,688</u>	<u>1,410,599</u>

## FOR THE CASCADIA JUVENILE RECEPTION-DIAGNOSTIC CENTER

Reappro-  
priationsFrom the  
General Fund

Convert staff residence to girls' residential hall and equip	
CEP and RI Account	3,550
Construct and equip two	

new diagnostic cottages

General Fund (519,186)	366,700	152,486
<u>Total (522,536)</u>	<u>370,050</u>	<u>152,486</u>

FOR THE MAPLE LANE SCHOOL

	Reappropriations	From the General Fund
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Construct and equip

Treatment Security Unit (307,370)

State Building and Higher Education Construction Account	264,970	42,400
<u>Total (307,370)</u>	<u>264,970</u>	<u>42,400</u>

FOR THE GREEN HILL SCHOOL

	General Fund Reappropriations	From the General Fund
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Construct and equip Treat-

ment Security building

and renovate isolation

unit (952,796) 753,796 200,000

Construct and equip

two residential halls 321,650

<u>Total (1,274,446)</u>	<u>752,796</u>	<u>521,650</u>
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FOR THE GROUP HOMES

	Reappropriations	From the CEP & RI Account	From the General Fund
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Construct and equip

three group homes

(252,517)

General Fund	104,419	31,500
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State Building and

Higher Education

Construction Account	116,598
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Construct new group home

to replace Riverside

group home 136,000

<u>Total (388,517)</u>	<u>221,017</u>	<u>31,500</u>	<u>136,000</u>
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FOR THE SPRUCE CANYON YOUTH CAMP		From the General Fund
	Reappro- priations	
Construct and equip Vocational-Gymnasium building (294,411)		
State Building and Higher Education		
Construction Account	194,411	100,000
Renovation of Adminis- tration building		25,311
<u>    Total (319,722)</u>	<u>194,411</u>	<u>125,311</u>

FOR THE INDIAN RIDGE YOUTH CAMP		From the General Fund
	Reappro- priations	
Construct and equip Youth Camp (438,425)		
General Fund	90,296	20,000
State Building and Higher Education		
Construction Account	328,129	
<u>    Total (438,425)</u>	<u>418,425</u>	<u>20,000</u>

FOR THE NASELLE YOUTH CAMP		From the General Fund
Heating plant conversion from coal to electricity		91,529

FOR THE SOLDIERS' HOME AND COLONY		From the General Fund
Major roof repairs to various buildings		28,000
Renovate utility systems		104,288
Remodel and equip kitchen. Phase 1		25,000
<u>    Total (157,288)</u>		<u>157,288</u>

FOR THE VETERANS' HOME

		From the General Fund
Major roof repairs to various buildings		26,000
Replace plumbing and fixtures in Hospital		39,400
<u>Total (65,400)</u>		<u>65,400</u>

## FOR THE SCHOOL FOR THE BLIND

	Reappro- priations	
Major roof repairs and waterproofing exterior of buildings		
General Fund	41,770	
Construct and equip Student Residence Hall		
State Building and Higher Education		
Construction Account	<u>373,000</u>	
<u>Total (414,770)</u>	<u>414,770</u>	

## FOR THE SCHOOL FOR THE DEAF

	Reappro- priations	From the General Fund
Construct and equip Fieldhouse		
State Building and Higher Education		
Construction Account	150,000	
Renovate Hospital to provide isolation ward		29,559
Remodel Superintendent's apartment to student dormitory		<u>50,400</u>
<u>Total (229,259)</u>	<u>150,000</u>	<u>79,959</u>

## FOR WESTERN HOSPITAL

Reappro- priations	From the General Fund
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Renovate utilities		
(422,528)		
General Fund	155,183	
CEP and RI Account	1,230	
State Building and Higher Education Construction Account	266,115	
Renovate and equip laundry building		
General Fund	23,789	
Remodel and equip		
Ward buildings		318,187
Total (764,504)	446,317	318,187
FOR NORTHERN HOSPITAL		
		From the General Fund
Renovate Denny I		
East Wards		150,779
Total (150,779)		150,779
FOR EASTERN HOSPITAL		
	Reapprop- riations	From the General Fund
Renovate utilities		
(125,468)		
General Fund	25,468	
CEP and RI Account	100,000	
Air-condition Main Ward building		1,005,795
Total (1,131,263)	125,468	1,005,795
FOR LAKELAND VILLAGE		
	Reapprop- riations	
Construct fire escapes on Oak Hall		
General Fund	2,166	
Repair, remodel toilets		

and shower facilities in  
residence halls

General Fund	13,000	
<u>Total (15,166)</u>	<u>15,166</u>	

## FOR RAINIER SCHOOL

Reappropriations

From the  
General Fund

Construct and equip  
laundry building  
addition (272,124)

General Fund	15,073	
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State Building and  
Higher Education

Construction Account	257,051	
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Renovate heating and  
ventilating system

General Fund	16,500	
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Construct and equip  
Vocational-Training  
building

State Building and  
Higher Education

Construction Account	650,000	
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Construct and equip

Volunteer Services

building-"Student Store"

State Building and  
Higher Education

Construction Account	150,000	
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Repair and replace

toilets in buildings	<u>63,677</u>	
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<u>Total (1,152,201)</u>	<u>1,088,624</u>	<u>63,677</u>
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## FOR THE YAKIMA VALLEY SCHOOL.

Reappropriations

From the  
General Fund

Construct and equip three wings for 270 additional beds; remodel kitchen (2,262,222)	General Fund	355,284	
	State Building and Higher Education Construction Account	1,906,938	
Install water softener system	CEP and RI Account	21,635	
Install new elevator			79,455
<u>Total (2,363,312)</u>		<u>2,283,857</u>	<u>79,455</u>

## FOR FIRCREST SCHOOL

## Reappropriations

Construct and equip halfway house (180,016)	General Fund	176,942	
	CEP and RI Account	3,074	
Construct and equip Care and Therapy building	General Fund	2,834,280	
Construct and equip Activities building (543,953)	General Fund	70,000	
	State Building and Higher Education Construction Account	473,953	
Replace Redwood Hall, Phase I	General Fund	2,240,000	
Replace Redwood Hall,			

## Phase II

State Building and Higher  
Education Construction

Account 2,550,000

Total (8,348,249) 8,348,249

## FOR THE INTERLAKE SCHOOL

Reappro-  
priations

From the  
General Fund

Equipment

General Fund 40,000

Replace one passenger

elevator; add new elevator 103,028

Install sun screens 75,740

Total (218,768) 40,000 178,768

## FOR THE OLYMPIC CENTER

Reappro-  
priations

Acquire and remodel former

Harrison Memorial Hospital

General Fund 106,000

Total (106,000) 106,000

## FOR THE PARKS AND RECREATION COMMISSION

Reappro-  
priations

From the  
Outdoor  
Recreation  
Account

From the  
General Fund

Purchase and develop park sites,  
develop boat moorages, group camp  
facilities, historical sites and  
markers, and archeological investi-  
gations: PROVIDED, That 5,000 shall  
be used for remodeling and renovation  
of the George Bush homesite  
(6,412,742)

Outdoor Recreation

Account 390,000 4,898,860 1,123,882

Construct, repair and improve



park facilities including but not limited to trailer dumps, erosion control, preservation, sanitation and water systems (3,788,671)

General Fund	387,000		3,401,671
Purchase Cutts Island			40,000
Develop Mayfield State Park			200,000
Develop and landscape 50-unit camp facilities, Pearrygin State Park			100,000
Develop Steamboat Rock State Park			100,000
Relocation and park protection, Chelan Lake State Park			40,000
Preplanning for schematic plans for new capital projects			145,026
<b>Total (10,826,439)</b>	<b>777,000</b>	<b>4,898,860</b>	<b>5,150,579</b>

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Reappropriations From the Outdoor Recreation Account.

Acquisition and development of recreational facilities--for allocation to agencies other than state agencies: PROVIDED, That the committee shall make no limitation as to a percentage amount which can be spent for site

acquisition or develop-  
ment from any moneys re-  
ceived from the bond  
issue authorized in RCW  
43.99A.020' (section 2,  
chapter 126, Laws of  
1967 ex. sess.) or from  
any other federal or  
other matching funds  
made available to carry  
out the provisions of  
chapter 43.99 RCW

3,150,000

FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

Reappro-  
priations  
From the  
General Fund

From the  
General Fund

Construct tourist infor-  
mation centers at Clarkston,

Oroville and Blaine

78,517

27,279

Total (105,796)

78,517

27,279

FOR THE DEPARTMENT OF WATER RESOURCES

From the  
General Fund

Construct additions to  
ground water observa-  
tion wells

130,000

FOR THE DEPARTMENT OF FISHERIES

Reappro-  
priations  
From the  
General Fund

From the  
General Fund

Construct and improve  
Fish Farms, Rearing  
Ponds, Spawning Channels,  
Hatcheries, Fishway and  
Fish Facilities, Purchase  
Land, Emergency Repairs

to Structures (2,554,126)	1,023,312	1,530,814
Construct and improve Fish Farms, Rearing Ponds, Spawning Channels, Hatch- eries, Fishway and Fish Facilities, Purchase Land, Emergency Repairs to Structures (100% reim- bursable)		375,000
Construct and improve Fish Farms, Rearing Ponds, Spawning Channels, Hatch- eries, Fishway and Fish Facilities, Purchase Land, Emergency Repairs to Structures (50% Reimburs- able) (1,434,439)	774,602	659,837
<u>Total (4,365,565)</u>	<u>1,797,914</u>	<u>2,565,651</u>

## FOR THE DEPARTMENT OF GAME

	Reapprop- riations From the Outdoor Recreation Account	From the Outdoor Recreation Account	From the Game Fund
Purchase and develop land (4,277,528)	350,000	3,327,528	600,000
Repairs and replacement of Fish and Game Protective Facilities			200,000
Construct and equip Fish and Game Protective facil- ities (100% reimbursable)			1,000,000
Construct or purchase and improve headquarters			

buildings, hatcheries, facilities, rearing ponds, game range facili- ties, and brooder houses and pens				781,000
Construct Nisqually fishing area for handicapped				3,685
<u>Total (6,262,213)</u>	<u>350,000</u>	<u>3,327,528</u>		<u>2,584,685</u>

## FOR THE DEPARTMENT OF NATURAL RESOURCES

	Reapprop- riations	From the Fund Designated	From the General Fund
Rights-of-way acquisition, construct honor camp bridges and culverts, timber access road construc- tions, construct scaling stations, lookout towers, improvements to fire protective facilities, construct and equip district headquarters, and con- struct wild life enclosures (1,294,319)			
General Fund	171,754		816,485
Forest Development Account		228,000	
Resources Management Cost Account	28,800	49,280	
Constructing packing shed for large nursery stock General Fund	41,000		
Water development, road construction, land clear- ing and leveling of agri- cultural lands, and range improvements (830,000)			

Resources Management			
Cost Account	80,500	469,500	
Forest Development			
Account		280,000	
Acquire land for recrea- tional areas in forested and water front locations (1,219,163)			
Outdoor Recreation			
Account	282,418	936,745	
Improve Bird Creek Road			
Outdoor Recreation			
Account		80,000	V
Construct and equip storage building for chemicals and equipment			
Resources Management			
Cost Account		14,400	
Construct and provide seed orchard facilities			
Resources Management			
Cost Account		54,000	
<u>Total (3,532,882)</u>	<u>604,472</u>	<u>2,111,925</u>	<u>816,485</u>

FOR THE DEPARTMENT OF AGRICULTURE

	Reappro- priations From the General Fund	From the General Fund
Construct machine shed at Moxee City quarantine station (7,000)	3,850	3,150

FOR THE AERONAUTICS COMMISSION

		From the General Fund
Construct and improve emergency airports		84,000

## FOR THE CAPITOL COMMITTEE

Reappro-  
priations

Construction, remodeling,  
and furnishing of capitol  
office buildings, parking  
facilities, Governor's  
Mansion, such other build-  
ings and facilities as neces-  
sary for the legislature  
and for such other state  
agencies as may be necessary

State Building Con-

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 struction Account 300,000
 

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## FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Reappro-  
priations

Construct new wing to  
Museum Building

State Building and

Higher Education

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 Construction Account 338,076
 

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NEW SECTION. Sec. 2. Chapter 162, Laws of 1967, requires that all land acquired for the purpose of erecting a building thereon and buildings to be constructed by the state building authority for lease to the appropriate institution of higher learning shall be specifically approved by the Legislature. Accordingly, legislative approval is hereby granted for the capital projects listed below for each institution of higher learning. In order to expedite the construction of the projects authorized by this section, the State Treasurer, with the consent of the Finance Committee, may make temporary loans to the construction fund of the building authority from funds in the State Treasury in the manner prescribed for interfund loans, generally.

FOR THE UNIVERSITY OF WASHINGTON

Construct and equip Health Sciences expansion.....	\$	2,000,000
Construct and equip Undergraduate Library.....	\$	3,389,288
Construct and equip Zoology Research building.....	\$	3,700,000
University Hospital expansion.....	\$	4,076,000
FOR WASHINGTON STATE UNIVERSITY		
Construct and equip Humanities Building-Phase I.....	\$	4,492,800
Construct and equip Agricultural Sciences Building- Phase II.....	\$	2,399,119
Construct and equip Physical Sciences Building- Phase II.....	\$	3,626,350
FOR EASTERN WASHINGTON STATE COLLEGE		
Construct and equip Health and Physical Education Building.....	\$	2,825,000
Construct and equip Classroom building.....	\$	1,732,000
Construct and equip Plan Services building.....	\$	337,160
FOR CENTRAL WASHINGTON STATE COLLEGE		
Construct and equip Library-Instructional Complex....	\$	1,000,000
Construct and equip Psychology laboratory and office building.....	\$	2,685,997
Construct and equip Physical Plant building.....	\$	912,000
FOR THE EVERGREEN STATE COLLEGE		
Construction of Library, Classroom, Heating Plant and other buildings.....	\$	22,260,937
FOR WESTERN WASHINGTON STATE COLLEGE		
Construct and equip Library Addition-Phase III.....	\$	1,224,400
Construct and equip Northwest Environmental Studies Center.....	\$	3,966,300
Construct Heating Plant addition.....	\$	772,700
PROVIDED, HOWEVER, That if the Higher Education Facilities Commission recommends to the U. S. Office of Education on or before July 1, 1969, a grant of funds under Title I, section 104, Higher Education Facilities Act of 1963, for construction of the library building of The Evergreen State College in an amount greater than \$555,813, which in-		

crease over and above the aforesaid \$555,813 shall for the purpose of this proviso be known as the "addition to grant" then:

(1) the sum of \$3,389,288 hereinabove approved for the construction and equipping of the Undergraduate Library at the University of Washington shall be increased by the amount of such "addition to grant," except that in no event shall legislative approval for such project exceed the sum of \$5,084,000; and

(2) the sum of \$22,260,937 hereinabove approved for the construction and equipping of the Library, Classroom, Heating Plant and other buildings at The Evergreen State College shall be reduced by the amount of such "addition to grant," except that in no event shall legislative approval for such projects be less than \$20,416,750.

NEW SECTION. Sec. 3. The words "capital improvements" or "capital projects" used herein shall mean acquisition of sites, easements, right of way or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition or major alterations of new or presently owned capital assets.

NEW SECTION. Sec. 4. 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 appropriation made herein.

NEW SECTION. Sec. 5. 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 six 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 1971-73 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.



NEW SECTION. Sec. 6. 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.

NEW SECTION. Sec. 7. Reappropriations shall be limited to the unexpended balances remaining June 30, 1969, in the current appropriation for each project.

NEW SECTION. Sec. 8. The Governor, through the Budget Director may authorize 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.

NEW SECTION. Sec. 9. 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.

NEW SECTION. Sec. 10. Whenever possible funds from other available sources shall be used to finance projects for which General Fund appropriations are made in this Act.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health and safety, for the support of state government and its existing public institutions, and

shall take effect immediately.

Passed the Senate May 10, 1969

Passed the House May 10, 1969

Approved by the Governor May 23, 1969, with the exception of certain items in Section 1 which are vetoed

Filed in office of Secretary of State May 23, 1969

NOTE: Governor's explanation of partial veto is as follows:  
"...The appropriation for the board of education in the capital budget provides from the common school construction fund the sum of \$37,004,427. This amount was also appropriated in Senate Bill No. 737. Therefore, I am removing this duplication by vetoing this item.

In the capital appropriation to the Department of Natural Resources an item of \$80,000 from the Outdoor Recreation Account is included to improve Bird Creek road. This project was never submitted to or considered by the Inter-agency Committee on Outdoor Recreation although procedures are established whereby its priorities are determined. This priority system is endangered by this line item appropriation of funds from the outdoor recreation account. I have therefore vetoed this item.

The remainder of the bill is approved."

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CHAPTER 281

[Engrossed Substitute Senate Bill No. 724]

HIGHWAYS

AN ACT Relating to highways and the operation of vehicles thereon; describing powers and duties of the Washington state highway commission, the Washington toll bridge authority, the department of motor vehicles and the joint committee on highways together with the divisions of said agencies; providing for the designation, establishment, and construction of certain highway facilities and alternate routes; relating to ferries and other toll facilities and the financing thereof; providing for surveys and studies of proposed highway additions; providing for highway studies; prescribing fees, size, weight, load permits, fuel tax exemptions and equipment restrictions for certain motor vehicles; and relating to the licensing of drivers and vehicles; amending section 47.16.020, chapter 13, Laws of 1961 and RCW 47.16.020; amending section 2, chapter 85, Laws of 1967 ex. sess. and RCW 47.39.020; amending section 47.16.050, chapter 13, Laws of 1961 as amended by section 14, chapter

145, Laws of 1967 ex. sess. and RCW 47.16.050; amending section 47.20.200, chapter 13, Laws of 1961 and RCW 47.20.200; amending section 47.20.390, chapter 13, Laws of 1961 and RCW 47.20.390; amending section 7, chapter 134, Laws of 1969; amending section 46.37.160, chapter 12, Laws of 1961 as amended by section 1, chapter 154, Laws of 1963 and RCW 46.37.160; amending section 82.36.280, chapter 15, Laws of 1961 and RCW 82.36.280; amending section 82.40.010, chapter 15, Laws of 1961, as amended by section 1, chapter 196, Laws of 1967 and RCW 82.40.010; amending section 46.68.030, chapter 12, Laws of 1961 as last amended by section 8, chapter 99, Laws of 1969 and RCW 46.68.030; amending section 35.84.060, chapter 7, Laws of 1965 and RCW 35.84.060; amending section 82.36.275, chapter 15, Laws of 1961 as last amended by section 1, chapter 86, Laws of 1967 and RCW 82.36.275; amending section 82.40.047, chapter 15, Laws of 1961 as last amended by section 2, chapter 86, Laws of 1967 and RCW 82.40.047; amending section 82.40.046, chapter 15, Laws of 1961 and RCW 82.40.046; amending section 46.44.091, chapter 12, Laws of 1961 and RCW 46.44.091; amending section 46.44.096, chapter 12, Laws of 1961 and RCW 46.44.096; amending section 19, chapter 106, Laws of 1963 and RCW 46.85.190; amending section 5, chapter 156, Laws of 1965 and RCW 46.01.050; amending section 117, chapter 32, Laws of 1967 and RCW 46.01.055; amending section 7, chapter 140, Laws of 1967 as last amended by section 1, chapter 42, Laws of 1969 1st ex. sess. and RCW 46.12.101; amending section 4, chapter 42, Laws of 1969 1st ex. sess.; amending section 7, chapter 42, Laws of 1969 1st ex. sess.; amending section 8, chapter 42, Laws of 1969 1st ex. sess.; amending section 12, chapter 42, Laws of 1969 1st ex. sess.; amending section 5, chapter 42, Laws of 1969 1st ex. sess.; amending section 2, chapter 42, Laws of 1969 1st ex. sess.; amending section 15, chapter 155, Laws of 1965 ex. sess. as amended by section 58, chapter 145, Laws of 1967 ex. sess.

and RCW 46.61.100; amending section 46.37.430, chapter 12, Laws of 1961 and RCW 46.37.430; amending section 1, chapter 36, Laws of 1909 as amended by section 1, chapter 73, Laws of 1931, and RCW 9.61.120; amending section 3, chapter 85, Laws of 1967 and RCW 9.66.070; amending section 2, chapter 52, Laws of 1965 ex. sess. and RCW 46.61.650; and amending section 46.44.095, chapter 12, Laws of 1961 as last amended by section 15, chapter 94, Laws of 1967 ex. sess. and RCW 46.44.095; adding new sections to chapter 13, Laws of 1961 and to chapter 47.16 RCW; adding new sections to chapter 42, Laws of 1969 1st ex. sess. and to chapter 46.52 RCW; adding a new section to chapter 169, Laws of 1963 and to chapter 46.29 RCW; repealing section 24, chapter 145, Laws of 1967 ex. sess.; repealing section 9, chapter 209, Laws of 1961 and RCW 47.56.664; amending section 15, chapter 142, Laws of 1915 as last amended by section 1, chapter 118, Laws of 1967 ex. sess. and RCW 46.16.070; adding new sections to chapter 12, Laws of 1961 and chapter 46.04 RCW; amending section 46.44.092, chapter 12, Laws of 1961 as last amended by section 39, chapter 170, Laws of 1965 ex. sess. and RCW 46.44.092; amending section 40, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.290; making appropriations; providing penalties; providing effective dates; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. The joint committee on highways and the Washington state highway commission shall jointly consider the following proposed highway additions by undertaking appropriate studies and surveys as may be necessary to accomplish an evaluation with respect to their being a part of the modern integrated state highway system. Unless otherwise provided, the study shall be completed by September 1, 1970.

(1) A new highway connection from primary state highway No. 2 (SR 522) in the vicinity of Kenmore in a generally northerly direction to a junction with primary state highway No. 1 (SR 5) in the

vicinity of Swamp Creek, or to a junction with primary state highway No. 1 (SR 405) in the vicinity of Swamp Creek. Consideration shall be given to the further extension of said highway to proposed primary state highway No. 19 (SR 605). The study shall consider whether such a connecting highway should be designated a state highway or county road.

(2) An extension to primary state highway No. 12 from the interstate bridge at Point Ellice easterly along the Columbia River via Altoona to a junction with primary state highway No. 12 at Skamokawa.

(3) The acquisition by the Washington state highway commission or Washington toll bridge authority of all the properties and facilities on the Puget Island-Westport ferry system now owned by Wahkiakum county for the purposes of adding such ferry crossing from the south side of Puget Island to a point in the vicinity of Westport, Oregon as an extension of secondary state highway No. 12F (SR 409).

(4) An extension of secondary state highway No. 11 (SR 525) from the Broadway interchange on FAI 5, easterly to a connection with secondary state highway No. 1A, thence northerly on secondary state highway No. 1A to primary state highway No. 2 in Snohomish.

NEW SECTION. Sec. 2. The Washington state highway commission is directed to apply for federal aid interstate matching funds to reconstruct the existing partial interchange at the junction FAI 5 and South 72nd street in the city of Tacoma to a full interchange facility. In the event federal matching funds become available to pay ninety percent of the cost of said project the highway commission is authorized to construct said interchange facility as soon as feasible.

NEW SECTION. Sec. 3. The Washington state highway commission is directed to apply for federal aid interstate matching funds to construct an interchange at the junction of FAI 5 and Marvin Road in Thurston county. In the event federal matching funds become available to pay ninety percent of the cost of said project the highway commis-

sion is authorized to construct said interchange as soon as feasible.

NEW SECTION. Sec. 4. The Washington state highway commission is directed to undertake a comprehensive study with surveys as may be necessary with respect to improvement of old U.S. 99, primary state highway No. 1 (FAI 5), SR 167 and SR 181, between south 348th street on the south and SR 518 and FAI 405 on the north, in King county. The study shall consider the feasibility of improving the above-named highway facilities to provide for the vehicle carrying capacity necessary to accommodate the total projected traffic volumes between Seattle and Tacoma through and within the study area through 1990. Such study shall include a study of the relocation of sign route 509 upon the present right-of-way of U. S. highway 99 between Midway, Washington and south 348th street in King county.

The commission shall hold a public hearing within the general area of the study to determine the desirability of said improvements. Notice of the hearing shall be given to King county and shall be published in all newspapers of general circulation in south King county not less than thirty days prior to the date of hearing. At the hearing any representative of the county or of any community organizations or any other person may appear and be heard even though such official or person or organization is not an abutting property owner.

The highway commission shall report its recommendations developed from this study to the next regular session of the legislature.

Sec. 5. Section 47.16.020, chapter 13, Laws of 1961, and RCW 47.16.020 are each amended to read as follows:

A primary state highway to be known as primary state highway No. 2, or the Sunset highway, is hereby established according to the description as follows: Beginning at the intersection of the west approach to the Lake Washington bridge at Rainier Avenue in Seattle in King county, thence in an easterly direction by the most feasible route by way of the Lake Washington bridge and approaches crossing Lake Washington and Mercer Island to the east shore of Lake Washing-

ton, thence in an easterly direction by the most feasible route by way of North Bend, Snoqualmie Pass, Cle Elum, Blewett Pass, Wenatchee, Waterville, Wilbur, Davenport and Spokane to the Washington-Idaho boundary line; also beginning at Seattle in King county, thence in an easterly direction by the most feasible route by way of Renton to a junction with primary state highway No. 2, as herein described, in the vicinity of Issaquah; also beginning at Seattle in King county, thence in an easterly direction by the most feasible route to the north of Lake Washington to a junction with primary state highway No. 2, as herein described, in the vicinity west of Snoqualmie Pass; also from a junction at a point approximately four miles west of North Bend in a general southwesterly direction by the most direct and feasible route by way of Auburn to a junction with state road No. 1 in the vicinity of Milton, thence westerly to a junction with secondary state highway No. 1-V in the vicinity of northeast Tacoma.

Sec. 6. Section 2, chapter 85, Laws of 1967 ex.sess. and RCW 47,39.020 are each amended to read as follows:

The following portions of highways are designated as part of the scenic and recreational highway system:

(1) Primary state highway No. 2, or the Sunset highway, beginning at the CMSTPP Railroad overcrossing, highway department designation 2/609.5S, approximately 2.3 miles southeast of North Bend, thence in an easterly direction by the most feasible route by way of Snoqualmie Pass to the Cle Elum River bridge, highway department designation 2/510N, approximately 2.6 miles west of Cle Elum ((-));

(2) Primary state highway No. 3, or the Inland Empire Highway, beginning at the upper Wilson Creek Bridge, highway department designation 3/1003, approximately 33.4 miles north of Yakima, thence southerly by the most feasible route to the Selah-Moxee Canal bridge, highway department designation 3/910, approximately 5.4 miles north of Yakima ((-));

(3) Primary state highway No. 1, or the Pacific highway be-

ginning at Nugent's bridge over the Nooksack river, highway department designation 1AP/24, approximately 7.7 miles northeast of Bellingham, thence in an easterly direction to a point in the vicinity of Austin Pass in Whatcom county;

(4) Primary state highway No. 3, or the Inland Empire highway, beginning at the Northern Pacific Railroad bridge, highway department designation 3/606, approximately 3.4 miles west of Dixie, thence in a northerly direction by the most feasible route by way of Dayton to a junction with primary state highway No. 3 in the vicinity of Dodge; 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 to a junction with a county road 2.38 miles west of a junction with primary state highway No. 3 in Clarkston; also beginning at the north end of the Mill Creek bridge, highway department designation 3/103, in the vicinity of Colville on primary state highway No. 3, then to a junction with secondary state highway No. 3P in the vicinity of the Kettle Falls bridge; also beginning at the upper Wilson Creek bridge, highway department designation 3/1003, approximately 33.4 miles north of Yakima, thence southerly by the most feasible route to the Selah-Moxee Canal bridge, highway department designation 3/910, approximately 5.4 miles north of Yakima;

(5) Primary state highway No. 4, or the Tonasket-San Poil highway, beginning at the Keller Ferry slip on the north side of Roosevelt Lake, thence in a northerly direction by the most feasible route to the Granite Creek bridge, highway department designation 4/9.75, approximately fifty-four miles north of the Keller Ferry;

(6) Primary state highway No. 6, or the Newport highway, beginning at Newport, thence in a northerly direction to a junction with secondary state highway No. 6A in the vicinity of Tiger;

(7) Primary state highway No. 7, or the North Central highway beginning at the point on primary state highway No. 7, as described in RCW 47.16.070, in the vicinity of Soap Lake, thence in a northerly



direction by the most feasible route to a junction with primary state highway No. 2 west of Coulee City;

(8) Primary state highway No. 8, or the Evergreen highway, beginning at the Gibbons Creek bridge, highway department designation 8/302, approximately 0.9 miles east of Washougal, thence in an easterly direction by way of Stevenson to a junction with primary state highway No. 8 in the vicinity of Maryhill; 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 easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth;

(9) Primary state highway No. 9, or the Olympic highway, beginning at the west end of the Black Lake road overcrossing in the vicinity of Olympia, thence in a westerly direction by way of Elma and Montesano to a junction with a county road approximately 2.82 miles west of the west end of the Wynooche River bridge, highway department designation 9/435, approximately 1.2 miles west of Montesano; also beginning at a junction with secondary state highway No. 9C, in the vicinity of Queets, thence in a northeasterly direction by way of Forks to the west boundary of the Olympic National Park in the vicinity of Lake Crescent; also beginning at Sequim Bay State Park, thence in a southerly direction to a junction with Airport Road north of Shelton; also beginning at a junction with a county road 2.64 miles south of the junction of primary state highway No. 9 with secondary state highway 14A in Shelton; thence in a southerly direction to a junction with primary state highway No. 9 in the vicinity west of Olympia;

(10) Primary state highway No. 11, or the Columbia Basin highway, beginning at a junction with secondary state highway No. 11G in the vicinity of Eltopia, thence in a southerly direction to the Northern Pacific Railroad overcrossing, highway department desig-

nation 11/301, approximately 2.6 miles north of Pasco;

(11) Primary state highway No. 16, or the North Cross State highway, beginning in the vicinity of Pateros on primary state highway No. 10, thence in a northerly and westerly direction by the most feasible route by way of Twisp, Diablo Dam, Marblepount and Concrete to the Hansen Creek bridge, highway department designation 16/271, approximately 6.0 miles west of Lyman(+);

(12) Secondary state highway No. 1D, beginning at a junction with primary state highway No. 1 in the vicinity southeast of Anacortes, thence southerly by way of Deception Pass, to a junction with Torpedo Road in the vicinity northeast of Oak Harbor; also beginning at a junction with Miller Road in the vicinity southwest of Oak Harbor, thence southeasterly to a junction with Sherman Road in the vicinity west of Coupeville; also beginning at a junction with Rhododendron Road in the vicinity east of Coupeville, thence southeasterly to a junction with Maxwellton Road in the southern portion of Whidbey Island; also beginning at a junction with secondary state highway No. 1D, as herein described, in the vicinity easterly of the Keystone ferry slip, thence westerly to the Keystone ferry slip;

(13) Secondary state highway No. 1R, beginning at a junction with primary state highway No. 1 in the vicinity north of Castle Rock, thence in an easterly direction by way of St. Helens and Spirit Lake to Mt. St. Helens;

(14) Secondary state highway No. 2F, beginning at a junction with primary state highway No. 2 in the vicinity north of Coulee City, thence in a northeasterly direction to the boundary of the federal reservation at the Grand Coulee Dam;

(15) Secondary state highway No. 3P, beginning at a junction with primary state highway No. 3 at the west end of the Kettle Falls bridge over the Columbia river, highway department designation 3/5, thence in a westerly direction to a junction with secondary state highway No. 4A east of Republic;

(16) Secondary state highway No. 6A, beginning at Tiger on

primary state highway No. 6, thence in a southwesterly direction by the most feasible route to a junction with a county road 2.76 miles east of a junction with primary state highway No. 3 in Colville;

(17) Secondary state highway No. 9A, beginning in the vicinity of Laird's Corner on highway No. 9, thence in a westerly direction to Neah Bay ((-));

(18) Secondary state highway 9C, beginning at a junction with a county road 3.01 miles northwest of the junction with primary state highway No. 9 in Hoquiam, thence in a northwesterly direction by way of Ocean City, Copalis, Pacific Beach, and Moclips to a junction with primary state highway No. 9 in the vicinity of Queets;

(19) Secondary state highway No. 9E, beginning at a junction with primary state highway No. 9 in the vicinity south of Discovery Bay, thence in a southeasterly direction to the vicinity of Shine on Hood Canal((-));

(20) Secondary state highway No. 11G, beginning in the vicinity of Eltopia on primary state highway No. 11, thence in a northwesterly direction to the south end of the overcrossing of primary state highway No. 18 in the vicinity of Moses Lake; also beginning at a junction with Grape Drive in the vicinity of Moses Lake, then northwesterly to a junction with primary state highway No. 7 in the vicinity of Soap Lake;

(21) 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;

(22) Secondary state highway No. 13A, beginning at Raymond on primary state highway No. 13, thence in a westerly direction by the most feasible route by way of Tokeland, North Cove to the shore of Grays Harbor north of Westport; also beginning at Aberdeen on primary state highway No. 13, thence in a southwesterly direction by the most feasible route to a junction with secondary state highway No. 13A in the vicinity south of Westport((-));

(23) Secondary state highway 10A beginning at a junction with a county road 2.07 miles north of the junction with 12th street in Elmer city; thence in a northwesterly direction to the west end of the Omak Creek bridge east of Omak((-));

(24) Secondary state highway 3L, beginning at a junction with primary state highway 3 in the vicinity of Dayton, thence in a northeasterly direction by way of Whetstone and Marengo to a junction with primary state highway 3 west of Pomeroy ((-));

(25) Primary state highway No. 21 on the Kitsap Peninsula highway beginning with a junction with primary state highway No. 9 in the vicinity of Union; thence northeasterly to a junction with Arsenal Way south of Bremerton; also beginning with Carr Boulevard north of Bremerton, thence northeasterly to Port Gamble((-));

(26) Primary state highway No. 3, or the Inland Empire Highway, beginning at Teanaway Junction at mile 0.0, thence in an easterly direction by the most feasible route to the junction with the off-ramp of Interstate 90 at the west end of Ellensburg, mile 20.0. The scenic and recreational qualities of this highway shall be preserved by the highway commission by setting a maximum speed substantially less than that authorized by RCW 46.61.400. The commission may prescribe different maximum speeds for different sections of such highway;

(27) Primary state highway No. 15, the Stevens Pass highway, beginning at Woods Creek Bridge (bridge <sup>15</sup>216 at the east city limits of Monroe, thence in an easterly direction by way of Stevens Pass to a junction with primary state highway No. 2 in the vicinity of Peshastin;

(28) Mt. Spokane Park Drive, commencing at intersection with primary state highway No. 195 located near north line of section 3, township 26, range 43, thence northeasterly to a point in section 28, township 28, range 45 at the entrance to Mt. Spokane State Park.

Sec. 7. Section 47.16.050, chapter 13, Laws of 1961, as amended by section 14, chapter 145, Laws of 1967 ex. sess., and RCW 47-

.16.050 are each amended to read as follows:

A primary state highway to be known as primary state highway No. 5, or the National Park highway, is established as follows: Beginning at Seattle, thence in a southerly direction by way of Bryn Mawr and the vicinity of Renton on primary state highway No. 2, thence in a southerly direction to ((Auburn)) primary state highway No. 2 in Auburn, thence in an easterly direction on primary state highway No. 2 to an interchange with the Auburn Black Diamond Road in the vicinity of Auburn, thence southerly to an intersection with Southeast 356th Street in the vicinity of the Auburn Academy, thence in a southeasterly direction by way of Enumclaw and Chinook Pass to Yakima on primary state highway No. 3; also beginning at a junction with primary state highway No. 1 in the vicinity south of Chehalis; thence in an easterly direction by way of Morton and White Pass to a junction with primary state highway No. 5, northwest of Yakima; also beginning at Tacoma on primary state highway No. 1, thence in a southerly direction by way of Elbe, thence in an easterly direction to a southwest entrance to Mount Rainier National Park; also beginning at Elbe on primary state highway No. 5, thence in a southerly direction to a junction with primary state highway No. 5, in the vicinity of Morton; also beginning at Enumclaw on primary state highway No. 5, thence in a southerly direction to a northwest entrance to Mount Rainier National Park; also beginning at Auburn on primary state highway No. 5, thence in a southerly direction by way of Sumner, thence in a westerly direction to Tacoma on primary state highway No. 1; also beginning at a junction with primary state highway No. 5, in the vicinity west of Chinook Pass, thence in a southerly direction to a junction with primary state highway No. 5, in the vicinity west of White Pass; also beginning at Sumner on primary state highway No. 5, and thence in an easterly direction to a junction with primary state highway No. 5, in the vicinity of Buckley; also beginning at Enumclaw on primary state highway No. 5, thence in a northwesterly direction by way of Summit to a junction with primary state highway No. 2, in the vicinity of Renton; also be-

ginning at a point on primary state highway No. 5, in the vicinity of the junction of the Greenwater and White rivers, thence in an easterly direction to a junction with primary state highway No. 5, in the vicinity north of Cliffdell. At such time that the section of primary state highway No. 5, between its intersection with the Auburn Black Diamond Road and its intersection with Southeast 356th Street, is constructed and open to traffic, that section of primary state highway No. 5, between Southeast 356th Street in Auburn and the intersection of primary state highway No. 2 and "C" Street, Northeast in Auburn, will be certified back to the local agencies.

Sec. 8. Section 47.20.200, chapter 13, Laws of 1961 and RCW 47.20.200 are each amended to read as follows:

Secondary state highways as branches of primary state highway No. 3 are established as follows:

Secondary state highway No. 3G; beginning at a junction with primary state highway No. 3 in the vicinity of Colton thence in a southerly and easterly direction by way of Steptoe Canyon to a junction with primary state highway No. 3 in the vicinity of Clarkston: PROVIDED, That until such time as secondary state highway No. 3G between Colton and Clarkston is actually constructed on the location adopted by the highway commission no existing county roads shall be maintained or improved by the highway commission as a temporary route of said secondary state highway No. 3G;

Secondary state highway No. 3H; beginning at a junction with primary state highway No. 2 in the vicinity of Opportunity, thence in a southerly direction by way of Rockford, Fairfield, Latah, and Tekoa to Oakesdale on primary state highway No. 3; also beginning at Tekoa on secondary state highway No. 3H, thence in an easterly direction to the Washington-Idaho boundary line.

Sec. 9. Section 47.20.390, chapter 13, Laws of 1961 and RCW 47.20.390 are each amended to read as follows:

Secondary state highways as branches of primary state highway No. 10, are hereby established according to designation and descrip-

tion as follows:

Secondary state highway No. 10A; beginning at Omak on primary state highway No. 10, thence in a southeasterly direction by the most feasible route by way of Disautel and Nespelem to the boundary of the federal reservation at the Grand Coulee dam; also beginning at Omak on primary state highway No. 10 (SR 97), thence in a northwesterly direction crossing the Okanogan river to a junction with primary state highway No. 16 (SR 20) at Omak;

Secondary state highway No. 10B; beginning at a junction with primary state highway No. 10 east of Bridgeport, thence in an easterly direction by the most feasible route to the boundary of the federal reservation at the Grand Coulee dam; also, a spur beginning at a junction with secondary state highway No. 10B in the vicinity of the boundary of the federal reservation at the Grand Coulee dam and extending to Crown Point; also beginning at a junction with secondary state highway No. 10B, as herein described, in the vicinity of Leahy, thence in a southwesterly direction by the most feasible route by way of Mansfield to a junction with primary state highway No. 2 in the vicinity of Waterville;

From June 7, 1951, and until construction of the extension of secondary state highway No. 10B is completed, the highway commission of the state shall assume control and maintenance of the existing county road running from Sims Corner through Mansfield and south to the junction at Farmer.

NEW SECTION. Sec. 10. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1971, the sum of nine hundred fifty-five thousand dollars, or so much thereof as may be necessary for the location and acquisition of right of way for a parkway connection from primary state highway No. 9 northerly to the southerly boundary of The Evergreen State College campus. the parkway connection shall have full access control and may include right of way up to a maximum of five hundred feet in width where required to provide desirable

aesthetic and joint-usage features.

NEW SECTION. Sec. 11. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1971, the sum of one million one hundred fifty thousand dollars, or so much thereof as may be necessary for the design, location and construction of the first stage of an ultimate one-way couplet to provide access to the east capitol campus in the city of Olympia. Said access shall extend from 7th avenue and Adams street southeasterly to Jefferson street in the vicinity of 8th avenue, thence along Jefferson street southerly to Maple Park, together with necessary improvements to Maple Park and 11th avenue from Jefferson street westerly to Capitol Way.

NEW SECTION. Sec. 12. During the next several years major state highway reconstruction and improvement will be in progress in the Kelso-Longview area. At certain times during this construction work it will be necessary to route state oriented traffic over the Allen Street bridge in Kelso. This structure cannot tolerate additional traffic loads without immediate necessary repairs. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1971, the sum of sixty-five thousand dollars, or so much thereof as may be necessary for the repairs necessary to maintain the structural integrity of the Allen Street bridge in Kelso. Upon the completion of repairs, said bridge shall remain part of the city street system and maintenance thereof shall thereafter be the responsibility of the city of Kelso.

NEW SECTION. Sec. 13. There is added to chapter 13, Laws of 1961 and to chapter 47.16 RCW a new section to read as follows:

Notwithstanding any other provision of law, that part of SR 528 formerly primary state highway No. 1 (Pacific Highway), between the northerly city limits of Everett and the southerly city limits of Marysville and that part of primary state highway No. 1 (Pacific Highway) from the Broadway junction with FAI 5 in Everett south to



Midway shall remain a part of the state highway system until July 1, 1971.

That part of former primary state highway No. 1 (Pacific Highway) from Midway south to Tacoma shall be reinstated as part of the state highway system.

The joint committee on highways and the Washington state highway commission shall undertake appropriate studies to evaluate these portions of former primary state highway No. 1 (Pacific Highway), to determine whether or not they should permanently remain on the state highway system.

NEW SECTION. Sec. 14. The state highway commission is authorized and directed to expend for maintenance of the Puget Island-Westport ferry a sum of one thousand dollars per month for the biennium ending June 30, 1971 for operation of said ferry as a temporary alternate route. The monthly payments provided for herein shall be approved by the state highway commission and disbursed by warrant to the county of Wahkiakum.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1971 the sum of twenty-four thousand dollars or so much thereof as may be necessary to carry out the provisions of this section.

NEW SECTION. Sec. 15. The joint committee on highways and the Washington state highway commission, King county, Snohomish county, the city of Everett, and the Puget Sound governmental conference are authorized and directed to conduct jointly all studies and surveys, including traffic studies necessary to determine state transportation facilities required in southern Snohomish county and the area immediately adjacent thereto in northern King county to meet existing and projected traffic through 1990. The commission shall utilize all prior surveys and reports heretofore made concerning highway and transportation needs within the study area. The study shall include an evaluation of the present and projected traffic in the vicinity of the Edmonds Community College. This phase of the

study shall consider the road and highway improvements required to assure a free flow of traffic within the area.

The study participants and any consultants engaged by them pursuant to this section shall present all studies and surveys to the local governments affected for advisory review at appropriate stages of completion of such studies and surveys. Upon completion of such studies the study participants shall report their findings and recommendations to the joint committee on highways.

The joint committee on highways and the Washington state highway commission together shall not incur more than one-third of the cost of the study authorized in this section.

NEW SECTION. Sec. 16. The Washington state highway commission is hereby authorized and directed to make or cause to be made studies of the feasibility of and justification for the following proposed highway improvements:

(1) The construction of a foot and bicycle crossing of primary state highway No. 3 from Canal Drive in the city of Kennewick to the eastern portion of Columbia Park and construction of a foot and bicycle crossing of primary state highway No. 3 from the most feasible location in the city of Kennewick to the western portion of Columbia Park in the vicinity of Camp Kiwanis.

(2) Construction of a pedestrian crossing separation structure in the city of Seattle in the vicinity of FAI 5 and Roanoke street. The commission shall utilize all prior surveys and studies relating to such a facility prepared by the city of Seattle.

(3) The construction of a pedestrian crossing across FAI 5 in the vicinity of 4th street within the city of Blaine.

(4) The widening of Guide Meridian road (U. S. 99 Alternate) to a four lane highway from FAI 5 at Bellingham city limits to the junction at Pole road (SR 544).

(5) The construction of an exit from the east bound lanes of FAI 90 at the Beverly Burke road in the vicinity of George.

(6) The improvement of secondary state highway No. 9C (SR

109) from Hoquiam to the ocean beaches in the vicinity of Ocean City, taking into account the marked increase in recreational travel over said highway.

NEW SECTION. Sec. 17. There is appropriated to the Washington state highway commission from the motor vehicle fund for the biennium ending June 30, 1971, the sum of ten thousand dollars, or so much thereof as may be necessary for the conduct of studies and surveys, including a traffic study, of the feasibility of the construction of a toll bridge across the Columbia River in the vicinity of the northern part of Richland so as to permit a highway connection between the Hanford highway (SR 240) and FAI 82 near Pasco. Expenditures made pursuant to this appropriation shall be considered as a loan from the motor vehicle fund to be repaid to said fund from the proceeds from the subsequent sale of any bonds issued to finance the bridge project. To the extent feasible, the results of previous studies shall be considered in preparing this feasibility study.

Sec. 18. Section 7, chapter 134, Laws of 1969 is amended to read as follows:

In the event funds are not available from the grade crossing protective fund, the commission shall apportion to the parties on the basis of the benefits to be derived by the public and the railroad, respectively, that part of the cost which would otherwise be assigned to the fund: PROVIDED, That in such instances the city, town, county or state shall not be assessed more than sixty percent of the total cost of installation on other than federal aid designated highway projects: AND PROVIDED FURTHER, That in such instances the entire cost of maintenance shall be apportioned to the railroad.

NEW SECTION. Sec. 19. There is created in the Washington state highway commission a division of urban transportation which shall be responsible for coordinating state, regional and local transportation planning in cooperation with (1) regional planning agencies created pursuant to chapter 36.64 and 36.70 RCW, (2) cities and counties in major metropolitan areas, (3) metropolitan municipal

corporations, and (4) port districts operating either ports for water shipping or airports. The urban transportation division shall further be responsible for administering transportation planning and research grants to regional agencies and to cities and counties in major metropolitan areas. The urban transportation division shall have primary responsibility for coordinating the development of balanced transportation plans including, as appropriate, state highways, city and county arterials, bus and rail transit within major urban areas of the state.

v- Each municipality when levying the special one percent excise tax on motor vehicles as authorized by chapter , Laws of 1969 1st extraordinary session (E. H. B. 641), shall transmit to the division of urban transportation full information regarding the amount of such tax revenues budgeted to be collected in the ensuing calendar year, the amount of locally generated tax revenues to be collected for public transportation in such year and the purposes for which such revenues will be expended in reasonable detail. The division of urban transportation shall from time to time review the expenditures of such vehicle excise taxes by municipalities to determine whether the intent of chapter , Laws of 1969 1st extraordinary session (E. H. B. 641) is being fully complied with.

The highway commission may in its discretion assign to the division of urban transportation responsibility for administration of the urban arterial board.

NEW SECTION. Sec. 20. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1971, the sum of twenty-five thousand dollars, or so much thereof as may be necessary for the landscaping of the north approach to the Port Washington Narrows bridge on primary state highway No. 21 (SR 303) in the city of Bremerton. Upon the completion of the work, the maintenance thereof shall thereafter be the responsibility of the city of Bremerton.

NEW SECTION. Sec. 21. There is added to chapter 169, Laws

of 1963 and to chapter 46.29 RCW a new section to read as follows:

Any person whose driver's license or other privilege to operate a motor vehicle has been suspended or revoked and restoration thereof or issuance of a new license is contingent upon the furnishing of proof of ability to respond in damages and who in the absence of full authorization from the director, drives a motor vehicle upon any highway 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.

Sec. 22. Section 46.37.160, chapter 12, Laws of 1961 as amended by section 1, chapter 154, Laws of 1963 and RCW 46.37.160 are each amended to read as follows:

(1) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry shall at all times mentioned in RCW 46.37.020 be equipped with two single-beam or multiple-beam head lamps meeting the requirements of RCW 46.37.220 or 46.37.250, respectively, or, as an alternative, RCW 46.37.260, and at least two red lamps visible when lighted from a distance of not less than one thousand feet to the rear; and at least two red reflectors visible from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps.

(2) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in RCW 46.37.020 be equipped with lamps as follows:

(a) The farm tractor element of every such combination shall be equipped as required in subsection (1) of this section.

(b) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped on the rear with two red lamps visible when lighted from a distance of not less than one thousand feet to the rear, and two red reflectors visible to the rear from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps.

(c) Said combinations shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible when lighted from a distance of not less than one thousand feet to the front. This lamp shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the combination carrying it.

(3) The two red lamps and the two red reflectors required in the foregoing subsections of this section on a self-propelled unit of farm equipment or implement of husbandry or combination of farm tractor and towed farm equipment shall be so positioned as to show from the rear as nearly as practicable the extreme width of the vehicle or combination carrying them.

(4) After January 1, 1970, every farm tractor and every self-propelled unit of farm equipment or implement of husbandry designed for operation at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem mounted on the rear except as provided in subsection (5).

(5) After January 1, 1970, every combination of farm tractor and towed farm equipment or towed implement of husbandry normally operating at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem as follows:

(a) Where the towed unit is sufficiently large to obscure the slow moving vehicle emblem on the farm tractor, the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem.

(b) Where the slow moving vehicle emblem on the farm tractor unit is not obscured by the towed unit, then either or both may be equipped with the required emblem but it shall be sufficient if either has it.

(6) The emblem required by subsections (4) and (5) shall comply with current standards and specifications as promulgated by the state commission on equipment.

Sec. 23. Section 82.36.280, chapter 15, Laws of 1961 and RCW 82.36.280 are each amended to read as follows:

Any person who uses any motor vehicle fuel for the purpose of operating any internal combustion engine not used on or in conjunction with any motor vehicle licensed to be operated over and along any of the public highways, and as the motive power thereof, upon which motor vehicle fuel excise tax has been paid, shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax paid on each gallon of motor vehicle fuel so used, whether such motor vehicle excise tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such excise tax to the price of such fuel. No refund shall be made for motor vehicle fuel consumed ~~((is))~~ by any motor vehicle as herein defined ~~((licensed-to-be))~~ that is required to be registered and licensed as provided in chapter 46.16 RCW; and is operated over and along any public highway except that a refund shall be allowed for motor vehicle fuel consumed: (1) In a motor vehicle owned by the United States ((and)) that is operated off the public highways for ((the)) official use ((thereof)); (2) By auxiliary equipment not used for motive power, provided such consumption is accurately measured by a metering device that has been specifically approved by the director or established by such other methods as may be approved by the director.

Sec. 24. Section 82.40.010, chapter 15, Laws of 1961, as amended by section 1, chapter 196, Laws of 1967 and RCW 82.40.010, are each amended to read as follows:

For the purpose 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) "Highway" means every way or place open to the use of

the public, as a matter of right, for purposes of vehicular travel.

(3) "Fuel" means any combustible gas, liquid, or material of a kind used in an internal combustion engine for the generation of power to propel a motor vehicle except motor vehicle fuel as defined in chapter 82.36.

(4) "Internal combustion engine" means any engine operated by internal expansion.

(5) "Use" as a verb, means to receive into any receptacle on a motor vehicle, fuel consumed in propelling such motor vehicle on the highways within the state; except that if such fuel is received into such receptacle outside the taxing jurisdiction of this state, "use" as a verb, means to consume in propelling such motor vehicle on the highways within this state; "use" as a noun, means the act of using.

The director is authorized to approve metering devices and such other methods as he may approve to measure the amount of fuel consumed in operating auxiliary equipment rather than propelling the vehicle on the highways of this state.

(6) "User" means any person who uses fuel.

(7) "Director" means the director of motor vehicles.

(8) "Bond" means (a) a corporate surety bond duly executed by any person subject to the tax as principal, payable to the state and conditioned for faithful performance of all requirements of this chapter, including the payment of all taxes, penalties, interest and other obligations arising out of this chapter; or (b) a deposit with the state treasurer by the person subject to the tax, under such reasonable terms and conditions as the director may prescribe, of a like amount of lawful money of the United States or bonds or other obligations of the United States, the state of Washington or any county of said state, of an actual market value not less than the amount so fixed by said director.

Sec. 25. Section 46.68.030, chapter 12, Laws of 1961 as last amended by section 8, chapter 99, Laws of 1969 and RCW 46.68-



.030 are each amended to read as follows:

All fees received by the director for vehicle licenses under the provisions of chapter 46.16 shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund, and out of each vehicle basic license fee (~~of nine dollars and forty cents~~) as provided for in RCW 46.16.060, the state treasurer shall deposit six dollars to the credit of the state patrol highway account of the motor vehicle fund. A minimum of ten percent of the funds deposited in such account shall be appropriated and expended for the enforcement of RCW 46.44.100 relating to weight control.

Sec. 26. Section 35.84.060, chapter 7, Laws of 1965 and RCW 35.84.060 are each amended to read as follows:

Every municipal corporation which owns or operates (~~any street-railway~~) an urban public transportation system as defined in RCW 47.04.082 within (~~the~~) its corporate limits (~~thereof~~), may acquire, construct (~~and~~), extend, own (~~and~~) or operate such (~~street-railway~~) urban public transportation system to any point or points not to exceed (~~eight~~) fifteen miles outside of its (~~said~~) corporate limits (~~measured along the line of such railway~~) PROVIDED, That no municipal corporation shall extend its urban public transportation system beyond its corporate limits to operate in any territory already served by a privately operated auto transportation company holding a certificate of public convenience and necessity from the utilities and transportation commission.

Sec. 27. Section 82.36.275, chapter 15, Laws of 1961 as last amended by section 1, chapter 86, Laws of 1967 and RCW 82.36.275 are each amended to read as follows:

Notwithstanding RCW 82.36.240, every urban passenger transportation system shall receive a refund of the amount of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel used, whether such vehicle fuel tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly

by adding the amount of such tax to the price of such fuel.

For the purposes of this section "urban passenger transportation system" means every transportation system, publicly or privately owned, having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles and/or trackless trolleys, each having a seating capacity for over fifteen persons, over prescribed routes in such a manner that the routes of such motor vehicles and/or trackless trolleys (either alone or in conjunction with routes of other such motor vehicles and/or trackless trolleys subject to routing by the same transportation system) do not extend for a distance exceeding ~~((six))~~ fifteen road miles beyond the corporate limits of the city in which the original starting points of such motor vehicles are located: PROVIDED, That no refunds authorized by this section shall be granted on fuel used by any urban transportation vehicle on any trip where any portion of said trip is more than ~~((six))~~ fifteen road miles beyond the corporate limits of the city in which said trip originated.

Sec. 28. Section 82.40.047, chapter 15, Laws of 1961 as last amended by section 2, chapter 86, Laws of 1967 and RCW 82.40-.047 are each amended to read as follows:

Notwithstanding any provisions of law to the contrary, every urban passenger transportation system shall be exempt from the provisions of chapter 82.40 requiring the payment of use fuel taxes.

For the purposes of this section "urban passenger transportation system" means every transportation system, publicly or privately owned, having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles and/or trackless trolleys, each having a seating capacity for over fifteen persons over prescribed route in such a manner that the routes of such motor vehicles and/or trackless trolleys, either alone or in conjunction with routes of other such motor vehicles and/or trackless trolleys subject to routing by the same transportation system, shall not extend for a distance exceeding ~~((six))~~ fif-

teen road miles beyond the corporate limits of the city in which the original starting points of such motor vehicles are located: PROVIDED, That no refunds authorized by this section shall be granted on fuel used by any urban transportation vehicle on any trip where any portion of said trip is more than ~~((six))~~ fifteen road miles beyond the corporate limits of the city in which said trip originated.

Sec. 29. Section 82.40.046, chapter 15, Laws of 1961 and RCW 82.40.046 are each amended to read as follows:

There is exempted from the tax imposed by this chapter, the use of fuel for (1) street and highway construction and maintenance purposes ~~((7))~~ in motor vehicles owned and operated by the state of Washington, or any county or municipality, (2) publicly owned fire fighting equipment, and (3) special mobile equipment as defined in RCW 46.04.552.

Sec. 30. Section 46.44.091, chapter 12, Laws of 1961 and RCW 46.44.091 are each amended to read as follows:

No special permit shall be issued for movement on any primary or secondary state highway or route of state primary or secondary highway within the limits of any city or town where the gross weight, including load, exceeds twenty-two thousand pounds on a single axle or forty-three thousand pounds on any group of axles having a wheelbase between the first and last axle thereof less than ten feet: ~~PROVIDED, That ((a-special-permit-shall-not-be-issued-to any-vehicle-or-a-combination-of-vehicles-having-more-than-six axles:--PROVIDED-FURTHER,-That-any-vehicle-or-combination-of-vehicles-having-more-than-six-axles-shall-not-be-issued-an-overweight permit-in-excess-of-the-maximum-allowed-for-a-vehicle-or-combination-of-vehicles-having-six-axles:--PROVIDED-FURTHER,-That))~~ the weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having a rim width of twenty inches or more and a rim diameter of twenty-four inches or more or dual pneumatic tires having a rim

width of sixteen inches or more and a rim diameter of twenty-four inches or more: PROVIDED FURTHER, That permits may be issued for weights in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for weights in excess of such limitations; or 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 such movement or action is a necessary movement or action: PROVIDED FURTHER, That the structures and highway surfaces on the routes involved are determined to be capable of sustaining weights in excess of such limitations. Application shall be made in writing on special forms provided by the highway commission and shall be submitted at least thirty-six hours in advance of the proposed movement.

Sec. 31. Section 46.44.096, chapter 12, Laws of 1961 and RCW 46.44.096 are each amended to read as follows:

In determining fees according to RCW 46.44.094, milage on state primary and secondary highways shall be determined from the planning survey records of the department of highways and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Fees established in RCW 46.44.094 (~~and 46.44.095~~) shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets or highways for which that political body is responsible; when a movement involves a combination of state highways, county roads and/or city streets the fee shall be paid to the state highway commission. When a movement is confined within the city limits of a city or town upon city streets,

including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established in RCW 46.44.095 shall be paid to the political body issuing the permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible; when the use of the vehicle during the permit period will ordinarily be confined to city streets, including state highways within city limits, and the use of county roads and state highways outside of the city limits will be unusual and infrequent, the fee will be paid to and permit issued by the city; when the use of the vehicle during the permit period will ordinarily be confined to county roads and the use of city streets or state highways will be unusual and infrequent, the fee will be paid to and the permit issued by the county; when the use of the vehicle during the permit period will ordinarily be on state highways and will include some use of city streets and county roads, the fee will be paid to and the permit issued by the state.

Each political body will honor the permits of the other political bodies when issued and used in accordance with the preceding paragraph.

NEW SECTION. Sec. 32. The owner of any commercial vehicle or vehicles lawfully registered in another state and who wishes to use such vehicle or vehicles in this state in intrastate operations for periods less than a year may obtain permits for such operations

upon application to the department of motor vehicles or a county auditor. Such permits may be issued for thirty, sixty, or ninety day periods. The cost of each such permit shall include the fees provided for in RCW sections 46.01.140, 46.16.061, 46.16.060 and one-twelfth of the fees provided for in RCW 46.16.070 and 82.44.020 for each thirty days' operations provided for in the permit.

Sec. 33. Section 19, chapter 106, Laws of 1963 and RCW 46-.85.190 are each amended to read as follows:

Any owner whose application for proportional registration has been accepted shall preserve the records on which the application is based for a period of four years following the year or period upon which said application is based. Upon request of the department, the owner (~~(agrees to)~~) shall make such records available to the department, at its designated office for audit as to accuracy of computations and payments and assessment of deficiencies or allowances for credit (~~(or to pay the costs of an out-of-state audit by the department or its duly appointed representative at the applicant's home office)~~). If the department determines that the applicant should have registered more vehicles in this state under the provisions of this chapter the department may deny him the right of any further benefits by reason of any reciprocal agreement or declaration until the fees, interest and penalties for such additional vehicle or vehicles which should have been registered, have been paid. The fees, interest and penalties determined to be due and owing under the provisions of this paragraph shall be a lien upon all the property of the applicant, and such lien shall attach at the time the audit report has been mailed to such applicant by the department, and shall have the effect of an execution duly levied on such property and shall so remain until said additional fees, interest and penalties so determined, are paid, or a sufficient amount of such property sold for the payment thereof. The department may make arrangements with agencies of other jurisdictions administering motor vehicle registration laws for joint

audits of any such owner. No assessment for deficiency or claim for credit may be made for any period for which records are no longer required. Any sums found to be due and owing upon audit shall bear interest of six percent from the date when they should have been paid until the date of actual payment. If the audit discloses a deliberate and wilful intent to evade the requirements of payment under RCW 46.85.110 and 46.85.120, a penalty of ten percent shall also be assessed.

If the audit discloses that an overpayment to the state in excess of twenty-five dollars has been made, the department shall certify such overpayment to the state treasurer who shall issue a warrant for such overpayment to the vehicle operator.

Sec. 34. Section 5, chapter 156, Laws of 1965, and RCW 46-.01.050 are each amended to read as follows:

All powers, functions and duties now vested by law in the director of licenses or the department of licenses or in the division of professional licensing in the department of motor vehicles, other than those enumerated in RCW 46.01.040, shall be transferred to ((a ~~division of professional licensing~~)) the business and professional administration hereby created consisting of the divisions of securities, real estate, and professional licensing, ((hereby-created)) within the department of motor vehicles.

Sec. 35. Section 117, chapter 32, Laws of 1967, and RCW 46-.01.055 are each amended to read as follows:

The director of motor vehicles shall appoint and deputize an assistant director ((~~to be known as the supervisor~~)) of ((~~professional licensing~~)) business and professions administration, who shall have charge and supervision of the ((~~division of professional licensing~~)) business and professions administration. ((With the approval of the director, he may appoint and employ, subject to the provisions of chapter 41-06-REW, the state civil service law, such other assistants and personnel as may be necessary to carry on the work of the division))

NEW SECTION. Sec. 36. There is appropriated from the motor vehicle fund to the joint committee on highways for the biennium ending July 1, 1971 the sum of one thousand dollars for research in the field of motor vehicle law to be performed by the national committee on uniform traffic laws and ordinances. Disbursement of this appropriation shall be pursuant to resolution of the joint committee on highways.

NEW SECTION. Sec. 37. The joint committee on highways is authorized to consider the following studies and such others as it deems appropriate and report its findings and recommendations in connection therewith to the 1971 legislature prior to its convening:

(1) A continuation of the 1967-1969 state highway transportation study which shall include state-wide hearings relative to classification, needs and financing of state highways, county roads and city streets. This study and the hearings held in connection therewith shall be designed to inform the public of the findings of the 1967-1969 study and develop specific recommendations for legislative implementation of said study findings as the committee deems advisable. The committee shall further provide for establishing procedures for maintaining the information developed by the 1967-1969 study perpetually up to date with respect to state, county and city levels of government.

(2) A continuation of the 1967-1969 highway, road and street laws study with emphasis on implementing the recommendations of said study.

V- (3) A comprehensive review of long range transportation plans for the Seattle metropolitan area adopted by the city of Seattle, the municipality of metropolitan Seattle, King county, the Puget Sound governmental conference and the Washington state highway commission. The committee shall retain a team of nationally recognized transportation consultants to evaluate existing long range transportation plans for the area, and in particular the proper role and responsibility of various modes of transportation to provide a balanced transpor-



tation system capable of meeting long range traffic carrying requirements.. The consultants shall further be charged with the responsibility of recommending criteria or models to be used in assigning to the various modes of transportation responsibility for meeting present and long range traffic carrying requirements.

(4) A review of the policy of the state highway commission for the establishment of rest areas along state highways.

(5) A comprehensive study of the department of highways budgeting procedures, including an examination of the feasibility of utilizing performance standards. The committee shall review the department's "chart of accounts" program to determine the adequacy of the system to reflect actual work activities and the interrelationship of planning, operations and work measurement phases of the budgeting process.

(6) A review of existing highway hearing procedures in relation to the federal highway hearing requirements.

(7) A study of state policy relating to the installation, operation maintenance and control of traffic control devices regulating traffic on , entering upon, or leaving state highways within cities of all classes.

(8) A continuing review of the urban arterial law to evaluate the effectiveness of the program in relieving urban traffic congestion.

(9) A continuing study of the effect of industrial decentralization upon future requirements for highway construction, and of the factors influencing the location of industry in non-metropolitan areas.

(10) A comprehensive review of existing uniform county road and city street accounting procedures. The committee shall determine the types of records, data and procedures required of counties and cities to carry out the legislative intent of existing statutes prescribing uniform accounting procedures for counties and cities, and make appropriate recommendations with respect thereto to the

1971 legislature.

(11) A study to improve the legal procedures for the disposition of abandoned vehicles.

(12) A study to develop reasonable and effective regulations prescribing standards for the control of air contaminant emissions from motor vehicles. The study shall take into account standards now or hereafter prescribed pursuant to the federal clean air act.

(13) A study to determine appropriate minimum standards for vehicles operating upon the public highways with respect to power, speed and size. The committee shall consider hazards created by (a) slow moving vehicles including trailers and campers operating upon high speed highways and (b) undersized vehicles not readily visible to the drivers of conventional vehicles.

(14) A study of federal traffic safety standards including the development of legislation necessary to comply with federal requirements.

(15) The feasibility of reestablishing a program of vehicle safety inspection. The committee shall review present research in this field and shall consider both compulsory periodic plans for inspection and spot check inspections.

(16) The establishment of legislative policy regarding the overloading of school buses. The committee shall consider both the safety of school children and financial capabilities of school districts in developing its recommendations.

(17) A study to determine if the present statutes taxing fuels used in motor vehicles other than gasoline, should be revised and, if so, in what manner to achieve an effective, equitable and adequate system of taxation.

(18) A study to determine whether for hire vehicles (taxis) should be granted a partial fuel tax refund.

(19) A study to evaluate the equity of highway user fees.

(20) A study to develop a legislative policy governing the release of driver record and vehicle record information in the cus-

tody of the department of motor vehicles to governmental agencies, insurance and directory firms and the general public.

(21) A study by a management consultant regarding the administrative organization including proper staff positions for the joint committee on highways. The study shall include procedures for developing proposed legislation to implement the committee's recommendations prior to the commencement of each regular legislative session.

(22) A study of the financing of the Washington state patrol. The committee shall consider the long range financing needs of the state patrol and the appropriate means of meeting such needs taking into account both highway and nonhighway functions performed by the state patrol. The study shall be made in cooperation with the Washington state patrol and the budget director.

(23) A comprehensive study of state laws relating to acquisition of right-of-way for state highways, including a consideration of constitutional revision authorizing immediate possession and right of entry, the operation of the relocation assistance act of 1969 and the advance purchase of right-of-way act of 1969, particularly as it relates to advance purchase in hardship cases.

(24) Study including an evaluation of the acquisition policies and practices of the right-of-way division of the department of highways.

(25) A study of the feasibility of the exchange between states of audit information relating to the proper payment of fuel taxes and other motor vehicle taxes by interstate motor carriers for the purpose of reducing duplicate audits by the several states.

(26) A study of the department of motor vehicles new data processing program, including the pilot project and the financial effect on the counties.

Sec. 38. Section 7, chapter 140, Laws of 1967, as last amended by section 1, chapter 42, Laws of 1969 1st ex. sess. and RCW 46.12.101 are each amended to read as follows:

A transfer of ownership in a motor vehicle is perfected by

compliance with the requirements of this section.

(1) If an owner transfers his interest in a vehicle, other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, execute an assignment to the transferee in the space provided therefor on the certificate or as the department prescribes, and cause the certificate and assignment to be transmitted to the transferee or to the department.

~~(2) ((The transferor shall, unless he is a motor vehicle dealer, within five days after transfer, transmit to the department of motor vehicles, on a form prescribed by the director of motor vehicles, notice that he has transferred his interest in the vehicle, the name of the transferee, and the date on which the transaction was made. Compliance with this requirement shall preclude any liability on the part of the transferor under chapter 46.52 RCW.~~

~~(3))~~ Except as provided in RCW 46.12.120 the transferee shall within fifteen days after delivery to him of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

~~((4))~~ (3) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party under his security agreement.

~~((5))~~ (4) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

~~((46))~~ (5) If the purchaser or transferee fails or neglects to transfer such certificate of ownership and license registration within fifteen days after date of delivery of the vehicle to him, he shall on making application for transfer be assessed a five-dollar penalty on the sixteenth day and one dollar additional for each day thereafter, but not to exceed fifteen dollars: PROVIDED, That such failure or neglect to transfer within forty-five days after date of delivery of said vehicle shall be a misdemeanor.

~~((47))~~ (6) Upon receipt of an application for the reissue of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership and such other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the motor vehicle fund.

NEW SECTION. Sec. 39. There is added to chapter 42, Laws of 1969 1st ex. sess. and to chapter 46.52 RCW, a new section to read as follows:

A registered owner transferring a motor vehicle shall be relieved from personal liability under sections 40, 41, 42 and 43 of this 1969 amendatory act if within five days of the transfer he transmits to the department of motor vehicles, on a form prescribed by the director of motor vehicles, notice that he has transferred his interest in the vehicle, the name of the transferee, and the date on which the transaction was made.

Sec. 40. Section 4, chapter 42, Laws of 1969 1st ex. sess. is amended to read as follows:

The abandonment of any vehicle or automobile hulk shall constitute a prima facie presumption that the last owner of record is responsible for such abandonment and thus liable for any costs in-

curred in removing, storing and disposing of such motor vehicle or automobile hulk. A registered owner who has complied with the requirements of section ((1)) 39 of this 1969 amendatory act in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

Sec. 41. Section 7, chapter 42, Laws of 1969 1st ex. sess. is amended to read as follows:

Such tow truck operator shall take custody of such abandoned vehicle or automobile hulk, remove the same to the established place of business of the tow truck operator where the same shall be stored, and such tow truck operator shall have a lien upon such vehicle or hulk for services provided in the towing and storage of the same, and shall also have a claim against the last registered owner of such vehicle or hulk for services provided in the towing and storage of the same, not to exceed the sum of one hundred dollars. A registered owner who has complied with section ((1)) 39 of this 1969 amendatory act in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

Within five days after receiving custody of such abandoned vehicle or automobile hulk, the tow truck operator shall give notice of his custody to the department of motor vehicles and the chief of the Washington state patrol and within five days after having received the name and address of the owner, he shall notify the registered and legal owner of the same with copies of such notice being sent to the chief of the Washington state patrol and to the department of motor vehicles. The notice to the registered and legal owner shall be sent by the tow truck operator to the last known address of said owner appearing on the records of the department of motor vehicles, and such notice shall be sent to the registered and legal owner by ((~~first-class~~)) certified or registered mail with a five-day return receipt requested. Such notice shall contain a description of the vehicle or hulk including its license number and/or motor number if obtainable, and shall state the amount due the tow

truck operator for services in the towing and storage of the same and the time and place of public sale if the amount remains unpaid.

The department of motor vehicles shall supply the last known names and addresses of registered and legal owners of abandoned vehicles or automobile hulks appearing on the records of the department to tow truck operators on request without charge.

Sec. 42. Section 8, chapter 42, Laws of 1969 1st ex. sess. is amended to read as follows:

If, after the expiration of fifteen days from the date of mailing of notice to the registered and legal owner, the vehicle or automobile hulk remains unclaimed and has not been listed as a stolen or recovered vehicle, then the tow truck operator having custody of such vehicle or hulk shall conduct a sale of the same at public auction after having first published a notice of the date, place and time of such auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days before the date of such auction.

Such abandoned vehicle or automobile hulk shall be sold at such auction to the highest bidder. The proceeds of such sale, after deducting the towing and storage charges due the tow truck operator, including the cost of sale, which shall be computed as in a public auction sale of personal property by the sheriff, shall be certified one-half to the county treasurer of the county in which the vehicle is located to be credited to the county current expense fund, and one-half to the state treasurer to be credited to the highway safety fund. If the amount bid at the auction is insufficient to compensate the tow truck operator for his towing and storage charges and the cost of sale, such tow truck operator shall be entitled to assert a claim for any deficiency, not to exceed one hundred dollars less the amount bid at the auction, against the last registered owner of such vehicle or automobile hulk. A registered owner who has complied with section ((1)) 39 of this 1969 amendatory act in the transfer of ownership of the vehicle or hulk shall be

relieved of liability under this section.

After the public auction and sale of any abandoned vehicle or automobile hulk as in this section provided, and after an application for certificate of title accompanied by applicable fees and taxes and supported by an appropriate affidavit reciting compliance with the procedures of this chapter has been submitted, the director of the department of motor vehicles shall issue a certificate of title showing ownership of the vehicle or automobile hulk in the name of the successful bidder at such auction. The issuance of such certificate of title by the director of the department of motor vehicles shall terminate any and all rights or claims of prior lienholders and all rights of former owners in and to such vehicle or automobile hulk.

The director of the department of motor vehicles shall establish such additional administrative rules and regulations, not inconsistent with the provisions of this chapter, as may be necessary to facilitate the disposition of abandoned vehicles and automobile hulks in those instances where the ownership of such a vehicle or hulk is not known.

Sec. 43. Section 12, chapter 42, Laws of 1969, 1st ex. sess. is amended to read as follows:

Notwithstanding any other provision of law, a city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of abandoned, wrecked, dismantled, or inoperative vehicles or automobile hulks or parts thereof from private property not including highways. Costs of removal may be assessed against the last registered owner of the vehicle or automobile hulk if the identity of such owner can be determined, unless such owner in the transfer of ownership of such vehicle or automobile hulk has complied with section ((1))39 of this 1969 amendatory act, or the costs may be assessed against the owner of the property on which the vehicle is stored.

Such ordinance shall contain:



(1) A provision requiring notice to the last registered owner of record and the property owner of record that a public hearing may be requested before the governing body of the city, town or county as designated by the governing body, and that if no hearing is requested, the vehicle or automobile hulk will be removed.

(2) A provision requiring that if a request for a hearing is received, a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified or registered mail, with a five-day return requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(3) A provision that the ordinance shall not apply to (a) a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (b) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, fenced according to the provisions of RCW 46.80.130.

(4) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such cost from the owner.

(5) A provision that after notice has been given of the intent of the city, town or county to dispose of the vehicle and after

a hearing, if requested, has been held, the vehicle or part thereof, shall be removed, at the request of a law enforcement officer, and disposed of to a licensed auto wrecker with notice to the Washington state patrol and the department of motor vehicles that the vehicle has been wrecked. The city, town or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

Sec. 44. Section 5, chapter 42, Laws of 1969 1st ex. sess. is amended to read as follows:

The director of the department of motor vehicles may appoint any tow truck operator engaged in removing and storing of abandoned motor vehicles (~~as his agent~~) for the purpose of disposing of certain abandoned vehicles and automobile hulks. Each such appointment shall be contingent upon the submission of an application to the director and the making of subsequent reports in such form and frequency as may be required by rule and regulation and upon the posting of a surety bond in the amount of three thousand dollars to ensure compliance with section (~~6 of this 1969 amendatory act~~) 7, chapter 42, Laws of 1969 first extraordinary session and to compensate the owner of any vehicle that has been unlawfully sold as a result of any negligence or misconduct of the tow truck operator.

Any appointment may be canceled by the director upon evidence that the appointed tow truck operator is not complying with all laws, rules and regulations relative to the handling and disposition of abandoned motor vehicles.

Any tow truck operator under contract to a city or county for the impounding of vehicles shall comply with such administrative regulations relative to the handling and disposing of vehicles as may be promulgated by such city or county and as hereinafter set forth.

Sec. 45. Section 2, chapter 42, Laws of 1969 1st ex. sess. is amended to read as follows:

~~((Responsibility-for-the-ultimate-disposition-of-abandoned vehicles-and-abandoned-automobile-hulks-is-hereby-vested-in-the-department-of-motor-vehicles-))~~ The director of the department of motor vehicles, in cooperation with the chief of the Washington state patrol and other law enforcement agencies throughout this state, after appropriate notice and hearing, shall establish from time to time rules and regulations for the disposition of abandoned vehicles and abandoned automobile hulks not inconsistent with the provisions of this chapter.

Sec. 46. Section 15, chapter 155, Laws of 1965 ex. sess. as amended by section 58, chapter 145, Laws of 1967 ex. sess. and RCW 46.61.100 are each amended to read as follows:

(1) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(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 ~~((at-less))~~ slower than the legal maximum speed ~~((ef-the-general-flow-of-traffic))~~ 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, ex-

cept 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 movement 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.

Sec. 47. Section 46.37.430, chapter 12, Laws of 1961 and RCW 46.37.430 are each amended to read as follows:

(1) On and after January 1, 1938, no person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glazing material of a type approved by the state commission on equipment wherever glazing material is used in doors, windows and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material shall apply to all glazing material used in doors, windows and windshields in the drivers' compartments of such vehicles except as provided by paragraph (4).

(2) The term "safety glazing materials" means glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The state commission on equipment shall compile and publish a list of types of glazing material by name approved by it

as meeting the requirements of this section and the director of (~~licenses~~) motor vehicles shall not register after January 1, 1938, any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and he shall thereafter suspend the registration of any motor vehicle so subject to this section which he finds is not so equipped until it is made to conform to the requirements of this section.

(4) No person shall sell or offer for sale, nor shall any person operate a motor vehicle registered in this state which is equipped with, any camper manufactured after the effective date of this 1969 amendatory act, unless such camper is equipped with safety glazing material of a type approved by the state commission on equipment wherever glazing materials are used in outside windows and doors.

(5) No tinting or coloring material of any kind, which reduces light transmittance to any degree, shall be applied to the surface of the safety glazing material in a motor vehicle in any of the following locations:

(a) Windshields,

(b) Windows to the immediate right and left of the driver including windwings or,

(c) Rearmost windows if used for driving visibility by means of an interior rear-view mirror.

Nothing in this subsection shall prohibit the use of shaded or heat-absorbing safety glazing material in which the shading or heat-absorbing characteristics have been applied at the time of manufacture of the safety glazing material and which meet the standards of the state commission on equipment for such safety glazing materials.

(6) The standards used for approval of safety glazing materials by the state commission on equipment shall conform as closely as possible to the standards for safety glazing materials for motor

vehicles promulgated by the United States of America Standards Institute in effect at the time of manufacture of the safety glazing material.

NEW SECTION. Sec. 48. The highway commission, and any other governmental subdivision shall, with the staff, equipment and material under their control, or by contract with others, take all necessary actions to collect and remove any or all glass bottles or glass containers along the right of way of any public road or public highway.

Sec. 49. Section 1, chapter 36, Laws of 1909, as amended by section 1, chapter 73, Laws of 1931, and RCW 9.61.120 are each amended to read as follows:

Any person or persons, corporation or corporations who shall throw, place, or deposit, in any road, street, alley, or highway, in the state of Washington, any bottle, bottles, glass, glassware, tacks, nails, garbage, rubbish, or discarded matter, shall be guilty of a misdemeanor: PROVIDED, That the fine or bail forfeiture for violation of this section shall not be less than one hundred dollars.

Sec. 50. Section 3, chapter 85, Laws of 1967 and RCW 9.66.070 are each amended to read as follows:

Any person violating the provisions of RCW 9.66.060 is guilty of a misdemeanor, subject to fine or imprisonment, or both, as in the case of misdemeanors: PROVIDED, That the fine or bail forfeiture for violation of this section shall not be less than one hundred dollars, and, in addition thereto, in the sound discretion of any court in which conviction is obtained, may be directed by the judge to pick up and remove from any public street or highway or public and private right of way, or public beach or public park, or any private property with prior permission of the legal owner upon which it is established by competent evidence that he has deposited litter or debris or waste, any or all debris and waste deposited thereon by anyone prior to the date of execution of sentence.

Sec. 51. Section 2, chapter 52, Laws of 1965 ex. sess. and

RCW 46.61.650 are each amended to read as follows:

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: PROVIDED, That the fine or bail forfeiture for violation of this section shall not be less than one hundred dollars. 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.

Sec. 52. Section 7, chapter 209, Laws of 1961 and RCW 47.56-.658 are each amended to read as follows:

The Washington state highway commission shall not enter into agreements with the Oregon state highway commission for the construction of the toll bridge over the lower Columbia river as authorized by RCW 47.56.646 unless and until:

~~((1))~~ Pacific county has, at the request of the state highway commission, contributed or properly authorized the contribution of money or bonds in the sum of one hundred eighty-five thousand dollars or so much thereof as may be necessary to reimburse the Washington state highway commission for costs of design and construction of the approaches to said bridge within the boundaries of the state of Washington, such contribution to be made by any of the methods authorized in RCW 47.56.250 ~~((+and))~~.

~~((2)--Pacific county has, at the request of the state highway commission and by resolution of its board of county commissioners assigned and pledged for a period of thirty years the sum of forty~~

~~thousand-dollars-per-year-of-Pacific-county's-allocation-of-motor-vehicle-fuel-taxes-for-the-purpose-of-reimbursing-the-motor-vehicle-fund-for-a-portion-of-the-payments-made-by-the-Washington-state-highway-commission-to-the-state-of-Oregon-pursuant-to-RCW-47.56.649: PROVIDED, That such pledge and assignment shall not exceed in any one-year, one-third-of-the-total-payment-made-by-the-state-highway-commission-to-the-state-of-Oregon-pursuant-to-RCW-47.56.649.)~~

NEW SECTION. Sec. 53. All accrued and unaccrued obligations of Pacific county created by that certain contract between the Washington state highway commission and Pacific county dated June 20, 1961, entered into pursuant to subsection (2) of RCW 47.56.658 are hereby terminated.

Sec. 54. Section 15, chapter 142, Laws of 1915, as last amended by section 1, chapter 118, Laws of 1967, 1st ex. sess. and RCW 46.16.070 are each amended to read as follows:

In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each motor truck, truck tractor, and auto stage or for hire vehicle with seating capacity of six or more, based upon the maximum gross weight thereof, the following gross weight fees as indicated in column A: PROVIDED, HOWEVER, That in the case of each motor truck or truck tractor which is propelled by steam, electricity, natural gas or diesel oil the fee shall be as provided in column B:

	A	B
(Up to 4,000 lbs.....)	\$ 5.00	\$ 5.60
4,000 or more and less than 6,000 lbs.....	\$ 10.00	\$ 11.25
6,000 or more and less than 8,000 lbs.....	\$ 17.50	\$ 19.70
8,000 or more and less than 10,000 lbs.....	\$ 22.50	\$ 25.30
10,000 or more and less than 12,000 lbs.....	\$ 29.50	\$ 33.20
12,000 or more and less than 14,000 lbs.....	\$ 36.50	\$ 41.10
14,000 or more and less than 16,000 lbs.....	\$ 43.50	\$ 49.00
16,000 or more and less than 18,000 lbs.....	\$ 73.00	\$ 82.10
18,000 or more and less than 20,000 lbs.....	\$ 80.00	\$ 90.00



20,000-or-more-and-less-than-22,000-lbs.....	\$ 88.00	\$ 99.00
22,000-or-more-and-less-than-24,000-lbs.....	\$ 95.00	\$ 107.00
24,000-or-more-and-less-than-26,000-lbs.....	\$ 102.00	\$ 114.75
26,000-or-more-and-less-than-28,000-lbs.....	\$ 122.00	\$ 137.25
28,000-or-more-and-less-than-30,000-lbs.....	\$ 140.00	\$ 157.50
30,000-or-more-and-less-than-32,000-lbs.....	\$ 170.50	\$ 191.80
32,000-or-more-and-less-than-34,000-lbs.....	\$ 181.50	\$ 204.20
34,000-or-more-and-less-than-36,000-lbs.....	\$ 198.00	\$ 222.75
36,000-or-more-and-less-than-38,000-lbs.....	\$ 218.50	\$ 245.80
38,000-or-more-and-less-than-40,000-lbs.....	\$ 242.50	\$ 272.80
40,000-or-more-and-less-than-42,000-lbs.....	\$ 252.00	\$ 283.50
42,000-or-more-and-less-than-44,000-lbs.....	\$ 261.50	\$ 294.20
44,000-or-more-and-less-than-46,000-lbs.....	\$ 280.50	\$ 315.55
46,000-or-more-and-less-than-48,000-lbs.....	\$ 291.00	\$ 327.40
48,000-or-more-and-less-than-50,000-lbs.....	\$ 312.50	\$ 351.55
50,000-or-more-and-less-than-52,000-lbs.....	\$ 329.50	\$ 370.70
52,000-or-more-and-less-than-54,000-lbs.....	\$ 353.50	\$ 397.70
54,000-or-more-and-less-than-56,000-lbs.....	\$ 378.00	\$ 425.25
56,000-or-more-and-less-than-58,000-lbs.....	\$ 397.00	\$ 446.65
58,000-or-more-and-less-than-60,000-lbs.....	\$ 417.50	\$ 469.70
60,000-or-more-and-less-than-62,000-lbs.....	\$ 445.00	\$ 500.65
62,000-or-more-and-less-than-64,000-lbs.....	\$ 455.50	\$ 512.45
64,000-or-more-and-less-than-66,000-lbs.....	\$ 505.50	\$ 568.70
66,000-or-more-and-less-than-68,000-lbs.....	\$ 527.50	\$ 593.45
68,000-or-more-and-less-than-70,000-lbs.....	\$ 574.00	\$ 645.75
70,000-or-more-and-less-than-72,000-lbs.....	\$ 615.50	\$ 692.45))
<u>Up to 4,000 lbs.....</u>	<u>\$ 6.00</u>	<u>\$ 6.00</u>
<u>4,000 or more and less than 6,000 lbs....</u>	<u>\$ 11.00</u>	<u>\$ 12.25</u>
<u>6,000 or more and less than 8,000 lbs....</u>	<u>\$ 18.50</u>	<u>\$ 20.80</u>
<u>8,000 or more and less than 10,000 lbs....</u>	<u>\$ 23.50</u>	<u>\$ 26.40</u>
<u>10,000 or more and less than 12,000 lbs....</u>	<u>\$ 30.50</u>	<u>\$ 34.30</u>
<u>12,000 or more and less than 14,000 lbs....</u>	<u>\$ 37.50</u>	<u>\$ 42.20</u>
<u>14,000 or more and less than 16,000 lbs....</u>	<u>\$ 44.50</u>	<u>\$ 50.10</u>

16,000 or more and less than 18,000....	\$ 74.00	\$ 83.25
18,000 or more and less than 20,000 lbs....	\$ 84.00	\$ 94.50
20,000 or more and less than 22,000 lbs....	\$ 92.00	\$103.50
22,000 or more and less than 24,000 lbs....	\$100.00	\$112.50
24,000 or more and less than 26,000 lbs....	\$107.00	\$120.40
26,000 or more and less than 28,000 lbs....	\$128.00	\$144.00
28,000 or more and less than 30,000 lbs....	\$147.00	\$165.40
30,000 or more and less than 32,000 lbs....	\$179.00	\$201.40
32,000 or more and less than 34,000 lbs....	\$191.00	\$214.90
34,000 or more and less than 36,000 lbs....	\$208.00	\$234.00
36,000 or more and less than 38,000 lbs....	\$229.00	\$257.60
38,000 or more and less than 40,000 lbs....	\$255.00	\$286.90
40,000 or more and less than 42,000 lbs....	\$265.00	\$298.10
42,000 or more and less than 44,000 lbs....	\$275.00	\$309.40
44,000 or more and less than 46,000 lbs....	\$295.00	\$331.90
46,000 or more and less than 48,000 lbs....	\$305.00	\$344.25
48,000 or more and less than 50,000 lbs....	\$328.00	\$369.00
50,000 or more and less than 52,000 lbs....	\$346.00	\$389.25
52,000 or more and less than 54,000 lbs....	\$371.00	\$417.40
54,000 or more and less than 56,000 lbs....	\$397.00	\$446.60
56,000 or more and less than 58,000 lbs....	\$417.00	\$469.10
58,000 or more and less than 60,000 lbs....	\$438.00	\$492.75
60,000 or more and less than 62,000 lbs....	\$467.00	\$525.40
62,000 or more and less than 64,000 lbs....	\$478.00	\$537.75
64,000 or more and less than 66,000 lbs....	\$531.00	\$597.40
66,000 or more and less than 68,000 lbs....	\$554.00	\$623.25
68,000 or more and less than 70,000 lbs....	\$603.00	\$675.75
70,000 or more and less than 72,000 lbs....	\$645.50	\$722.45:

PROVIDED, HOWEVER, That every motor truck except trucks not exceeding 5,000 pounds empty scale weight shall be licensed for not less than one hundred fifty percent of its empty weight unless such an amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.040 in which event the vehicle shall be licensed for the

maximum gross load specified for such a vehicle.

Sec. 55. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 15, chapter 94, Laws of 1967 ex. sess. and RCW 46.44.095 are each amended to read as follows:

When fully licensed to the maximum gross weight permitted under RCW 46.44.040, a two-axle truck or a three-axle truck operated as a solo unit and not in combination shall be eligible to carry gross weight in excess of that permitted for such a vehicle in RCW 46.44-.040 upon the payment to the state highway commission of a fee of 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.

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 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 January 1st of each calendar year. The additional gross weight provided for herein can be purchased at any time and if purchased on or after April 1st of any year, the fee shall be seventy-five percent of the full annual fee and if purchased on or after July 1st the fee shall be fifty percent of the full annual fee and if purchased on or after October 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 motor vehicles. Listings furnished shall also include the percentage of mileage operated in Washington, which shall be the same percentage as determined by the department of motor

vehicles, for purposes of prorating license fees.

NEW SECTION. Sec. 56. There is hereby appropriated from the general fund - driver education account to the superintendent of public instruction the sum of two hundred fifty thousand dollars, or so much thereof as may be available in the driver education account to carry out the provisions of chapter 46.81 RCW.

NEW SECTION. Sec. 57. There is added to chapter 13, Laws of 1961 and to chapter 47.16 RCW a new section to read as follows:

The joint committee on highways with the cooperation and assistance of the state highway commission is authorized and directed to conduct public hearings and such informal local community meetings as it deems advisable within the areas that may be affected by establishment of a highway described as follows: Beginning at a junction of state highway No. 18 with primary state highway No. 1, thence northerly east of Auburn, thence easterly to the vicinity of Auburn, thence generally northerly east of Renton, thence continuing via a corridor located easterly of Lake Sammamish to a connection with primary state highway No. 15 northeast of Bothell, it being the intent of the Legislature that said corridor highway, if established, shall be east of Lake Sammamish. Such hearings and meetings shall be conducted in a manner to inform the public about alternate proposals for the location of said highway and to obtain information from the public which might affect the scope of the study or the choice of alternatives to be considered and which might aid in identification of critical social, economic and environmental effects prior to corridor hearings to be held by the highway commission. The joint committee on highways and the state highway commission shall maintain full liaison with King county and all cities and towns affected by the location of this highway to insure that each alternate proposed location will be properly coordinated with the adopted transportation plans of such local governments.

The joint committee on highways in connection with the preparation and conduct of such hearings may retain a design team of experts from several disciplines concerned with aesthetic and social aspects

in the location and design of the proposed highway. The joint committee on highways shall report its findings relative to the establishment and general location of said highway to the legislature at the time of its convening in 1971.

There is hereby appropriated from the motor vehicle fund to the joint committee on highways and the Washington state highway commission for the biennium ending June 30, 1971, the sum of two hundred thousand dollars, or so much thereof as may be necessary to carry out the provisions of this section.

NEW SECTION. Sec. 58. There is added to chapter 12, Laws of 1961 and chapter 46.04 RCW a new section to read as follows:

"Farmer" means any person, firm, partnership or corporation engaged in farming. If a person, firm, partnership or corporation is engaged in activities in addition to that of farming, the definition shall only apply to that portion of the activity that is defined as farming in section 59 of this 1969 act.

NEW SECTION. Sec. 59. There is added to chapter 12, Laws of 1961 and chapter 46.04 RCW a new section to read as follows:

"Farming" means the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (except forestry or forestry operations), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices performed on a farm as an incident to or in conjunction with such farming operations.

Sec. 60. Section 46.44.092, chapter 12, Laws of 1961 as last amended by section 39, chapter 170, Laws of 1965 ex. sess. and RCW 46.44.092 are each amended to read as follows:

No special permit shall be issued for movement on any two-lane state highway outside the limits of any city or town where the overall width of load exceeds fourteen feet, or on any multiple lane state highway where the overall width of load exceeds thirty-two feet; except that on multiple lane state highways where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes,

no special permit shall be issued for width in excess of twenty feet: PROVIDED, That (1) these width limitations may be exceeded on state highways where the latest available traffic figures show that the highway or section of highway carries less than one hundred vehicles per day: PROVIDED FURTHER, That in the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Uninterrupted vehicular traffic shall be maintained in one direction at all times; (b) maximum distance of movement shall not 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 highways which have been designed and constructed for width in excess of such limitations; (3) these limitations may be rescinded when certification is made by military officials or by officials of public or private power facilities, 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~~) one hundred miles, if

properly patrolled and flagged; (5) these limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed forty-five thousand pounds and the overall width of load does not exceed sixteen feet: PROVIDED, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the highway commission or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

Sec. 61 Section 40, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.290 are each amended to read as follows:

The driver of a vehicle intending to turn at an intersection shall do so as follows:

(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 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 inter-~~



~~section 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.)~~

(2) Left turns. The driver of a vehicle intending to turn left at any 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 in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) Two-way left turn lanes.

(a) The department of highways and local authorities in their respective jurisdictions may designate a two-way left turn lane on a roadway. A two-way left turn lane is near the center of the roadway set aside for use by vehicles making left turns in both directions from or into the roadway.

(b) Two-way left turn lanes shall be designated by distinctive uniform roadway markings. The department of highways shall determine and prescribe standards and specifications governing type, length, width, and positioning of the distinctive permanent markings. The standards and specifications developed shall be filed with the code revisor in accordance with the procedures set forth in the Administrative Procedure Act, chapter 34.04 RCW. On and after July 1, 1971, permanent markings designating a two-way left turn lane shall conform to such standards and specifications.

(c) Upon a roadway where a center lane has been provided by

distinctive pavement markings for the use of vehicles turning left from both directions, no vehicles shall turn left from any other lane. A vehicle shall not be driven in this center lane for the purpose of overtaking or passing another vehicle proceeding in the same direction. A signal, either electric or manual, for indicating a left-turn movement, shall be made at least one hundred feet before the actual left turn movement is made. Any maneuver other than a left turn from this center lane will be deemed a violation of this section.

(4) The state highway commission and local authorities in their respective jurisdictions may cause ((markers,-buttons-or-signs)) official traffic-control devices 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)) such devices 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)) devices.

NEW SECTION. Sec. 62. Section 9, chapter 209, Laws of 1961 and RCW 47.56.664; section 24, chapter 145, Laws of 1967 ex. sess.; are each hereby repealed.

NEW SECTION. Sec. 63. This 1969 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and except for sections 32 and 54 of this 1969 amendatory act shall take effect immediately. Sections 32 and 54 of this 1969 amendatory act shall take effect January 1, 1970.

NEW SECTION. Sec. 64. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate May 10, 1969

Passed the House May 10, 1969

Approved by the Governor May 23, 1969, with the exception of

Section 19 and Subsection 3 of Section 37 which are vetoed

Filed in office of Secretary of State May 23, 1969

NOTE: Governor's explanation of partial veto is as follows:  
"...This is the highway omnibus bill. It contains 64 sections relating to various aspects of the highway program.

Section 19 and Subsection 3 of Section 37 attempt to address the serious and growing problem related to urban transportation. Section 19 creates a division of urban transportation in the Washington State Highway Commission and is charged with the responsibility of coordinating state, regional and local transportation planning in cooperation with regional and local agencies. In addition it is made responsible for the administering of transportation planning and research grants to regional agencies, cities and counties and is given primary responsibility for coordinating the development of balanced transportation plans. This division is also given oversight functions with respect to the expenditure of the one percent excise tax on motor vehicles as authorized in Engrossed House Bill No. 641, the mass transit bill.

The need for a comprehensive approach to transportation planning is now beyond dispute. Regrettably, the legislature declined to create a comprehensive Department of Transportation as I had requested. Section 19 of this bill now seeks to grant to the Highway Commission and the Department of Highways certain aspects of what would have been included within a broad Department of Transportation.

Until a Department of Transportation is created which will have the capacity to plan comprehensively, I do not consider it desirable to assign the urban transportation planning functions to a commission and department whose basic function is to design, construct and administer the public highway system only.

Subsection 3 of Section 37 authorizes the Joint Committee on Highways to undertake a comprehensive review of long-range transportation plans for the Seattle Metropolitan area as adopted by the City of Seattle, the Municipality of Metropolitan Seattle, King County, the Puget Sound Governmental Conference and the State Highway Commission. The committee is directed to retain consultants to evaluate the existing long-range transportation plans and the proper roles of responsibility for various modes of transportation. The consultants are to be charged with recommending criteria or models to be used in assigning to the various modes of transportation responsibility for meeting present and long-range traffic carrying requirements.

In view of the most recent pronouncement of the Washington State Supreme Court in Slavin v. O'Connell, 75 Wn. 2d 568 (1969), there is a serious question as to the constitutionality of the use of the motor vehicle fund for non-highway transportation planning purposes. In addition, the undertaking of a comprehensive

review of long-range transportation plans includes the serious risk of significant further delay in implementing a mass transit program, strong support for which has been provided by the legislature with the passage of Engrossed House Bill No. 641. The support shown by the legislature for public transportation systems in all of our cities reflects a desire to get on with the job of constructing a balanced transportation system.

While the concept of comprehensive transportation planning is highly desirable, the mechanics of accomplishing this objective as embodied in Section 19 or Subsection 3 of Section 37 are not acceptable as submitted. I urge the legislature again at its earliest opportunity to consider and enact a bill creating a Department of Transportation which will bring this state into step with both the federal government and many other states and will provide the means for a broad attack upon the critically important transportation problems of our state.

For the reasons stated I have vetoed Section 19 and Subsection 3 of Section 37."

CHAPTER 282  
(Substitute Senate Bill No. 151)  
BUDGET AND APPROPRIATIONS

AN ACT Adopting the budget; making appropriations for the operation of state agencies for the fiscal biennium beginning July 1, 1969, and ending June 30, 1971; making supplemental appropriations; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. 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, 1969, and ending June 30, 1971, out of the several funds of the state hereinafter named.

STATE TREASURER-STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance	
premiums tax distribution.....	\$ 1,027,564
General Fund Appropriation for public utility	

district excise tax distribution.....	\$	9,223,680
General Fund--Harbor Improvement Account		
Appropriation for harbor improvement		
revenue distribution.....	\$	120,022
Liquor Excise Tax Fund Appropriation for		
liquor excise tax distribution.....	\$	13,172,400
Motor Vehicle Excise Fund Appropriation for		
motor vehicle excise tax distribution.....	\$	16,483,618
Motor Vehicle Fund Appropriation for motor		
vehicle fuel tax and overload penalties		
distribution.....	\$	110,705,321
Liquor Board Revolving Fund Appropriation		
for liquor profits distribution.....	\$	31,979,000
STATE TREASURER-FEDERAL REVENUES FOR DISTRIBUTION		
Forest Reserve Fund Appropriation for forest		
reserve fund distribution.....	\$	22,755,423
General Fund Appropriation for federal flood		
control funds distribution.....	\$	30,000
General Fund Appropriation for federal grazing		
fees distribution.....	\$	15,955
STATE TREASURER-BOND RETIREMENT AND INTEREST		
Highway Bond Retirement Fund Appropriation	\$	55,068,528
Public School Building Bond		
Redemption Fund 1949 Appropriation.....	\$	5,102,080
Public School Building Bond		
Redemption Fund 1955 (1965 Refunded) Appropriation..	\$	4,502,363
Public School Building Bond		
Redemption Fund 1957 Appropriation.....	\$	9,189,900
Public School Building Bond		
Redemption Fund 1959 Appropriation.....	\$	4,704,351
Public School Building Bond		
Redemption Fund 1961 Appropriation.....	\$	7,042,616
Public School Building Bond		

Redemption Fund 1963 Appropriation.....	\$	8,724,160
Public School Building Bond		
Redemption Fund 1965 Appropriation.....	\$	2,426,478
Common School Building Bond		
Redemption Fund Appropriation.....	\$	2,953,500
University of Washington Bond		
Retirement Fund Appropriation.....	\$	2,705,311
Washington State University Bond		
Retirement Fund Appropriation.....	\$	815,231
Central Washington State College		
Bond Retirement Fund Appropriation.....	\$	330,696
Eastern Washington State College		
Bond Retirement Fund Appropriation.....	\$	331,700
Western Washington State College		
Bond Retirement Fund Appropriation.....	\$	425,026
Institutional Building Bond		
Redemption Fund 1949 Appropriation.....	\$	2,551,560
Institutional Building Bond		
Redemption Fund 1957 Appropriation.....	\$	3,410,130
State Building Construction Bond		
Redemption Fund Appropriation.....	\$	8,358,183
State Building and Higher Education Construction		
Bond Redemption Fund 1965 Appropriation.....	\$	5,157,587
State Building and Higher Education		
Bond Redemption Fund 1967 Appropriation.....	\$	1,816,800
Juvenile Correctional Institutional Building		
Bond Redemption Fund Appropriation.....	\$	604,160
General Administration Bond		
Retirement Fund Appropriation.....	\$	727,489
State Building Construction Bond		
Redemption Fund 1965 Appropriation.....	\$	1,170,000
State Building Construction Bond		
Redemption Fund 1967 Appropriation.....	\$	473,952

War Veterans' Compensation Bond		
Retirement Fund Appropriation.....	\$	9,532,979
World Fair Bond Redemption Fund Appropriation.....	\$	1,917,000
Outdoor Recreational Bond		
Redemption Fund Appropriation.....	\$	681,742
Water Pollution Control Bond		
Redemption Fund Appropriation.....	\$	977,688

STATE LEGISLATURE

General Fund Appropriation		
Senate Expenses and salaries of members.....	\$	493,915
House of Representatives Expenses and		
salaries of members.....	\$	1,171,600
Legislative Council.....	\$	390,693
Legislative Budget Committee.....	\$	336,020

SUPREME COURT

General Fund Appropriation	PROVIDED, That	
no pro tem judges shall be employed after		
January 1, 1970.....	\$	1,971,061

LAW LIBRARY

General Fund Appropriation.....	\$	377,234
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COURT ADMINISTRATOR

General Fund Appropriation.....	\$	221,443
General Fund Appropriation for Superior		
Court Judges.....	\$	1,917,904

General Fund Appropriation		
Judges' Retirement Fund Contributions.....	\$	263,946
Additional Judges' Retirement Fund		
Contributions in accordance with		
RCW 2.12.070.....	\$	295,067

JUDICIAL COUNCIL

General Fund Appropriation.....	\$	85,819
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PUBLIC PENSION COMMISSION

General Fund Appropriation.....	\$	137,142
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PERMANENT STATUTE LAW COMMITTEE

General Fund Appropriation: PROVIDED, That legislators are to be provided upon request with a copy of the administrative code: PROVIDED FURTHER, That not more than \$967,810 shall be available for financing the Legislative Information System..... \$ 1,489,058

OFFICE OF THE GOVERNOR

General Fund Appropriation

Executive Operations..... \$ 852,028  
 Investigation and Emergency Purposes --to be distributed on vouchers approved by the Governor..... \$ 20,000  
 Extradition Expenses to carry out the provisions of RCW 10.34.030 providing for the return of fugitives when approved by the Governor (including prior claims)..... \$ 60,000  
 Mansion Maintenance..... \$ 52,000

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: PROVIDED, That \$450,000 may be allotted by the Governor for surveys and installations: PROVIDED, That not to exceed \$100,000 may be used for payment of rent and relocation expenses upon certification by the Budget Director that insufficient funds are available for this purpose from any other source: PROVIDED, That not more than \$20,000 may be allocated to defray the expenses of the Western Governor's Conference: PROVIDED FURTHER, That not to exceed \$500,000 may be allocated for payment of tort claims in accord-



ance with Chapter 140, Laws of 1969..... \$ 1,850,000

For salary adjustments based on the salary survey findings adopted by the State Personnel Board and subsequent revisions thereto, and employee benefits, including classified and exempt positions, to be allotted to those agencies whose employees are all or in part funded within the General Fund..... \$ 31,800,000

For additional state support of the Employees Health Insurance to be allotted to those agencies whose employees are all or in part within the present system of the State Personnel Board..... \$ 589,500

For allocation to state agencies, departments and institutions to meet any catastrophe, disaster or unforeseen or unanticipated condition or circumstance or abnormal change of condition or circumstance affecting the functions of the state agency, department or institutions: PROVIDED, That \$250,000 shall be reserved for allocation to cities and towns, but that no individual city or town shall be entitled to more than one-fifth of this allocation: PROVIDED FURTHER, That no expenditure shall be made herefrom except such as shall be certified by the Governor as meeting the requirements hereof and has been approved by a sixty per cent majority each of the Legislative Budget Committee and the Legislative Council..... \$ 3,250,000

For additional support of data processing activities to be allocated after consulta-

tion with the Data Processing Advisory Com-		
mittee.....	\$	2,510,000
Council of State Governments.....	\$	38,500
Advisory Commission on Intergovernmental Relations.	\$	3,000
LIEUTENANT GOVERNOR		
General Fund Appropriation.....	\$	68,000
SECRETARY OF STATE		
General Fund Appropriation: PROVIDED, That		
\$550,000 shall be available only for		
initiative and referendum, voters' and		
candidates' pamphlet, and related		
legal and other advertising purposes.....	\$	1,376,989
STATE TREASURER		
General Fund Appropriation.....	\$	633,767
General Fund-Investment Reserve Account		
Appropriation.....	\$	437,767
Motor Vehicle Fund Appropriation.....	\$	3,941
Motor Vehicle Excise Fund Appropriation:		
PROVIDED, That the amount herein appropriated		
shall be allocated by the State Treasurer to		
the municipal research council in accordance		
with Chapter 108, Laws of 1969.....	\$	310,000
STATE AUDITOR		
General Fund Appropriation		
State Auditor: PROVIDED, That the funds		
appropriated herein shall not be ex-		
pended for performance audits of state		
and local agencies, but shall be limited		
to use for fiscal and legal audits and		
other responsibilities of the office of		
the Auditor, exclusive of any related		
to performance auditing.....	\$	1,738,886
Payment of supplies and services furnished		

in previous bienniums.....	\$	250,000
Criminal cost bills.....	\$	30,000
Motor Vehicle Fund Appropriation.....	\$	104,428

ATTORNEY GENERAL

General Fund Appropriation:	PROVIDED, That	
\$50,000 may be used for assistance to counties which do not have full time prosecutors.....		
	\$	2,036,581

CENTRAL BUDGET AGENCY

General Fund Appropriation.....	\$	3,113,968
General Fund Appropriations to carry out the provisions of RCW 41.40.370 relating to employers' contributions to state employees' retirement.....	\$	2,000

PLANNING AND COMMUNITY AFFAIRS AGENCY

General Fund Appropriation.....	\$	9,874,308
Motor Vehicle Excise Fund Appropriation.....	\$	107,970

DEPARTMENT OF PERSONNEL

Personnel Service Revolving Fund Appropriation: PROVIDED, That \$15,000 or the maximum amount established by law shall be available for administration and for payment of Employees' Suggestion Awards.....	\$	3,588,788
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CAPITOL COMMITTEE

General Fund--Capital Building Construction Account Appropriation.....	\$	30,000
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WASHINGTON PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Retirement System Expense Fund Appropriation.....	\$	1,238,718
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FINANCE COMMITTEE

General Fund--Investment Reserve Account Appropriation.....	\$	345,219
General Fund--Water Pollution Control Facilities Account Appropriation.....	\$	33,450

General Fund--Common School Building	
Construction Account Appropriation.....	\$ 30,435
General Fund--State Building and Higher	
Education Construction Account Appropriation.....	\$ 58,403
General Fund--Outdoor Recreation Account	
Appropriation.....	\$ 23,192
Motor Vehicle Fund Appropriation.....	\$ 125,150
Motor Vehicle Fund--Urban Arterial Trust	
Account Appropriation.....	\$ 110,625

DEPARTMENT OF REVENUE

General Fund Appropriation: PROVIDED, That	
funds received as reimbursements pursuant	
to Chapter 84.41 RCW are hereby appropriated	
to the Department of Revenue in excess of this	
amount, and such funds as are contracted to	
be paid into the General Fund prior to June	
30, 1971, may be allotted in advance of	
receipts.....	\$ 11,371,152

TAX APPEALS BOARD

General Fund Appropriation.....	\$ 191,172
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UNIFORM LAW COMMISSION

General Fund Appropriation.....	\$ 8,996
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DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation.....	\$ 8,011,269
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INSURANCE COMMISSIONER

General Fund Appropriation: PROVIDED, That	
\$675,960 shall be available solely for the	
support of the Fire Safety and Regulation	
Program.....	\$ 2,583,376

ACCOUNTANCY BOARD

General Fund Appropriation.....	\$ 139,537
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ATHLETIC COMMISSION

General Fund Appropriation.....	\$ 26,500
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CEMETERY BOARD

General Fund--Cemetery Account Appropriation..... \$ 17,200

HORSE RACING COMMISSION

Racing Commission Fund Appropriation: PRO-  
 VIDED, That if there are more than 350  
 racing days during the 1969-71 biennium,  
 the Governor is hereby authorized to allocate  
 such additional funds as may be required..... \$ 946,952

LIQUOR CONTROL BOARD

Liquor Board Revolving Fund Appropriation..... \$ 26,138,147

PHARMACY BOARD

General Fund Appropriation..... \$ 458,362

UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation..... \$ 5,156,646

BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund  
 Appropriation..... \$ 36,462

WASHINGTON STATE PATROL

Motor Vehicle Fund--State Patrol Highway  
 Account Appropriation ..... \$ 32,236,260

VEHICLE EQUIPMENT SAFETY COMMISSION

Motor Vehicle Fund--State Patrol Highway  
 Account Appropriation..... \$ 5,000

LAW ENFORCEMENT OFFICERS' TRAINING COMMISSION

General Fund Appropriation..... \$ 180,846

TRAFFIC SAFETY COMMISSION

Highway Safety Fund Appropriation..... \$ 2,623,622

DEPARTMENT OF CIVIL DEFENSE

General Fund Appropriation..... \$ 1,479,108

DEPARTMENT OF MOTOR VEHICLES

General Fund Appropriation: PROVIDED, That not  
 more than \$38,580 shall be available for the  
 expenses of the Medical Disciplinary Board..... \$ 1,573,438

General Fund--Architect's License Account	
Appropriation.....	\$ 113,943
General Fund--Commercial Automobile Driver	
Training Schools Account Appropriation.....	\$ 3,346
General Fund--Optician's Account Appropriation.....	\$ 12,108
General Fund--Optometry Account Appropriation.....	\$ 33,839
General Fund--Professional Engineer's Account	
Appropriation.....	\$ 207,288
General Fund--Real Estate Commission Account	
Appropriation.....	\$ 1,205,375
General Fund--Sanitarians' Licensing Account	
Appropriation.....	\$ 8,136
General Fund--Board of Psychological Examiners'	
Account Appropriation.....	\$ 10,597
Highway Safety Fund Appropriation.....	\$ 12,090,729
Motor Vehicle Fund Appropriation.....	\$ 10,107,162

MILITARY DEPARTMENT

General Fund Appropriation.....	\$ 2,132,554
Armory Fund Appropriation.....	\$ 822,083

SUPERINTENDENT OF PUBLIC INSTRUCTION

(Including Board of Education)

General Fund Appropriation:

Office of the Superintendent of Public Instruction and Board of Education, including \$150,000 for the Pacific Science Center: PROVIDED, That the Superintendent of Public Instruction shall report to the next duly assembled legislature on progress toward the implementation of a planning, programming, and budgeting system.....

	\$ 4,451,890
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General Fund Appropriation for General Apportionment: PROVIDED, That the weighting schedule to be used in computing the apportionment of

funds for each district for 1969-71 shall be based on the following factors:

- Each full time student enrolled..... 1.0
- Each student, grades 7-12, an added.... .3
- Each full time student enrolled in an approved vocational class in grades 9-12 where excess costs can be documented and where the classes are approved by the state Superintendent, an added..... 1.0
- Each identified culturally disadvantaged child receiving an approved program, an added..... .1
- The factor, established by the Superintendent of Public Instruction for use in the 1967-69 biennium designed to reimburse each district for costs resulting from staff education and experience greater than the minimum in the average salary schedule in use by Washington school districts. For school districts judged remote and necessary by the State Board of Education and enrolling fewer than 250 students in grades 9-12 and for non-high districts judged remote and necessary by the State Board of Education and for schools by the State Board of Education within a district and which enroll fewer than 100 students;

PROVIDED, That not to exceed \$10,391,593 is included for vocational-technical institutes:

PROVIDED, That \$113,483 is included for pay-

ments in July and August, 1969, to school districts with continuing obligations in payments for adult education programs operated in 1968-69: PROVIDED, That not to exceed \$512,865 may be used for programs for gifted children: PROVIDED, That not to exceed \$1,060,000 is included for use by the Superintendent for School District emergencies: PROVIDED FURTHER, That no portion of these funds shall be allocated to a school district which expends, or anticipates expending, moneys in excess of their certified budget or budget extensions thereto as filed with the Office of the Superintendent of Public Instruction and Board of Education..... \$ 557,132,798

General Fund Appropriation for Salary Increases:

PROVIDED, That it is the intent that \$80,510,675 be available to the Superintendent of Public Instruction to be allocated for the school years 1969-70 and 1970-71 to local school districts, of which \$72,017,866 is contained in this appropriation and \$8,492,809 which is to be appropriated by the Forty-second Legislature, to be employed exclusively for the purpose of providing salary increases and to pay for related OASI and retirement costs attendant to such salary increases to all certificated personnel in average amounts of seven per cent in 1969-70 over each district's average certificated salary level for 1968-69



and in average amounts of seven per cent for all classified personnel over the district's average classified salary level for 1968-69 and an additional four per cent in 1970-71 over each district's average salary level for 1969-70 for all classified personnel and for all certificated personnel. PROVIDED That the salary increase required for 1970-71 for certificated and non-certificated employees shall be based on the 1968-69 average salary for each class of employee improved by seven per cent: PROVIDED, That the Superintendent of Public Instruction shall establish rules and regulations to carry out the intent of the Legislature for the distribution of salary increase money provided for in this appropriation: PROVIDED, That such rules and regulations as established by the Superintendent of Public Instruction for the distribution of salary increase funds shall define extra stipends and restrict the distribution of state moneys for certificated personnel so as to provide for the payment of salary increases only upon their base salaries, exclusive of extra stipends: PROVIDED, That \$4,910,000 shall be distributed on an equal basis to participating school districts to fund employee health benefits as provided in

Chapter \_\_\_\_, Laws of 1969, Extra-ordinary Session (SB 377): PROVIDED FURTHER, That no portion of the \$76,927,866 appropriated herein shall be distributed through the operations of the school equalization formula..... \$ 76,927,866

General Fund Appropriation of two mills of property tax to be distributed in accordance with Chapter 140, Laws of 1967, Ex.Sess. as amended..... \$ 64,928,000

General Fund Appropriation of Mobile Home Excise Tax to be distributed..... \$ 1,593,345

General Fund Appropriation of state forest funds to be distributed..... \$ 600,000

General Fund Appropriation for allocation to Intermediate Districts and County Superintendents of Schools..... \$ 1,429,893

General Fund Appropriations:

Supplementary Education and Cultural Enrichment.... \$ 1,000,000

State Institutions..... \$ 5,277,850

Distribution to counties for school districts:

Handicapped Children-Excess Costs..... \$ 40,407,171

Cerebral Palsy Center..... \$ 412,769

Elementary and Secondary Education Act of 1965..... \$ 29,970,000

To carry out the provisions of Public Law 85-864 (National Defense Education Act of 1958)..... \$ 3,172,000

Education of Indian Children..... \$ 420,000

Civil Defense..... \$ 110,000

Adult Basic Education..... \$ 600,000

School Lunch and School Milk Programs..... \$ 10,840,000

Grants to Teachers of the Handicapped..... \$ 180,000

Teacher Education and Development..... \$ 3,910,070

Assistance to Blind Students (RCW 28.76.130)..... \$ 13,600  
 General Fund Appropriation: PROVIDED, That not  
 to exceed \$4,054,000 shall be available for  
 urban and/or racial and disadvantaged educa-  
 tional programs including not to ex-  
 ceed \$100,000 for State office  
 administration expenses..... \$ 4,054,000

General Fund--Driver Education Account:  
 Appropriation..... \$ 7,081,808

STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation:  
 For Administrative Expenses of the Board..... \$ 862,744  
 For Distribution to the Community Colleges  
 in accordance with Chapter 28.85 RCW: PRO-  
 VIDED, That \$116,000 shall be distributed  
 on an equal basis to participating college  
 districts as provided in Chapter \_\_\_, Laws  
 of 1969, Extraordinary Session (SB 377):  
 PROVIDED FURTHER, That not to exceed  
 \$1,144,446 is included for programs in  
 adult education in accordance with the  
 provisions of Chapter \_\_\_, Laws of 1969,  
 Extraordinary Session (HB 480)..... \$ 100,632,837

WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION

General Fund Appropriation..... \$ 45,000

COUNCIL ON HIGHER EDUCATION

General Fund Appropriation: PROVIDED, That  
 \$117,280 is hereby made available for carry-  
 ing on the functions of the Higher Education  
 Facilities Commission, of which not more than  
 \$50,000 shall be from state sources: PROVIDED  
 FURTHER, That funds may be allotted from this  
 appropriation to carry on the functions of the

Higher Education Facilities Commission until  
 the provisions of Chapter \_\_\_\_, Laws of 1969,  
 Extraordinary Session (HB 132) become  
 effective..... \$ 360,710

OCEANOGRAPHIC COMMISSION OF WASHINGTON

General Fund Appropriation..... \$ 150,000

UNIVERSITY OF WASHINGTON

General Fund Appropriation: PROVIDED, That  
 tuition and fees, incidental, special fees  
 and other charges in whole or in part, for  
 up to one per cent of the full time en-  
 rolled students may be waived for needy  
 and economically disadvantaged students:  
 PROVIDED, That not to exceed \$200,000 may  
 be used to establish a physicians family  
 practice curriculum: PROVIDED, That not  
 to exceed \$10,000 shall be used for a  
 cystics fibrosis detection program: PRO-  
 VIDED, That not to exceed \$100,000 may be used  
 by the Radiology Department for the acquisition,  
 installation and other related charges associ-  
 ated with the purchase of a linear accelerator:  
 PROVIDED FURTHER, That not more than \$2,841,294  
 is to be allocated to the University of Washing-  
 ton on or before January 1, 1970, for the  
 1970-71 fiscal year, as certified by the  
 Governor as meeting the requirements thereof,  
 and approved by a 60 per cent majority of  
 the Legislative Budget Committee, with the  
 allocation taking into account the difference  
 between the number of full time equivalent  
 students at the various instructional levels  
 projected in the executive budget and the

latest fall quarter 1970 enrollment estimates as prepared by the Planning and Community Affairs Agency (or such successor agency); and using as a basis for the calculations the faculty staffing formula of the Instruction and Departmental Research program..... \$ 142,873,512  
 Accident Fund Appropriation..... \$ 350,000  
 Medical Aid Fund Appropriation..... \$ 350,000

General Fund Appropriation for the continuing operation of King County Hospital as a teaching resource for the University of Washington:

PROVIDED, That no portion of this appropriation may be expended except pursuant to a contract entered into between the board of trustees of King County Hospital and the board of regents of the University of Washington with respect to such hospital which contract complies with the provisions of law relating to such contracts and has been approved by the county executive of King County and the state budget director:

PROVIDED, That during the life of such contract a board of trustees for such hospital is continued in law and/or by ordinance enacted by the county council which ordinance may define three hospital trustee districts to replace the county commissioner districts abolished by the coming into effect of a home rule charter and may, in the interest of continuity in the management of the affairs of the hospital, continue the existing trustees in office, each to serve for the remain-

ing period of his unexpired term: PROVIDED FURTHER, That such contract shall provide, among other things, as follows: That major hospital institutional policies, title to all real and personal properties, and ultimate fiscal and program controls are to remain vested in the board of trustees of King County Hospital, subject to the terms of such contract; that the board of regents of the University of Washington shall be responsible for providing for the rendering of all medical services in the hospital; that overall management of the hospital shall be under the direction of the board of regents of the University of Washington through a hospital administrator who will be appointed by the board of regents subject to approval of the board of trustees of the hospital; and that the management controls to be delegated by contract to the board of regents of the University of Washington and executed through the hospital administrator shall include:

1. The preparation and execution of an overall operating budget including estimated revenues and expenditures;
2. The provision of budgetary controls over operational expenditures;
3. The provision of cost finding, cost accounting, and management information systems and procedures;
4. The provision of procedures and controls for patient accounting, billing, and

collections; and

5. The appointment, promotion, termination, transfer, and training of all hospital personnel.

The budget director shall notify the state treasurer of the execution and approval of such contract and thereafter the appropriation hereby made shall be distributed to the University of Washington.

Income received by each county hospital from patients on or after July 1, 1969, for services rendered prior to that date shall be considered as available to such county hospital for the current 1969-71 cost of the operation of such hospital..... \$ 4,700,000

WASHINGTON STATE UNIVERSITY

General Fund Appropriation: PROVIDED, That tuition and fees, incidental, special fees and other charges, in whole or in part, for up to one per cent of the full time enrolled students may be waived for needy and economically disadvantaged students: PROVIDED, That not more than \$565,231 is to be allocated to Washington State University on or before January 1, 1970, for the 1970-71 fiscal year, as certified by the Governor as meeting the requirements thereof, and approved by a 60 per cent majority of the Legislative Budget Committee, with the allocation taking into account the difference between the number of full time equivalent students at the various instructional levels projected

in the executive budget and the latest fall quarter 1970 enrollment estimates as prepared by the Planning and Community Affairs Agency (or such successor agency); and using as a basis for the calculations the faculty staffing formula of the Instruction and Departmental Research program: PROVIDED FURTHER, That \$50,000 or any portion thereof may be expended to establish a Center for Social Research..... \$ 70,576,648

EASTERN WASHINGTON STATE COLLEGE

General Fund Appropriation: PROVIDED, That tuition and fees, incidental, special fees and other charges, in whole or in part, for up to one per cent of the full time enrolled students may be waived for needy and economically disadvantaged students: PROVIDED, That not more than \$275,000 is to be allocated to Eastern Washington State College on or before January 1, 1970, for the 1970-71 fiscal year, as certified by the Governor as meeting the requirements thereof, and approved by a 60 per cent majority of the Legislative Budget Committee, with the allocation taking into account the difference between the number of full time equivalent students at the various instructional levels projected in the executive budget and the latest fall quarter 1970 enrollment estimates as prepared by the Planning and Community Affairs Agency (or such successor agency); and using as a basis for the calculations the faculty staffing formula of the Instruction and Departmental



Research program..... \$ 18,193,901

CENTRAL WASHINGTON STATE COLLEGE

General Fund Appropriation: PROVIDED, That  
 tuition and fees, incidental, special fees  
 and other charges, in whole or in part,  
 for up to one per cent of the full time en-  
 rolled students may be waived for needy and  
 economically disadvantaged students: PRO-  
 VIDED FURTHER, That not more than \$341,760  
 is to be allocated to Central Washington  
 State College on or before January 1, 1970,  
 for the 1970-71 fiscal year, as certified  
 by the Governor as meeting the require-  
 ments thereof, and approved by a 60 per  
 cent majority of the Legislative Budget  
 Committee, with the allocation taking into  
 account the difference between the number  
 of full time equivalent students at the  
 various instructional levels projected in  
 the executive budget and the latest fall  
 1970 enrollment estimates as prepared by  
 the Planning and Community Affairs Agency  
 (or such successor agency); and using as  
 a basis for the calculations the faculty  
 staffing formula of the Instruction and

Departmental Research program..... \$ 21,389,700

THE EVERGREEN STATE COLLEGE

General Fund Appropriation..... \$ 2,541,581

WESTERN WASHINGTON STATE COLLEGE

General Fund Appropriation: PROVIDED, That  
 tuition and fees, incidental, special fees  
 and other charges, in whole or in part, for  
 up to one per cent of the full time enrolled

students may be waived for needy and economically disadvantaged students: PROVIDED FURTHER, That not more than \$366,500 is to be allocated to Western Washington State College on or before January 1, 1970, for the 1970-71 fiscal year, as certified by the Governor as meeting the requirements thereof, and approved by a 60 per cent majority of the Legislative Budget Committee, with the allocation taking into account the difference between the number of full time equivalent students at the various instructional levels projected in the executive budget and the latest fall 1970 enrollment estimates as prepared by the Planning and Community Affairs Agency (or such successor agency); and using as a basis for the calculations the faculty staffing formula of the Instruction and Departmental Research program..... \$ 23,671,716

COMPACT FOR EDUCATION

General Fund Appropriation: PROVIDED, That \$10,000 shall be available exclusively for travel and expenses of the commissioners..... \$ 31,000

COORDINATING COUNCIL FOR OCCUPATIONAL EDUCATION

(Division of Vocational Education)

General Fund Appropriation..... \$ 13,457,751

TEACHERS' RETIREMENT SYSTEM

Teachers' Retirement Fund Appropriation:  
 PROVIDED, That the administrators of the System cooperate with the Office of the Superintendent of Public Instruction and the State Board for Community Colleges in arriving

at uniform records and projections of employees' salaries and the number of employees in public elementary and secondary schools, and community colleges which the Teachers' Retirement System will serve during the ensuing biennium..... \$ 795,663

General Fund Appropriation: PROVIDED, That not more than \$1,000,000 or so much thereof as may be determined by the administrators of the System to be necessary for such purpose shall be transferred to the State Board for Community College Education for contributions to retirement programs for those community college personnel who elect to transfer from the Teachers' Retirement System to participate in a program approved by the State Board as authorized by Chapter \_\_\_\_\_, Laws of 1969, Extraordinary Session (HB \_\_\_\_\_) V  
 No.514 or SB No. 427)..... \$ 62,069,296

EDUCATIONAL TELEVISION COMMISSION

General Fund Appropriation..... \$ 5,000

STATE LIBRARY

General Fund Appropriation..... \$ 3,979,433

ARTS COMMISSION

General Fund Appropriation: PROVIDED, That not more than \$166,944 shall be from state sources..... \$ 256,944

WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation..... \$ 215,240

EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation..... \$ 161,878

STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation..... \$ 125,740

General Fund--State Capitol Historical Association

Museum Account Appropriation..... \$ 41,000

DEPARTMENT OF INSTITUTIONS

Schools for the Sensory Handicapped

General Fund Appropriation..... \$ 4,604,997

DEPARTMENT OF INSTITUTIONS

Mental Hospitals and Mental Health Community Grant-In-Aid

General Fund Appropriation: PROVIDED, That

\$2,500,000 shall be available for Community

Mental Health Grant-In-Aid and \$1,104,434

shall be available as state matching for

community mental health facility construc-

tion..... \$ 47,141,182

DEPARTMENT OF INSTITUTIONS

Olympic Center

General Fund Appropriation..... \$ 1,750,491

DEPARTMENT OF INSTITUTIONS

General Fund Appropriation

Group Homes for the Mentally Retarded..... \$ 405,000

Schools for the Mentally Retarded..... \$41,529,916:

PROVIDED, That inter-program transfers may be

made between the above amounts to the extent

that the workload of any such program exceeds

or is less than the estimates contained with-

in the budget: PROVIDED, That \$576,000 shall

be available for Epton Day Care Centers: PRO-

VIDED, That \$170,000 shall be available for

community retardation planning: PROVIDED

FURTHER, That \$343,487 shall be available for

community mental retardation facility con-

struction..... \$ 43,024,403

DEPARTMENT OF INSTITUTIONS

Adult Correction, Including Probation and

Parole Services and Work-Release Subsidy

General Fund Appropriation

Division of Probation and Parole Services \$ 4,140,550

Work-Release Subsidy \$ 100,000  
 Adult Correction Institutions \$24,762,336

PROVIDED, That inter-program transfers may be made among the above amounts to the extent that the work-load of any such program exceeds or is less than the estimates contained within the budget: PROVIDED FURTHER, That the Work-Release Subsidy shall be available to provide essential expenses for indigent persons from agencies of the Division of Adult Corrections proposed for work-release assignments and/or when such assignments are too distant to permit housing of participants in an Adult Correction Institution of the Department of Institutions..... \$ 29,002,886

DEPARTMENT OF INSTITUTIONS

Juvenile Rehabilitation

General Fund Appropriation

Probation Subsidy Grants to Counties..... \$ 969,404  
 Juvenile Parole Services..... \$ 2,861,837  
 Juvenile Delinquency Prevention and Control..... \$ 1,668,140  
 Operation of Juvenile Institutions and Group Homes..... \$23,979,157:

PROVIDED, That inter-program transfers may be made among the above amounts to the extent that the work-load of any such program exceeds or is less than the estimates contained within the budget..... \$ 29,478,538

General Fund--Probation Services Account..... \$ 969,404

VETERANS' REHABILITATION COUNCIL

General Fund Appropriation..... \$ 649,837

DEPARTMENT OF INSTITUTIONS

Veterans' Homes

General Fund Appropriation..... \$ 4,542,806

DEPARTMENT OF INSTITUTIONS

Headquarters

General Fund Appropriation..... \$ 7,830,444

BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation..... \$ 605,014

DEPARTMENT OF HEALTH

General Fund Appropriation: PROVIDED, That the Director of the Department of Health is authorized to allocate \$300,000 from state sources for the support of local kidney centers on the basis of rules and regulations to be promulgated by the Department of Health, which will insure that such allocation will not diminish local support and the use of matching funds, and that the allocations shall remain on the basis of patients served at each center supported by these funds, and on the basis that qualifying centers submit adequate accounting information to include complete information regarding cost of operation and sources of revenue in formats prescribed by the department: PROVIDED, That \$400,000 shall be available for matching grants for community comprehensive health centers as defined in Chapter 4, Laws of 1967, Ex. Sess., and that such grants are not to exceed ten per cent of the total costs of any center: PROVIDED, That the Department of Health shall allocate to Edgecliff Sanitorium for necessary repairs that portion of \$108,000 which was approved

for repairs during the 1967-69 biennium and was unexpended at the completion of the 1967-69 biennium, together with an additional \$15,000 for further repairs:

PROVIDED FURTHER, That not more than

\$2,949,000 shall be available for

tuberculosis control and hospitaliza-

tion..... \$ 25,317,452

DEPARTMENT OF PUBLIC ASSISTANCE

General Fund Appropriation..... \$ 492,676,048

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 1969-71 biennium in order that expenditures for administration during said biennium shall not exceed \$80,000,000 herein appropriated: PROVIDED, That the Department of Public Assistance shall make not more than \$300,000 available to the University of Washington from the administrative allocation for the payment of physicians services and fees at King County Hospital: PROVIDED, That payments to applicants or recipients from this appropriation due to increased costs of living and rates for supplies or services shall not be increased 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 the Department of Public Assistance shall not claim

reimbursement of \$228,000 from Pierce County Hospital and \$70,000 from Clark County Hospital, advanced by the Department of Public Assistance during the 1967-69 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 of Public Assistance 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 a person referred to and accepted by the Division of Vocational Rehabilitation for rehabilitation under an approved plan, which plan includes maintenance payments, shall not be eligible to receive general assistance: 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 per cent 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 com-



puted 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 all the various vendors shall be required to furnish adequate, documented evidence of the cost of providing their particular services, care or supplies, in the form, to the extent and at such times that the Department of Public Assistance may determine; the designated purpose of such information is the valuation and justification of vendor rates in order to establish rates and fees that are substantiated by vendor costs; the decision of the Department of Public Assistance on such rates and fees shall be final: PROVIDED, That notwithstanding the provisions of section 7 of this act federal matching funds received in the month of July, 1969, may be credited to the 1967-1969 biennium to the extent necessary to fund expenditures

for the 1967-1969 biennium: 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 including adjustment of hospital costs not in excess of the unexpended balance of the 1967-1969 appropriation or allotment for this purpose..... \$ 1,300,000

OFFICE OF ECONOMIC OPPORTUNITY

General Fund Appropriation: PROVIDED, That \$750,000 shall be available for support or supplementation of Head Start projects approved for Federal funds: PROVIDED FURTHER, That the Office of Economic Opportunity report back to the 1970 legislature on innovative programs which have been initiated..... \$ 3,130,248

BOARD AGAINST DISCRIMINATION

General Fund Appropriation..... \$ 682,882

BOARD OF INDUSTRIAL INSURANCE APPEALS

Accident Fund Appropriation..... \$ 858,805  
 Medical Aid Fund Appropriation..... \$ 858,805

DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation.....	\$	9,838,415
General Fund--Electrical License		
Account Appropriation.....	\$	2,123,120
Accident Fund Appropriation.....	\$	4,218,580
Medical Aid Fund Appropriation.....	\$	13,773,942

COORDINATING COUNCIL FOR OCCUPATIONAL EDUCATION

DIVISION OF VOCATIONAL REHABILITATION

General Fund Appropriation. PROVIDED, That not more than \$4,706,466 is from state sources: PROVIDED, That it is the intent of the Legislature that special attention be given to clients referred by the Department of Public Assistance and that payments for maintenance by the Division of Vocational Rehabilitation to these clients are specifically authorized: PROVIDED, That it is the intent of the Legislature that emphasis be given to a cooperative use of resources between the Division of Vocational Rehabilitation, the Department of Institutions, the Department of Labor and Industries and the Department of Employment Security: PROVIDED FURTHER, That not more than \$990,000 of which the state share shall not exceed \$198,000 shall be available for services in connection with maintenance and operation of programs for artificial kidney centers and kidney transplants.....	\$	22,988,541
General Fund Appropriation for medical services and supplies including adjustments of hospital costs not in excess of the unexpended balance of the 1967-69 appropriation or allotment for this purpose.....	\$	25,000

## EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation.....	\$	6,473,740
Unemployment Compensation Administration		
Fund Appropriation.....	\$	31,581,541
Administrative Contingency Fund Appropriation.....	\$	160,000

## POLLUTION CONTROL COMMISSION

General Fund Appropriation.....	\$	2,413,779
General Fund--Water Pollution Control		
Facilities Account Appropriation.....	\$	9,000,000

## PARKS AND RECREATION COMMISSION

General Fund Appropriation: PROVIDED, That \$717,774 shall be used for payment of rental on State lands reserved for park purposes: PROVIDED FURTHER, That the State Treasurer is hereby directed to transfer \$462,920 from the Common School Construction Fund to the Public School Building Bond Redemption Fund of 1965.....	\$	10,489,383
Motor Vehicle Fund Appropriation for maintenance of vehicular roads, highways and bridges within the state parks.....	\$	300,000

## INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund--Outdoor Recreation Account Appro- priation: PROVIDED, That not to exceed \$537,369 will be used for administrative expense.....	\$	9,779,593
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## DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation.....	\$	2,902,112
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## DEPARTMENT OF WATER RESOURCES

General Fund Appropriation: PROVIDED, That not to exceed \$13,000 shall be available to establish a meander line at Eloika Lake in Spokane County.....	\$	3,941,881
General Fund--Reclamation Revolving Account		

Appropriation.....	\$	371,680
Basic Data Fund Appropriation.....	\$	165,000

DEPARTMENT OF FISHERIES

General Fund Appropriation:

General Operations.....	\$	9,760,878
Patrol and law enforcement operations.....	\$	1,285,904
Stream improvement and hydraulic operations.....	\$	837,032
General Fund--Lewis River Hatchery		
Account Appropriation.....	\$	28,220

DEPARTMENT OF GAME

Game Fund Appropriation.....	\$	15,020,496
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DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation.....	\$	10,769,753
General Fund--Contingency Forest Fire Suppression		
Account Appropriation.....	\$	450,000
General Fund--Forest Development		
Account Appropriation.....	\$	3,689,492
General Fund--Resource Management Cost		
Account Appropriation.....	\$	12,429,604

DEPARTMENT OF AGRICULTURE

General Fund Appropriation:	PROVIDED, That not	
	to exceed \$60,000 shall be allocated to	
	Washington State University for the livestock	
	diagnostic center.....	\$ 4,918,679
General Fund--Commercial Feed Account		
Appropriation.....	\$	158,972
General Fund--Commission Merchants		
Account Appropriation.....	\$	147,646
General Fund--Egg Inspection		
Account Appropriation.....	\$	251,805
General Fund--Feeds and Fertilizer		
Account Appropriation.....	\$	8,938
General Fund--Agricultural Mineral and Lime		
Account Appropriation.....	\$	160,075

General Fund--Nursery Inspection

Account Appropriation.....	\$	112,844
General Fund--Seed Account Appropriation.....	\$	266,861
Grain and Hay Inspection Fund Appropriation.....	\$	3,064,235

AERONAUTICS COMMISSION

General Fund Appropriation.....	\$	137,250
General Fund--Aircraft Search and Rescue, Safety and Education Account Appropriation.....	\$	68,002
General Fund--Aeronautics Account Appropriation.....	\$	512,157

PUGET SOUND PILOTAGE COMMISSION

General Fund--Puget Sound Pilotage

Account Appropriation.....	\$	7,958
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CANAL COMMISSION

General Fund Appropriation: PROVIDED, That this

appropriation shall be for a one-year period.....	\$	33,142
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General Fund--Harbor Improvement

Account Appropriation.....	\$	10,000
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NEW SECTION. 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, 1971, except as otherwise provided.

TRANSFER

General Fund--Investment Reserve Account Appro-

priation for Transfer to the General Fund on

June 29, 1971 pursuant to Chapter 50, Laws

of 1969.....	\$	19,600,000
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SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation: PROVIDED, That

\$100,000 shall be available for the pur-

pose of developing and implementing plans

for educational programs to serve the urban

and/or racial and disadvantaged students of

the state.....	\$	100,000
CENTRAL BUDGET AGENCY		
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	\$	175,000
STATE TREASURER-STATE REVENUES FOR DISTRIBUTION		
General Fund Appropriation for County Prosecutors' salaries.....	\$	446,039
COURT ADMINISTRATOR		
General Fund Appropriation for Court Administrator salary increase.....	\$	10,600
General Fund Appropriation for Court of Appeals.....	\$	1,000,000
General Fund Appropriation for Judges and widows retirement pensions.....	\$	42,710
General Fund Appropriation for additional Superior Court Judges.....	\$	189,796
General Fund Appropriation for Judges Retirement Fund contributions.....	\$	23,400
JOINT COMMITTEE ON EDUCATION		
General Fund Appropriation.....	\$	275,533
SPECIAL APPROPRIATION TO THE GOVERNOR		
General Fund Appropriation for Western Interstate Nuclear Compact.....	\$	20,000
SECRETARY OF STATE		
General Fund Appropriation for payment of		

outstanding bills for legislative  
 printing..... \$ 16,396

PHARMACY BOARD

General Fund Appropriation for expenses of  
 additional board members..... \$ 16,000

WASHINGTON STATE PATROL

Motor Vehicle Fund--State Patrol Highway  
 Account Appropriation for retirement  
 benefits..... \$ 187,500

DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--Electrical License Account  
 Appropriation for Building Standards  
 Division..... \$ 21,500

POLLUTION CONTROL COMMISSION

General Fund Appropriation for expenses to con-  
 trol oil discharge into state waters..... \$ 44,499

NEW SECTION. Sec. 3. There is hereby appropriated from the  
 General Fund, to the State Treasurer, the sum of \$23,500,000 for  
 distribution to cities and towns as follows: The State Treasurer  
 shall distribute to the cities and towns in four equal quarterly pay-  
 ments on the last day of September, December, March and June of fiscal  
 year 1969-70 the sum of \$13,500,000, and on the last day of September,  
 December, March and June of fiscal year 1970-71 the sum of \$10,000,000  
 in accordance with the following factors:

- (a) Forty per cent to all cities and towns;
- (b) Twenty per cent to cities of 20,000 or more population;
- (c) Twenty per cent to cities and towns maintaining police  
 departments of five or more full time equivalent positions for fully  
 paid persons engaged in police work, exclusive of any clerical posi-  
 tions;
- (d) Twenty per cent to cities and towns maintaining fire  
 departments of five or more full time equivalent positions for fully  
 paid persons engaged in fire fighting, exclusive of any clerical per-



sonnel.

Each city or town shall share in the amount distributed under each factor in the proportion which its population bears to the total population of all cities and/or towns receiving funds under that factor: PROVIDED, That the population data employed in population distribution shall be determined by the state Planning and Community Affairs Agency: PROVIDED, That the State Treasurer shall determine eligibility as to police and fire departments by reference to the approved and adopted municipal budgets which shall be submitted to him at such time and in such manner as he may prescribe: PROVIDED FURTHER, That if the legislature enacts legislation authorizing local taxing districts, including cities and/or towns, to levy a sales tax for local purposes, \$10,000,000 herein appropriated shall not be distributed during the fiscal year 1970-71.

NEW SECTION. Sec. 4.

General Fund Appropriation for assistance to those counties which receive approval by the Department of Revenue of a plan for revaluation of all real property within the county: PROVIDED, That each county to receive funds must submit a plan for review by the Department of Revenue. This plan must demonstrate how the county intends to revalue all real property within the county. The Department of Revenue will, after approving such plan or plans and the amount to be allocated, certify to the State Treasurer that the county is eligible for grant assistance in carrying out the revaluation plan. The Department of Revenue will also be responsible for certifying the amounts to be disbursed to the State Treasurer on a quarterly basis and that the county is engaged in carrying out the plan and is eligible for grant assistance. The plan may provide for

direct contracts between the Department of Revenue and appraisal firms, in which case necessary disbursements may be made directly to the appraisal firms, pursuant to such contracts..... \$ 2,850,000

FOREST TAX COMMITTEE

General Fund Appropriation ..... \$ 150,000

NEW SECTION. Sec. 5. The word "agency" used herein means and includes 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.

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 officials serve.

NEW SECTION. Sec. 6. In order to carry out the provisions of these appropriations and the state budget, the budget director, with the approval of the governor, may:

- (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 Washington State College; Eastern Washington State College; Western Washington State College; The Evergreen State College; Washington State Apple Advertising Commission; Wash-

ington 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, 1969; for the sole purpose of authorizing agencies to order goods, supplies or services for delivery after July 1, 1969: PROVIDED, That no expenditures may be made from the appropriations contained in section 1 until after July 1, 1969.

NEW SECTION. Sec. 7. 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. 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 received and allotments made as provided in section 6. Receipts for purposes of this section shall in-

clude amounts realized within one calendar month following the close of a fiscal period and applicable to expenditures of that period. The amount of such payment shall be credited to and shall be treated for all purposes as having been collected during the fiscal period. 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.

NEW SECTION. Sec. 8. 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.

NEW SECTION. Sec. 9. 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.

NEW SECTION. Sec. 10. 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.

NEW SECTION. Sec. 11. 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 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 interagency usage of data processing equipment and services and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed. Such services may include, but shall not be limited to, a data pro-

cessing service bureau in the Department of General Administration and further centralized payroll and vendor payment processing.

NEW SECTION. Sec. 12. In order to obtain maximum interagency use of aircraft, the aeronautics Commission, in accordance with RCW 43.09.210 and RCW 39.34 is hereby authorized to lease, purchase or otherwise acquire suitable aircraft which shall be utilized for the purposes of the Aeronautics Commission and also by other state agencies which have a need for an aircraft to carry out agency assigned responsibilities: PROVIDED, That the Aeronautics Commission is further authorized to enter into contractual agreements with other state agencies in order to acquire aircraft, establish rental rates for aircraft under their control, provide pilot services, aircraft maintenance and make such other provisions as necessary to provide aircraft and related services for multi-agency use: PROVIDED FURTHER, That in order to achieve economy in the use of the appropriations contained within this act no state agency may purchase an aircraft or enter into a flying service or aircraft rental contract without first seeking such service from the Aeronautics Commission and without prior approval of the Budget Director.

NEW SECTION. Sec. 13. All contract personal services contracts except those for medical and health care shall be filed with the Central Budget Agency and the Legislative Budget Committee prior to obligating any portion of the appropriations approved in this act.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 12, 1969

Passed the House May 10, 1969

Approved by the Governor May 23, 1969, with the exception of certain items in Section One which are vetoed

Filed in office of Secretary of State May 23, 1969

NOTE: Governor's explanation of partial veto is as follows:  
"...The appropriation to the Supreme Court includes a proviso that states that 'no pro tem judges shall be employed after January 1, 1970.'  
The intention of this proviso is to make clear that with the creation of the appellate court,

the need for pro tem supreme court judges to assist in the heavy workload of that court should no longer be necessary. However, there are at times circumstances which do justify the use of pro tem judges, such as where a supreme court justice may be disqualified or where there may be extended illness. I have accordingly vetoed this proviso with assurances from the Chief Justice that pro tem judges will be used only in extraordinary circumstances.

The appropriation to the attorney general contains a proviso that '\$50,000 may be used for assistance to counties which do not have full-time prosecutors.' Since this proviso by its terms does not actually limit the use of funds appropriated to the attorney general for providing assistance to part-time prosecutors and since the assistance needs of part-time prosecutors may well exceed the sum stated, I have removed this limitation to provide greater flexibility to the office of the attorney general.

In the appropriation to the teachers' retirement system, reference is made to the provisions of 'HB No. 514 or SB No. 427'. Since the provisions referred to ultimately passed the legislature in neither of these bills but in Senate Bill No. 556, I have vetoed the incorrect reference in order to avoid any uncertainty as to the intention of this provision of the budget.

In the appropriation to the Department of Public Assistance a proviso is included which prohibits general assistance payments unless the applicant or recipient has resided in the state for three out of the last four years. A further proviso authorizes the director to make payments of emergency general assistance notwithstanding the residency requirement for a period of not to exceed ninety days if a denial of assistance would cause undue hardship. The United States Supreme Court has recently held unconstitutional state residency requirements which limit the right of potential recipients from receiving public assistance. Since this is now a constitutional standard which will shortly be implemented within this state I consider it appropriate to delete these provisos from the budget.

In the appropriation to the Department of Agriculture a proviso is included that 'not to exceed \$60,000 shall be allocated to Washington State University for the Livestock Diagnostic Center.' This proviso contradicts the provisions of Senate Bill No. 313, Chapter 100, Laws of 1969, which authorizes the livestock disease diagnostic program and permits the Director of Agriculture to negotiate contracts with public or private agencies including but not limited to Washington State University. The proviso also could be interpreted to limit expenditures to capital outlays while the intent of the enabling legislation is to establish a program rather than a 'Center'. Finally, the proviso would

appear to limit program expenditures to \$60,000 for the biennium while the enabling legislation permits the service to be provided on a fee basis so that total expenditures should be permitted to exceed \$60,000. For these reasons, I have vetoed the proviso in question.

With the exception of the items described above, the remainder of the bill is approved."

CHAPTER 283  
[Engrossed Senate Bill No. 556]  
EDUCATION

AN ACT Relating to education; amending section 3, chapter 20, Laws of 1955, as amended by section 32, chapter 176, Laws of 1969 1st ex. sess. and RCW 28.02.070; amending section 3, chapter 258, Laws of 1947, as last amended by section 1, chapter 158, Laws of 1967, and RCW 28.04.060; amending section 28A.02.070, chapter ..., (HB 58) Laws of 1969 1st ex. sess. and RCW 28A.02.070; amending section 28A.04.060, chapter ..., (HB 58) Laws of 1969 1st ex. sess. and RCW 28A.04.060; amending section 3, chapter 49, Laws of 1965 ex. sess. and RCW 28.67.076; amending section 28A.58.100, chapter ..., (HB 58) Laws of 1969 1st ex. sess. and RCW 28A.58.100; amending section 14, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.140; amending section 28B.50.140, chapter ..., (HB 58) Laws of 1969 1st ex. sess. and RCW 28B.50.140; amending section 17, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.170; amending section 28B.50.170, chapter ..., (HB 58) Laws of 1969 1st ex. sess. and RCW 28B.50.170; amending section 58, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.580; amending section 28B.50.580, chapter ..., (HB 58) Laws of 1969 1st ex. sess. and RCW 28B.50.580; amending section 29.21.060, chapter 9, Laws of 1965, as amended by section 2, chapter 103, Laws of 1965 ex. sess. and RCW 29.21.060; amending section 29.21.150, chapter 9, Laws of 1965 as amended by section 89, chapter 176, Laws of 1969 1st ex. sess. and RCW 29.21.150; and amending section 29.21.180, chapter 9, Laws of 1965, as last amended by section 90, chapter 176, Laws of 1969 1st ex. sess. and

RCW 29.21.180; directing the code reviser to add new sections to Title 28 RCW until Titles 28A and 28B shall become effective at which time they shall be added thereto; creating new section; repealing section 55, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.550; repealing section 6, page 308, Laws of 1909, as amended by section 2, chapter 20, Laws of 1955 and RCW 28.02.060; repealing section 28B.50.550, chapter ..., (HB 58) Laws of 1969 1st ex. sess. and RCW 28B.50.550; repealing section 28A.02.060, chapter ..., (HB 58) Laws of 1969 1st ex. sess. and RCW 28A.02.060; repealing section 54, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.540; repealing section 28B.50.540; chapter ..., (HB 58) Laws of 1969 1st ex. sess. and RCW 28A.50.540; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW when such titles become effective; making appropriations; and providing effective dates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Part I. General

NEW SECTION. Section 1. Every school district by action of its board of directors shall adopt annual salary schedules and reproduce the same by printing, mimeographing or other reasonable method, which shall be the basis for salaries for all certificated employees in the district.

NEW SECTION. Sec. 2. No certificated employee shall be required to perform duties not described in the contract unless a new or supplemental contract is made, except that in an unexpected emergency the board of directors or school district administration may require the employee to perform other reasonable duties on a temporary basis.

No supplemental contract shall be subject to the continuing contract provisions of Titles 28, 28A or 28B.

NEW SECTION. Sec. 3. The responsibility for further review



of the senior college concept and its adaptability to the state's system of higher education shall be mandated to the Council on Higher Education, and with the cooperation of the Interim Committee on Higher Education, if established by the forty-first session of the Legislature, and report the results of such a study to the forty-second session of the Legislature.

NEW SECTION. Sec. 4. The Interstate Agreement on Qualifications of Educational Personnel 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

1. The states party to this Agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this Agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the

employment of qualified educational personnel, without reference to their states or origin, can increase the available educational resources. Participation in this compact can increase the availability of educational manpower.

#### Article II

As used in this Agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

2. "Designated State official" means the education official of a state selected by that state to negotiate and enter into, on behalf of his state, contracts pursuant to this Agreement.

3. "Accept," or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

4. "State" means a state, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

5. "Originating State" means a state (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

6. "Receiving State" means a state (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

#### Article III

1. The designated state official of a party state may make one or more contracts on behalf of his state with one or more other party states providing for the acceptance of educational personnel.

Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this Agreement. A designated state official may enter into a contract pursuant to this Article only with states in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his own state.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this Agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this Agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program prior to January 1, 1954.

5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient

for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.

6. A contract committee composed of the designated state officials of the contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

#### Article IV

1. Nothing in this Agreement shall be construed to repeal or otherwise modify any law or regulation of a party state relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that state.

2. To the extent that contracts made pursuant to this Agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

#### Article V

The party states agree that:

1. They will, so far as practicable, prefer the making of multi-lateral contracts pursuant to Article III of this Agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

#### Article VI

The designated state officials of any party state may meet from time to time as a group to evaluate progress under the Agreement, and to formulate recommendations for changes.

#### Article VII

Nothing in this Agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

#### Article VIII

1. This Agreement shall become effective when enacted into law by two states. Thereafter it shall become effective as to any state upon its enactment of this Agreement.

2. Any party state may withdraw from this Agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

3. No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

#### Article IX

This Agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Agreement shall be severable and if any phrase, clause, sentence, or provision of this Agreement is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Agreement shall be held contrary to the constitution of any state participating therein, the Agreement shall remain in full force and effect as to the state affected as to all severable matters.

NEW SECTION. Sec. 5. The "designated state official" for this state under Article II of section 4 above shall be the superintendent of public instruction, who shall be the compact administrator and who shall have power to promulgate rules to carry out the terms

of this compact. The superintendent of public instruction shall enter into contracts pursuant to Article III of the Agreement only with the approval of the specific text thereof by the state board of education.

NEW SECTION. Sec. 6. True copies of all contracts made on behalf of this state pursuant to the Agreement as provided in section 4 above shall be kept on file in the office of the superintendent of public instruction. The superintendent of public instruction shall publish all such contracts in convenient form.

NEW SECTION. Sec. 7. The board of trustees of each community college district shall adopt for each community college under its jurisdiction written policies on granting leaves to employees of the district and those colleges, including but not limited to leaves for attendance at official or private institutions and conferences, sabbatical leaves for academic personnel, leaves for illness, injury, bereavement and emergencies, with such compensation as the board of trustees may prescribe, except that the board shall grant to all such persons annual leave with full compensation for illness, injury, bereavement and emergencies as follows:

(1) For persons under contract to be employed, or otherwise employed, for at least three quarters, at least fifteen days, commencing with the first day on which work is to be performed;

(2) Such leave entitlement may be accumulated after the first three-quarter period of employment at a minimum rate of five days per quarter for full time employees up to a maximum of one hundred eighty days, and may be taken at any time;

(3) Leave for illness, injury, bereavement and emergencies heretofore accumulated pursuant to law, rule, regulation or policy by persons presently employed by community college districts and community colleges shall be added to such leave accumulated under this section;

(4) Except as otherwise provided in this section or other law, accumulated leave under this section not taken at the time such

person retires or ceases to be employed by community college districts or community colleges shall not be compensable;

(5) Accumulated leave for illness, injury, bereavement and emergencies under this section shall be transferred from one community college district or community college to another, to the state board for community college education, to the state superintendent of public instruction, to any county or intermediate school district, to any school district, or to any other institutions of higher learning of the state; and

(6) Leave accumulated by a person in a community college district or community college prior to leaving that district or college may, under the policy of the board of trustees, be granted to such person when he returns to the employment of that district or college.

NEW SECTION. Sec. 8. The superintendent of public instruction is directed to develop, prepare and make available information as follows:

(1) A budgetary study of the fiscal impact which would result from payment to substitute teachers, who are on a continuing basis of twelve or more days within any calendar month, at a rate of pay commensurate with their training and experience and at a per diem salary in proportion to the salary for which that teacher would be eligible as a full time teacher;

(2) A study showing the percentage of high school graduates who go on to an institution of higher education, including community colleges, the distribution of such students, and the percentage thereof which continue in higher education through the various grades or years thereof; and

(3) A study of the fiscal impact of establishing one hundred and eighty days as the base salary period for all contracts with certificated employees.

NEW SECTION. Sec. 9. The joint interim committee on higher education is directed to make a study of the advisability of having the professional negotiations act apply towards community colleges.

In making this study, the committee shall consult faculty groups, trustees of community colleges, community college presidents, and the state board for community college education.

The joint interim committee shall prepare a report on the results of such study including recommended legislation for distribution to the members of the forty-second legislature prior to January 1, 1971.

NEW SECTION. Sec. 10. The legislative budget committee, in conjunction with the joint interim committee on higher education and the joint committee on education is directed to undertake a joint study into the entire field of vocational education within the state of Washington, including its programs, aims, administration, conformity to state and federal laws, and its effectiveness within the state.

In the performance of its duties, the legislative budget committee is authorized to use the services of recognized leaders in the field of labor and management and to pay the necessary traveling expenses of such persons, in accordance with the provisions of chapter 43.04 RCW, while they are engaged in the business of the study.

For the purpose of paying the expenses authorized above, there is hereby appropriated to the legislative budget committee for the biennium ending June 1, 1971 the sum of two thousand dollars or so much thereof as may be necessary to pay the traveling expense of such member.

A preliminary report of such study shall be prepared for the members of the legislature prior to January 1, 1970. A final report of such study, including any recommended legislation, shall be prepared for distribution to the members of the legislature prior to January 1, 1971.

NEW SECTION. Sec. 11. The board of directors of any school district shall have authority to authorize the expenditure of funds for the purpose of preparing and distributing information to the general public to explain the instructional program, operation and maintenance of the schools of the district: PROVIDED, That nothing



contained herein shall be construed to authorize preparation and distribution of information to the general public for the purpose of influencing the outcome of a school district election.

NEW SECTION. Sec. 12. The code reviser is directed to add the provisions of section 13 to Title 28 RCW until Title 28A and 28B RCW become effective, at which time he shall add it thereto.

NEW SECTION. Sec. 13. The following are school holidays, and school shall not be taught on these days: Saturday; Sunday; the first day of January, commonly called New Year's Day; the third Monday in February, being the anniversary of the birth of George Washington; the last Monday in May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the fourth Monday in October, to be known as Veterans' Day; the fourth Thursday in November, commonly known as Thanksgiving Day; the day immediately following Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day: PROVIDED, That no reduction from the teacher's time or salary shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught.

The provisions of this section shall take effect on January 1, 1971.

#### Part II. Sections Affecting Current Law.

NEW SECTION. Sec. 14. Section 6, page 308, Laws of 1909 as amended by section 2, chapter 20, Laws of 1955 and RCW 28.02.060 are each hereby repealed.

The provision of this section shall take effect on January 1, 1971.

Sec. 15. Section 3, chapter 20, Laws of 1955 as amended by section 32, chapter 176, Laws of 1969 1st ex. sess. and RCW 28.02-.070 are each amended to read as follows:

On the Friday preceding (~~November-11th-when-November-11th falls-on-a-nonsense-day~~) the fourth Monday in October, each

teacher, or the principal in charge of the school building, in all elementary and high schools of the state shall prepare and present a program suitable to observance of Veterans' (~~and-Admission~~) Day.

The program should include such matters as setting forth the part taken by the United States and the state of Washington in the world war for the years nineteen hundred seventeen and nineteen hundred and eighteen, the principles for which the allied nations fought, and the heroic deeds of American soldiers and sailors, the leading events in the history of our state and of Washington Territory, the character and struggles of the pioneer settlers and other topics tending to instill a loyalty and devotion to the institutions and laws of our state.

It shall be the duty of the superintendent of public instruction and of each intermediate school district superintendent, by advice and suggestion, to aid in the suitable observance of Veterans' (~~and-Admission~~) Day.

The provision of the 1969 amendment to this section shall take effect on January 1, 1971.

Sec. 16. Section 3, chapter 258, Laws of 1947 as last amended by section 1, chapter 158, Laws of 1967 and RCW 28.04.060 are each amended to read as follows:

Each member of the state board of education shall be elected by a majority of the electoral points accruing from all the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the superintendent of public instruction and no votes shall be accepted for counting if postmarked after the sixteenth day of October following the call of the election. The superintendent of public instruction and an election board comprised of three persons appointed by the state board of education shall count and tally the votes and the electoral points accruing therefrom not later than the twenty-fifth day of October in the following manner: Each vote cast by a school director shall be accorded as many electoral points as there are enrolled students in

that director's school district (~~(on-the-last-day-for-filing-declara-tions-of-candidate-under-RCW-28.04.040)~~) as determined by the enrollment reports forwarded to the state superintendent of public instruction for apportionment purposes for the month of September of the year of election: PROVIDED, That school directors from a school district which has more than five directors shall have their electoral points based upon enrollment recomputed by multiplying such number by a fraction, the denominator of which shall be the number of directors in such district, and the numerator of which shall be five; the electoral points shall then be tallied for each candidate as the votes are counted; and it shall be the majority of electoral points which determines the winning candidate. If no candidate receives a majority of the possible electoral points, then, not later than the first day of November, the superintendent of public instruction shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of electoral points accruing from such votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of electoral points accruing from the votes at any such second election shall be declared elected. Within ten days following the count of votes in an election at which a member of the state board of education is elected, the superintendent of public instruction shall certify to the secretary of state the name or names of the persons elected to be members of the state board of education.

NEW SECTION. Sec. 17. Section 55, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.550 are each hereby repealed.

Sec. 18. Section 3, chapter 49, Laws of 1965 ex. sess. and RCW 28.67.076 are each amended to read as follows:

When any faculty member, instructor, teacher, or other certificated employee or instructor leaves one public school (~~(r-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.

NEW SECTION. Sec. 19. Section 54, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.540 are each hereby repealed.

Sec. 20. Section 17, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.170 are each amended to read as follows:

The coordinating council for occupational education shall consist of nine voting members ((~~who shall be chosen by July 17, 1967~~)). Three of the members shall be selected by the state board of education from its membership; and they shall serve at the pleasure of the state board of education. Three members shall be selected by the community college state board from its membership; and they shall serve at the pleasure of the state board for community college education. Three members shall be appointed by the governor, one of whom shall represent the field of labor, and one of whom shall represent the field of management, both of whom shall have had recent actual experience in or association with the fields of management and labor within the state to assure their familiarity with the vocational education needs of management and labor within the state. The governor's appointees shall serve at his pleasure. No member appointed by the governor shall, during the time he serves on the council, be a member of any other education board, state or local. The superintendent of public instruction and the director of the state system of community colleges or their designees shall serve as nonvoting members of the council.

The coordinating council shall review each program and program expenditure of the director of the division of vocational education prior to commitment of same.

No voting member of the council shall receive any salary for his services, but shall receive the sum of twenty-five dollars per diem for each day actually spent in attending to his duties as a member of the council, and mileage at the rate of ten cents per mile.

Sec. 21. Section 58, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.580 are each amended to read as follows:

~~((Whenever the provisions of))~~ The professional negotiations law, chapter 28.72 RCW, as now or hereafter amended, applies to the faculty and staff of ~~((the said))~~ community colleges and vocational-technical institutes, ~~((it shall continue to apply after April 3, 1967,))~~ but negotiations and appeals shall be conducted with the respective board and the director of the state board for community college education.

~~((The state board for community colleges shall prepare a study for presentation to the members of the forty-first legislature with respect to the applicability of such law to the state system of community colleges.))~~

Sec. 22. Section 14, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.140 are each amended to read as follows:

Each community college board of trustees:

(1) Shall operate all existing community colleges and vocational-technical institutes in its district;

(2) Shall create comprehensive programs of community college education and training and maintain an open-door policy in accordance with the provisions of RCW 28.85.090(3);

(3) Shall employ for a period to be fixed by the board a college president for each community college, a director for each vocational-technical institute or school operated by a community college, a district president in the event there is more than one college and/or separated institute or school located in the district, members of

the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand;

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community college;

(6) May, with the approval of the college board, issue and sell revenue bonds for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance with the provisions of RCW 28.76.180 through 28.76.210 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of 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 college board; 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;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the community college district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community college or colleges under its control, and notwithstanding any other provision of law, publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate;

(13) Shall enforce the rules and regulations prescribed by the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing,

conduct at the various community college facilities, scholarships and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board; and

(16) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

Part III. Sections Affecting the 1969 Education Code

NEW SECTION. Sec. 23. Section 28A.02.060, chapter...(HB58), Laws of 1969 ex. sess. and RCW 28A.02.060 are each hereby repealed. The provision of this section shall take effect on January 1, 1971.

Sec. 24. Section 28A.02.070, chapter...(HB58) Laws of 1969 ex. sess. and RCW 28A.02.070 are each amended to read as follows:

On the Friday preceding (~~(November-11th-of-each-year-of-the preceeding-Friday-when-November-11th-falls-on-a-Friday)~~) the fourth Monday in October of each year, there shall be presented in each common school as defined in RCW 28A.01.060 a program suitable to the observance of Veterans' (~~(and-Admission)~~) Day.

The responsibility for the preparation and presentation of such program approximating sixty minutes in length shall be with the principal or head teacher of each school building and such program shall embrace topics tending to instill a loyalty and devotion to the institutions and laws of this state and nation.

The superintendent of public instruction and county and intermediate school officials shall by advice and suggestion aid in the preparation of such programs if such aid be solicited.

The provision of the 1969 amendment to this section shall



not take effect until January 1, 1971.

Sec. 25. Section 28A.04.060, chapter... (HB 58) Laws of 1969 ex sess. and RCW 28A.04.060 are each amended to read as follows:

Each member of the state board of education shall be elected by a majority of the electoral points accruing from all the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the superintendent of public instruction and no votes shall be accepted for counting if postmarked after the sixteenth day of October following the call of the election. The superintendent of public instruction and an election board comprised of three persons appointed by the state board of education shall count and tally the votes and the electoral points accruing therefrom not later than the twenty-fifth day of October in the following manner: Each vote cast by a school director shall be accorded as many electoral points as there are enrolled students in that director's school district (~~on-the-last-day-for-filing declarations-of-candidacy-under-RCW-28A-04-040~~) as determined by the enrollment reports forwarded to the state superintendent of public instruction for apportionment purposes for the month of September of the year of election: PROVIDED, That school directors from a school district which has more than five directors shall have their electoral points based upon enrollment recomputed by multiplying such number by a fraction, the denominator of which shall be the number of directors in such district, and the numerator of which shall be five; the electoral points shall then be tallied for each candidate as the votes are counted; and it shall be the majority of electoral points which determines the winning candidate. If no candidate receives a majority of the possible electoral points, then, not later than the first day of November, the superintendent of public instruction shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of electoral points accruing from such votes cast. No vote cast at such second election shall

be received for counting if postmarked after the sixteenth day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of electoral points accruing from the votes at any such second election shall be declared elected. Within ten days following the count of votes in an election at which a member of the state board of education is elected, the superintendent of public instruction shall certify to the secretary of state the name or names of the persons elected to be members of the state board of education.

NEW SECTION. Sec. 26. Section 28B.50.550, chapter ... (HB 58) Laws of 1969 ex. sess. and RCW 28B.50.550 are each hereby repealed.

Sec. 27. Section 28A.58.100, chapter ..., (HB 58) Laws of 1969 ex. sess. and RCW 28A.58.100 are each amended to read as follows:

Every board of directors, unless otherwise specially provided by law, shall:

(1) Employ for not more than one year, and for sufficient cause discharge all certificated and noncertificated employees, and fix, alter, allow and order paid their salaries and compensation;

(2) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or noncertification qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and emergencies for both certificated and noncertificated employees, and with such compensation as the board of directors prescribe: PROVIDED, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness 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;

(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 (former RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso.

(f) Accumulated leave under this provisornt 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 to and from one district to another, the office of superintendent of public instruction and offices of county and intermediate district superintendents and boards of education, to and from such districts and such offices;

(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.

When any teacher or other certificated employee leaves one ((community-college-district-or)) school district within the state and commences employment with another school district ((or-community college-district)) within the state, he shall retain the same seniority, leave benefits and other benefits that he had in his previous position. If the school district ((or-community-college-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.

Sec. 28 . Section 28B.50.170, chapter ..., Laws of 1969 ex. sess. (HB 58) and RCW 28B.50.170 are each amended to read as follows:

The coordinating council for occupational education shall consist of nine voting members (~~(7-who-shall-be-chosen-by-July-17-1967)~~). Three of the members shall be selected by the state board of education from its membership; and they shall serve at the pleasure of the state board of education. Three members shall be selected by the community college state board from its membership; and they shall serve at the pleasure of the state board for community college education. Three members shall be appointed by the governor, one of whom shall represent the field of labor, and one of whom shall represent the field of management, both of whom shall have had recent actual experience in or association with the fields of management and labor within the state to assure their familiarity with the vocational education needs of management and labor within the state. The governor's appointees shall serve at his pleasure. No member appointed by the governor shall, during the time he serves on the council, be a member of any other education board, state or local. The superintendent of public instruction and the director of the state system of community colleges or their designees shall serve as nonvoting members of the council.

The coordinating council shall review each program and program expenditure of the director of the division of vocational education prior to commitment of same.

No voting member of the council shall receive any salary for his services, but shall receive the sum of twenty-five dollars per diem for each day actually spent in attending to his duties as a member of the council, and mileage at the rate of ten cents per mile.

Sec. 29. Section 28B.50.580, chapter ... (HB 58) Laws of 1969 ex.sess. and RCW 28B.50.580 are each amended to read as follows:

~~((Whenever the provisions of))~~ The professional negotiations law, chapter 28A.72 RCW, as now or hereafter amended, applies to the faculty and staff of ~~((the said))~~ community colleges and vocational-technical institutes, ~~((it shall continue to apply after April 3, 1967))~~ but negotiations and appeals shall be conducted with the respective board and the director of the state board for community college education.

~~((The state board for community colleges shall prepare a study for presentation to the members of the forty-first legislature with respect to the applicability of such law to the state system of community colleges))~~

Sec. 30. Section 28B.50.140, chapter ... (HB 58) Laws of 1969 ex.sess. and RCW 28B.50.140 are each amended to read as follows:

Each community college board of trustees:

- (1) Shall operate all existing community colleges and vocational-technical institutes in its district;
- (2) Shall create comprehensive programs of community college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3);
- (3) Shall employ for a period to be fixed by the board a college president for each community college, a director for each vocational-technical institute or school operated by a community college, a district president in the event there is more than one college and/or separated institute or school located in the district, members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties;
- (4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand;
- (5) May establish or lease, operate, equip and maintain dor-

mitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community college;

(6) May, with the approval of the college board, issue and sell revenue bonds for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of 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 college board; 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;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the community college district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community college or colleges under its control, and notwithstanding any other provision of law, publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate;

(13) Shall enforce the rules and regulations prescribed by the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships, conduct at the various community college facilities and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties

vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board; and

(16) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

NEW SECTION. Sec. 31. Section 28B.50.540, chapter ..., (HB 58) Laws of 1969 ex. sess. and RCW 28B.50.540 are each hereby repealed.

#### Part IV. New Sections.

NEW SECTION. Sec. 32. It shall be the purpose of sections 32 through 45 of this 1969 amendatory act to establish a system of faculty tenure which protects the concepts of faculty employment rights and faculty involvement in the protection of those rights in the state system of community colleges. Sections 32 through 45 of this 1969 amendatory act shall define a reasonable and orderly process for appointment of faculty members to tenure status and the dismissal of the tenured faculty member.

NEW SECTION. Sec. 33. As used in sections 32 through 45 of this 1969 amendatory act:

(1) "Tenure" shall mean a faculty appointment for an indefinite period of time which may be revoked only for adequate cause and by due process;

(2) "Faculty appointment" shall mean full time employment as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments;

(3) "Probationary faculty appointment" shall mean a faculty appointment for a designated period of time which may be terminated without cause upon expiration of the probationer's terms of employment;

(4) "Probationer" shall mean any individual holding a proba-



tionary faculty appointment;

(5) "Administrative appointment" shall mean employment in a specific administrative position as determined by the appointing authority;

(6) "Appointing authority" shall mean the board of trustees of a community college district;

(7) "Review committee" shall mean a committee composed of the probationer's faculty peers and the administrative staff of the community college providing that the majority of the committee shall consist of the probationer's faculty peers.

NEW SECTION. Sec. 34. The appointing authority shall promulgate rules and regulations implementing sections 32 through 45 of this 1969 amendatory act and shall provide for the award of faculty tenure following a probationary period not to exceed three consecutive regular college years, excluding summer quarter: PROVIDED, That tenure may be awarded at any time as may be determined by the appointing authority after it has given reasonable consideration to the recommendations of the review committee.

NEW SECTION. Sec. 35. The appointing authority shall provide each faculty member, immediately upon employment, with a written agreement which delineates the terms of employment including all conditions and responsibilities attached thereto.

NEW SECTION. Sec. 36. The probationary faculty appointment period shall be one of continuing evaluation of a probationer by a review committee. The evaluation process shall place primary importance upon the probationer's effectiveness in his appointment. The review committee shall periodically advise each probationer, in writing, of his progress during the probationary period and receive the probationer's written acknowledgment thereof. The review committee shall at appropriate times make recommendations to the appointing authority as to whether tenure should or should not be granted to individual probationers: PROVIDED, That the final decision to award or withhold tenure shall rest with the appointing authority, after it

has given reasonable consideration to the recommendations of the review committee.

NEW SECTION. Sec. 37. Upon the decision not to renew a probationary faculty appointment, the appointing authority shall notify the probationer of such decision as soon as possible during the regular college year: PROVIDED, That such notice may not be given subsequent to the last day of the winter quarter.

NEW SECTION. Sec. 38. A tenured faculty member, upon appointment to an administrative appointment, except that of president, shall be allowed to retain his tenure.

NEW SECTION. Sec. 39. The tenured faculty member shall not be dismissed except for sufficient cause, nor shall a faculty member who holds a probationary faculty appointment be dismissed prior to the written terms of the appointment except for sufficient cause.

NEW SECTION. Sec. 40. Sufficient cause shall also include aiding and abetting or participating in: (1) Any unlawful act of violence; (2) Any unlawful act resulting in destruction of community college property; or (3) Any unlawful interference with the orderly conduct of the educational process.

NEW SECTION. Sec. 41. Prior to the dismissal of a tenured faculty member, or a faculty member holding an unexpired probationary faculty appointment, the case shall first be reviewed by a review committee. The review shall include testimony from all interested parties including, but not limited to, other faculty members and students. The faculty member whose case is being reviewed shall be afforded the right of cross-examination and the opportunity to defend himself. The review committee shall prepare recommendations on the action they propose be taken and submit such recommendations to the appointing authority prior to their final action.

NEW SECTION. Sec. 42. Any faculty member dismissed pursuant to sections 32 through 45 of this 1969 amendatory act shall have a right to appeal the final decision of the appointing authority within ten days thereof in accordance with RCW 34.04.090 through RCW 34.04-

.140 as now or hereafter amended. For the purposes of chapter 34.04 RCW any appeal pursuant to this provision shall be considered a contested case as defined in RCW 34.04.010(3).

NEW SECTION. Sec. 43. Upon transfer of employment from one community college to another community college within a district, a tenured faculty member shall have the right to retain tenure and the rights accruing thereto which he had in his previous employment: PROVIDED, That upon permanent transfer of employment to another community college district a tenured faculty member shall not have the right to retain his tenure or any of the rights accruing thereto.

NEW SECTION. Sec. 44. Faculty members currently employed in the state system of community colleges who come under the provisions of RCW 28.67.070 (or RCW 28A.67.070) and of sections 32 through 45 of this 1969 amendatory act shall be granted tenure by their appointing authority notwithstanding any other provision of this 1969 amendatory act.

NEW SECTION. Sec. 45. The review committees required by sections 32 through 45 of this 1969 amendatory act shall be composed of members of the administrative staff and the teaching faculty. The representatives of the teaching faculty shall represent a majority of the members on each review committee. The members representing the teaching faculty on each review committee shall be selected by a majority of the teaching faculty and faculty department heads acting in a body.

NEW SECTION. Sec. 46. The state board for community college education is authorized and empowered:

(1) To assist the faculties of the community colleges and such other employees as the state board for community college education may designate in the purchase of old age annuities and retirement income plans under such rules and regulations as the state board shall promulgate and adopt.

(2) To provide under such rules and regulations for the retirement of any such faculty member or employee on account of age or

health.

NEW SECTION. Sec. 47. Subject to the provision of section 50 of this 1969 amendatory act, members of the faculties and such other employees as are designated by the state board for community college education in the plan shall be required to contribute in addition to federal social security tax contributions not less than five percent of their salaries during each year of full time service toward the purchase of such annuity or retirement income plan.

NEW SECTION. Sec. 48. In no case shall the state board for community college education pay in any one year towards the purchase of such annuity or retirement income plan any amount exceeding five percent of such person's salary: PROVIDED, Such contributions shall be in addition to federal social security tax contributions.

NEW SECTION. Sec. 49. Faculty members or other employees designated by the state board for community college education pursuant to this act shall be retired from teaching or employment in the community college system no later than the end of the academic year next following their seventieth birthday.

NEW SECTION. Sec. 50. A faculty member or employee designated by the state board for community college education as being eligible to participate in such annuity or retirement income plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system or the Washington public employees' retirement system may choose to either: (1) Continue as an active, contributing member in either the Washington state teachers' retirement system or the Washington public employees' retirement system, or (2) at his election within one year of the date he first becomes eligible for membership in any retirement plan adopted by the state board for community college education as provided for in sec-

v - tion 33 of this 1969 amendatory act, choose to: (a) continue as an inactive, noncontributing member in either the Washington state teachers' retirement system or the Washington public employees' retirement system and participate in the retirement or annuity plan

adopted pursuant to this act, or (b) terminate his membership in the Washington state teachers' retirement system or the Washington public employees' retirement system and participate in the retirement or annuity plan adopted pursuant to this act. A faculty member or employee who chooses to terminate membership in the Washington state teachers' retirement system or the Washington public employees' retirement system may withdraw his accumulated contributions and interest in the teachers' retirement fund or the public employees' retirement fund upon written application to the board of trustees of the appropriate retirement system. Faculty members or employees who withdraw their accumulated contributions on and after the date of withdrawal of contributions, shall no longer be members of the Washington state teachers' retirement system or the Washington public employees' retirement system and shall forfeit all rights of membership, including pension benefits, theretofore acquired under the Washington state teachers' retirement system or the Washington public employees' retirement system: PROVIDED, That such faculty member or employee who, upon attainment of eligibility for retirement under the Washington state teachers' retirement system or the Washington public employees' retirement system is still engaged in public educational employment, shall not be eligible to receive benefits under such retirement system until he ceases such public educational employment. Any retired faculty member or employee who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to seventy-five days in a school year without reduction of pension.

NEW SECTION. Sec. 51. The boards of trustees of the various community college districts are hereby directed to create no later than January 1, 1970 at each community college or vocational-technical institute under their control, a faculty senate or similar organization to be selected by periodic vote of the respective faculties thereof.

NEW SECTION. Sec. 52. (1) There is hereby created a state advisory council on vocational education, hereinafter referred to as the "advisory council", consisting of not less than thirteen members appointed by the governor, without regard to the civil service laws, for terms of three years, except that in the case of the initial members, at least four shall be appointed for terms of one year each and at least four shall be appointed for terms of two years each, and appointments to fill vacancies shall be only for such terms as remain unexpired. The advisory council shall include persons who are:

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

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

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

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

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

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

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

(h) Possessed of special knowledge, experience, or qualifica-

tions, with respect to the special educational needs of physically or mentally handicapped persons; and

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

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

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

NEW SECTION. Sec. 53. The advisory council shall:

(1) Advise the coordinating council on the development of and policy matters arising in the administration of the state plan for federally funded vocational education pursuant to RCW 28.85.230 (or RCW 28B.50.230), including the preparation of long range and annual program plans therefor;

(2) Evaluate such vocational education programs, services, and activities assisted under this title, and publish and distribute the results thereof;

(3) Prepare and submit through the coordinating council to the federal commissioner of education and to the national advisory council on vocational education an annual evaluation report, accompanied by such additional comments of the coordinating council as the coordinating council deems appropriate, which (a) evaluates the effectiveness of federally funded vocational education programs, services, and activities carried out in the year under review in meeting the program objectives set forth in the long range program plan

and the annual program plan, and (b) recommends such changes in such programs, services, and activities as may be warranted by the evaluations; and

(4) Obtain the services of such professional, technical, and clerical personnel as may be deemed necessary to enable it to carry out its functions under this 1969 amendatory act and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

Part. V. Construction.

NEW SECTION. Sec. 54. The forty-first legislature has passed a bill proposing a complete revision of the education laws of this state. The provisions of Part II of the instant bill seek to change existing laws. The provisions of Part III seek to change correlative provisions of the 1969 education code when such code becomes law. It is the intent of the legislature that the provisions of Part II shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part II shall expire and the provisions of Part III shall concomitantly become effective. It is the further intent of the legislature that Part III of the instant bill shall not take effect unless the 1969 education code takes effect, but when such event occurs then any amendatory provisions of Part III of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall be construed as repealing the correlative section of the 1969 education code, and any new or additional provisions of Part II shall be construed as being in pari materia with the 1969 education code.

NEW SECTION. Sec. 55. The code reviser is directed to add the provision of Part IV of this 1969 amendatory act to Title 28 until such time as Titles 28A and 28B shall take effect, at which time it shall be added thereto.

Sec. 56. Section 29.21.060, chapter 9, Laws of 1965, as amended by section 2, chapter 103, Laws of 1965 ex. sess., and RCW



29.21.060 are each amended to read as follows:

All candidates for offices to be voted on at any election in first, second, and third class cities 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, and first class school districts, 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. 57. Section 29.21.150, chapter 9, Laws of 1965 and as amended by section 89, chapter 176, Laws of 1969 1st ex. sess. RCW 29.21.150 are each amended to read as follows:

The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan position shall appear on the general election ballot under the designation therefor: PROVIDED, That in elections for judges of the supreme court and judges of the superior court, for justices of the peace, and for state superintendent of public instruction, and for directors of first class school districts, if any candidate in the primary receives a majority of all the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter.

Sec. 58. Section 29.21.180, chapter 9, Laws of 1965 as last amended by section 90, chapter 176, Laws of 1969 1st ex. sess. and RCW 29.21.180 are each amended to read as follows:

No primary shall be held relating to the office ((s)) of state superintendent of public instruction or, except for school districts of the first class having an enrollment of seventy thousand pupils or more in class AA counties, officers of other first class school districts (~~(embracing-a-city-of-over-one-hundred-thousand-population)~~) if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for each position to be filled. In such event all candidates concerned shall be notified. Names of candidates that would have been printed upon the primary ballot, but for the provisions of this section, shall be printed upon the general

election ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates.

NEW SECTION. Sec. 59. If any provision of this 1969 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate May 12, 1969  
Passed the House May 12, 1969  
Approved by the Governor May 23, 1969, with the exception of a certain item in Section 50 which is vetoed  
Filed in office of Secretary of State May 23, 1969

NOTE: Governor's explanation of partial veto is as follows:  
"...This bill is an omnibus education bill. Section 46 through 50 contain provisions which authorize old age annuities and retirement income plans for community college employees. In Section 50 an erroneous internal reference is made to another section of the act. To cure this technical error I have vetoed the cross referenced provision in Section 50.

With the exception of that one item, the remainder of this bill is approved."

CHAPTER 284  
[House Bill No. 310]  
WATER AND WATER RESOURCES

AN ACT Relating to water and water resources; authorizing the making of grants to municipal and public corporations and political subdivisions for construction of water pollution control projects; authorizing the establishment of minimum flows and levels on public waters; authorizing the issuance of certain regulatory orders relating to water and water resources and prescribing the methods of review therefrom; directing the registration and regulation of certain water rights claims; adding a new section to chapter 90.48 RCW; adding new sections to chapter 242, Laws of 1967 and chapter 43.27A RCW; adding new sections to chapter 233, Laws of 1967 and chapter 90.14 RCW; adding a new chapter to Title 90 RCW; amending section 28, chapter 13, Laws of 1967 and RCW 90.48.290; repealing section 1, chapter 81, Laws of 1967 and RCW 43.21.145; repealing sections 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, chapter 233, Laws of 1967 and RCW 90.14.030, 90.14.040, 90.14.050, 90.14.060,

90.14.070, 90.14.080, 90.14.090, 90.14.100, 90.14.110 and 90-  
.14.120; defining a crime; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 28, chapter 13, Laws of 1967 and RCW 90.48-  
.290 are each amended to read as follows:

The commission is authorized to make and administer grants within appropriations authorized by the legislature to any (~~muni-  
cipality~~) municipal or public corporation, or political subdivision within the state for the purpose of aiding in the construction of water pollution control projects necessary to prevent the discharge of untreated or inadequately treated sewage or other waste into the waters of the state including, but not limited to, projects for the control of storm or surface waters which will provide for the removal of waste or polluting materials therefrom.

Grants so made by the commission shall be subject to the following limitations:

(1) No grant shall be made in an amount which exceeds the recipient's contribution to the estimated cost of the project: PROVIDED, That the following shall be considered a part of the recipient's contribution:

(a) Any grant received by the recipient from the federal government pursuant to section 8 (f) of the Federal Water Pollution Control Act (33 U.S.C. 466) for the project (~~shall-be-considered-as part-of-the-recipient's-contribution~~);

(b) Any expenditure which is made by any municipal or public corporation, or political subdivision within the state as a part of a joint effort with the recipient to carry out the project and which has not been used as a matching contribution for another grant made pursuant to this chapter, and

(c) Any expenditure for the project made by the recipient out of moneys advanced by the commission from a revolving fund and repayable to said fund.

(2) No grant shall be made for any project which does not

qualify for and receive a grant of federal funds under the provisions of the Federal Water Pollution Control Act as now or hereafter amended: PROVIDED, That this restriction shall not apply to state grants made in any biennium over and above the amount of such grants required to match all federal funds allocated to the state for such biennium.

(3) No grant shall be made to any (~~municipality~~) municipal or public corporation, or political subdivision for any project located within a drainage basin (~~for which~~) unless the commission shall have previously adopted a comprehensive water pollution control and abatement plan and unless the project is found by the commission to conform with such basin comprehensive plan: PROVIDED, That the requirement for a project to conform to a comprehensive water pollution control and abatement plan may be waived by the commission or director for any grant application filed with the commission prior to July 1, 1974, in those situations where the commission or director finds the public interest would be served better by approval of any grant application made prior to adoption of such plan than by its denial.

(4) Recipients of grants shall meet such qualifications and follow such procedures in applying for grants as shall be established by the commission.

(5) Grants may be made to reimburse recipients for expenditures made after July 1, 1967 for projects which meet the requirements of this 1969 amendatory act and were commenced after the recipient had filed a grant application with the commission.

NEW SECTION. Sec. 2. There is added to chapter 90.48 RCW a new section to read as follows:

The commission shall submit a biennial report to the legislature setting forth the grants made pursuant to RCW 90.48.290 as now or hereafter amended, agencies to which granted, progress towards adoption of comprehensive plans for water pollution control and abatement for the drainage basins of the state, and the extent to which approved projects have conformed to said plans.

NEW SECTION. Sec. 3. The department of water resources may establish minimum water flows or levels for streams, lakes or other public waters for the purposes of protecting fish, game, birds, or other wildlife resources, or recreational or aesthetic values of said public waters whenever it appears to be in the public interest to establish the same. In addition, the department of water resources shall, when requested by the department of fisheries or the game commission to protect fish, game or other wildlife resources under the jurisdiction of the requesting state agency, or by the water pollution control commission to preserve water quality, establish such minimum flows or levels as are required to protect the resource or preserve the water quality described in the request. Any request submitted by the department of fisheries, game commission or water pollution control commission shall include a statement setting forth the need for establishing a minimum flow or level. This section shall not apply to waters artificially stored in reservoirs, provided that in the granting of storage permits by the department of water resources in the future full recognition shall be given to downstream minimum flows, if any there may be, which have theretofore been established hereunder.

NEW SECTION. Sec. 4. Flows or levels authorized for establishment under section 3 hereof, or subsequent modification thereof by the department shall be provided for through the adoption of regulations. Prior to the establishment or modification of a water flow or level for any stream or lake or other public water, the department shall hold a public hearing in the county in which the stream, lake or other public water is located. If the same is located in more than one county the department shall determine the location or locations therein and number of hearings to be conducted. Notice of hearings shall be given by publication in a newspaper of general circulation in the county or counties in which the stream, lake or other public waters is located, once a week for three consecutive weeks prior to the hearing. Said notice shall include the

following:

(1) The name of the stream, lake or other water source under consideration.

(2) The proposed levels or flows to be established, if the department has made such a determination prior to the hearing.

(3) The place and time of the hearing.

(4) A statement that any person, including any private citizen or public official may present his views either orally or in writing.

Notice of the hearing shall also be served upon the administrators of the departments of fisheries, health and natural resources, the game commission, the state highway commission and the water pollution control commission.

NEW SECTION. Sec. 5. The establishment of levels and flows pursuant to section 3 of this 1969 amendatory act shall in no way affect existing water and storage rights and the use thereof, including but not limited to rights relating to the operation of any hydroelectric or water storage reservoir or related facility. No right to divert or store public waters shall be granted by the department of water resources which shall conflict with regulations adopted pursuant to sections 3 and 4 of this 1969 amendatory act establishing flows or levels. All regulations establishing flows or levels shall be filed in a "Minimum Water level and Flow Register" of the department of water resources.

NEW SECTION. Sec. 6. It shall be the policy of the state, and the department of water resources shall be so guided in the implementation of sections 3 and 4 of this 1969 amendatory act, to retain sufficient minimum flows or levels in streams, lakes or other public waters to provide adequate waters in such water sources to satisfy stockwatering requirements for stock on riparian grazing lands which drink directly therefrom where such retention shall not result in an unconscionable waste of public waters. The policy hereof shall not apply to stockwatering relating to feed lots and

other activities which are not related to normal stockgrazing land uses.

NEW SECTION. Sec. 7. There is added to chapter 242, Laws of 1967 and to chapter 43.27A RCW a new section to read as follows:

Notwithstanding and in addition to any other powers granted to the department of water resources, whenever it appears to the director of the department of water resources, or to an assistant authorized by the director to issue regulatory orders under this section, that a person is violating or is about to violate any of the provisions of the following:

- (1) Chapter 90.03 RCW; or
- (2) Chapter 90.44 RCW; or
- (3) Chapter 86.16 RCW; or
- (4) Chapter 43.37 RCW; or
- (5) Chapter 43.27A RCW; or

(6) Any other chapter or statute the director of the department of water resources is charged with administering; or

(7) A rule or regulation adopted, or a directive or order issued by the department of water resources relating to subsections (1) through (6) of this section;

the director of the department of water resources, or an authorized assistant, may cause a written regulatory order to be served upon said person either personally, or by registered or certified mail delivered to addressee only with return receipt requested and acknowledged by him. The order shall specify the provision of the statute, rule, regulation, directive or order alleged to be or about to be violated, and the facts upon which the conclusion of violating or potential violation is based, and shall order the act constituting the violation or the potential violation to cease and desist or, in appropriate cases, shall order necessary corrective action to be taken with regard to such acts within a specific and reasonable time. The regulation of a headgate or controlling works as provided in RCW 90.03.070, by a watermaster, stream patrolman, or other person so



authorized by the director of the department of water resources, shall constitute a regulatory order within the meaning of this section. A regulatory order issued hereunder shall become effective immediately upon receipt by the person to whom the order is directed, except for regulations under RCW 90.03.070 which shall become effective when a written notice is attached as provided therein, and shall become final unless review thereof is requested as provided in section 8 of this 1969 amendatory act. This section is supplementary to and shall not lessen any of the regulatory and enforcement powers of the department of water resources.

NEW SECTION. Sec. 8. There is added to chapter 242, Laws of 1967 and to chapter 43.27A a new section to read as follows:

Any person feeling aggrieved by a regulatory order issued pursuant to section 7 of this 1969 amendatory act shall be entitled to review thereof upon request as follows:

(1) Review of the following categories of orders enumerated in subsections (a), (b), (c) and (d) of this subsection (1) shall be available in superior court pursuant and subject to the provisions of RCW 90.03.080 and shall include:

(a) An order which relates to the right to divert, withdraw or otherwise make beneficial use of waters of a water source which has been adjudicated pursuant to RCW 90.03.110 through 90.03.240 or RCW 90.44.220 and 90.44.230; or

(b) An order which relates to the performance of an activity, or the construction or operation of a facility or improvement by a person without a permit, certificate, license or other authorization or approval of the department of water resources when the same is required to be obtained from the department by the person by statute, including but not limited to RCW 90.03.250, 90.03.350, 90.03.370, 90.03.380, 90.44.050, 86.16.080, or 43.37.080, prior to said performance, construction or operation; or

(c) An order which relates to the violation of a term or condition of a permit or certificate, license or other authorization or

approval issued by the department of water resources; or

(d) An order which relates to a water use condition constituting an emergency which threatens the public safety or welfare;

(2) Review of all regulatory orders issued pursuant to section 7 of this 1969 amendatory act, other than those described in section 8 (1) of this act, shall be available through administrative hearings conducted by the department of water resources. A hearing shall be granted by the director of the department of water resources if the requester submits a written request to the director by certified or registered mail for a hearing and the same is received by, or mailed to the director within thirty days from the date of receipt of the order. No such request shall be entertained unless it contains the following:

(a) The requester's name and address;

(b) The date of the order for which the request for review is taken;

(c) A statement of the substance of the order complained of;

(d) A clear, separate and concise statement of each and every error which the requester alleges to have been committed by the department;

(e) A clear and concise statement of facts upon which the requester relies to sustain his statements of error; and

(f) A statement setting forth the relief sought.

All hearings shall be before the director or a hearing officer appointed by the director. Any party to a hearing held hereunder who feels aggrieved by a final order issued by the director of the department of water resources after a hearing may obtain review thereof in a superior court. All hearings and judicial review authorized hereunder shall be subject to the provisions of chapter 34.04 RCW pertaining to contested cases.

In the event a regulatory or final order issued pursuant to section 7 or 8 of this 1969 amendatory act is not complied with, the attorney general, upon request of the department of water resources,

shall bring an action in the superior court of the county where the violation occurred or potential violation is about to occur to obtain such judicial relief as necessary, including injunctive relief, to insure that said order is complied with.

NEW SECTION. Sec. 9. Any person, corporation, association or government agency feeling aggrieved by any order, decision or determination of the department of water resources, other than a regulatory order issued pursuant to section 7 or 8 of this 1969 amendatory act, who is not otherwise expressly entitled to a hearing before the department of water resources prior or subsequent to the issuance of any such order, decision or determination shall be entitled to a hearing under the provisions of this section upon request. No request shall be entertained unless it contains the same information and statements as required in a written request for a hearing as set forth in section 8 (2) of this act, and is delivered to the department's office in Olympia either personally or by registered or certified mail, within thirty days following the rendition of the order, decision or determination by said department.

Any party to this proceeding shall be entitled to have a final order of the department reviewed by the superior court. The proceedings authorized hereunder shall be construed as "contested cases" within the meaning of chapter 34.04 RCW and said RCW chapter shall apply to all phases of the hearing and the judicial review granted in this section.

NEW SECTION. Sec. 10. There is added to chapter 242, Laws of 1967 and chapter 43.27A RCW a new section to read as follows:

The director of the department of water resources may, by appropriate regulation, delegate any of the powers and duties vested in him as director of the department of water resources, other than the adoption, amendment or rescission of rules or regulations, to any of the three assistant directors heading the divisions of the department as provided for in RCW 43.27A.070.

NEW SECTION. Sec. 11. There is added to chapter 242, Laws of

1967 and to chapter 43.27A a new section to read as follows:

Whenever the word "person" is used in sections 7 through 9 of this 1969 amendatory act, it shall be construed to include any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual or any other entity whatsoever.

NEW SECTION. Sec. 12. There is added to chapter 233, Laws of 1967 and to chapter 90.14 RCW a new section to be codified as RCW 90.14.031 to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as used in sections 12 through 21 of this 1969 amendatory act shall have the following meanings:

(1) "Person" shall mean an individual, partnership, association, public or private corporation, city or other municipality, county, or a state agency, and the United States of America when claiming water rights established under the laws of the state of Washington.

(2) "Beneficial use" shall include, but not be limited to, use for domestic water, irrigation, fish, shellfish, game and other aquatic life, municipal, recreation, industrial water, generation of electric power, and navigation.

NEW SECTION. Sec. 13. There is added to chapter 233, Laws of 1967 and to chapter 90.14 RCW a new section to be codified as RCW 90.14.041 to read as follows:

All persons using or claiming the right to withdraw or divert and make beneficial use of public surface or ground waters of the state, except as hereinafter provided in this section, shall file with the department of water resources not later than June 30, 1974, a statement of claim for each water right asserted on a form provided by the department. This section shall not apply to any water rights which are based on the authority of a permit or certificate issued by the department of water resources or one of its predecessors.

NEW SECTION. Sec. 14. There is added to chapter 233, Laws of

1967 and to chapter 90.14 RCW a new section to be codified as RCW 90.14.051 to read as follows:

The statement of claim for each right shall include the following:

- (1) The name and mailing address of the claimant.
- (2) The name of the watercourse or water source from which the right to divert or make use of water is claimed, if available.
- (3) The quantities of water and times of use claimed.
- (4) The legal description, with reasonable certainty, of the point or points of diversion and places of use of waters.
- (5) The purpose of use, including, if for irrigation, the number of acres irrigated.
- (6) The approximate dates of first putting water to beneficial use for the various amounts and times claimed in subsection (3).
- (7) The legal doctrine or doctrines upon which the right claimed is based, including if statutory, the specific statute.
- (8) The sworn statement that the claim set forth is true and correct to the best of claimant's knowledge and belief.

NEW SECTION. Sec. 15. There is added to chapter 233, Laws of 1967 and to chapter 90.14 RCW a new section to be codified as RCW 90.14.061 to read as follows:

Filing of a statement of a claim shall take place and be completed upon receipt by the department of water resources, at its office in Olympia, of an original statement signed by the claimant or his authorized agent, and two copies thereof. Any person required to file hereunder may file through a designated representative. A company, district, public or municipal corporation, or the United States when furnishing to persons water pertaining to water rights required to be filed under section 13 of this 1969 amendatory act, shall have the right to file one claim on behalf of said persons on a form prepared by the department for the total benefits of each person served; provided that a separate claim shall be filed by such company, district, public or private corporation, or the United States for each

operating unit of the filing entity providing such water and for each water source. Within thirty days after receipt of a statement of claim the department shall acknowledge the same by a notation on one copy indicating receipt thereof and the date of receipt, together with the wording of the first sentence of section 17 of this 1969 amendatory act, and shall return said copy by certified or registered mail to the claimant at the address set forth in the statement of claim. No statement of claim shall be accepted for filing by the department of water resources unless accompanied by a two dollar filing fee.

NEW SECTION. Sec. 16. There is added to chapter 233, Laws of 1967 and to chapter 90.14 RCW a new section to be codified as RCW 90-.14.071 to read as follows:

Any person claiming the right to divert or withdraw waters of the state as set forth in section 13 of this 1969 amendatory act, who fails to file a statement of claim as provided in sections 13, 14 and 15 of this 1969 amendatory act, shall be conclusively deemed to have waived and relinquished any right, title, or interest in said right.

NEW SECTION. Sec. 17. There is added to chapter 233, Laws of 1967 and to chapter 90.14 RCW a new section to be codified as RCW 90.14.081 to read as follows:

The filing of a statement of claim does not constitute an adjudication of any claim to the right to use of waters as between the water use claimant and the state, or as between one or more water use claimants and another or others. A statement of claim filed pursuant to section 15 of this 1969 amendatory act shall be admissible in a general adjudication of water rights as prima facie evidence of the times of use and the quantity of water the claimant was withdrawing or diverting as of the year of the filing, if, but only if, the quantities of water in use and the time of use when a controversy is mooted are substantially in accord with the times of use and quantity of water claimed in the statement of claim. A statement of claim shall not otherwise be evidence of the priority of

the claimed water right.

NEW SECTION. Sec. 18. There is added to chapter 233, Laws of 1967 and to chapter 90.14 RCW a new section to be codified as RCW 90.14.091 to read as follows:

For the purpose of sections 12 through 22 of this 1969 amendatory act the following words and phrases shall have the following meanings:

(1) "Statement of taxes due" means the statement required under RCW 84.56.050.

(2) "Notice in writing" means a notice substantially in the following form:

#### WATER RIGHTS NOTICE

Every person, including but not limited to an individual, partnership, association, public or private corporation, city or other municipality, county, state agency and the state of Washington, and the United States of America, when claiming water rights established under the laws of the state of Washington, are hereby notified that all water rights or claimed water rights relating to the withdrawal or diversion of public surface or ground waters of the state, except those water rights based upon authority of a permit or certificate issued by the Department of Water Resources or one of its predecessors, must be registered with the Department of Water Resources, Olympia, Washington not later than June 30, 1974. FAILURE TO REGISTER AS REQUIRED BY LAW WILL RESULT IN A WAIVER AND RELINQUISHMENT OF SAID WATER RIGHT OR CLAIMED WATER RIGHT. For further information contact the Department of Water Resources, Olympia, Washington, for a copy of the act and an explanation thereof.

NEW SECTION. Sec. 19. There is added to chapter 233, Laws of 1967 and to chapter 90.14 RCW a new section to be codified as RCW 90.14.101 to read as follows:

To insure that all persons referred to in section 12 and 13 of this 1969 amendatory act are notified of the registration provisions of this 1969 amendatory act, the department of water resources is

directed to give notice of the registration provisions of this 1969 amendatory act as follows:

(1) It shall cause a notice in writing to be placed in a prominent and conspicuous place in all newspapers of the state having a circulation of more than fifty thousand copies for each week day, and in at least one newspaper published in each county of the state, at least once each year for five consecutive years.

(2) It shall cause a notice substantially the same as a notice in writing to be broadcast by each commercial television station operating in the United States and viewed in the state, and by at least one commercial radio station operating from each county of the state having such a station regularly at six month intervals for five consecutive years.

(3) It shall cause a notice in writing to be placed in a prominent and conspicuous location in each county court house in the state.

(4) The county treasurer of each county shall enclose with each mailing of one or more statements of taxes due issued in 1972 a copy of a notice in writing and a declaration that it shall be the duty of the recipient of the statement of taxes due to forward the notice to the beneficial owner of the property. A sufficient number of copies of the notice and declaration shall be supplied to each county treasurer by the director of the department of water resources before the fifteenth day of January, 1972. In the implementation of this subsection the department of water resources shall provide reimbursement to the county treasurer for the reasonable additional costs, if any there may be, incurred by said treasurer arising from the inclusion of a notice in writing as required herein.

(5) It shall provide copies of the notice in writing to the press services with offices located in Thurston county during January of the years 1970, 1971, 1972, 1973 and 1974.

The director of the department may also in his discretion give notice in any other manner which will carry out the purposes of this



section. Where notice in writing is given pursuant to subsections (1) and (3) of this section, sections 13, 14 and 16 of this 1969 amendatory act shall be set forth and quoted in full.

NEW SECTION. Sec. 20. There is added to chapter 233, Laws of 1967 and to chapter 90.14 RCW a new section to be codified as RCW 90.14.111 to read as follows:

The department of water resources is directed to establish a registry entitled the "Water Rights Claims Registry." All claims set forth pursuant to sections 13, 14 and 15 of this 1969 amendatory act shall be filed in the registry alphabetically and consecutively by control number, and by such other manner as deemed appropriate by the department.

NEW SECTION. Sec. 21. There is added to chapter 233, Laws of 1967 and to chapter 90.14 a new section to be codified as RCW 90.14-.121 to read as follows:

The filing of a statement of claim pursuant to section 15 of this 1969 amendatory act which knowingly provides for an over statement of a right either in quantities of water or times of use claimed shall constitute a misdemeanor punishable by a fine of not more than two hundred fifty dollars or by imprisonment for not more than ninety days, or both.

NEW SECTION. Sec. 22. Sections 3 through 6 of this 1969 amendatory act shall constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 23. Section 1, chapter 81, Laws of 1967 and RCW 43.21.145; section 3, chapter 233, Laws of 1967 and RCW 90-.14.030; section 4, chapter 233, Laws of 1967 and RCW 90.14.040; section 5, chapter 233, Laws of 1967 and RCW 90.14.050; section 6, chapter 233, Laws of 1967 and RCW 90.14.060; section 7, chapter 233, Laws of 1967 and RCW 90.14.070; section 8, chapter 233, Laws of 1967 and RCW 90.14.080; section 9, chapter 233, Laws of 1967 and RCW 90-.14.090; section 10, chapter 233, Laws of 1967 and RCW 90.14.100; section 11, chapter 233, Laws of 1967 and RCW 90.14.110; and section 12, chapter 233, Laws of 1967 and RCW 90.14.120 are each repealed.

NEW SECTION. Sec. 24. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House May 9, 1969

Passed the Senate May 8, 1969

Approved by the Governor May 23, 1969

Filed in office of Secretary of State May 23, 1969

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(For both sessions, regular and extraordinary, 1969)

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CROSS REFERENCE TABLES

Bill No. to Chapter No.; 1969 Regular and 1st Extraordinary Sessions

Bill Number	Chapter Number Laws of 1969	Bill Number	Chapter Number Laws of 1969	Bill Number	Chapter Number Laws of 1969
SB 457	2*	HB 45	127*	HB 191	66*
SB 458	98*	HB 51	20*	HB 192	73
SB 460	184*	HB 52	135	HB 193	129*
SB 462	60*	HB 53	69	HB 194	148*
SB 463	61*	HB 54	74*	HB 196	62
SB 468	219*	HB 58	223*	HB 197	130*
SB 469	121	HB 60	137	HB 198	57
SB 474	231*	HB 61	170*	HB 201	102*
SB 477	220*	HB 65	16	HB 203	114
SB 488	187*	HB 66	111*	HB 205	115
SB 492	55*	HB 76	112*	HB 208	104
SB 498	252*	HB 77	253*	HB 215	78*
SB 499	7*	HB 82	75*	HB 217	63
SB 502	62*	HB 84	242*	HB 219	5
SB 514	162*	HB 90	213*	HB 222	200*
SB 518	63*	HB 91	113*	HB 224	201*
SB 525	84*	HB 92	147*	HB 229	85*
SB 537	16*	HB 93	17	HB 230	86*
SB 539	163*	HB 95	70	HB 232	87*
SB 556	283*	HB 96	113	HB 239	36*
SB 560	232*	HB 98	76*	HB 243	43
SB 569	199*	HB 99	100*	HB 245	143
SB 575	8*	HB 100	21*	HB 246	88*
SB 577	275*	HB 101	53	HB 257	217*
SB 618	142	HB 103	101*	HB 261	89*
SB 624	233*	HB 110	121*	HB 264	74
SB 629	188*	HB 111	54	HB 267	131*
SB 643	189*	HB 116	256*	HB 277	64
SB 648	190*	HB 121	18	HB 278	90*
SB 652	99*	HB 123	8	HB 281	58
SB 662	64*	HB 124	103	HB 282	107
SB 724	281*	HB 125	23*	HB 291	132*
SB 737	244*	HB 127	13	HB 293	91*
SB 738	238*	HB 128	24*	HB 301	65
SB 744	234*	HB 130	128*	HB 303	35*
SB 749	110*	HB 131	55	HB 305	133*
SB 750	1*	HB 132	263*	HB 309	164*
SB 754	266*	HB 140	106	HB 310	284*
SB 756	191*	HB 143	19	HB 311	149*
SB 781	276*	HB 146	112	HB 314	218*
		HB 147	41*	HB 318	150*
		HB 148	37*	HB 326	103*
HB 8	110	HB 150	144	HB 332	25*
HB 13	105	HB 153	71	HB 333	136
HB 15	72*	HB 155	169*	HB 334	151*
HB 16	101	HB 156	22*	HB 341	192*
HB 17	67	HB 158	179*	HB 344	224*
HB 18	68	HB 159	38*	HB 345	152*
HB 24	134	HB 163	125*	HB 346	133
HB 31	137*	HB 166	20	HB 348	104*
HB 33	145*	HB 169	6	HB 349	210*
HB 34	23	HB 170	111	HB 350	75
HB 36	73*	HB 172	77*	HB 352	257*
HB 38	17*	HB 179	56	HB 356	193*
HB 40	18*	HB 183	221*	HB 361	116
HB 41	19*	HB 188	24	HB 362	214*
HB 42	146*	HB 189	72	HB 363	171*

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Bill Number	Chapter Number Laws of 1969	Bill Number	Chapter Number Laws of 1969	Bill Number	Chapter Number Laws of 1969
HB 370	180*	HB 613	68*		
HB 371	66	HB 617	22		
HB 375	14	HB 620	107*		
HB 376	172*	HB 632	92*		
HB 377	173*	HB 635	222*		
HB 380	138*	HB 638	93*		
HB 381	207*	HB 639	135*		
HB 382	259*	HB 640	203*		
HB 383	44	HB 641	255*		
HB 385	76	HB 645	182*		
HB 388	132	HB 650	69*		
HB 392	157*	HB 659	156*		
HB 393	59	HB 661	243*		
HB 407	45	HB 671	102		
HB 408	165*	HB 684	258*		
HB 410	105*	HB 709	204*		
HB 415	114*	HB 710	216*		
HB 419	176*	HB 717	205*		
HB 421	153*	HB 721	39*		
HB 425	211*	HB 722	77		
HB 426	254*	HB 724	194*		
HB 427	241*	HB 742	183*		
HB 433	181*	HB 769	42*		
HB 437	154*	HB 774	28*		
HB 444	26*	HB 827	10		
HB 465	166*	HB 828	212*		
HB 466	167*	HB 850	136*		
HB 471	106*	HB 882	195*		
HB 480	261*	HB 888	4*		
HB 486	215*	HB 893	235*		
HB 490	34*	HB 897	177*		
HB 499	119*	HB 899	240*		
HB 510	108				
HB 512	25				
HB 520	115*				
HB 531	108*				
HB 536	109				
HB 539	139*				
HB 542	225*				
HB 544	116*				
HB 548	140*				
HB 549	60				
HB 550	202*				
HB 554	3*				
HB 563	168*				
HB 570	61				
HB 572	40*				
HB 573	21				
HB 581	120*				
HB 582	262*				
HB 585	260*				
HB 592	67*				
HB 596	134*				
HB 597	155*				
HB 603	117				
HB 604	27*				
HB 606	94*				

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
Ch. 1.08	ADD	212*	5	7.32.150	REP	264*	36
1.08.005	AMD	21	1	7.32.155	REP	264*	36
Ch. 1.12	ADD	240*	2	7.32.160	REP	264*	36
1.12.025	AMD	240*	1	7.32.170	REP	264*	36
1.16.050	AMD	11	1	7.32.180	REP	264*	36
Ch. 1.20	ADD	36	1	7.32.190	REP	264*	36
2.08.061	AMD	213*	1	7.32.200	REP	264*	36
2.08.064	AMD	213*	2	7.32.210	REP	264*	36
2.08.065	AMD	213*	3	7.32.220	REP	264*	36
Ch. 2.12	ADD	202*	1	7.32.230	REP	264*	36
2.32.210	AMD	95	1	7.32.240	REP	264*	36
2.56.010	AMD	93	1	7.32.245	REP	264*	36
Title 3	ADD	6*	1	7.32.250	REP	264*	36
3.16.004	AMD	52	2	7.32.260	REP	264*	36
3.16.110	AMD	199*	5	7.32.270	REP	264*	36
3.16.130	AMD	199*	6	7.32.280	REP	264*	36
3.16.160	AMD	199*	7	7.32.290	REP	264*	36
3.28.070	AMD	199*	8	7.32.300	REP	264*	36
3.34.010	AMD	66*	1	7.32.310	REP	264*	36
3.34.020	AMD	66*	7	7.32.900	REP	264*	36
3.34.030	AMD	66*	2	8.12.400	AMD	232*	64
3.38.040	AMD	66*	3	Ch. 8.25	ADD	236*	1
3.42.040	AMD	66*	4		ADD	236*	2
Ch. 3.46	ADD	66*	6		ADD	236*	3
3.46.090	AMD	66*	5		ADD	236*	4
3.50.300	AMD	84	1		ADD	236*	8
3.58.010	AMD	52	1		ADD	236*	9
3.58.020	AMD	192*	1		ADD	236*	10
3.62.020	AMD	199*	2		ADD	236*	11
3.62.030	REP	199*	64		ADD	236*	12
3.62.050	AMD	111	1		ADD	236*	13
	AMD	199*	3		ADD	236*	14
3.62.060	AMD	25	1		ADD	236*	15
Ch. 3.66	ADD	75	1		ADD	236*	17
	ADD	75	2	8.25.040	AMD	236*	5
	ADD	75	3	8.25.050	AMD	236*	6
Ch. 4.08	ADD	157*	1	8.25.060	AMD	236*	7
4.12.090	AMD	144*	1	8.25.900	AMD	236*	16
4.24.180	AMD	199*	9	Ch. 9.40	ADD	79*	2
4.24.200	AMD	24*	1		ADD	79*	3
4.24.210	AMD	24*	2		ADD	79*	4
4.44.130	AMD	37*	1	Ch. 9.41	ADD	8	1
4.56.110	AMD	46	1		ADD	175*	1
Ch. 4.92	ADD	140	4		ADD	227*	2
4.92.130	AMD	140	1		ADD	227*	3
4.92.160	AMD	140	2	9.41.020	REP	175*	2
4.92.170	AMD	140	3	9.41.090	AMD	227*	1
7.28.230	AMD	122*	1	9.41.110	AMD	227*	4
7.32.010	REP	264*	36	9.41.170	AMD	90*	1
7.32.020	REP	264*	36	9.61.120	AMD	281*	49
7.32.030	REP	264*	36	9.66.070	AMD	281*	50
7.32.040	REP	264*	36	9.68.010	AMD	92	1
7.32.060	REP	264*	36	9.69.080	AMD	56*	1
7.32.070	REP	264*	36	9.86.030	AMD	110*	1
7.32.080	REP	264*	36	9.86.060	REP	110*	2
7.32.090	REP	264*	36	9.86.070	REP	110*	2
7.32.100	REP	264*	36	9.95.003	AMD	98	9
7.32.110	REP	264*	36	9.95.062	AMD	103	1
7.32.120	REP	264*	36		REEN	4*	1
7.32.130	REP	264*	36	9.95.120	AMD	98	2
7.32.140	REP	264*	36	9.95.210	AMD	29	1

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
10.04.110	AMD	199*	10	15.48.020	REP	63	54
10.49.060	AMD	41*	1	15.48.030	REP	63	54
10.52.040	AMD	143*	1	15.48.040	REP	63	54
10.79.015	AMD	83	1	15.48.050	REP	63	54
10.82.070	AMD	199*	11	15.48.060	REP	63	54
Ch. 11.08	ADD	249*	1	15.48.070	REP	63	54
11.16.081	REP	70	5	15.48.080	REP	63	54
11.20.020	AMD	126*	1	15.48.090	REP	63	54
11.28.237	AMD	70	2	15.48.100	REP	63	54
11.68.010	AMD	19	1	15.48.110	REP	63	54
11.76.040	AMD	70	3	15.48.120	REP	63	54
11.76.080	AMD	70	4	15.48.130	REP	63	54
11.88.040	AMD	70	1	15.48.132	REP	63	54
11.92.150	AMD	18	1	15.48.134	REP	63	54
12.32.010	REP	264*	36	15.48.136	REP	63	54
12.32.015	REP	264*	36	15.48.138	REP	63	54
12.32.020	REP	264*	36	15.48.140	REP	63	54
12.32.030	REP	264*	36	15.48.150	REP	63	54
12.32.040	REP	264*	36	15.48.160	REP	63	54
12.32.050	REP	264*	36	15.48.165	REP	63	54
12.32.060	REP	264*	36	15.48.170	REP	63	54
12.32.070	REP	264*	36	15.48.175	REP	63	54
12.32.080	REP	264*	36	15.48.180	REP	63	54
12.32.090	REP	264*	36	15.48.190	REP	63	54
12.32.100	REP	264*	36	15.48.200	REP	63	54
12.32.105	REP	264*	36	15.48.205	REP	63	54
12.32.110	REP	264*	36	15.48.210	REP	63	54
12.32.120	REP	264*	36	15.48.220	REP	63	54
12.32.130	REP	264*	36	15.48.230	REP	63	54
12.32.140	REP	264*	36	15.48.240	REP	63	54
12.32.150	REP	264*	36	15.48.250	REP	63	54
12.32.160	REP	264*	36	15.48.260	REP	63	54
12.32.170	REP	264*	36	15.48.900	REP	63	54
12.32.180	REP	264*	36	15.50.010	REP	87	1
12.32.190	REP	264*	36	15.50.020	REP	87	1
12.32.195	REP	264*	36	15.50.030	REP	87	1
12.32.200	REP	264*	36	15.50.040	REP	87	1
12.32.210	REP	264*	36	15.50.050	REP	87	1
12.32.220	REP	264*	36	15.50.060	REP	87	1
12.32.230	REP	264*	36	15.50.070	REP	87	1
12.32.240	REP	264*	36	15.50.080	REP	87	1
13.04.100	AMD	138*	1	15.66.060	AMD	66	1
14.08.112	AMD	232*	2	15.66.260	AMD	66	2
14.08.114	AMD	232*	3	Ch. 15.76	ADD	85	1
Ch. 14.16	ADD	205*	2	15.80.010	REP	100*	40
14.16.010	AMD	205*	1	15.80.020	REP	100*	40
Title 15	ADD	113	1-15	15.80.030	REP	100*	40
	ADD	129	1-33	15.80.040	REP	100*	40
	ADD	102	1,3	15.80.050	REP	100*	40
15.04.100	AMD	76*	1	15.80.060	REP	100*	40
15.17.230	AMD	76*	2	15.80.070	REP	100*	40
15.17.250	AMD	76*	3	15.80.080	REP	100*	40
15.32.120	AMD	102*	5	15.80.090	REP	100*	40
15.32.720	AMD	199*	12	15.80.100	REP	100*	40
Ch. 15.36	ADD	102*	3	15.80.110	REP	100*	40
15.36.010	REP	102*	7	15.80.120	REP	100*	40
15.36.540	AMD	102*	6	15.80.130	REP	100*	40
15.44.080	AMD	60	1	15.80.140	REP	100*	40
15.44.130	AMD	60	2	15.80.150	REP	100*	40
15.48.010	REP	63	54	15.80.160	REP	100*	40

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
15.80.170	REP	100*	40	16.49.900	REP	145*	64
15.80.180	REP	100*	40	Title 17	ADD	113*	1-28
15.80.190	REP	100*	40	17.21.280	AMD	199*	15
15.80.200	REP	100*	40	17.28.020	AMD	96	1
15.80.210	REP	100*	40	17.28.260	AMD	232*	65
15.80.220	REP	100*	40	18.04.120	AMD	114	1
15.80.230	REP	100*	40	18.04.140	REP	114	8
15.80.240	REP	100*	40	18.04.150	REP	114	8
15.80.250	REP	100*	40	18.04.160	AMD	114	2
15.80.260	REP	100*	40	18.04.200	AMD	114	3
Title 16	ADD	146*	1-68	18.04.220	AMD	114	4
16.28.160	AMD	199*	14	18.04.280	AMD	114	5
16.49.020	REP	145*	64	18.04.290	AMD	114	6
16.49.030	REP	145*	64	18.04.350	AMD	114	7
16.49.040	REP	145*	64	Ch. 18.29	ADD	47	6
16.49.050	REP	145*	64	18.29.020	AMD	47	1
16.49.060	REP	145*	64	18.29.030	AMD	47	2
16.49.070	REP	145*	64	18.29.040	AMD	47	3
16.49.080	REP	145*	64	18.29.050	AMD	47	4
16.49.090	REP	145*	64	18.29.055	REP	47	8
16.49.100	REP	145*	64	18.29.070	AMD	47	5
16.49.110	REP	145*	64	18.32.030	AMD	47	7
16.49.120	REP	145*	64	18.32.110	AMD	49	1
16.49.130	REP	145*	64	18.32.120	AMD	49	2
16.49.140	REP	145*	64	18.32.180	AMD	49	3
16.49.150	REP	145*	64	18.32.210	AMD	49	4
16.49.160	REP	145*	64	Ch. 18.53	ADD	143	2
16.49.170	REP	145*	64	18.57.030	AMD	199*	16
16.49.180	REP	145*	64	Ch. 18.64	ADD	82*	1
16.49.190	REP	145*	64	18.64.260	AMD	199*	17
16.49.200	REP	145*	64	18.71.020	AMD	199*	18
16.49.210	REP	145*	64	18.72.250	AMD	58	1
16.49.220	REP	145*	64	18.83.051	AMD	199*	19
16.49.230	REP	145*	64	18.85.010	AMD	78	1
16.49.240	REP	145*	64	19.28.065	AMD	71*	1
16.49.250	REP	145*	64	19.28.120	REEN	30	1
16.49.260	REP	145*	64		AMD	71*	2
16.49.270	REP	145*	64	19.28.180	AMD	71*	3
16.49.280	REP	145*	64	19.28.210	AMD	71*	4
16.49.290	REP	145*	64	19.30.140	AMD	199*	20
16.49.300	REP	145*	64	19.32.170	AMD	82	10
16.49.310	REP	145*	64	Ch. 19.52	ADD	142*	1
16.49.320	REP	145*	64	19.93.010	REP	67	56
16.49.330	REP	145*	64	19.93.020	REP	67	56
16.49.340	REP	145*	64	19.93.030	REP	67	56
16.49.350	REP	145*	64	19.93.040	REP	67	56
16.49.360	REP	145*	64	19.93.050	REP	67	56
16.49.370	REP	145*	64	19.93.060	REP	67	56
16.49.380	REP	145*	64	19.93.070	REP	67	56
16.49.390	REP	145*	64	19.93.080	REP	67	56
16.49.400	REP	145*	64	19.93.090	REP	67	56
16.49.410	REP	145*	64	19.93.100	REP	67	56
16.49.420	REP	145*	64	19.93.110	REP	67	56
16.49.450	REP	145*	64	19.93.120	REP	67	56
16.49.456	REP	145*	64	19.93.130	REP	67	56
16.49.458	REP	145*	64	19.93.140	REP	67	56
16.49.460	REP	145*	64	19.93.150	REP	67	56
16.49.470	REP	145*	64	19.93.160	REP	67	56
16.49.480	REP	145*	64	19.93.170	REP	67	56
16.49.490	REP	145*	64	19.93.180	REP	67	56
16.49.520	REP	145*	64	19.93.190	REP	67	56

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
19.93.200	REP	67	56	26.44.040	AMD	35*	4
19.93.210	REP	67	56	26.44.050	AMD	35*	5
19.93.220	REP	67	56	27.12.223	AMD	232*	4
19.93.230	REP	67	56	27.16.010	AMD	176*	25
19.93.240	REP	67	56	27.16.020	AMD	176*	26
19.93.250	REP	67	56	27.16.030	AMD	176*	27
19.93.260	REP	67	56	27.16.040	AMD	176*	28
19.93.270	REP	67	56	27.16.050	AMD	176*	29
19.93.280	REP	67	56	27.16.060	AMD	176*	30
19.93.290	REP	67	56	27.24.070	AMD	25	2
19.93.300	REP	67	56	Title 28	ADD	36*	1-31
19.93.310	REP	67	56		REP <sup>1</sup>	223*	
19.93.320	REP	67	56		ADD	261*	35
19.93.330	REP	67	56		ADD	269*	10
19.93.340	REP	67	56		ADD	283*	13
19.93.350	REP	67	56		ADD	283*	32-53
19.93.360	REP	67	56	28.01.030	REP	176*	159
19.93.370	REP	67	56	25.01.035	REP	176*	159
19.93.380	REP	67	56	28.02.020	AMD	176*	31
19.93.900	REP	67	56	28.02.060	AMD	283*	14
20.01.030	AMD	132*	1	28.02.070	AMD	176*	32
22.09.090	AMD	132*	2		AMD	283*	15
Title 23A	ADD	58*	4,5	28.02.120	AMD	97	1
	ADD	83*	4	28.03.030	AMD	176*	33
23A.08.020	AMD	58*	1	28.03.050	AMD	176*	34
23A.08.025	ADD	58*	2	Ch. 28.04	ADD	153*	2
23A.08.060	AMD	83*	1	28.04.060	AMD	283*	16
23A.08.480	AMD	83*	2	Ch. 28.05	ADD	71	2
23A.28.130	AMD	92*	1	28.05.010	AMD	71	1
23A.28.140	REP	92*	5	28.05.050	AMD	57*	1
Ch. 23A.40	ADD	92*	4	Ch. 28.10	ADD	105	3
23A.40.020	AMD	83*	3	28.10.080	AMD	105	2
23A.40.060	AMD	92*	2	28.13.010	AMD	2*	1
23A.40.070	AMD	92*	3	Ch. 28.19	ADD	34*	8
23A.40.100	REP	92*	5		ADD	34*	9
Title 24	ADD	120*	1-110	28.19.010	REP	176*	159
Ch. 24.03	ADD	163*	9	28.19.020	REP	176*	159
24.03.050	AMD	163*	1	28.19.030	REP	176*	159
24.03.080	AMD	115*	1	28.19.040	REP	176*	159
24.03.085	AMD	115*	2	28.19.050	REP	176*	159
24.03.230	AMD	115*	3	28.19.060	REP	176*	159
24.03.250	AMD	163*	2	28.19.070	REP	176*	159
24.03.255	AMD	163*	3	28.19.080	REP	176*	159
24.03.330	AMD	163*	4	28.19.090	REP	176*	159
24.03.405	AMD	163*	5	28.19.110	REP	176*	159
24.03.410	AMD	163*	6	28.19.120	REP	176*	159
24.03.420	AMD	163*	7	28.19.190	REP	176*	159
24.03.915	AMD	163*	8	28.19.300	REP	176*	159
24.32.110	AMD	64	1	28.19.310	REP	176*	159
24.32.150	AMD	64	2	28.19.320	REP	176*	159
Ch. 26.04	ADD	279*	1	28.19.330	REP	176*	159
26.16.200	AMD	121*	1	28.19.340	REP	176*	159
26.16.205	AMD	207*	1	28.19.350	REP	176*	159
26.20.030	AMD	207*	2	28.19.360	REP	176*	159
Ch. 26.44	ADD	35*	6	28.19.370	REP	176*	159
26.44.010	AMD	35*	1	28.19.380	REP	176*	159
26.44.020	AMD	35*	2	28.19.390	REP	176*	159
26.44.030	AMD	35*	3	28.19.400	REP	176*	159

<sup>1</sup>All of the sections in Title 28 were repealed by chapter 223 of the 1969 extraordinary session effective July 1, 1970.

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TABLE OF RCW SECTIONS AFFECTED BY 1969 Req. and Extra. Sessions

RCW	Ch.	Sec.	RCW	Ch.	Sec.		
28.19.410	REP	176*	159	28.57.290	AMD	176*	63
28.19.420	REP	176*	159	28.57.300	AMD	176*	64
28.19.430	REP	176*	159	28.57.338	AMD	131	4
28.19.440	REP	176*	159	28.57.350	AMD	176*	65
28.19.900	REP	176*	159	28.57.370	AMD	176*	66
28.20.010	REP	176*	159	28.57.390	AMD	176*	67
28.20.013	REP	176*	159	28.57.430	AMD	131	7
28.20.015	REP	176*	159	Ch. 28.58	ADD	130	5
28.20.020	REP	176*	159		ADD	130	6
28.20.030	REP	176*	159		ADD	34*	7
28.20.040	REP	176*	159		ADD	34*	10
28.20.045	REP	176*	159	28.58.100	AMD	53	1
28.24.080	AMD	176*	35		AMD	153*	1
28.24.110	AMD	176*	36	28.58.135	AMD	49*	1
28.27.010	AMD	109*	1	28.58.230	AMD	130	3
28.27.040	AMD	176*	37	28.58.240	AMD	130	4
28.27.080	AMD	176*	38	28.58.281	AMD	199*	45
28.27.102	AMD	176*	39	28.58.310	AMD	26*	1
	AMD	199*	42	28.58.340	AMD	184*	2
28.27.104	AMD	199*	43	28.58.360	AMD	125	1
28.27.190	AMD	199*	44	28.58.450	AMD	34*	2
Ch. 28.41	ADD	217*	2	28.58.460	AMD	34*	3
28.41.130	AMD	138	1	28.58.480	AMD	34*	4
28.41.140	AMD	130	1	28.58.490	AMD	34*	5
	AMD	217*	1	28.58.530	AMD	176*	68
	REEN	244*	13	28.63.020	AMD	176*	85
28.41.170	AMD	3*	1	28.63.022	AMD	176*	86
28.47.784	AMD	77	1	Ch. 28.65	ADD	119*	3
28.47.787	AMD	77	2		ADD	119*	11
28.47.788	AMD	77	3		ADD	119*	12
28.48.010	AMD	176*	40		ADD	119*	13
	AMD	184*	1		ADD	119*	15
28.48.030	AMD	176*	41		ADD	119*	16
28.48.040	AMD	130	2	28.65.010	AMD	119*	1
28.48.050	AMD	176*	42	28.65.020	AMD	119*	2
28.48.055	AMD	176*	43	28.65.040	AMD	119*	4
28.48.060	AMD	176*	44	28.65.060	AMD	119*	5
28.48.090	AMD	176*	45	28.65.080	AMD	119*	6
28.48.100	AMD	176*	46	28.65.090	AMD	119*	7
28.51.010	AMD	142	1	28.65.100	AMD	119*	8
	AMD	232*	5	28.65.110	AMD	119*	9
28.51.180	AMD	232*	66	28.65.120	AMD	119*	10
28.52.050	AMD	232*	67	28.65.130	REP	119*	18
28.52.055	AMD	232*	68	28.65.140	REP	119*	18
Ch. 28.57	ADD	131	5	28.65.150	AMD	119*	14
	ADD	131	6	28.65.170	AMD	119*	17
28.57.030	AMD	176*	47	Ch. 28.67	ADD	34*	11
28.57.040	AMD	176*	48	28.67.070	AMD	15*	1
28.57.050	AMD	176*	49		AMD	34*	1
28.57.070	AMD	176*	50		AMD	176*	69
28.57.090	AMD	176*	51	28.67.076	AMD	283*	18
28.57.130	AMD	176*	52	28.70.040	AMD	176*	70
28.57.140	AMD	176*	53	28.70.060	AMD	176*	71
28.57.150	AMD	176*	54	28.70.110	AMD	176*	72
28.57.170	AMD	176*	55	28.70.140	AMD	176*	73
28.57.180	AMD	176*	56	28.71.010	REP	176*	159
28.57.190	AMD	176*	57	28.71.020	REP	176*	159
28.57.200	AMD	176*	58	28.71.030	REP	176*	159
28.57.240	AMD	176*	59	28.71.065	REP	176*	159
28.57.245	AMD	176*	60	28.71.070	REP	176*	159
28.57.255	AMD	176*	61	28.71.100	AMD	176*	74
28.57.260	AMD	176*	62	28.72.060	AMD	52*	1

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RCW	Ch.	Sec.	RCW	Ch.	Sec.	
28.72.070	AMD	52*	2	28.87.130	AMD 199*	51
28.76.192	AMD	232*	6	28.87.140	AMD 199*	52
28.76.194	AMD	232*	7	28.87.170	AMD 176*	83
28.76.200	AMD	232*	8	28.88.010	AMD 34*	6
28.76.410	AMD	237*	2	28.88.020	AMD 176*	84
28.76.420	AMD	222*	1	28.90.010	REP 263*	13
28.77.070	AMD	269*	3	28.90.020	REP 263*	13
28.77.080	REP	269*	11	28.90.030	REP 263*	13
28.77.370	AMD	232*	9	28.90.040	REP 263*	13
28.77.530	AMD	232*	10	28.90.050	REP 263*	13
28.77.547	AMD	232*	11	28.90.060	REP 263*	13
28.80.060	AMD	269*	4	28.90.070	REP 263*	13
28.80.530	AMD	232*	12	Title 28A ENACTED	223*	
28.80.560	AMD	232*	13	28A.01.030	REP 176*	159
Ch. 28.81	ADD	196*	1	28A.01.035	REP 176*	159
	ADD	269*	5	28A.02.060	REP 283*	23
28.81.100	AMD	176*	75	28A.02.070	AMD 176*	101
28.81.130	REP	234*	38		AMD 283*	24
28.81.170	AMD	150*	22	28A.03.030	AMD 176*	102
28.81.530	AMD	232*	69	28A.03.050	AMD 176*	103
28.81.570	AMD	232*	70	Ch. 28A.04	ADD 153*	4
Ch. 28.85	ADD	98*	1	28A.04.060	AMD 283*	25
	ADD	261*	15	Ch. 28A.05	ADD 71	4
28.85.020	AMD	261*	2	28A.05.010	AMD 71	3
28.85.030	AMD	261*	3	28A.05.050	AMD 57*	2
28.85.050	AMD	261*	4	28A.13.010	AMD 2*	2
28.85.060	AMD	261*	5	Ch. 28A.19	ADD 34*	19
28.85.090	AMD	261*	6		ADD 34*	20
28.85.100	AMD	261*	7	28A.19.010	REP 176*	159
28.85.110	REP	261*	16	28A.19.020	REP 176*	159
28.85.120	REP	261*	16	28A.19.030	REP 176*	159
28.85.140	AMD	261*	8	28A.19.040	REP 176*	159
	AMD	283*	22	28A.19.050	REP 176*	159
28.85.170	AMD	283*	20	28A.19.060	REP 176*	159
28.85.240	AMD	261*	9	28A.19.070	REP 176*	159
28.85.250	AMD	261*	10	28A.19.080	REP 176*	159
28.85.310	AMD	261*	11	28A.19.090	REP 176*	159
28.85.320	AMD	238*	1	28A.19.110	REP 176*	159
28.85.340	AMD	238*	2	28A.19.120	REP 176*	159
	AMD	261*	12	28A.19.190	REP 176*	159
28.85.350	AMD	232*	35	28A.19.300	REP 176*	159
	AMD	261*	13	28A.19.310	REP 176*	159
28.85.360	AMD	238*	3	28A.19.320	REP 176*	159
	AMD	261*	14	28A.19.330	REP 176*	159
	AMD	276*	1	28A.19.340	REP 176*	159
28.85.370	AMD	238*	4	28A.19.350	REP 176*	159
28.85.390	AMD	232*	36	28A.19.360	REP 176*	159
28.85.540	REP	283*	19	28A.19.370	REP 176*	159
28.85.550	REP	283*	17	28A.19.380	REP 176*	159
28.85.580	AMD	283*	21	28A.19.390	REP 176*	159
28.87.010	AMD	199*	46	28A.19.400	REP 176*	159
28.87.030	AMD	176*	76	28A.19.410	REP 176*	159
	AMD	199*	47	28A.19.420	REP 176*	159
28.87.050	AMD	176*	77	28A.19.430	REP 176*	159
28.87.060	AMD	199*	48	28A.19.440	REP 176*	159
28.87.070	AMD	176*	78	28A.20.010	REP 176*	159
	AMD	199*	49	28A.20.020	REP 176*	159
28.87.080	AMD	176*	79	28A.20.030	REP 176*	159
	AMD	199*	50	28A.20.040	REP 176*	159
28.87.090	AMD	176*	80	28A.20.053	REP 176*	159
28.87.100	AMD	176*	81	28A.20.055	REP 176*	159
28.87.110	AMD	176*	82	28A.20.095	REP 176*	159

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
28A.24.055	AMD	153*	3	Ch. 28A.58	ADD	34*	21
28A.24.080	AMD	176*	104	28A.58.100	AMD	283*	27
28A.27.010	AMD	109*	2	28A.58.107	AMD	53	2
28A.27.040	AMD	176*	105	28A.58.135	AMD	49*	2
28A.27.080	AMD	176*	106	28A.58.225	AMD	176*	141
28A.27.102	AMD	176*	107	28A.58.230	AMD	130	9
	AMD	199*	53	28A.58.240	AMD	130	10
28A.27.104	AMD	199*	54	28A.58.310	AMD	26*	2
Ch. 28A.41	ADD	217*	4	28A.58.420	AMD	237*	3
28A.41.130	AMD	138*	2	28A.58.450	AMD	34*	13
28A.41.140	AMD	130	7	28A.58.460	AMD	34*	14
	AMD	217*	3	28A.58.480	AMD	34*	15
	REEN	244*	14	28A.58.490	AMD	34*	16
28A.41.170	AMD	3*	2	28A.58.530	AMD	176*	142
28A.47.784	AMD	77	4	28A.58.560	AMD	97	2
28A.47.787	AMD	77	5	28A.61.030	AMD	184*	4
28A.47.788	AMD	77	6	28A.61.050	AMD	125	2
28A.48.010	AMD	176*	108	Ch. 28A.65	ADD	119*	22
	AMD	184*	3		ADD	119*	30
28A.48.030	AMD	176*	109		ADD	119*	31
28A.48.040	AMD	130	8		ADD	119*	32
28A.48.050	AMD	176*	110		ADD	119*	34
28A.48.055	AMD	176*	111		ADD	119*	35
28A.48.060	AMD	176*	112	28A.65.010	AMD	119*	20
28A.48.090	AMD	176*	113	28A.65.020	AMD	119*	21
28A.48.100	AMD	176*	114	28A.65.040	AMD	119*	23
28A.51.010	AMD	142	2	28A.65.060	AMD	119*	24
Ch. 28A.57	ADD	131	9	28A.65.080	AMD	119*	25
	ADD	131	10	28A.65.090	AMD	119*	26
28A.57.031	AMD	176*	115	28A.65.100	AMD	119*	27
28A.57.032	AMD	176*	116	28A.65.110	AMD	119*	28
28A.57.033	AMD	176*	117	28A.65.120	AMD	119*	29
28A.57.035	AMD	176*	118	28A.65.130	REP	119*	37
28A.57.040	AMD	176*	119	28A.65.140	REP	119*	37
28A.57.050	AMD	176*	120	28A.65.150	AMD	119*	33
28A.57.070	AMD	176*	121	28A.65.170	AMD	119*	36
28A.57.075	AMD	176*	122	Ch. 28A.67	ADD	34*	22
28A.57.090	AMD	176*	123	28A.67.070	AMD	15*	2
28A.57.130	AMD	176*	124		AMD	34*	12
28A.57.140	AMD	176*	125		AMD	176*	143
28A.57.150	AMD	176*	126	28A.70.110	AMD	176*	144
28A.57.170	AMD	176*	127	28A.70.140	AMD	176*	145
28A.57.180	AMD	176*	128	28A.71.100	AMD	176*	146
28A.57.190	AMD	176*	129	28A.72.060	AMD	52*	3
28A.57.200	AMD	176*	130	28A.72.070	AMD	52*	4
28A.57.240	AMD	176*	131	28A.87.010	AMD	199*	55
28A.57.245	AMD	176*	132	28A.87.030	AMD	176*	147
28A.57.255	AMD	176*	133		AMD	199*	56
28A.57.260	AMD	176*	134	28A.87.050	AMD	176*	148
28A.57.290	AMD	176*	135	28A.87.060	AMD	199*	57
28A.57.300	AMD	176*	136	28A.87.070	AMD	199*	58
28A.57.312	AMD	131	8	28A.87.080	AMD	176*	149
28A.57.326	AMD	176*	156		AMD	199*	59
28A.57.328	AMD	176*	137	28A.87.090	AMD	176*	150
28A.57.336	AMD	131	11	28A.87.100	AMD	176*	151
28A.57.350	AMD	176*	138	28A.87.110	AMD	176*	152
28A.57.370	AMD	176*	139	28A.87.130	AMD	199*	60
28A.57.390	AMD	176*	140	28A.87.140	AMD	199*	61
Ch. 28A.58	ADD	130	11	28A.87.170	AMD	176*	153
	ADD	130	12	28A.88.010	AMD	34*	17
	ADD	34*	18	28A.88.020	AMD	176*	154

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RCW	Ch.	Sec.	RCW	Ch.	Sec.	
Title 28B	ENACTED	223*	29.79.220	AMD	107*	2
	ADD	261*	29.79.240	REP	107*	3
28B.10.280	AMD	222*	Ch. 29.81	ADD	72*	1
28B.10.310	AMD	232*	Ch. 30.04	ADD	136	7
28B.10.315	AMD	232*	30.04.110	AMD	136	1
28B.10.325	AMD	232*	30.04.180	AMD	136	2
28B.10.465	AMD	150*	30.08.010	AMD	136	3
28B.10.660	AMD	237*	30.08.095	AMD	136	4
28B.15.380	AMD	269*	30.12.010	AMD	136	8
28B.15.390	REP	269*	30.12.020	AMD	136	9
28B.20.396	AMD	232*	30.12.060	AMD	136	5
28B.20.715	AMD	232*	30.40.020	AMD	136	6
28B.20.730	AMD	232*	31.12.050	AMD	65	1
28B.30.730	AMD	232*	31.12.110	AMD	65	2
28B.30.760	AMD	232*	31.12.190	AMD	65	3
Ch. 28B.40	ADD	196*	31.12.200	AMD	65	4
	ADD	269*	31.12.220	AMD	65	5
28B.40.125	REP	234*	31.12.240	AMD	65	6
28B.40.380	AMD	176*	31.12.245	AMD	65	7
28B.40.730	AMD	232*	31.12.260	AMD	65	8
28B.40.770	AMD	232*	31.12.270	AMD	65	9
Ch. 28B.50	ADD	261*	31.12.280	AMD	65	10
	ADD	261*	Ch. 32.04	ADD	55	13
28B.50.020	AMD	261*	Ch. 32.08	ADD	55	12
28B.50.030	AMD	261*	32.08.150	AMD	55	1
28B.50.050	AMD	261*	32.12.020	AMD	55	2
28B.50.060	AMD	261*	32.12.090	AMD	55	3
28B.50.090	AMD	261*	Ch. 32.16	ADD	55	14
28B.50.100	AMD	261*	32.16.040	AMD	55	4
28B.50.110	REP	261*	Ch. 32.20	ADD	55	15
28B.50.120	REP	261*		ADD	55	16
28B.50.140	AMD	261*	32.20.230	AMD	55	5
	AMD	283*	32.20.250	AMD	55	6
28B.50.170	AMD	283*	32.20.280	AMD	55	7
28B.50.240	AMD	261*	32.20.320	AMD	55	8
28B.50.250	AMD	261*	32.20.400	AMD	55	9
28B.50.320	AMD	238*	32.20.410	AMD	55	10
28B.50.340	AMD	238*	32.20.420	AMD	55	11
	AMD	261*	Title 33	ADD	107	9-16
28B.50.350	AMD	232*	33.08.060	AMD	107	1
	AMD	261*	33.08.110	AMD	107	2
28B.50.360	AMD	238*	33.12.010	AMD	107	3
	AMD	261*	33.20.010	AMD	107	4
28B.50.370	AMD	238*	33.24.100	AMD	107	5
28B.50.390	AMD	232*	33.28.020	AMD	107	6
28B.50.540	REP	283*	33.48.030	AMD	107	7
28B.50.550	REP	283*	33.48.080	AMD	107	8
28B.50.580	AMD	283*	Title 35	ADD	204	1-11
Ch. 28B.85	ADD	98*	35.02.010	AMD	48	1
29.21.060	AMD	283*	Ch. 35.03	ADD	270*	6
29.21.080	AMD	176*	35.03.010	AMD	270*	1
29.21.085	AMD	176*	35.03.020	AMD	270*	2
29.21.150	AMD	176*	35.03.030	AMD	270*	3
	AMD	221*	35.03.040	AMD	270*	4
	AMD	283*	35.03.050	AMD	270*	5
29.21.180	AMD	131	Ch. 35.10	ADD	89*	2
	AMD	176*		ADD	89*	3
	AMD	283*		ADD	89*	4
29.21.210	AMD	131		ADD	89*	8
29.21.230	AMD	131		ADD	89*	10
29.79.200	AMD	107*		ADD	89*	14

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
Ch. 35.10	ADD	89*	15	Ch. 35.33	ADD	95*	12
	ADD	89*	17		ADD	95*	13
35.10.200	AMD	89*	1		ADD	95*	14
35.10.210	REP	89*	18		ADD	95*	15
35.10.220	AMD	89*	5		ADD	95*	16
35.10.230	AMD	89*	6		ADD	95*	17
35.10.240	AMD	89*	7		ADD	95*	18
35.10.250	AMD	89*	9		ADD	95*	19
35.10.260	AMD	89*	11		ADD	95*	20
35.10.270	REP	89*	18		ADD	95*	21
35.10.280	REP	89*	18		ADD	95*	22
35.10.290	REP	89*	18		ADD	95*	23
35.10.300	AMD	89*	12		ADD	95*	24
35.10.310	AMD	89*	13		ADD	95*	25
35.10.320	AMD	89*	16	35.33.010	REP	95*	26
35.10.330	REP	89*	18	35.33.020	AMD	95*	2
35.12.010	REP	89*	18	35.33.030	REP	95*	26
Ch. 35.13	ADD	51*	4	35.33.040	REP	95*	26
35.13.260	AMD	50*	1	35.33.050	REP	95*	26
35.18.190	AMD	101	1	35.33.060	REP	95*	26
35.18.210	AMD	101	2	35.33.070	REP	95*	26
Ch. 35.20	ADD	147*	2	35.33.080	REP	95*	26
	ADD	147*	3	35.33.090	REP	95*	26
	ADD	147*	9	35.33.100	REP	95*	26
35.20.090	AMD	147*	8	35.33.105	REP	95*	26
35.20.100	AMD	147*	1	35.33.110	REP	95*	26
35.20.130	REP	147*	10	35.33.120	REP	95*	26
35.20.210	AMD	147*	4	35.33.130	REP	95*	26
35.20.220	AMD	147*	5	35.33.140	REP	95*	26
35.20.230	AMD	147*	6	35.33.150	REP	95*	26
35.20.250	AMD	147*	7	35.33.160	REP	95*	26
35.21.160	AMD	124	1	35.37.025	REP	89*	18
35.21.310	AMD	20	1	Ch. 35.38	ADD	230*	6
35.23.220	AMD	270*	7		ADD	230*	7
35.23.650	AMD	35	1		ADD	230*	8
Ch. 35.24	ADD	116	3	35.38.010	AMD	193*	22
	ADD	116	4	35.38.020	AMD	28	2
	ADD	116	5		AMD	193*	23
	ADD	116	6	35.38.030	AMD	193*	24
35.24.020	AMD	116	1	35.38.040	AMD	193*	25
35.24.050	AMD	116	2	35.38.070	REP	193*	30
35.24.090	AMD	270*	8	35.38.080	REP	193*	30
35.24.190	AMD	101	3	35.38.090	REP	193*	30
35.27.130	AMD	270*	9	35.38.100	REP	193*	30
35.27.420	REP	95*	26	35.38.110	REP	193*	30
35.27.430	REP	95*	26	Ch. 35.39	ADD	33*	2
35.27.440	REP	95*	26		ADD	33*	3
35.27.450	REP	95*	26	35.39.030	AMD	33*	1
35.27.460	REP	95*	26	35.39.040	AMD	211*	1
35.27.470	REP	95*	26	35.41.030	AMD	232*	15
35.27.480	REP	95*	26	35.43.040	AMD	258*	1
35.27.520	AMD	28	1	35.43.042	AMD	258*	2
Ch. 35.33	ADD	95*	3	35.43.080	AMD	258*	3
	ADD	95*	4	35.43.090	REP	258*	17
	ADD	95*	5	35.43.100	AMD	258*	4
	ADD	95*	6	35.43.120	AMD	258*	5
	ADD	95*	7	Ch. 35.44	ADD	258*	7
	ADD	95*	8		ADD	258*	10
	ADD	95*	9	35.44.020	AMD	258*	6
	ADD	95*	10	35.44.220	AMD	258*	8
	ADD	95*	11	35.44.250	AMD	258*	9

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
Ch. 35.45	ADD	258*	12	36.29.020	AMD	193*	26
35.45.020	AMD	81	1	36.29.050	AMD	48*	1
	AMD	258*	11	Ch. 36.32	ADD	252*	3
35.49.010	AMD	258*	13	36.32.210	AMD	182*	2
35.49.020	AMD	258*	14	36.40.040	AMD	252*	1
35.49.030	AMD	258*	15	36.40.100	AMD	252*	2
35.50.005	AMD	258*	16	36.40.140	AMD	185*	3
Ch. 35.58	ADD	255*	7	36.47.020	AMD	5*	1
	ADD	255*	8	36.47.030	AMD	5*	2
	ADD	255*	9	36.47.040	AMD	5*	3
	ADD	255*	10	36.47.050	AMD	5*	4
	ADD	255*	11	36.47.060	AMD	5*	5
	ADD	255*	12	Ch. 36.48	ADD	230*	4
	ADD	255*	13		ADD	230*	5
	ADD	255*	14	36.48.010	AMD	193*	27
35.58.120	AMD	135*	1	36.48.020	AMD	193*	28
35.58.140	AMD	135*	2	36.48.030	REP	193*	30
35.58.450	AMD	232*	16	36.48.100	REP	193*	30
	AMD	255*	17	36.48.110	REP	193*	30
35.58.460	AMD	232*	17	36.48.120	REP	193*	30
	AMD	255*	18	36.48.130	REP	193*	30
35.58.470	AMD	232*	18	36.48.140	REP	193*	30
35.58.530	AMD	135*	3	36.48.150	REP	193*	30
35.61.130	AMD	54	1	36.62.070	AMD	232*	26
35.61.170	AMD	232*	19	Ch. 36.63	ADD	103	2
Ch. 35.67	ADD	51*	1		REEN	4*	2
35.67.080	AMD	232*	20	36.63.120	AMD	17	1
35.67.140	AMD	232*	71	36.67.020	AMD	142	4
35.67.320	REP	51*	3	36.67.040	AMD	142	5
35.67.330	REP	51*	4	36.67.520	AMD	8*	2
35.67.340	REP	51*	2	36.67.530	AMD	232*	27
35.79.030	REEN	28	4	36.67.560	AMD	232*	28
35.80.010	AMD	127*	1	36.68.030	AMD	176*	93
35.80.020	AMD	127*	2	36.68.040	AMD	176*	94
35.80.030	AMD	127*	3	36.69.010	AMD	26	1
35.81.100	AMD	232*	21	36.69.020	AMD	26	2
35.82.140	AMD	232*	22	36.69.030	AMD	26	3
35.84.060	AMD	281*	26	36.69.130	AMD	26	4
35.86.020	AMD	204*	14	36.69.140	AMD	26	5
35.86.040	AMD	204*	13	36.69.190	AMD	26	6
35.86.070	REP	144	1	36.69.900	AMD	26	7
35.89.020	AMD	232*	23	36.72.050	AMD	43*	1
35.92.080	AMD	232*	24	36.75.010	AMD	182*	1
35.92.100	AMD	232*	25	36.75.040	AMD	182*	15
35.95.010	AMD	255*	1	36.75.045	REP	182*	16
35.95.020	AMD	255*	2	36.75.060	AMD	182*	3
35A.11.020	AMD	29*	1	36.75.140	AMD	182*	4
35A.13.035	ADD	81*	1	36.76.010	AMD	232*	72
Ch. 35A.14	ADD	51*	5	36.76.090	AMD	232*	29
35A.33.010	AMD	81*	2	36.76.140	AMD	232*	30
35A.33.075	AMD	81*	3	36.78.080	AMD	182*	5
35A.33.125	AMD	81*	4	36.80.010	AMD	182*	6
35A.63.030	AMD	81*	5	36.80.020	AMD	182*	7
35A.63.040	AMD	81*	6	36.80.030	AMD	182*	8
Ch. 36.01	ADD	8*	1	36.80.040	AMD	182*	9
36.16.050	AMD	176*	91	36.80.060	AMD	182*	10
36.16.070	AMD	176*	92	36.80.070	AMD	182*	11
36.17.020	AMD	226*	1	36.82.010	AMD	182*	12
36.22.050	AMD	87*	1	36.82.130	AMD	182*	13
Ch. 36.24	ADD	259*	2	36.82.160	AMD	182*	14
36.27.060	AMD	226*	2	36.82.210	AMD	199*	21

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RCW	Ch.	Sec.	RCW	Ch.	Sec.		
Ch. 36.87	ADD	185*	4	Ch. 41.06	ADD	239*	7
	ADD	185*	5	41.06.020	AMD	45	6
	ADD	185*	6		AMD	36*	21
	ADD	185*	7	41.06.040	AMD	36*	22
	ADD	185*	8	41.06.050	REP	36*	24
36.87.010	AMD	185*	1	41.06.060	REP	45	7
36.87.080	AMD	185*	2	41.06.070	AMD	36*	23
36.88.200	AMD	232*	73		AMD	239*	8
Ch. 36.93	ADD	111*	10	41.06.080	AMD	45	5
36.93.030	AMD	111*	1		AMD	152*	2
36.93.050	AMD	111*	2	41.06.200	AMD	36*	25
36.93.060	AMD	111*	3	Ch. 41.16	ADD	209*	38
36.93.080	AMD	111*	4	41.16.220	AMD	269*	7
36.93.090	AMD	111*	5	Ch. 41.18	ADD	209*	25
36.93.120	AMD	111*	6		ADD	209*	32
36.93.130	AMD	111*	7		ADD	209*	33
36.93.150	AMD	111*	8		ADD	209*	41
36.93.160	AMD	111*	9	41.18.010	AMD	209*	40
37.16.020	AMD	232*	74	41.18.040	AMD	209*	29
37.16.030	AMD	232*	75	41.18.060	AMD	209*	30
38.08.090	AMD	86*	1	41.18.100	AMD	209*	28
Title 39	ADD	193*	1-13	41.18.130	AMD	209*	31
Ch. 39.33	ADD	255*	16	Ch. 41.20	ADD	123	4
Ch. 39.34	ADD	61*	1	41.20.005	AMD	209*	39
	ADD	61*	2	41.20.050	AMD	123	1
	ADD	61*	3		AMD	209*	36
	ADD	61*	4		AMD	219*	1
	ADD	61*	5		AMD	269*	6
	ADD	139*	1	41.20.060	AMD	123	2
39.34.020	AMD	40	1		AMD	209*	37
	AMD	88	1		AMD	219*	2
Ch. 39.36	ADD	142	6	41.20.085	AMD	209*	26
39.36.020	AMD	142	3	41.20.150	AMD	123	3
	AMD	65*	4	41.20.170	AMD	209*	27
39.44.030	AMD	232*	93	41.24.070	AMD	118	1
39.48.010	AMD	232*	76	41.24.080	AMD	118	2
39.52.020	AMD	232*	31	41.24.120	AMD	118	3
40.04.040	AMD	6	8	41.24.150	AMD	118	4
Title 41	ADD	209*	1-10	41.24.170	AMD	118	5
Title 41	ADD	209*	11	41.24.190	AMD	118	6
	AMD	219*	3	41.24.210	AMD	118	7
Title 41	ADD	209*	12-14	41.24.270	AMD	118	8
Title 41	ADD	209*	15	41.24.300	AMD	118	9
	AMD	219*	4	41.24.310	AMD	118	10
Title 41	ADD	209*	16-24	Ch. 41.28	ADD	211*	3
	ADD	209*	34, 35	41.28.080	AMD	211*	2
	ADD	209*	42, 43	41.28.130	AMD	31	1
Ch. 41.04	ADD	59	5	41.32.010	AMD	176*	95
	ADD	59	6	41.32.030	AMD	150*	1
	ADD	237*	5	41.32.070	AMD	150*	2
	ADD	237*	6	41.32.100	AMD	150*	3
	ADD	237*	7	41.32.120	AMD	150*	4
	ADD	269*	1	41.32.180	AMD	150*	5
41.04.010	AMD	269*	2	41.32.200	AMD	150*	6
41.04.180	AMD	237*	1	41.32.203	AMD	150*	7
Ch. 41.06	ADD	45	1	41.32.220	AMD	150*	8
	ADD	45	2	41.32.310	AMD	150*	9
	ADD	45	3	41.32.330	AMD	150*	10
	ADD	45	4	41.32.340	AMD	150*	11
	ADD	152*	1	41.32.410	AMD	150*	13
	ADD	215*	13	41.32.420	AMD	176*	96

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RCW	Ch.	Sec.	RCW	Ch.	Sec.	
41.32.480	AMD	150*	14	43.06.010	AMD 186*	8
41.32.497	AMD	150*	15	43.07.030	AMD 53*	3
41.32.500	AMD	150*	16	43.09.090	REP 60*	10
41.32.510	AMD	150*	17	43.09.350	REP 53*	5
41.32.522	AMD	150*	18	43.17.010	REEN 32	1
41.32.523	AMD	150*	19	43.17.020	REEN 32	2
41.32.550	AMD	150*	20	43.19.190	REEN 32	3
41.40.010	AMD	128	1	43.19.1917	AMD 53*	2
41.40.020	AMD	128	2	43.21.145	REP 284*	23
41.40.071	AMD	128	3	43.21.340	AMD 232*	32
41.40.080	AMD	128	4	Ch. 43.22	ADD 32*	2
41.40.120	AMD	128	5		ADD 32*	3
41.40.150	AMD	128	6		ADD 229*	3
41.40.170	AMD	128	7		ADD 229*	4
41.40.190	AMD	128	8	43.22.010	AMD 32*	1
41.40.230	AMD	128	9	43.22.340	AMD 229*	1
41.40.250	AMD	128	10	43.22.370	AMD 229*	2
41.40.270	AMD	128	11	43.23.140	REP 234*	38
41.40.290	REP	128	17	Ch. 43.27A	ADD 284*	7
41.40.330	AMD	128	12		ADD 284*	8
41.40.410	AMD	128	13		ADD 284*	10
41.40.412	AMD	128	14		ADD 284*	11
41.40.414	AMD	128	15	43.27A.060	AMD 103*	2
41.40.416	REP	128	17	43.27A.100	AMD 103*	1
41.40.418	REP	128	17	Ch. 43.30	ADD 160*	1
41.40.419	REP	128	17	Ch. 43.31	ADD 9	1
41.40.420	AMD	128	16		ADD 9	2
41.40.430	REP	128	17		ADD 9	3
41.52.010	AMD	10	2		ADD 9	4
Ch. 41.56	ADD	174*	1		ADD 9	5
	ADD	215*	1	Ch. 43.41	ADD 239*	1
	ADD	215*	2		ADD 239*	2
	ADD	215*	3		ADD 239*	3
	ADD	215*	4		ADD 239*	4
	ADD	215*	5		ADD 239*	5
	ADD	215*	6		ADD 239*	6
Ch. 41.60	ADD	152*	8		ADD 239*	8
41.60.010	AMD	152*	3		ADD 239*	11
41.60.020	AMD	152*	4		ADD 239*	12
41.60.040	AMD	152*	5		ADD 239*	13
41.60.050	AMD	152*	6		ADD 239*	14
41.60.060	AMD	152*	7		ADD 239*	15
Title 42	ADD	60*	1-9		ADD 239*	16
	ADD	234*	1-33		ADD 239*	17
	ADD	234*	39		ADD 239*	18
Ch. 42.14	ADD	106*	1		ADD 239*	19
	ADD	106*	2		ADD 239*	20
42.16.010	AMD	59	1		ADD 239*	21
42.16.011	AMD	59	2		ADD 239*	23
42.16.013	AMD	59	3		ADD 239*	24
42.16.014	AMD	59	4	43.41.010	REP 239*	22
42.20.010	AMD	234*	34	43.41.020	REP 239*	22
Ch. 42.21	ADD	234*	36	Ch. 43.43	ADD 12	5
42.21.060	AMD	188*	1		ADD 12	8
Ch. 42.22	ADD	234*	37		ADD 12	9
Ch. 42.24	ADD	74	1	43.43.120	AMD 12	1
	ADD	74	2	43.43.170	AMD 12	2
	ADD	74	3	43.43.210	REP 12	10
	ADD	74	4	43.43.250	AMD 12	3
	ADD	74	5	43.43.260	AMD 12	4
Ch. 43.06	ADD	88*	1	43.43.270	AMD 12	6

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RCW	Ch.	Sec.	RCW	Ch.	Sec.		
43.43.280	AMD	12	7	43.85.110	REP	193*	30
43.43.330	AMD	20*	1	43.85.120	REP	193*	30
43.43.350	AMD	20*	2	43.85.150	AMD	193*	19
Ch. 43.51	ADD	31*	2	43.85.170	AMD	193*	20
43.51.020	AMD	31*	1	43.85.190	AMD	193*	21
43.51.060	AMD	99	1	Ch. 43.88	ADD	239*	10
43.51.090	AMD	99	2		ADD	248*	1
43.51.210	AMD	99	3	43.88.020	AMD	239*	9
43.51.500	AMD	96*	1	43.99.030	AMD	74*	1
43.51.520	AMD	96*	2	43.100.030	AMD	220*	1
43.51.530	AMD	96*	3	43.100.080	AMD	220*	2
43.51.655	AMD	55*	1	Ch. 43.105	ADD	212*	1
43.51.660	AMD	55*	2		ADD	212*	3
43.51.665	AMD	55*	3		ADD	212*	4
43.51.670	AMD	55*	4	43.105.030	REP	212*	6
43.51.675	AMD	55*	5	43.105.040	AMD	212*	2
43.51.685	AMD	55*	6	44.04.080	AMD	3	2
43.51.690	REP	55*	7	44.20.020	AMD	6	1
43.51.695	REP	55*	7	44.20.030	AMD	6	2
43.51.700	REP	55*	7	44.20.040	AMD	6	3
43.51.705	REP	55*	7	44.20.050	AMD	6	4
43.59.030	AMD	105*	1	44.20.060	AMD	6	5
43.62.030	AMD	50*	2	44.20.070	REP	6	9
43.75.020	AMD	261*	1	44.20.080	AMD	6	6
43.75.050	AMD	27*	1	44.24.020	AMD	10	1
43.75.060	AMD	27*	2	44.28.010	AMD	10	4
43.75.120	AMD	27*	3	44.28.020	AMD	10	5
43.78.080	AMD	6	7	44.33.220	AMD	10	3
43.78.110	AMD	79	1	44.33.240	AMD	10	6
Ch. 43.80	ADD	120	2	Title 45	ADD	243*	1,3
	ADD	80*	1	45.12.100	AMD	243*	4
	ADD	80*	2	45.56.020	REP	243*	7
	ADD	80*	3	45.56.030	REP	243*	7
	ADD	80*	4	45.56.040	AMD	243*	5
	ADD	80*	5	45.56.060	REP	243*	7
	ADD	80*	6	45.60.010	REP	243*	7
	ADD	80*	7	45.60.030	REP	243*	7
	ADD	80*	8	45.60.040	REP	243*	7
43.80.010	REP	80*	10	45.72.070	AMD	243*	6
43.80.020	REP	80*	10	Title 46	ADD	125*	1-3
43.80.030	AMD	120	1	46.01.050	AMD	281*	34
	REP	80*	10	46.01.055	AMD	281*	35
43.80.040	REP	80*	10	Ch. 46.04	ADD	281*	58
43.80.050	REP	80*	10		ADD	281*	59
43.80.060	REP	80*	10	46.12.095	AMD	170*	16
43.82.010	AMD	121	1	46.12.101	AMD	42*	1
43.82.110	AMD	121	2		AMD	281*	38
43.83.100	AMD	187*	1	46.12.181	AMD	170*	1
43.84.090	AMD	50	1	Ch. 46.16	ADD	69*	2
Ch. 43.85	ADD	230*	1		ADD	170*	15
	ADD	230*	2	46.16.010	AMD	27	3
	ADD	230*	9	46.16.040	AMD &	170*	2
43.85.010	AMD	193*	14		REEN		
43.85.030	AMD	193*	15	46.16.060	AMD	99	5
43.85.040	AMD	193*	16		AMD	170*	3
43.85.050	REP	193*	30	46.16.070	AMD	281*	54
43.85.060	AMD	193*	17	46.16.082	REP	170*	17
43.85.070	AMD	193*	18	46.16.083	AMD	170*	4
43.85.080	REP	193*	30	46.16.090	AMD	169*	1
43.85.090	REP	193*	30	46.16.100	AMD	170*	5
43.85.100	REP	193*	30	46.16.111	AMD	170*	6

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RCW	Ch.	Sec.	RCW	Ch.	Sec.		
46.16.135	AMD	170*	7	46.52.030	AMD	40*	2
46.16.160	AMD	170*	8	46.52.110	AMD	42*	6
46.16.210	AMD	75*	1	46.52.130	AMD	40*	3
46.16.220	AMD	170*	9	Ch. 46.61	ADD	1	3
46.16.240	AMD	170*	10	46.61.030	AMD	76	1
46.16.260	AMD	170*	11	46.61.035	AMD	23	1
46.16.320	AMD	206*	1	46.61.100	AMD	281*	46
Ch. 46.20	ADD	1	1	46.61.265	REP	141	10
46.20.055	AMD	218*	8	46.61.270	REP	141	10
46.20.070	AMD	170*	12	46.61.290	AMD	281*	61
	AMD	218*	9	46.61.410	AMD	12*	1
46.20.100	AMD	218*	10	46.61.425	AMD	135	1
46.20.115	AMD	155*	2	46.61.505	REP	1	5
46.20.161	AMD	99	6	46.61.650	AMD	281*	51
46.20.181	AMD	99	7	46.68.030	AMD	99	8
46.20.205	AMD	170*	13		AMD	281*	25
46.20.220	REEN	27	1	46.68.041	AMD	99	9
46.20.293	AMD	170*	14		AMD	218*	11
46.20.311	AMD	1	2	46.68.050	AMD	99	10
46.20.342	REEN	27	2		AMD	199*	23
46.20.440	AMD	68*	1	46.68.060	AMD	99	11
46.20.460	AMD	68*	2	46.70.011	AMD	63*	1
46.20.470	AMD	68*	3	46.70.041	AMD	63*	2
Ch. 46.29	ADD	281*	21	46.70.090	AMD	63*	3
46.29.050	AMD	40*	1	46.70.101	AMD	63*	4
46.29.310	AMD	44*	1	46.70.180	AMD	112	1
46.29.320	AMD	44*	2	46.81.010	AMD	218*	1
46.29.330	AMD	44*	3	46.81.020	AMD	218*	2
Ch.46.37	ADD	112	2	46.81.030	AMD	199*	24
	ADD	112	3		AMD	218*	3
	ADD	112	4	46.81.050	AMD	199*	25
	ADD	112	5		AMD	218*	4
	ADD	112	6	46.81.060	AMD	218*	5
	ADD	112	7	46.81.070	AMD	218*	6
	ADD	69*	3	46.81.900	AMD	218*	7
46.37.160	AMD	281*	22	46.85.190	AMD	281*	33
46.37.420	AMD	7*	1	47.05.010	AMD	39*	1
46.37.430	AMD	281*	47	47.05.020	AMD	39*	2
46.37.530	AMD	42	1	47.05.030	AMD	39*	3
Ch. 46.44	ADD	69*	1	47.05.040	AMD	39*	4
46.44.045	AMD	199*	22	47.05.050	AMD	39*	5
46.44.091	AMD	281*	30	47.05.080	AMD	39*	6
46.44.092	AMD	281*	59	47.08.030	AMD	199*	26
46.44.095	AMD	281*	55	Ch. 47.12	ADD	197*	6
46.44.096	AMD	281*	31		ADD	197*	7
{Ch. 46.52	ADD	42*	2		ADD	197*	8
	AMD	281*	45		ADD	197*	9
Ch. 46.52	ADD	42*	3	47.12.070	AMD	91	2
{Ch. 46.52	ADD	42*	4	47.12.120	AMD	91	1
	AMD	281*	40	47.12.180	AMD	197*	1
{Ch. 46.52	ADD	42*	5	47.12.200	AMD	197*	2
	AMD	281*	44	47.12.210	AMD	197*	3
{Ch. 46.52	ADD	42*	7	47.12.220	AMD	197*	4
	AMD	281*	41	47.12.230	AMD	197*	5
{Ch. 46.52	ADD	42*	8	Ch. 47.16	ADD	281*	13
	AMD	281*	42		ADD	281*	57
Ch. 46.52	ADD	42*	9	47.16.020	AMD	281*	5
{Ch. 46.52	ADD	42*	12	47.16.050	AMD	281*	7
	AMD	281*	43	47.20.200	AMD	281*	8
{Ch. 46.52	ADD	208*	1	47.20.390	AMD	281*	9
	ADD	281*	39	Ch. 47.26	ADD	171*	6

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
Ch. 47.26	ADD	171*	7	Ch. 48.20	ADD	128*	3
47.26.120	AMD	171*	1	48.20.052	AMD	241*	12
47.26.130	AMD	171*	2	Ch. 48.21	ADD	128*	4
47.26.140	AMD	171*	3	48.31.190	AMD	241*	13
47.26.190	AMD	171*	4	48.34.020	AMD	241*	14
47.26.250	REP	171*	9	48.34.100	AMD	241*	15
47.26.280	AMD	171*	5	48.36.150	AMD	241*	16
47.28.030	AMD	180*	2	Ch. 48.44	ADD	115	4
47.28.050	AMD	180*	1		ADD	115	5
47.28.130	REP	180*	4		ADD	115	6
Ch. 47.36	ADD	7*	2		ADD	115	7
47.39.020	AMD	281*	6		ADD	115	8
47.54.010	REP	91	3		ADD	115	9
47.54.020	REP	91	3		ADD	115	10
47.54.030	REP	91	3		ADD	115	11
47.54.040	REP	91	3		ADD	115	12
47.54.050	REP	91	3		ADD	143	1
47.54.060	REP	91	3		ADD	128*	1
47.54.070	REP	91	3		ADD	128*	2
47.54.080	REP	91	3	48.44.020	AMD	115	1
47.54.090	REP	91	3	48.44.030	AMD	115	2
47.54.100	REP	91	3	48.44.160	AMD	115	3
47.54.110	REP	91	3	48.48.020	AMD	241*	17
47.54.120	REP	91	3	Ch. 49.04	ADD	183*	2
47.54.130	REP	91	3		ADD	183*	3
47.54.900	REP	91	3		ADD	183*	4
47.56.030	AMD	180*	3		ADD	183*	5
47.56.140	AMD	232*	33	Ch. 49.60	ADD	167*	4
47.56.658	AMD	281*	52		ADD	167*	5
47.56.664	REP	281*	62		ADD	167*	6
47.57.550	AMD	232*	77	49.60.010	AMD	167*	1
47.58.040	AMD	232*	78	49.60.030	AMD	167*	2
Ch. 47.60	ADD	13*	1	49.60.040	AMD	167*	3
47.60.060	AMD	232*	34	49.60.216	REP	141	10
Title 48	ADD	104	1-7	49.60.217	REP	167*	9
	ADD	140*	1	50.16.010	AMD	199*	27
	ADD	190*	1-15	50.16.030	AMD	201*	1
Ch. 48.05	ADD	241*	1	Ch. 50.20	ADD	264*	35
48.05.140	AMD	241*	3	Ch. 50.32	ADD	200*	1
48.06.110	AMD	241*	2	Ch. 51.08	ADD	77*	3
Ch. 48.08	ADD	241*	18	51.08.030	AMD	77*	1
48.13.110	AMD	241*	4	51.32.005	AMD	77*	2
48.13.120	AMD	241*	5	52.12.010	AMD	67*	1
48.13.125	AMD	241*	6	52.16.061	AMD	232*	89
48.13.160	AMD	241*	7	52.16.100	AMD	232*	40
48.13.370	REP	104	9	52.16.160	AMD	243*	2
48.13.380	REP	104	9	52.20.060	AMD	232*	90
48.13.390	REP	104	9	Ch. 52.36	ADD	88	2
48.13.400	REP	104	9		ADD	88	3
48.13.410	REP	104	9	52.36.030	REP	88	4
48.14.010	AMD	241*	8	53.08.090	AMD	30*	1
48.14.020	AMD	241*	9	53.08.091	AMD	11*	1
48.15.090	AMD	241*	10	53.16.010	AMD	9*	1
48.17.530	AMD	241*	11	53.34.030	AMD	232*	79
Ch. 48.18	ADD	241*	18	53.34.040	AMD	232*	80
	ADD	241*	20	53.34.060	AMD	232*	81
	ADD	241*	21	53.39.030	AMD	232*	82
	ADD	241*	23	53.40.030	AMD	232*	37
	ADD	241*	24	53.40.110	AMD	232*	38
48.18.294	REP	241*	26	53.40.130	AMD	232*	39
48.18.295	AMD	241*	22	53.44.020	AMD	232*	91

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RCW	Ch.	Sec.	RCW	Ch.	Sec.	
Ch. 54.08	ADD	106	2	66.24.010	AMD 178*	3
	ADD	106	3	66.24.160	AMD 21*	1
	ADD	106	4		AMD 275*	2
54.12.010	AMD	106	1	66.24.200	AMD 21*	2
54.12.080	AMD	106	5	66.24.210	AMD 21*	3
54.16.010	AMD	106	6	66.24.230	AMD 21*	4
54.16.090	AMD	106	7	66.24.270	AMD 178*	4
54.24.018	AMD	232*	14	66.24.310	AMD 21*	5
54.24.060	AMD	232*	83	66.24.320	AMD 117	1
54.24.090	AMD	232*	84	66.24.380	AMD 178*	5
Ch. 56.08	ADD	119	1	66.24.410	AMD 112*	1
56.12.010	AMD	148*	7	66.24.420	AMD 136*	1
56.16.040	AMD	232*	85		AMD 178*	6
56.16.060	AMD	232*	86	66.24.481	AMD 250*	2
56.20.070	AMD	126	1		AMD 275*	2
57.12.010	AMD	148*	8	66.24.490	AMD 178*	7
57.20.010	AMD	232*	87	Ch. 66.28	ADD 21*	14
57.20.020	AMD	232*	88		AMD 275*	3
58.08.040	AMD	271*	34	Ch. 66.28	ADD 112*	2
58.16.010	REP	271*	36	66.28.020	AMD 178*	12
58.16.020	REP	271*	36		AMD 275*	1
58.16.030	REP	271*	36	66.28.030	AMD 21*	6
58.16.040	REP	271*	36	66.28.040	AMD 21*	7
58.16.050	REP	271*	36	66.28.050	AMD 21*	8
58.16.060	REP	271*	36	66.28.080	AMD 178*	8
58.16.070	REP	271*	36	66.44.010	AMD 199*	28
58.16.080	REP	271*	36	66.44.220	REP 112*	3
58.16.090	REP	271*	36		REP 178*	10
58.16.100	REP	271*	36	67.14.120	AMD 199*	29
58.16.110	REP	271*	36	Ch. 67.16	ADD 94*	2
58.24.040	AMD	271*	25		ADD 233*	2
Title 60	ADD	82	2-8		ADD 233*	3
60.04.020	AMD	84*	1	67.16.010	AMD 22	1
60.04.130	AMD	38	1		AMD 94*	1
60.08.040	AMD	82	11	67.16.012	AMD 233*	1
60.28.010	AMD	151*	1	67.16.080	AMD 22	2
60.28.070	AMD	151*	2	67.16.090	AMD 22	3
60.34.040	AMD	82	12	Title 68	ADD 78*	1-12
60.36.020	AMD	82	19	Ch. 68.05	ADD 99*	5
60.36.050	AMD	82	13	68.05.170	AMD 99*	1
60.52.040	AMD	82	14	68.05.210	AMD 99*	2
60.62.010	REP	42*	13	68.05.220	AMD 99*	3
60.62.020	REP	42*	13	68.05.230	AMD 99*	4
60.62.030	REP	42*	13	Ch. 68.08	ADD 80	2
60.72.040	AMD	82	15		ADD 80	3
Ch. 61.12	ADD	82	1		ADD 80	4
62.01.300	REP	62	4		ADD 80	5
Title 62A	ADD	62	2		ADD 80	6
	ADD	62	3		ADD 80	7
62A.03.515	AMD	62	1		ADD 80	8
63.14.040	AMD	2	1		ADD 80	9
63.14.120	AMD	2	2		ADD 80	11
63.14.130	AMD	2	3	68.08.250	REP 80	10
Title 66	ADD	38*	1	68.08.260	REP 80	10
	ADD	250*	1	68.08.270	REP 80	10
66.04.010	AMD	21*	13	68.08.280	REP 80	10
66.08.050	AMD	178*	1	Ch. 69.04	ADD 194*	1
66.20.200	AMD	178*	2		ADD 194*	2
Ch. 66.24	ADD	21*	9		ADD 194*	3
	ADD	21*	10	Ch. 69.07	ADD 68	4
	ADD	178*	9	69.07.020	AMD 68	1

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
69.07.030	REP	68	5	70.87.130	AMD	108*	3
69.07.040	AMD	68	2	70.87.200	AMD	108*	4
69.07.080	AMD	68	3	Ch. 70.94	ADD	168*	45
69.33.220	AMD	256*	7	70.94.011	AMD	168*	1
69.33.300	AMD	256*	8	70.94.030	AMD	168*	2
Ch. 69.40	ADD	256*	11	70.94.061	REP	168*	46
	ADD	256*	12	70.94.062	REP	168*	46
69.40.060	AMD	256*	9	70.94.064	REP	168*	46
69.40.070	AMD	256*	10	70.94.066	REP	168*	46
Title 70	ADD	179*	1-4	70.94.068	AMD	168*	3
Ch. 70.01	ADD	51	1	70.94.069	AMD	168*	4
70.01.010	AMD	25*	1	70.94.070	AMD	168*	5
70.05.050	AMD	114*	1	70.94.081	AMD	168*	6
70.20.030	AMD	199*	30	70.94.091	AMD	168*	7
Ch. 70.32	ADD	161*	2	70.94.092	AMD	168*	8
70.32.080	AMD	161*	1	70.94.093	AMD	168*	9
70.44.060	AMD	65*	1	70.94.094	AMD	168*	10
	AMD	232*	49	70.94.095	AMD	168*	11
70.44.110	AMD	65*	2	70.94.096	AMD	168*	12
70.44.120	AMD	65*	3	70.94.100	AMD	168*	13
	AMD	232*	92	70.94.120	AMD	168*	14
70.46.010	REP	70*	2	70.94.130	AMD	168*	15
70.46.030	AMD	70*	1	70.94.141	AMD	168*	16
70.58.200	AMD	279*	2	70.94.142	AMD	168*	17
Ch. 70.74	ADD	137*	5	70.94.143	AMD	168*	18
	ADD	137*	6	70.94.151	AMD	168*	19
	ADD	137*	8	70.94.152	AMD	168*	20
	ADD	137*	9	70.94.170	AMD	168*	21
	ADD	137*	11	70.94.181	AMD	168*	22
	ADD	137*	18	70.94.205	AMD	168*	23
	ADD	137*	28	70.94.211	AMD	168*	24
	ADD	137*	29	70.94.221	AMD	168*	25
	ADD	137*	30	70.94.222	AMD	168*	26
	ADD	137*	31	70.94.223	AMD	168*	27
	ADD	137*	33	70.94.230	AMD	168*	28
70.74.010	AMD	137*	3	70.94.231	AMD	168*	29
70.74.020	AMD	137*	4	70.94.240	AMD	168*	30
70.74.030	AMD	137*	10	70.94.260	AMD	168*	31
70.74.060	REP	137*	32	70.94.300	AMD	168*	32
70.74.070	REP	137*	32	70.94.320	AMD	168*	33
70.74.080	REP	137*	32	70.94.331	AMD	168*	34
70.74.090	REP	137*	32	70.94.334	AMD	168*	35
70.74.100	AMD	137*	12	70.94.380	AMD	168*	36
70.74.110	AMD	137*	13	70.94.385	AMD	168*	37
70.74.120	AMD	137*	14	70.94.390	AMD	168*	38
70.74.130	AMD	137*	16	70.94.395	AMD	168*	39
70.74.140	AMD	137*	15	70.94.400	AMD	168*	40
70.74.160	AMD	137*	19	70.94.405	AMD	168*	41
70.74.170	AMD	137*	20	70.94.410	AMD	168*	42
70.74.180	AMD	137*	21	70.94.415	AMD	168*	43
70.74.190	REP	137*	32	70.94.420	AMD	168*	44
70.74.200	REP	137*	32	70.98.070	AMD	44	1
70.74.220	AMD	137*	7	71.02.413	AMD	268*	1
70.74.240	AMD	137*	17	Ch. 71.24	ADD	61	1
70.74.270	AMD	137*	23	71.24.170	REP	61	2
70.74.280	AMD	137*	24	Ch. 72.01	ADD	46*	2
70.74.290	AMD	137*	25	72.04A.090	AMD	98	1
70.74.300	AMD	137*	26	72.08.040	AMD	56	1
70.74.310	AMD	137*	27	72.08.140	REP	234*	38
70.87.010	AMD	108*	1	72.08.150	REP	234*	38
70.87.050	AMD	108*	2	72.23.030	AMD	56	2

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
72.33.040	AMD	56	3	75.28.090	REP	90	2
72.33.160	AMD	166*	4	75.28.280	AMD	253*	3
72.40.040	AMD	39	1	75.28.281	AMD	253*	2
72.40.060	AMD	176*	97	75.28.290	AMD	91*	2
72.40.070	AMD	176*	98	75.40.030	AMD	101*	2
72.40.080	AMD	176*	99	76.04.130	AMD	199*	32
72.40.100	AMD	176*	100	76.12.030	AMD	110	1
Ch. 72.50	ADD	256*	1	76.12.130	REP	14*	5
	ADD	256*	2	76.24.030	AMD	82	16
	ADD	256*	3	76.28.040	AMD	82	17
	ADD	256*	4	76.32.050	AMD	82	18
	ADD	256*	5	77.08.020	AMD	19*	1
	ADD	256*	6	77.12.020	AMD	18*	1
72.65.080	AMD	109	1	77.12.030	AMD	18*	2
73.08.080	AMD	57	1	77.12.040	AMD	18*	3
73.16.035	AMD	16	1	77.12.170	AMD	199*	33
Title 74	ADD	14	1-12	77.12.210	AMD	73*	1
	ADD	203*1,3,4		77.12.360	AMD	129*	3
Ch. 74.04	ADD	172*	4	Ch. 77.32	ADD	17*	1
	ADD	172*	5	77.40.020	REP	129*	4
	ADD	172*	6	78.12.050	AMD	199*	34
	ADD	172*	7	78.40.491	AMD	137*	22
	ADD	172*	8	Ch. 79.01	ADD	14*	1
	ADD	172*	9		ADD	131*	1
	ADD	173*	3	79.01.132	AMD	14*	2
74.04.005	AMD	173*	1	79.01.184	AMD	14*	3
74.04.011	AMD	173*	4	79.01.200	AMD	14*	4
74.04.150	AMD	262*	66	79.01.216	AMD	267*	1
74.04.290	AMD	173*	2	79.01.244	AMD	46*	1
74.04.300	AMD	173*	18	79.01.484	AMD	54*	1
Ch. 74.08	ADD	172*	10	79.01.512	AMD	97*	1
	ADD	172*	11	79.01.516	AMD	97*	2
	ADD	172*	12	79.01.520	AMD	97*	3
74.08.060	AMD	173*	6	Ch. 79.08	ADD	129*	1
74.08.070	AMD	172*	1		ADD	189*	3
74.08.080	AMD	172*	2		ADD	247*	1
74.08.090	AMD	173*	5	79.08.102	AMD	129*	2
74.08.120	AMD	159*	1	79.08.1064	AMD	189*	1
	AMD	259*	1	79.08.1066	AMD	189*	2
74.08.390	AMD	173*	7	79.08.1068	REP	189*	4
Ch. 74.09	ADD	173*	9	79.12.232	REP	14*	5
	ADD	173*	10	79.12.234	REP	14*	5
	ADD	173*	12	79.12.236	REP	14*	5
74.09.180	AMD	173*	8	Ch. 79.24	ADD	273*	1
74.09.520	AMD	173*	11		ADD	273*	2
74.12.010	AMD	173*	13	79.24.570	AMD	273*	11
Ch. 74.20	ADD	173*	16	79.24.580	AMD	273*	12
	ADD	173*	17	79.24.610	AMD	232*	41
74.20.100	REP	173*	19		REP	272*	10
74.20.210	AMD	173*	14	79.24.612	AMD	232*	42
74.20.220	AMD	173*	15		REP	272*	10
74.20.290	REP	173*	19	79.24.614	REP	272*	10
74.32.051	AMD	172*	3	79.24.616	REP	272*	10
75.08.230	AMD	16*	1	79.24.618	REP	272*	10
	AMD	199*	31	79.24.620	REP	272*	10
Ch. 75.12	ADD	23*	1	79.24.622	REP	272*	10
75.12.130	AMD	16*	2	79.24.624	REP	272*	10
Ch. 75.24	ADD	253*	1	79.24.626	REP	272*	10
75.24.060	AMD	91*	1	79.24.628	REP	272*	10
Ch. 75.28	ADD	90	1	79.24.630	AMD	273*	3
	ADD	253*	4	79.24.632	AMD	273*	4

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RCW	Ch.	Sec.	RCW	Ch.	Sec.	
79.24.634	AMD	273*	5	Ch. 82.04	ADD 262*	40
79.24.636	AMD	273*	6	82.04.020	AMD 262*	88
79.24.638	AMD	273*	7	82.04.050	AMD 255*	3
79.24.640	AMD	273*	8		AMD 262*	30
79.24.642	AMD	273*	9	82.04.190	AMD 255*	4
80.04.400	AMD	199*	35	82.04.230	AMD 262*	33
80.04.500	AMD	210*	1	82.04.240	AMD 262*	34
80.24.040	AMD	199*	36	82.04.250	AMD 262*	35
80.24.050	AMD	199*	37	82.04.260	AMD 262*	36
Ch. 80.28	ADD	210*	3	82.04.270	AMD 262*	37
80.28.210	AMD	210*	2	82.04.280	AMD 255*	5
81.04.400	AMD	199*	38		AMD 262*	38
81.12.010	AMD	210*	4	82.04.290	AMD 262*	39
81.16.010	AMD	210*	5	82.04.400	AMD 246*	1
81.24.010	AMD	210*	6	82.04.435	AMD 257*	1
81.28.140	REP	141	10	82.08.020	AMD 262*	31
81.44.085	AMD	210*	7	82.08.150	AMD 21*	11
81.44.090	REP	116*	15	82.08.160	AMD 21*	12
81.44.100	AMD	116*	14	82.12.020	AMD 262*	32
Ch. 81.53	ADD	134	1	82.12.045	AMD 10*	1
	ADD	134	2	Ch. 82.16	ADD 156*	1
	ADD	134	3	82.24.040	AMD 214*	1
	ADD	134	4	82.24.050	AMD 214*	2
	ADD	134	5	82.32.330	AMD 104*	1
{ Ch. 81.53	ADD	134	7	82.36.275	AMD 281*	27
	AMD	281*	18	82.36.280	AMD 281*	23
81.53.060	AMD	210*	8	82.36.420	AMD 199*	40
81.53.080	AMD	210*	9	82.40.010	AMD 281*	24
81.53.240	AMD	134	8	82.40.040	AMD 139	1
81.53.260	REP	134	9	82.40.046	AMD 139	2
81.53.270	REP	134	9		AMD 281*	29
81.53.280	REP	134	9	82.40.047	AMD 281*	28
81.53.290	REP	134	9	82.40.050	AMD 139	3
81.68.010	AMD	210*	10	Ch. 82.42	ADD 254*	6
Ch. 81.70	ADD	132	8	82.42.010	AMD 254*	1
81.70.020	AMD	132	1	82.42.020	AMD 254*	2
81.70.040	AMD	132	2	82.42.040	AMD 254*	3
81.70.050	AMD	132	3	82.42.050	AMD 254*	4
81.70.060	AMD	132	4	82.42.060	AMD 139	4
81.70.070	AMD	132	5		AMD 254*	5
81.70.080	AMD	132	6	82.44.070	AMD 139	5
81.70.090	AMD	132	7	82.44.150	AMD 255*	15
81.70.100	AMD	132	9	82.44.160	AMD 108	1
81.70.110	AMD	132	10	82.50.020	AMD 69	1
81.70.120	AMD	132	11	82.50.070	AMD 69	2
81.70.130	AMD	132	12	82.50.160	AMD 274*	1
81.70.150	AMD	132	13	82.50.190	AMD 225*	1
81.70.180	AMD	132	14	82.50.260	REP 274*	3
81.70.200	AMD	132	15	83.44.080	AMD 73	1
81.77.080	AMD	210*	11	83.56.030	AMD 274*	2
81.80.060	REEN	33	1	Ch. 84.36	ADD 137	2
	AMD	210*	17		ADD 124*	1
81.80.270	AMD	210*	12		ADD 124*	2
81.80.300	AMD	210*	13		ADD 124*	3
81.80.312	AMD	210*	16	84.36.010	REEN 34	1
81.80.320	AMD	210*	14	84.36.030	AMD 137	1
81.92.150	AMD	199*	39	84.36.040	AMD 245*	1
Title 82	ADD	262*	2-29	84.36.125	AMD 262*	60
	ADD	262*	43-59	84.36.127	AMD 262*	61
Ch. 82.04	ADD	156*	1	84.36.128	AMD 262*	62

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RCW	Ch.	Sec.	RCW	Ch.	Sec.		
84.36.129	AMD	224*	2	90.14.120	REP	284*	23
	AMD	262*	63	90.14.121	ADD	284*	21
84.36.171	REP	124*	6	Ch. 90.48	ADD	133*	1
84.36.172	REP	124*	6		ADD	133*	2
84.36.173	REP	124*	6		ADD	133*	3
84.36.174	REP	124*	6		ADD	133*	4
84.52.050	AMD	216*	1		ADD	133*	5
	AMD	262*	65		ADD	133*	6
84.52.053	ADD	262*	70		ADD	133*	7
84.52.065	AMD	216*	2		ADD	133*	8
84.54.080	AMD	242*	1		ADD	133*	9
84.56.020	AMD	216*	3		ADD	133*	10
84.56.180	AMD	124*	5		ADD	133*	11
84.60.010	AMD	251*	1		ADD	141*	1
84.64.250	REP	45*	1		ADD	284*	2
84.64.260	REP	45*	1	90.48.290	AMD	284*	1
84.69.020	AMD	224*	1	90.50.010	AMD	232*	63
85.05.300	AMD	232*	43	91.04.490	AMD	232*	47
85.05.480	AMD	232*	50	91.08.480	AMD	232*	48
85.06.270	AMD	232*	51				
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Ch. 62	ADD	178*	9			\$28A.98.010	
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Ch. 62	ADD	250*	1			\$28A.98.010	
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Ch. 66	ADD	21*	14	Ch. 217, § 1	AMD	117	1
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Ch. 103, § 2	AMD	232*	53			\$28B.98.010	
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Ch. 13,	\$47.60.060	AMD	232*	34	Ch. 15,	\$82.40.046	AMD 139	2
Ch. 14		ADD	134	1-5,7	Ch. 15,	\$82.40.046	AMD 281*	29
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Ch. 14,	\$80.04.400	AMD	199*	35	Ch. 15,	\$82.40.050	AMD 139	3
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Ch. 14,	\$81.04.400	AMD	199*	38	Ch. 15,	\$82.50.070	AMD 69	2
Ch. 14,	\$81.12.010	AMD	210*	4	Ch. 15,	\$82.50.160	AMD 274*	1
Ch. 14,	\$81.16.010	AMD	210*	5	Ch. 15,	\$82.50.190	AMD 225*	1
Ch. 14,	\$81.24.010	AMD	210*	6	Ch. 15,	\$83.44.080	AMD 73	1
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Ch. 14,	\$81.44.100	AMD	116*	14	Ch. 15,	\$84.36.040	AMD 245*	1
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Ch. 14,	\$81.53.080	AMD	210*	9	Ch. 15,	\$84.52.050	AMD 262*	65
Ch. 14,	\$81.53.240	AMD	134	8	Ch. 15,	\$84.56.020	AMD 216*	3
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Ch. 14,	\$81.53.280	REP	134	9	Ch. 15,	\$84.64.250	REP 45*	1
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Ch. 14,	\$81.68.010	AMD	210*	10	Ch. 15,	\$84.69.020	AMD 224*	1
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Ch. 7, §35.58.140	AMD	135*	2		Ch. 8, §43.43.350	AMD	20*	2	
Ch. 7, §35.58.450	AMD	232*	16		Ch. 8, §43.51.020	AMD	31*	1	
Ch. 7, §35.58.450	AMD	255*	17		Ch. 8, §43.51.060	AMD	99	1	
Ch. 7, §35.58.460	AMD	232*	17		Ch. 8, §43.51.090	AMD	99	2	
Ch. 7, §35.58.460	AMD	255*	18		Ch. 8, §43.51.210	AMD	99	3	
Ch. 7, §35.58.470	AMD	232*	18		Ch. 8, §43.51.520	AMD	96*	2	
Ch. 7, §35.58.530	AMD	135*	3		Ch. 8, §43.51.530	AMD	96*	3	
Ch. 7, §35.61.130	AMD	54	1		Ch. 8, §43.62.030	AMD	50*	2	
Ch. 7, §35.61.170	AMD	232*	19		Ch. 8, §43.78.080	AMD	6	7	
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Ch. 7, §35.67.140	AMD	232*	71		Ch. 8, §43.80.010	REP	80*	10	
Ch. 7, §35.67.320	REP	51*	3		Ch. 8, §43.80.020	REP	80*	10	
Ch. 7, §35.67.330	REP	51*	3		Ch. 8, §43.80.030	AMD	120	1	
Ch. 7, §35.67.340	AMD	51*	2		Ch. 8, §43.80.030	REP	80*	10	
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Ch. 7, §35.80.010	AMD	127*	1		Ch. 8, §43.80.050	REP	80*	10	
Ch. 7, §35.80.020	AMD	127*	2		Ch. 8, §43.80.060	REP	80*	10	
Ch. 7, §35.80.030	AMD	127*	3		Ch. 8, §43.82.010	AMD	121	1	
Ch. 7, §35.81.100	AMD	232*	21		Ch. 8, §43.82.110	AMD	121	2	
Ch. 7, §35.82.140	AMD	232*	22		Ch. 8, §43.84.090	AMD	50	1	
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Ch. 8	ADD	31*	2		Ch. 8, §43.85.120	REP	193*	30	
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Ch. 8	ADD	88*	1		Ch. 8, §43.85.190	AMD	193*	21	
Ch. 8	ADD	229*	3-4		Ch. 8, §43.88.020	AMD	239*	9	
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			2,9		Ch. 9, §29.21.060	AMD	283*	56	
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# **INITIATIVES, REFERENDUMS AND CONSTITUTIONAL AMENDMENTS**

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## HISTORY OF STATE MEASURES FILED WITH THE SECRETARY OF STATE

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### INITIATIVES TO THE PEOPLE

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- 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.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- 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.

## INITIATIVES TO THE PEOPLE

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- 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.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- 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. Re filed 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.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- 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.

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\*Indicates measure became law.

INITIATIVES TO THE PEOPLE

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- 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.
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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- 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.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- 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.

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\*Indicates measure became law.



## INITIATIVES TO THE PEOPLE

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- 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.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- 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.

## INITIATIVES TO THE PEOPLE

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- 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.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- \*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.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- \*INITIATIVE MEASURE NO. 181 (Prescribing the Observance of Standard Time)**—Filed February 27, 1952. Submitted to the voters at the state general election held on November 4, 1952. Measure approved into law by the following vote: **For**—597,558 **Against**—397,928. Act is now identified as Chapter 2, Laws of 1953.
- INITIATIVE MEASURE NO. 182 (Repealing Sunday Blue Laws)**—Filed March 24, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 183 (Petitioning Congress to declare a policy of the United States to live in peaceful coexistence with other nations and to call a conference of the heads of leading nations to negotiate a settlement of existing differences)**—Filed March 26, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 184 (Liberalizing Old Age Pension Laws)**—Filed April 3, 1952. Submitted to the voters at the state general election held on November 4, 1952. Failed by the following vote: **For**—265,193 **Against**—646,534.
- INITIATIVE MEASURE NO. 185 (Liberalizing Old Age Pension Laws)**—Filed April 11, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 186 (Providing a Civil Service System for Employees of County Sheriffs)**—Filed April 14, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 187 (Permitting a Modified Coloring of Oleomargarine)**—Filed May 15, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 188 (Raising Standards for Chiropractic Examinations)**—Filed January 4, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For**—320,179 **Against**—493,108.
- 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.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- 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.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- \*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.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- 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,  
Wayne C. Booth, Sr. of Seattle, Chairman. Signatures (180,896) filed  
July 8, 1966 and found sufficient. Measure submitted to the voters for  
decision at the November 8, 1966 state general election and rejected by  
the following vote: **For**—403,700 **Against**—514,281.
- INITIATIVE MEASURE NO. 227 (**Buying Back Breakable Beverage Bottles**)—  
Filed January 10, 1966 by W. N. Dahmen on behalf of his son Randall  
Douglas Dahmen of Spokane. No signatures presented for checking.
- INITIATIVE MEASURE NO. 228 (**Tax Exemption: Food and Medicine**)—  
Filed February 1, 1966 by Karl J. Beaty of Tacoma. No signatures pre-  
sented for checking.



## INITIATIVES TO THE PEOPLE

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- \***INITIATIVE MEASURE NO. 229 (Repealing Sunday Activities Blue Law)**—  
Filed February 17, 1966 by Lembhard G. Howell, David Sternhoff and  
Mark Patterson. Signatures (187,463) filed July 6, 1966 and found suffi-  
cient. Measure submitted to the voters for decision at the November 8,  
1966 state general election and approved into law by the following vote:  
**For**—604,096 **Against**—333,972. Act is now identified as Chapter 1, Laws  
of 1967.
- INITIATIVE MEASURE NO. 230 (Rendering Emergency Aid—Liability Limi-  
tation)**—Filed February 17, 1966 and co-sponsored jointly by the Wash-  
ington State Association of Fire Chiefs, Washington State Firemen's Asso-  
ciation, and Washington Association of Sheriffs and Police Chiefs. No  
signatures presented for checking.
- INITIATIVE MEASURE NO. 231 (Repealing Freight Train Crew Law)**—Filed  
March 11, 1966 by the Committee for Transportation Economy—Fred H.  
Tolan, Chairman. **Refiled as Initiative Measure No. 233.**
- INITIATIVE MEASURE NO. 232 (Supreme Court Judges—Powers—Election)**  
—Filed March 14, 1966 by Walter H. Philipp of Seattle. No signatures  
presented for checking. **Refiled as Initiative Measure No. 31 to the Legis-  
lature.**
- \***INITIATIVE MEASURE NO. 233 (Repealing Freight Train Crew Law)**—  
Filed March 22, 1966 by same sponsors of Initiative Measure No. 231.  
The only change in text of Initiative Measure No. 233 was the deletion  
of one sentence of the preamble as contained in Section 1 of Initiative  
Measure No. 231. Thus, for all practical purposes, the two initiative  
measures cover the same legal ground. Signatures (166,866) filed July 6,  
1966 and found to be sufficient. Measure submitted to the voters for  
decision at the November 8, 1966 state general election and approved into  
law by the following vote: **For**—591,015 **Against**—339,978. Act is now  
identified as Chapter 2, Laws of 1967.
- INITIATIVE MEASURE NO. 234 (Civil Service—Certain County Employees)**  
—Filed March 30, 1966 by the Committee to Improve County Government.  
The scope of this measure was limited to class AA and class A counties  
(King, Pierce and Spokane). In order to obtain additional support, a new  
proposal was drafted extending civil service to all counties and filed as  
Initiative Measure No. 237. For this reason, no attempt was made to  
obtain signatures for Initiative Measure No. 234.
- INITIATIVE MEASURE NO. 235 (Repealing Certain Mental Health Laws)**—  
Filed April 1, 1966 by Mrs. Rose R. Garrett Nelson of Puyallup. No signa-  
tures presented for checking.
- INITIATIVE MEASURE NO. 236 (Regulating Highway—Railroad Crossings)**  
—Filed April 15, 1966 by the Committee for the Elimination of Public  
Grade Crossings—Arthur J. McGinn of Spokane, Chairman. No signa-  
tures presented for checking.
- INITIATIVE MEASURE NO. 237 (Civil Service for County Employees)**—  
Filed April 15, 1966 by the Committee to Improve County Government—  
Anne Shannon of Des Moines, Secretary. No signatures presented for  
checking.

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\*Indicates measure became law.

- INITIATIVE MEASURE NO. 238 (**Prohibiting Regulation of Land Use**)—  
Filed January 5, 1968 by the Committee for Private Property Rights—  
Joseph W. Shott of Olympia, Chairman. No signatures presented for  
checking.
- INITIATIVE MEASURE NO. 239 (**Mandatory County Civil Service System**)—  
Filed January 10, 1968 by the Special Committee of the King County  
Employees Association—Walter P. Barclay of Seattle, Chairman. No  
signatures presented for checking.
- INITIATIVE MEASURE NO. 240 (**Termination: Certain Land Use Regulations**)  
—Filed January 15, 1968 by Robert W. Sollars of Everett. No signatures  
presented for checking.
- INITIATIVE MEASURE NO. 241 (**Calling 1970 State Constitutional Conven-  
tion**)—Filed February 2, 1968 by the Committee to Call a Constitutional  
Convention—S. Lynn Sutcliffe of Seattle, Chairman. No signatures pre-  
sented for checking.
- \*INITIATIVE MEASURE NO. 242 (Drivers' Implied Consent—Intoxication  
Tests)**—Filed February 8, 1968 by the Washington State Medical Asso-  
ciation—Dr. Charles P. Larson of Seattle, Vice-President. Signatures  
(123,589) filed July 3, 1968 and found sufficient. Measure submitted to the  
voters for decision at the November 5, 1968 state general election and  
approved into law by the following vote: **For—792,242 Against—394,644.**  
Act is now identified as Chapter 1, Laws of 1969.
- INITIATIVE MEASURE NO. 243 (**Information for Life Insurance Purchasers**)  
—Filed February 19, 1968 by Theodore Radcliff of Wenatchee. No signa-  
tures presented for checking.
- INITIATIVE MEASURE NO. 244 (**State—County Tax Millage Shift**)—Filed  
February 23, 1969 by the Washington State Association of County Com-  
missioners. No signatures presented for checking.
- \*INITIATIVE MEASURE NO. 245 (Reducing Maximum Retail Service  
Charges)**—Filed April 4, 1968 by Joseph H. Davis, President, and Marvin  
L. Williams, Secretary-Treasurer of the Washington State Labor Council,  
AFL-CIO. Signatures (143,395) filed July 5, 1968 and found sufficient.  
Measure submitted to the voters for decision at the November 5, 1968  
state general election and approved into law by the following vote:  
**For—642,902 Against—551,394.** Act is now identified as Chapter 2,  
Laws of 1969.

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\*Indicates measure became law.

## 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. Re filed 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-

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\*Indicates measure became law.

## INITIATIVES TO THE LEGISLATURE

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- 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

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\*Indicates measure became law.

## INITIATIVES TO THE LEGISLATURE

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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.

**INITIATIVE TO THE LEGISLATURE NO. 31 (Laws Regulating Courts—Judges—Attorneys)**—Filed May 17, 1966 by Walter H. Philipp of Seattle. This was, in effect, a re-filing of Initiative Measure No. 232 and again no signatures were presented for checking.

**INITIATIVE TO THE LEGISLATURE NO. 32 (Local Processing of State Timber)**—Filed May 31, 1966 by the Committee for Full Employment in Washington. Signatures (136,181) filed December 30, 1966 and found sufficient. The 1967 Legislature failed to take final action and, as provided by the state constitution, the measure was submitted to the voters for final decision at the November 5, 1968 state general election. Measure was rejected by the following vote: **For**—450,559 **Against**—716,291.

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\*Indicates measure became law.

INITIATIVE TO THE LEGISLATURE NO. 33 (No caption written)—Filed July 1, 1966 by George A. Guilmet of Edmonds. This was a proposed memorial to Congress concerning “the ending of the war now being waged by the United States Government and its armed forces in Vietnam and Southeast Asia.” However, the office of the attorney general reversed its position in that a similar measure was filed in 1952 (Initiative to the Legislature No. 18) and declined to issue a ballot title on the grounds that the subject matter was not a proper subject to fall within the scope of the initiative procedure. As a consequence, the secretary of state returned the measure and filing fee to the sponsor.

INITIATIVE TO THE LEGISLATURE NO. 34 (“**Personal Effects**” **Tax Exemption**)—Filed March 20, 1968 by the Committee Against Unfair Personal Property Tax. No signatures presented for checking.

## 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.

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\*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

## REFERENDUM MEASURES

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- 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.**
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\*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.



## REFERENDUM MEASURES

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- REFERENDUM MEASURE NO. 19 (Chapter 55, Laws of 1933, Horse Racing)—Filed April 3, 1933. No petition filed.
- REFERENDUM MEASURE NO. 20 (Chapter 118, Laws of 1935, Regulating Pilots)—Filed February 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 21 (Chapter 26, Laws of 1935, Blanket Primary Ballot)—Filed April 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 22 (Chapter 209, Laws of 1941, Industrial Insurance)—Filed April 3, 1941. Submitted to the people at the state general election held on November 3, 1942. Measure passed by the following vote: **For—246,257 Against—108,845.**
- REFERENDUM MEASURE NO. 23 (Chapter 158, Laws of 1941, Providing for Legal Adviser for Grand Juries)—Filed April 16, 1941. Submitted to the people at the state general election held on November 3, 1942. **\*Failed to pass** by the following vote: **For—126,972 Against—148,266. As a consequence, Chapter 158, Laws of 1941 did not become law.**
- REFERENDUM MEASURE NO. 24 (Chapter 191, Laws of 1941, Prosecuting Attorneys; Providing that they shall no longer give advice to Grand Juries)—Filed April 16, 1941. Submitted to the people at the state general election held on November 3, 1942. **\*Failed to pass** by the following vote: **For—114,603 Against—148,439. As a consequence, Chapter 191, Laws of 1941 did not become law.**
- REFERENDUM MEASURE NO. 25 (Chapter 15, Laws of 1943, Relating to Public Utility Districts)—Filed March 18, 1943. Submitted to the people at the state general election held on November 7, 1944. **\*Failed to pass** by the following 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. Submitted to the people at the state general election held on November 5, 1946. **\*Failed to pass** by the following vote: **For—69,490 Against—447,819. As a consequence, Chapter 37, Laws of 1945 did not become law.**
- REFERENDUM MEASURE NO. 27 (Chapter 202, Laws of 1945, Relating to the creation of a State Timber Resources Board)—Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people at the state general election held on November 5, 1946. **\*Failed to pass** by the following vote: **For—107,731 Against—422,026. As a consequence, Chapter 202, Laws of 1945 did not become law.**
- REFERENDUM MEASURE NO. 28 (Portion of Chapter 235, Laws of 1949, Relating to accident and health insurance covering employees eligible for unemployment compensation)—Filed March 30, 1949. Signature petitions filed June 8, 1949 and found sufficient. Submitted to the people at the state general election held on November 7, 1950. **\*Failed to pass** by the

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\*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

## REFERENDUM MEASURES

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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.

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**\*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.**

## REFERENDUM MEASURES

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As of June 24, 1963, it was discovered that all such signature petition sheets had been stolen. However, two days later (June 26, 1963), Secretary of State Victor A. Meyers certified Referendum Measure No. 34 to the respective county auditors with direction that said measure appear upon the November 3, 1964 state general election ballot in spite of the fact that the signatures had been stolen. Such action was justified upon the grounds that the sponsor of said referendum had filed 82,995 signatures when only 48,630 valid signatures were needed. On July 22, 1963 the Amusement Association of Washington brought court action against the Secretary of State challenging the certification of Referendum Measure No. 34.

On July 22, 1963, the Thurston County Superior Court ruled that the Secretary of State had acted properly under the circumstances. On March 26, 1964, the State Supreme Court sustained the Thurston County Superior Court by likewise ruling that the Secretary of State's certification was valid.

Measure then submitted to the voters at the state general election held on November 3, 1964. **\*Failed to pass** by the following vote: **For—505,633 Against—622,987. As a consequence, Chapter 37, Laws of 1963 did not become law.**

**REFERENDUM MEASURE NO. 35 (Non-Discrimination by Realty Brokers, Salesmen)**—Filed March 22, 1967 by the AD-HOC (Advisory Home Owners Committee). Signatures (81,146) filed June 6, 1967 and found sufficient. Measure submitted to the voters for decision at the November 5, 1968 state general election. Measure passed by the following vote: **For—580,578 Against—276,161.** Consequently, the attempt by the sponsors of this referendum to negate the open housing provision of Chapter 22, Laws of 1967 was unsuccessful.

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\* 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 BILLS

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- 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 submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: **For—583,705 Against—288,357.**
- REFERENDUM BILL NO. 15 (Chapter 172, Laws Extraordinary Session, 1965—Bonds for Public Institutions)**—Filed May 15, 1965. Measure submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: **For—597,715 Against—263,902.**
- REFERENDUM BILL NO. 16 (Chapter 152, Laws 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. Measure submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: **For—416,630 Against—384,466.**
- REFERENDUM BILL NO. 17 (Chapter 106, Laws of 1967—Water Pollution Control Facilities Bonds)**—Filed March 21, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: **For—845,372 Against—276,161.**
- REFERENDUM BILL NO. 18 (Chapter 126, Laws Extraordinary Session, 1967—Bonds for Outdoor Recreation)**—Filed May 3, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: **For—763,806 Against—354,646.**
- REFERENDUM BILL NO. 19 (Chapter 148, Laws Extraordinary Session, 1967—State Building Projects: Bond Issue)**—Filed May 10, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: **For—606,236 Against—458,358.**

## HISTORY OF CONSTITUTIONAL AMENDMENTS ADOPTED 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.

## HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

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- 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.

## HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

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- 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.
- No. 41. Amending Section 29, Article IV. Re: **Election of Superior Court Judges.** Adopted, November, 1966.
- No. 42. Repealing Section 33, Article II and Amendments 24 and 29 amendatory thereof. Re: **Alien Ownership of Lands.** Adopted, November, 1966.
- No. 43. Amending Section 3, Article IX. Re: **Funds for Support of the Common Schools.** Adopted, November, 1966.
- No. 44. Amending Section 5, Article XVI. Re: **Investment of Permanent Common School Fund.** Adopted, November, 1966.
- No. 45. Adding Section 8, Article VIII. Re: **Port Expenditures—Industrial Development—Promotion.** Adopted, November, 1966.
- No. 46. Adding Section 1A, Article VI. Re: **Voter Qualifications for Presidential Elections.** Adopted, November, 1966.
- No. 47. Adding Section 10, Article VII. Re: **Retired Persons Property Tax Exemption.** Adopted, November, 1966.
- No. 48. Amending Section 3, Article VIII. Re: **Public Special Indebtedness, How Authorized.** Adopted, November, 1966.
- No. 49. Adding Section 1, Article XXIX. Re: **Investments of Public Pension and Retirement Funds.** Adopted, November, 1968.
- No. 50. Adding Section 30, Article IV. Re: **Court of Appeals.** Adopted, November, 1968.



- No. 51. Adding Section 9, Article VIII. Re: **State Building Authority**. Adopted, November, 1968.
- No. 52. Amending Section 15, Article II. Re: **Vacancies in Legislature and in Partisan County Elective Office**. Also amending Section 6, Article XI. Re: **Vacancies in Township, Precinct or Road District Office**. Adopted, November, 1968.
- No. 53. Adding Section 11, Article VII. Re: **Taxation Based on Actual Use**. Adopted, November, 1968.
- No. 54. Adding Section 1, Article XXX. Re: **Authorizing Compensation Increase During Term**. Adopted, November, 1968.

## TEXT OF CONSTITUTIONAL AMENDMENTS APPROVED AT 1966 AND 1968 GENERAL ELECTIONS

### AMENDMENT 41

Art. 4 § 29 ELECTION OF SUPERIOR COURT JUDGES. 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 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. [1965 ex.s. p 2815, Substitute Senate Joint Resolution No. 6. Approved November 8, 1966.]

### AMENDMENT 42

Section 33, Article II and Amendments 24 and 29 amendatory thereof, of the Constitution of the State of Washington are each hereby repealed. [1965 ex.s. p 2816 Senate Joint Resolution No. 20. Approved November 8, 1966.]

### AMENDMENT 43

Art. 9 § 3 FUNDS FOR SUPPORT. 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; 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. [1965 ex.s. p 2817, Senate Joint Resolution No. 22, part 1. Approved November 8, 1966.]

### AMENDMENT 44

Art. 16 § 5 INVESTMENT OF PERMANENT COMMON SCHOOL FUND. The permanent common school fund of this state may be invested as authorized by law. [1965 ex.s. p 2817, Senate Joint Resolution No. 22, part 2. Approved November 8, 1966.]

### AMENDMENT 45

Art. 8 § 8 PORT EXPENDITURES—INDUSTRIAL DEVELOPMENT—PROMOTION. 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. [1965 ex.s. p 2819, Senate Joint Resolution No. 25. Approved November 8, 1966.]

#### AMENDMENT 46

Art. 6 § 1A VOTER QUALIFICATIONS FOR PRESIDENTIAL ELECTIONS. 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. [1965 ex.s. p 2820, Substitute Joint House Resolution No. 4, Approved November 8, 1966.]

#### AMENDMENT 47

Art. 7 § 10 RETIRED PERSONS PROPERTY TAX EXEMPTION. 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. [1965 ex.s. p 2821, House Joint Resolution No. 7, Approved November 8, 1966.]

#### AMENDMENT 48

Art. 8 § 3 SPECIAL INDEBTEDNESS, HOW AUTHORIZED. 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. [1965 ex.s. p 2822, House Joint Resolution No. 39, Approved November 8, 1966.]

#### AMENDMENT 49

The constitution was amended by adding the following new article:

##### Article XXIX

##### INVESTMENTS OF PUBLIC PENSION AND RETIREMENT FUNDS

and section 1 thereof:

Art. 29 § 1 MAY BE INVESTED AS AUTHORIZED BY LAW. Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund may be invested as authorized by law. [1967 Senate Joint Resolution No. 5, Approved November 5, 1968.]

#### AMENDMENT 50

Art. 4 was amended by adding the following section:

Art. 4 § 30 COURT OF APPEALS. (1) *Authorization*. In addition to the courts authorized in section 1 of this article, judicial power is vested in a court of appeals, which shall be established by statute.

(2) *Jurisdiction*. The jurisdiction of the court of appeals shall be as provided by statute or by rules authorized by statute.

(3) *Review of Superior Court*. Superior court actions may be reviewed by the court of appeals or by the supreme court as provided by statute or by rule authorized by statute.

(4) *Judges*. The number, manner of election, compensation, terms of office, removal and retirement of judges of the court of appeals shall be as provided by statute.

(5) *Administration and Procedure*. The administration and procedures of the court of appeals shall be as provided by rules issued by the supreme court.

(6) *Conflicts*. The provisions of this section shall supersede any conflicting provisions in prior sections of this article. [1967 Senate Joint Resolution No. 6, Approved November 5, 1968.] (This section which was adopted as Art. 4 § 29 is herein renumbered Art. 4 § 30 to avoid confusion with Amendment 41.)

#### AMENDMENT 51

Art. 8 was amended by adding the following section:

Art. 8 § 9 STATE BUILDING AUTHORITY. The legislature is empowered notwithstanding any other provision in this Constitution, to provide for a state building authority in corporate and politic form which may contract with agencies or departments of the state government to construct upon land owned by the state or its agencies, or to be acquired by the state building authority, buildings and appurtenant improvements which such state agencies or departments are hereby empowered to lease at reasonable rental rates from the Washington state building authority for terms up to seventy-five years with provisions for eventual vesting of title in the state or its agencies. This section shall not be construed as authority to provide buildings through lease or otherwise to non-governmental entities. The legislature may authorize the state building authority to borrow funds solely upon its own credit and to issue bonds or other evidences of indebtedness therefor to be repaid from its revenues and to secure the same by pledging its income or mortgaging its leaseholds. The provisions of sections 1 and 3 of this article shall not apply to indebtedness incurred pursuant to this section. [1967 Senate Joint Resolution No. 17. Approved November 5, 1968.] (This section which was adopted as Art. 8 § 8 is herein renumbered as Art. 8 § 9 to avoid confusion with Amendment 45.)

#### AMENDMENT 52

Art. 2§ 15 VACANCIES IN LEGISLATURE AND IN PARTISAN COUNTY ELECTIVE OFFICE. Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs: *Provided*, That the person appointed to fill the vacancy must be from the same legislative district, county or county commissioner district and the same political party as the legislator or partisan county elective officer whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district, county or county commissioner district and of the same political party as the legislator or partisan county elective officer whose office has been vacated, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: *Provided*, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the boards of county commissioners of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated.

Art. 11 § 6 VACANCIES IN TOWNSHIP, PRECINCT OR ROAD DISTRICT OFFICE. The board of county commissioners in each county shall fill all vacancies occurring in any township, precinct or road district office of such county by appointment, and officers thus appointed shall hold office till the next general election, and until their successors are elected and qualified. [1967 Senate Joint Resolution No. 24. Approved November 5, 1968.]

Prior amendments of Art. 2 § 15, see Amendments 13 and 32.

#### AMENDMENT 53

Art. 7 was amended by adding the following section:

Art. 7 § 11 TAXATION BASED ON ACTUAL USE. Nothing in this Article VII as amended shall prevent the legislature from providing, subject to such conditions as it may enact, that the true and fair value in money (a) of farms, agricultural lands, standing timber and timberlands, and (b) of other open space lands which are used for recreation or for enjoyment of their scenic or natural beauty shall be based on the use to which such property is currently applied, and such values shall be used in computing the assessed valuation of such property in the same manner as the assessed valuation is computed for all property. [1967 House Joint Resolution No. 1. Approved November 5, 1968.]

#### AMENDMENT 54

The Constitution was amended by adding the following new article;

#### Article XXX①

#### COMPENSATION OF PUBLIC OFFICERS②

and section 1 thereof:

Art. 30 § 1 AUTHORIZING COMPENSATION INCREASE DURING TERM. The compensation of all elective and appointive state, county, and municipal officers who do not fix their own compensation, including judges of courts of record and the justice courts may be increased during their terms of office to the end that such officers and judges shall each severally receive compensation for their services in accordance with the law in effect at the time the services are being rendered.

The provisions of section 25 of Article II (Amendment 35), section 25 of Article III (Amendment 31), section 13 of Article IV, section 8 of Article XI, and section 1 of Article XXVIII (Amendment 20) insofar as they are inconsistent herewith are hereby repealed. [1967 House Joint Resolution No. 13. Approved November 5, 1968.]

Reviser's Note: ①Amendment 49 (1967 SJR No. 5) and Amendment 54 (1967 HJR No. 13) each added a new Article XXIX to the Constitution. Amendment 49 is carried herein as Article XXIX while Amend-

ment 54 has been herein redesignated as Article XXX.

②The name of this article has been supplied by the reviser.

**PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT 1969  
EXTRAORDINARY SESSION FOR SUBMISSION TO THE VOTERS  
AT THE STATE GENERAL ELECTION, NOVEMBER, 1970**

**ENGROSSED HOUSE JOINT RESOLUTION NO. 42**

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES  
OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION AS-  
SEMBLED:

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, a proposal to amend Article VII of the Constitution of the state of Washington by amending section 2, as amended by Amendment 17, to read as follows:

Article VII, section 2. (1) Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created shall not in any year exceed one per centum of the true and fair value of such property in money: *Provided, however,* That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district.

The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: *Provided,* That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, *And provided further,* That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6 of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

(2) Notwithstanding any other provision of this Constitution, the legislature shall have the power,

(a) To impose a tax upon income from whatever source derived, at a rate or rates in excess of that permitted by subsection (1) of this section: *Provided*, That the tax may be imposed only (i) at a single rate upon the income of all taxpayers, or (ii) at a single rate upon the income of corporations which may be different from the single rate imposed upon other income;

(b) To provide for allowance of credits, exclusions, exemptions, and deductions to be used in determining the amount of income subject to tax or in computing such tax; and to provide further for direct payments to an individual or corporation to the extent that (i) insufficient income tax liability exists for full application of an otherwise applicable credit, and (ii) such credit is granted for the purpose of providing direct or indirect relief from other state or local taxes;

(c) To coordinate the administration and collection of state income taxes with the income tax laws and procedures of the United States, and to delegate to such state administrators as it may designate the authority to prescribe the means of coordination of state and United States tax laws and methods for the allocation of income for taxing purposes. The legislature may adopt by reference any federal statutes relating to the determination of taxable income, as existing at time of adoption and as amended from time to time.

A proposition to remove the limitations contained in clause (a) of this subsection (2) upon the types of income tax which may be imposed shall be submitted to the qualified voters of this state at the general election to be held in this state in November, 1975.

At a general election to be held in this state in November of any year after 1975, there may be submitted to the qualified voters of this state a proposition to remove the limitations contained in clause (a) of this subsection (2) upon the types of income tax which may be imposed, if a resolution providing for submission of such proposition is adopted, at the legislative session immediately preceding such election, by a majority of at least sixty percent of the members elected to each of the two houses of the legislature.

Whenever such a proposition is submitted to the qualified voters of this state, the secretary of state shall cause the proposition to be prepared and placed upon the ballot at the November general election as follows:

"Shall Article VII, section 2(2) of the state Constitution be changed to authorize a state graduated net income tax? Yes   
No

If a majority of the qualified voters voting upon the proposition vote for removing such limitations, the limitations shall be removed, and thereafter the tax may be imposed upon income at such rate or rates, single or graduated, as may be prescribed by law. If a majority of the qualified voters voting upon the proposition vote against removing such limitations, the limitations shall be continued, unless changed by subsequent amendment to this Constitution or as provided in this subsection (2).

*Be it further resolved*, That the foregoing amendment shall be construed as a single amendment within the meaning of Article XXIII, section 1 (Amendment 37) of this Constitution.

The legislature finds that the changes contained in the foregoing amendment constitute a single integrated plan for a balanced revision of the tax structure for state and local government. It is the intention of the legislature that in the event the foregoing amendment is held to be separate amendments, this house joint resolution shall be void in its entirety and shall be of no further force and effect.

*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.

